

F.No.A.32012/1/2004-Ad.IIA  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs

\*\*\*\*\*

New Delhi, the 23<sup>rd</sup> December, 2008.

To

All the Cadre Controlling Authorities (CCAs) under CBEC (by name).

**Subject: Grant of financial upgradation under the ACP Scheme to Group-B officers under the CBEC – instructions regarding.**

Sir,

I am directed to refer to the Deptt. of Personnel & Training's O.M. No.35034/1/1997-Estt.(D) dated 09.08.1999, regarding grant of financial upgradation to the eligible officers under the Assured Career Progression (ACP) Scheme. Under the Scheme, Groups-B, C and D officers are entitled to 1<sup>st</sup> and 2<sup>nd</sup> financial upgradation on completion of 12 and 24 years of service, respectively, provided they have not got one/ two promotions during the relevant period of 12/ 24 years, respectively. The grant of ACP benefit for Group-C and Group-D employees is being handled by the respective CCAs in the field formations. Similarly, grant of 1<sup>st</sup> ACP to the Inspectors (on completion of 12 years) is also being handled by the respective CCAs. However, grant of 1<sup>st</sup> ACP to the Superintendents/ Appraisers (on completion of 12 years) and grant of 2<sup>nd</sup> ACP to Inspectors (on completion of 24 years), which results in grant of the pre-revised pay-scale of Rs.8,000-13,500 (which is Group-A pay-scale) has been handled in the Board so far and such ACPs were being granted with the approval of the Hon'ble Finance Minister who is the appointing authority for Group-A officers.

2. However, on careful consideration, it was felt that the above practice is not consistent with the position of various Rules and Instructions, mainly for the reason that the Group-B officers continue to remain in Group-B even after grant of ACP and hence, approval of the Hon'ble FM, who is the appointing authority for Group-A, should not be necessary for this purpose. The appointing authorities for Group-B, namely, the cadre controlling Chief Commissioners/ Directors General, should be able to approve such proposals. In view of this, a reference was made to the DOPT, proposing that (i) the proposals for grant of ACP to Group-B officers should be approved by the appointing authority for Group-B officers, namely, the cadre controlling Chief Commissioners/ Directors General, and as a logical consequence thereof, (ii) the proposals for grant of ACP should be considered by the Screening Committee with the same composition as that of the DPC for Group-B officers. The following arguments were submitted in support of this proposal:

- a) As per the provisions of the ACP Scheme, the grant of ACP benefit only amounts to the placement of an officer in the higher pay scale through financial upgradation, on personal basis. It is neither a functional regular promotion nor does it require creation of new posts for this purpose. There is no change in the old designation or status of the employee. The financial upgradation is purely personal to the employee and has no relevance to the seniority. This apart, it varies from the normal promotion also in the sense that the number of years of service required for grant of ACP is different from the eligibility period prescribed in the Recruitment Rules for promotion.
- b) The financial upgradation granted on a criterion other than Rules of Recruitment and Seniority, is not a formal appointment on the post in the higher scale of pay. In formal terms, the official concerned retains his designation and status attached to the post held by him through normal appointment. His appointing authority / disciplinary authority etc. remain the same. The position has been further clarified vide Govt. of India Decision 5 under Rule 6 of Central Civil Services (CCA) Rules, 1965 that classification of a post shall be with reference to the grade in which it is created. This clarification was issued vide DOP&T OM No.11012/5/2000-Estt.(A) dated 10.05.2001. This covers the financial upgradation under ACP Scheme dated 09.08.1999 also.
3. The Board had sought the above clarifications since the guidelines on ACP contained in DOPT OM dated 09.08.1999 are silent on this point. The DOPT have accepted our view-point and have clarified the position as follows:

“It is clear from conditions for grant of benefits under the ACP Scheme laid down in Paras 1 and 12 of Annexure-I to DOP&T’s O.M. No.35034/1/1997-Estt.(D) dated 09.08.1999 that the scheme envisages merely placement in the higher pay scale for grant of financial benefits (through financial upgradation) only to the Govt. Servant concerned on personal basis and shall, therefore, neither amount to functional/ regular promotions nor would require creation of new posts for the purpose.

In this connection attention may also be drawn to the instructions laid down in DOPT’s O.M. No.11012/5/2000-Estt.(A) dated 10.05.2001. As per these instructions, in schemes such as the ACP, the classification of a post shall be determined with reference to the grade in which the post is originally sanctioned irrespective of the grade/ pay scale in which the officer may be placed at any point of time.

The matter under reference relates to ACP and not to regular promotion. As such, there is no question of seeking the approval of the Competent Authority applicable to promotion to Group ‘A’ posts in cases of ACP.”

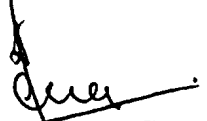
4. Thus, it is clear that in ACP cases, which result in financial upgradation of Group-B officers to Group-A pay scale of Rs.8,000-13,500 (pre-revised), approval of Hon’ble Finance Minister, who is the Appointing Authority for Group-A officers, is **not necessary**. The Cadre Controlling Chief Commissioners/ Directors General are competent to grant ACP to Group-B officers, being their Appointing Authorities. As

a natural corollary, the composition of Screening Committee for Group-B officers shall be the same as that of the DPC for Group-B officers. It is ascertained that in CBDT, the work of grant of ACP to Group-B officers has already been assigned to Cadre Controlling Chief Commissioners.

5. In view of the above, it has been decided that henceforth, the work of grant of ACP benefit to Group-B officers shall be undertaken by the concerned Cadre Controlling Chief Commissioner/ Directors General, being the Appointing Authorities for Group-B officers. The composition of Screening Committee for Group-B officers shall be the same as that of the DPC for Group-B officers. The concerned Cadre Controlling Chief Commissioner/ Directors General, being the Appointing Authorities for Group-B officers, shall be competent to accept the recommendations of the Screening Committee and to sanction the ACP benefit to Group-B officers. This procedure shall be applicable not only to the future cases, but also to the past pending cases for grant of financial upgradation under the ACP Scheme which could not be processed by the Board for want of availability of complete documents from the concerned field formations.

6. This issues with the approval of the Competent Authority.

Yours faithfully,



(L. R. Aggarwal)

Deputy Secretary to the Govt. of India