

79. THE INDIAN CUSTOMS AND CENTRAL EXCISE SERVICE GROUP 'A' RULES, 1987¹

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules, namely:—

PART I

General

1. **Short title and commencement.**—These rules may be called the Indian Customs and Central Excise Service Group 'A' Rules, 1987.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "*Commission*" means the Union Public Service Commission;
- (b) "*Controlling Authority*" means the Government of India in the Ministry of Finance (Department of Revenue);
- (c) "*Departmental Promotion Committee*" means a Committee constituted to consider promotions and confirmations in any Grade of the Service specified in Schedule I and the composition of such Committee shall be as specified in Schedule II;
- (d) "*Examination*" means a combined competitive examination consisting of a preliminary examination and a main examination conducted by the Commission for recruitment to the Service of such other service or services as may be specified by the Commission from time to time;
- (e) "*Government*" means the Government of India;
- (f) "*Grade*" means a Grade of the Service specified in Schedule I;
- (g) "*Post*" means any post, whether permanent or temporary specified under Rule 4;
- (h) "*regular service*", in relation to any Grade, means the period or periods of service in that Grade rendered after selection according to the prescribed procedure for long term appointment to that Grade and includes any period or periods,—
 - (i) taken into account for purpose of seniority in the case of those appointed at the initial constitution of the service;
 - (ii) during which an officer would have held a post in that Grade but for being on leave or otherwise not being available for holding such posts;

(i) "*Schedule*" means a Schedule to these rules;

1. G.S.R. 794(E), dated 17.9.1987, published in *Gazette of India* (Extra.), Pt. II, Sec. 3, dated 17.9.1987.

- (j) "*Scheduled Castes*" and "*Scheduled Tribes*" shall have the same meaning as assigned to them respectively in clauses (24) and (25) of Article 366 of the Constitution;
- (k) "*Service*" means the Indian Customs and Central Excise Service Group 'A'.

3. Constitution of the Service.—(1) The Service shall consist of the following persons, namely:—

- (a) members of the Indian Customs Service appointed to that services before the 15th August, 1959;
 - (b) members of the Central Excise Service, Class I appointed to that service before the 15th August, 1959;
 - (c) persons who were appointed to the Service after the 15th August, 1959 and before the commencement of these rules; and
 - (d) persons recruited to the Service in accordance with the provisions of these rules.
- (2) The Cadre of the Service shall be controlled by the Controlling Authority.

4. Grades, numbers and scales of pay of the post included in the Service.—(1) The Grades, numbers and scales of pay of the posts included in the Service shall be as specified in Schedule I.

(2) The Government may, in consultation with the Commission, specify the posts which shall be included in any Grade of the Service.

(3) The Government may having regard to the work load, from time to time, temporarily include any post in any Grade of the Service.

(4) The Government may, in consultation with the Commission, appoint an officer whose post is included in the Service under sub-rule (3) of this rule, to the appropriate Grade of the Service in the temporary capacity or in a substantive capacity, as may be deemed fit, and fix his seniority in the Grade after taking into account continuous service in the analogous grade.

PART II

Methods of Recruitment

5. Methods of recruitment to the Service and percentage of vacancies to be filled in certain grades of the Service.—(1) Recruitment to the Service shall be made by the following methods, namely:—

- (a) by examination, in accordance with the provisions in Part III of these rules;
- (b) by promotion in accordance with the provisions of Part IV of these rules:

(2) Vacancies in Grade VI of the Service shall be filled in the following manner:—

- (i) 50 per cent of the vacancies shall be filled in accordance with the provisions in Part III of these rules; and

- (ii) 50 per cent of the vacancies shall be filled in accordance with the provisions of Part IV of these rules.

(3) Notwithstanding the provisions contained in sub-rules (1) and (2) above, Government may recruit to any of the grades when so required from other sources, for good and sufficient reasons to be determined in consultation with the Commission, of persons having qualifications or experience in any speciality:

Provided that when such recruitment is made to Grade VI of the Service, the number of persons so recruited shall count against the percentage of vacancies to be filled by direct recruitment.

PART III

Recruitment by Competitive Examination

6. Holding of examination.—(1) A Competitive examination for direct recruitment to Grade VI of the Service shall be held at such time and places and in such manner as may be specified in a notice issued by the Commission for this purpose.

(2) Every such notice shall, as far as possible; specify the number of vacancies to be filled on the results of the examination.

