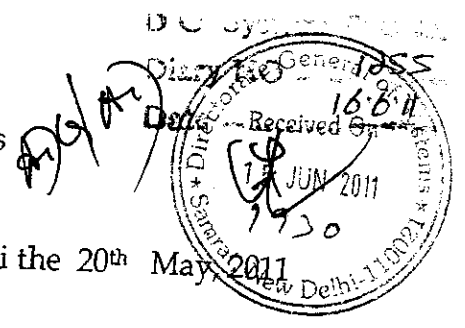


27.10.60/ADCIAD

23/06/11

F.No.A-23011/29 /2010-Ad.IIA  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise & Customs  
Ad.IIA Section



New Delhi the 20<sup>th</sup> May, 2011

To

All the Chief Commissioners/Directors General under CBEC.  
All the Commissioners in charge of Directorates under CBEC.

Sub:- Clarification on 6<sup>th</sup> CPC replacement pay to the pre-revised scale of pay of Rs. 8000-275-13,500 granted on account of financial upgradation under the Assured Career Progression (ACP) Scheme.

Sir/Madam,

I am directed to say that the Board is in receipt of various references from the Cadre Controlling Chief Commissioners/ Directors General seeking clarification on grant of grade pay of Rs. 5400 in the PB-2 or PB-3 on financial upgradation under ACP Scheme. Some individual officers have also approached court of law for the redressal of their perceived grievances in this regard.

2. The matter has been examined in the Board in consultation with the Department of Expenditure/Department of Personnel & Training. Prior to introduction of MACP Scheme, the benefits of 1<sup>st</sup>/2<sup>nd</sup> financial up-gradations under the ACP Scheme of August 1999, used to be granted in the promotional hierarchy. The ACP Scheme came into operation w.e.f. 9.8.1999. The eligible officers were being allowed the benefits of ACPS w.e.f. 9.8.99 or on completion of 12 and 24 years of regular service. The benefits of ACP Scheme of August, 1999 had been allowed till 31.8.2008. However, as per the recommendations of 6<sup>th</sup> CPC, three financial up-gradations have been allowed under MACPS w.e.f. 1.9.2008 or on completion of 10, 20 and 30 years of continuous regular service. The upgradation is granted in the immediate next higher grade pay in the hierarchy of recommended revised pay bands and grade pay as prescribed in the CCS(RP) Rules, 2008. If an officer gets promotion in the normal course during the relevant period that would be taken into account while determining his eligibility for grant of MACP at a particular stage, i.e. 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup>.

3. The new pay structure on the recommendations of 6<sup>th</sup> CPC has been made effective w.e.f. 1.1.2006 vide Department of Expenditure's Notification dated 29.8.2008. The benefits of financial upgradation in the promotional hierarchy under the ACPS had however, been allowed in the revised pay structure during the period between 01.01.2006 and 31.8.2008 in terms of clarification given on point of doubt No.3 of Annexure of DOPT's O.M. dated 9.9.2010.

4. Further, the benefits of ACPS of August 1999 had been allowed till 31.8.2008 and only functional promotion(s) is/are counted for the purpose of Scheme. Besides, there is no provision for counting 'Non-functional scale' for the purpose of ACP Scheme.

5. In view of above facts and circumstances, there would be no effect on grant of 'Non-functional Scale' in PB-2 with grade pay of Rs.5400 during the period between 1.1.2006 to 31.8.2008, as the same is not counted under ACPS and it would not be offset against financial upgradation under the Scheme. However, in terms of para 8.1 of Annexure of MACPS, financial upgradation granted in the grade pay of Rs.5400 in PB-2 and PB-3 would be counted separate up-gradation and would be offset against financial up-gradation under the Scheme.

6. The Hon'ble CAT, Madras Bench vide its judgement and order passed on 9/3/2011 in a Bunch of OAs No. 821, 930, 931 and 1098 of 2010, filed by Shri S.Ramachandran, Supdt. of Central Excise (Retd.) & Ors. Vs. UOI & Ors. has inter-alia held that the Applicants are entitled to have the pay scale in Pay Band-3 i.e. Rs. 15600-39100 with Grade Pay of Rs. 5400/- as the replacement pay scale to the pre-revised scale of Rs. 8000-275-13500 which was granted to them as financial upgradation under the ACP Scheme, i.e the scale of pay of the post in the promotional hierarchy.

7. In view of the facts and circumstances explained above, it is hereby clarified that the officers working in the offices under the Central Board of Excise and Customs (CBEC) who have been granted the pre-revised scale of pay of Rs. 8000-275-13500 as financial upgradation in the promotional hierarchy under the ACP Scheme on or before 31.08.2008, may be granted the pay scale in Pay Band 3 i.e. Rs. 15600-39100 with grade Pay of Rs. 5400/- as per the 6<sup>th</sup> CPC replacement pay.

Yours faithfully,

*Ratan Kumar Sharma*  
(R.K. Sharma)

Under Secretary to the Government of India  
Tele: 011-23095584

*DG (Systems) is requested to place this clarification on the CBEC's website.*