CIRCULAR

Subject: Deputation in respect of Group “B”(non-gazetted) Group “C” employees under CBIC-Reg.

The undersigned is directed to refer to DGHRD (CBIC)’s letter F.No.8/B/45/HRD (HRM) /2009 (Part II) dated 08.07.2010 on transfer/placement guidelines for group “B” gazetted & non gazetted executive officers, posted to customs formations.

2. DGHRD’s letter referred to above is under review and hence, till further instructions, all CCAs under CBIC must comply with DoP&T’s O.M. No. 6/812009-Estt. (Pay II) dated 17.06.2010 amended from time to time and further DoPT instructions governing deputations issued from time to time, with immediate effect & until further orders.

Yours faithfully

(Mohammad Ashif)
Under Secretary to the Govt.
mohammad.ashif@nic.in; 26162780

To,
All Cadre Controlling Authorities under CBIC through CBIC’s website.
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
Directorate General of Human Resource Development
409/8, Deep Shikha, Rajendra Place,
New Delhi – 110008

F. No. 8/B/45/HRD (HRM)/2009 (Part-II)

Dated: 8th July, 2010

To,
All the Chief Commissioners of Central Excise & Customs

All the Directors General

All the Commissioners in-charge of Directorates

Subject: Revised Transfer/ Placement Guidelines for Group ‘B’ Gazetted and Non-Gazetted Executive Officers (posted to Customs formations) - Approved by the Board on 19th May, 2010.

Sirs / Madam,

The existing Guidelines for Transfer / Placement of Group ‘B’ Gazetted and Non-Gazetted Executive Officers, issued in the year 1994, required reconsideration in view of the complexities arising out of the last cadre restructuring done in the year 2001-02, which led to creation of smaller and more compact Commissionerates with officers having shorter stay at different postings/charges. Hence, it was desirable to review and revise the transfer/placement Guidelines, so as to have uniformity and to ensure a fair and merit based administration. Accordingly, the Board during its meeting held on 19.05.2010 approved fresh guidelines for Group ‘B’ Gazetted and Non-Gazetted Executive Officers (posted to Customs formations). The said fresh guidelines are enclosed.

Chief Commissioners / Directors General are requested to take suitable steps to implement these guidelines.

Encl.: As above

Yours faithfully,

(T. Premkumar)
Director General
Subject: Revised Transfer/Placement Guidelines for Group 'B' Gazetted and Non-Gazetted Executive Officers (posted to Customs formations) - Approved by the Board on 19th May, 2010.

Existing Guidelines of Transfer / Placement for Group 'B' Gazetted and Non-Gazetted Executive Officers (posted to Customs Commissionerates), issued in the year 1994, required reconsideration in view of the complexities arising out of the last cadre restructuring done in the year 2001-02, which led to creation of smaller and more compact Commissionerates with officers having shorter stay at different postings/charges. Hence, the existing guidelines were reviewed and the Revised Transfer/Placement Guidelines are as under:

Posting and Transfer Guidelines Group ‘B’ Executive Gazetted as well as Non-Gazetted officers

Aim of the Policy:

The aim of the revised transfer & posting policy guidelines for Group ‘B’ Executive Gazetted & Non-gazetted officers is to provide standardization of norms, transparency, objectivity and increased perception of fair-play and clarity in annual general transfers. Further, due care has been taken to ensure that the proposed guidelines promote integrity, efficiency, improved performance and at the same time provide necessary flexibility to senior management and empower them to formulate zonal transfer policies taking into account local factors.

These Posting and Transfer Guidelines for Group ‘B’ Gazetted and Non-Gazetted Executive Grades for Customs Formations would supercede all previous guidelines, issued in respect of the posting & transfer of Executive Officers to Customs formations. Chief Commissioners may formulate the transfer & posting policy in respect of the Customs formations under their charge within the framework of these guidelines. The guidelines are as detailed below:

1.0 General Transfers in Group ‘B’ Gazetted and Non-gazetted Executive grades, and in particular involving a change of station, should be effected once in a year, at the end of the academic year.
2.0 Allocation / Posting of Officers

i. In case of the cadre having transfer liability to more than one Zone, Inter-
zonal allocation of Group ‘B’ Gazetted and Non-gazetted officers should be
based on an inter-zonal rotation policy, evolved and circulated amongst the
Chief Commissioners of all the Zones sharing common staff cadres.

ii. Allocation to a particular Commissionerate within a Zone will be based on a
well defined rotation policy to be circulated by the Chief Commissioner.

iii. Allocation of officers to the office of Commissioner (Appeals) / Commissioner
(Adjudication) / Commissioner (TAR) / Large Tax Payers Units will be in
consultation with the concerned Commissioner.

iv. Posting of officers within a Commissionerate should be done by the
Commissioner in-charge of the Commissionerate.

iv. Deviation: Commissioner shall take approval of the Zonal Chief
Commissioner in cases of deviation from this policy or any other guidelines
prescribed by the Zonal Chief Commissioners.