7. Combined examination.—If the examination held under this part is a combined competitive examination for the purpose of making appointments to more than one service or posts, the following provisions shall apply, namely:—

- (a) Any person may apply to be admitted as a candidate for appointment to all or any of the services or posts for which he is eligible. If he wishes to be considered for appointment in more than one service or post, he shall state in his application from the names of the services and posts which he wishes to be considered, only one application form shall be necessary, and one payment of the fees referred to in Rule 12 shall be sufficient.
- (b) The Government of India in the Department of Personnel and Training shall assign successful candidates to each service or post on a consideration of all including any personal preference expressed by the candidates.

8. Application for admission to the Examination.—A candidate shall apply for admission to the examination before such date, in such manner and in such form as the Commission may specify.

9. Nationality.—A candidate must be a citizen of India or he must belong to any of such categories of persons as may, from time to time, be notified by the Government.

10. Age and educational qualifications.—The educational qualifications and the age-limit for direct recruitment to posts in Grade VI of the Service on the results of the Examination shall be as specified in Schedule III.

11. Attempts of the Examination.—No candidate who does not belong to the Scheduled Castes or a Scheduled Tribe or who is not covered by any of

the specified exceptions notified by the Government of India in the Department of Personnel and Training from time to time, shall be permitted to complete more than three times at the Examinations.

12. Fee.—A candidate shall pay the fee specified by the Commission, unless exempted therefrom or granted concession thereof in accordance with the exemptions and concessions in this respect notified by the Government of India in the Department of Personnel and Training from time to time.

13. Decisions of the Commission to be final.—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final; and no candidate to whom certificate of admission has not been issued by the Commission shall be admitted to the Examination.

14. Penalty for misconduct.—A candidate who is or has been declared by the Commission to be guilty of,—

- (i) obtaining support for his candidature by any means; or
- (ii) impersonating; or
- (iii) procuring impersonation by any person; or
- (iv) submitting fabricated documents, or documents, which have been tampered with; or
- (v) making statements which are incorrect or false, or suppressing material information; or
- (vi) resorting to any other irregular or improper means in connection with his candidature for the examination shall; or
- (vii) using unfair means in the examination hall; or
- (viii) attempting to commit or, as the case may be, abetting the commission of all or any of the acts specified in the foregoing clauses may, in addition to rendering himself to criminal prosecution be liable,—
 - (a) to be disqualified by the Commission for the examination for which he is a candidate; or
 - (b) to be debarred either permanently or for a specified period—
 - (i) by the Commission, from any examination or selection held by them;
 - (ii) by the Government from any employment under them; and
 - (c) if he is already in service under Government, to disciplinary action under the appropriate rules.

15. Preparation of list of successful candidates.—(1) After every Examination the names of candidates shall be arranged by the Commission in the order of merit as disclosed by the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by the Commission to be qualified on the basis of examination and interview shall be recommended for appointments upto the number of unreserved vacancies decided to be filled on the results of Examination.

(2) Candidates belonging to the Scheduled Castes or the Schedule Tribes may, to the extent the number of vacancies reserved for the Scheduled Castes and the Schedule Tribes cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard, to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the Service.

(3) If a sufficient number of candidates who are members of the Scheduled Castes or the Scheduled Tribes, are not available for filling all the vacancies so reserved, the vacancies not so filled by appointing candidates not belonging to the Scheduled Tribes, qualified by the standard specified by the Commission for service and an equivalent number of additional vacancies shall be reserved for candidates belonging to the Scheduled Caste or the Scheduled Tribes to be filled on the results of the next Examination.

(4) If at the Examination, sufficient number of candidates belonging to the Scheduled Castes or the Scheduled Tribes is not available for filling all the vacancies reserved for them including those carried forward under sub-rule (3) above, the vacancies so remaining unfilled shall be filled by appointing candidates not belonging to the Scheduled Castes or the Scheduled Tribes qualified by the standard prescribed by the commission for the Service, an equivalent number of vacancies shall be carried forward to the next examination.

(5) Notwithstanding anything contained in sub-rules (3) and (4) above no vacancies for the Scheduled Castes or the Scheduled Tribes shall be carried forward to any year of the Examination,—

- (a) To such an extent that the total number of vacancies so carried forward together with the vacancies reserved for candidates who are members of the Scheduled Castes and the Scheduled Tribes for that years exceeds 50 per cent of the total vacancies in that year; or
- (b) if such vacancies, which are to be carried forward continuously remained unfilled for a period of three recruitment years :

Provided that in the third year, vacancies reserved for the Scheduled Castes and the Scheduled Tribes shall be filled up by the Scheduled Tribes and Scheduled Castes respectively if candidates or respective communities are not available.

