F No.A.32022/95/2019-Ad.IIIA
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)

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4th Floor, HudcoVishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi, dated 14 December, 2019

To,

All Cadre Controlling Authorities under CBIC

Subject: To follow Board's instructions on handling of Court Cases, issued from time to time - Reg

Sir,

Kind reference is invited to various instructions issued from time to time by the Ministry for handling of Court Cases at the Commissionerate level. It is noticed that there is tendency of sending the Court Cases to the Ministry for vetting in respect of Group B & C posts. This causes delay of submission of counter Affidavit being filed by the Department in the court before the date of hearing. Sometimes Ministry receive the Court Cases after the date of hearing.

2. In this regard, kindly refer to Ministry's Circular No.C-18012/6/2013-Ad.IIB dated 9th May, 2016 wherein it is clearly stated by the Board in Para 2(i) that the competent/appointing authority in the case of Group B,C and erstwhile D categories would be the concerned Cadre Controlling Chief Commissioner/Principal Commissioner/Commissioner. In such cases, if the higher authority in the Ministry/Board i.e. Cabinet Secretary, Finance Secretary, Revenue Secretary, Chairman (CBEC), Member (CBEC), Joint Secretary (Admn.) or Secretaries of other nodal Departments like DOPT, Department of Expenditure, etc are named as respondents, a suitable application may immediately be filed in consultation with the Govt. Counsel to exclude their names from the list of respondents as they are not directly involved in the decision making process. Similarly, in Para 2(iii) it is also mentioned that comments/advice of the Board and/or various Departments on any policy issue are required, a reference may be made to the Board indicating the specific paras or policy on which comments are sought within 2 weeks of receipt of the notice. In no case should a matter be directly referred to a nodal Ministry/Department in service matters. A tendency to send original applications or Writ Petitions to the Board for para wise comments should be avoided.

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3. In view of increase of disoriented tendency of vetting of cases relating to Group B & C posts from the Board, it is requested to strictly follow the Board’s various instructions issued (instructions dated 9.5.2016, 5.4.2013, 15.10.2012, 5.9.2007 and 10.7.2003) (copies enclosed) on handling of Court Cases from time to time.

4. This issues with the approval of Joint Secretary (Admn.), CBIC.

Encl.: as above

Yours faithfully,

(S.K. Gupta)
Deputy Secretary to the Govt. of India
011-26162780

D/C

Issued
12/12/19