3.0 Classification of Charges: Different charges in Customs Field Formations should be
classified as Sensitive or Non-sensitive by the concerned Chief Commissioner. An illustrative
list in this regard is provided in Enclosure-A to this Note. Any other section / unit, which in
view of the concerned Chief Commissioner should be treated as Sensitive Charge, but are not
listed here, can be added to the lists provided in the Enclosure-A.

4.0 Rotation between Sensitive and Non-sensitive postings:

(i) There should be strict rotation and adherence to tenure of postings in case of all the
posts – sensitive as well as non-sensitive- to ensure all round exposure and efficiency.
However, in case where sufficient number of officers are not available due to administrative
/ vigilance reasons for posting to sensitive charges, officers can be rotated from one
sensitive charge to another sensitive charge.

(ii) As far as possible, an officer in the subsequent cycle of postings should not be posted
in the same sensitive charge.

(iii) There should be a gap of minimum one year between one sensitive posting to
another.

(iv) On reversion from a sensitive Directorate, as far as possible, officers would be posted
to a non-sensitive charge for a minimum period of one year.
(v) Posting to a sensitive charge should normally not exceed two years for each posting.
(vi) First posting of the officers to a Customs Zone / Commissionerate should be, as far as administratively possible, to a non-sensitive charge.

5.1 Minimum tenure in a charge: Chief Commissioners may fix minimum tenure for each charge, which should not be less than one year normally, except for the tenure in hardship stations identified by the Chief Commissioners.

5.2 Period of Stay at one Station: The total period of stay at one station of an officer, belonging to a cadre with liability to serve at more than one station, except difficult areas, should not be for less than two years irrespective of the rank. Further, as far as possible, the officers should not be shifted from one station to another frequently. Chief Commissioners may prescribe station tenure as per local conditions.

5.3 Period of Stay in a Commissionerate: Posting tenure of officers in a Commissionerate should be prescribed by the Zonal Chief Commissioners.

5.4 Posting to Difficult Areas: Posting to Customs formations located in difficult and inhospitable areas should ordinarily be for one year only. In exceptional cases, concerned Chief Commissioner may specify tenure of six months. As far as possible, all officers should be rotated to such postings on the basis of roster, which should be circulated in advance of transfers every year. Illustrative List of such difficult postings is provided at Enclosure-B. However, the concerned Chief Commissioner would have the authority to add / delete the formations to/from the said list, as per his/her discretion.

6.0 Last Posting before Superannuation: Officers who are due for superannuation within two years should be, as far as feasible, posted to the station of his/her choice or, to the nearest station.

7.0 Posting of spouses at same station: If the spouse of an officer is also working in a Central/ State Government Office, he/she should be posted to the station where spouse is working or a nearby station as far as administratively possible, in terms of the DOP&T’s extant guidelines in this regard.

8.0 Inter-cadre Deputation within the Department: Inter-cadre deputation shall be allowed to the willing officers for a period of three years. Extension of the said deputation period can be made up to one year by the concerned Commissioner and for a further period

9.0 Posting of Appraisers: Cadre Controlling Authorities for three cadres of Appraiser Grade Officers, viz. Mumbai Customs, Chennai Customs and Kolkata Customs, should ensure that the officers belonging to Appraiser cadre under their respective control are also posted outside the cadre controlling Commissionerates (viz. Custom Houses at Kolkata, Chennai & Mumbai) to other Zones/ Commissionerates/ Directorates, which draw working strength in the grade of Appraiser from these three Appraiser Cadres. Rotation of the Appraisers to the formations outside cadre controlling Custom House should be done by a duly circulated roster. Continuous stay of Appraisers in these outside Zones/ Commissionerates/ Directorates should be minimum 3 years.

10. Posting / Deputation to Directorates General / Directorates / LTUs:

a. Tenure of Posting in Directorates / LTUs: In one year at a time with the approval of designated authority – as per existing guidelines, the tenure in a Directorate / LTU shall not be cumulative.

b. Cooling-off Period: There should be a two years ‘Cooling Off’ period between the two of the following sensitive postings:

i. Posting to DGRI

ii. Posting to DG (Central Excise Intelligence)

iii. Directorate of Vigilance
11. **Record Management and Transparency Regarding History of Postings:**

History of Postings of all Group 'B' Gazetteed & Non-Gazetted Executive officers should be maintained by the concerned cadre controlling authority. Further, each cadre control authority should ensure that the same is put up on the website, maintained by it, within a period of one year of the issue of the guidelines to ensure transparency in administration.

12. **Training:** Concerned Chief Commissioners shall ensure that the officers from Central Excise formations are provided mandatory training of adequate duration in Customs work before their first posting to Customs charges in order to acclimatize them with the nature of work in ICDs/ CFSs, Airpool, etc. Further, all the officers posted to RDI based work environment (including RMS) shall invariably be given a familiarisation / refresher courses on regular intervals.

13.0 **Powers to the Chief Commissioners:**

13.1 Chief Commissioners are empowered to issue Zonal Transfer Policies, which are consistent with these guidelines.

13.2 **Deviation from the guidelines:** Chief Commissioners have the discretion to deviate from the transfer guidelines, subject to recording the reasons for deviation in file.

13.3 **Disposal of Representations:** All the representations by the officers in respect of transfers / postings would be disposed by the Chief Commissioner, after obtaining the report from the Commissioner on the representation preferably within 15 days of the receipt of representation.
Illustrative List of Sensitive Charges within a Customs Zone/Commissionerate:

1. Following Major Charges are proposed to be treated as sensitive in a Customs Formation:

(a) Commissionerate Headquarters:
   (i) Special Investigation Unit/SlIB/Special Division/CIU
   (ii) Rummaging & Intelligence Unit
   (iii) Vigilance Section
   (iv) Bond Section
   (v) Risk Management Cell
   (vi) Drawback and Refund Section
   (vii) Disposal Section

(b) International Airports:
   (i) Passenger Baggage Clearance
   (ii) Preventive Unit & Air Intelligence Unit
   (iii) Mishandled and Detained Baggage Section

(c) International Air Cargo:
   (i) Baggage Section
   (ii) All Appraising Import and Export Groups (including Import Assessment Unit and Export Assessment Unit)
   (iii) Preventive Section

(d) Land Customs Stations having facility for Transit of Goods as well as passenger/vehicular Traffic:
   (i) All postings

(e) Seaports (Docks) / Inland Container Depots / Container Freight Stations/ Post Offices:
   (i) Unaccompanied Baggage Clearance Cell
   (ii) Import Assessment Unit
   (iii) Export Clearance Unit
   (iv) Preventive Section
   (v) Import Shed
   (vi) Export Shed
   (vii) Postal Appraising Department / Foreign Post Office.
2. **List of Non-sensitive Charges within a Customs Zone/ Commissionerate:**

Following Charges are proposed to be treated as non-sensitive in a Customs Formation:

(a) **Classification of charges in Chief Commissioner’s Office:**

All charges, except Vigilance section, in Chief Commissioner’s Office are proposed to be treated as ‘Non-sensitive’.

(b) **Commissionerate Headquarters:**

(i) Legal & Technical Section  
(ii) Administration & Posting Section  
(iii) Adjudication & Appeals Unit  
(iv) Prosecution  
(v) Computer Cell  
(vi) Control Room  
(vi) Statistics Section

(c) **International Airports & Air Cargo:**

(i) Office & Administration  
(ii) Statistics Section

(d) **Land Customs Stations having low Trade & Transit Density, or located in the difficult areas:**

All posts at such stations, subject to approval of these LCS as ‘non-sensitive’ by the concerned Chief Commissioner, based on specified limit of trade / passenger movement.

3. Posting to the **Offices of Commissioner (Appeals)/ Commissioner (Adjudication)/ Commissioner (TAR)** should be considered as ‘Non-sensitive’.

4. **Chief Commissioners** are proposed to be empowered to declare any other post/charge as ‘Sensitive’ or ‘Non-sensitive’ in consultation with the concerned Commissioner.

**Note:** For classification of Charges in Central Excise Zones/ Commissionerates, separate guidelines are proposed to be issued, along with guidelines for transfer and posting in Central Excise Formations.
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Enclosure-B
Illustrative List of Customs formations in Difficult Areas