16. Enquiry of Character etc.—The inclusion of a candidates's name in the list of successful candidates confers no right to appointment unless the Government is satisfied after such inquiry as may be considered necessary, that the candidate, having regard to his character and antecedents is suitable in all respects, for appointment to the Service.

17. Physical Test.—(1) No candidate who, after such physical examination as the Government may specify, is not found to be in good mental or bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the Service, shall be appointed to the Service.

(2) The fact that a candidate has been physically examined shall not mean or imply that he shall be considered for appointment.

PART IV

Appointment by Promotion

18. Appointment by promotion to Grade VI of Service.—(1) Appointment to the vacancies in Grade VI of the Service required to be filled by promotion under sub-rule (2)(ii) of Rule 5 shall be by promotion of the following categories of Group 'B' officers in the Central Excise, Customs and Narcotics Departments who have completed three years' regular service in the Group 'B' posts of,—

- (a) Superintendents of Central Excise in the Central Excise Department and District Opium Officer or Intelligence Officers or Superintendents (Executive) in the Narcotics Department;
- (b) Appraisers of Customs in the Customs Department;
- (c) Superintendents of Customs (Preventive) in the Customs Department.

(2) (a) The vacancies to be filled by promotion shall be filled in accordance with the common seniority list of the three Group 'B' categories of the officers mentioned in sub-rule (1) above.

(b) The seniority of the officers in Group 'B' feeder categories of services for eligibility for promotion to Group 'A' shall be determined on the basis of their regular length of service in their respective Group 'B' categories, subject to the condition that the *inter se* seniority in each feeder category of service shall be maintained.

(3) (a) The promotions shall be made on the principle of selection of merit basis.

(b) The Commission shall be consulted for making promotions to Grade VI :

19. Appointment to Grade V of Service.—(1) Appointment to the vacancies in Grade V of the Service shall be made by promotion of officers in Grade VI of the Service in the order of seniority subject to rejection of the unfit.

(2) Officers, both promotees and direct recruits, appointed to the Grade VI of the Service in accordance with provisions of these rules shall be considered for regular promotions to Grade V of the Service in running order of their seniority and after completing four years regular service in Grade VI.

Provided that an officer appointed to the Grade VI of the Service shall not be considered for promotion to Grade V until he has successfully completed the period of probation.

20. Appointment to Grade IV of Service.—(1) Appointment to Grade IV of the Service shall be made by promotion on the principle of selection on merit of officers in Grade V of the Service.

(2) Officers with atleast 7 years' combined regular service in Grade V, failing which 9 years' combined regular service in the Grades V and taken together shall be eligible for promotion to Grade IV.

21. Appointment to Grade III of Service.—Appointment to Grade III of the Service which is non-functional selection grade IV of the Service, shall be by promotion on the basis of seniority subject to rejection of unfit:

Provided that no officer shall be eligible for appointment to Grade III of the Service unless he has reached the maximum of the scale of pay of Grade IV and has remained there for a period of two years:

Provided further that *inter se* seniority of officers in Grade IV shall not be changed as a result of their appointment to the non-functional selection grade.

22. Appointment to Grade II of Service.—(1) Appointment to Grade II of the Service shall be made by promotion on the principle of selection on merit of officers in Grades III and IV of the Service.

(2) Officers with at least 7 years' combined regular service in Grades IV and III failing which 16 years' regular service in a Group 'A' post of the Government shall be eligible for promotion to Grade II of the service.

23. Appointment to Grade I of Service.—Appointment to Grade I of the Service shall be made by promotion on the principles of selection on merit of officers of Grade II of the Service.

24. Senior not to be ignored for consideration in promotion if junior is considered.—In the case of promotion all the Grades of Service, if a junior is considered for promotion, the person senior to him shall also be considered for promotion, notwithstanding the fact that he has not completed the requisite qualifying service.

25. Appointment to be made on recommendations of Departmental Promotion Committee.—Appointment by promotion to various Grade of the Service as mentioned in Rules 18 to 23 of these rules shall be made on the recommendation of the Departmental Promotion Committee and the composition of the Department Promotion Committee shall be as specified in Schedule II.

PART V

Miscellaneous

26. Probation and confirmation.—(1) (a) Persons appointed to the Grade VI of the Service by promotion in accordance with the Part IV of these rules shall be on probation for a period of 2 years.

(b) If the work or conduct or both of an officer is found under unsatisfactory the Government may revert him to the post from which he was promoted.

(2) Persons appointed to the Grade VI of the Service by direct recruitment in accordance with the provisions of Part III of these rules shall be on probation for a period of two years which may be extended by the Government in any individual case:

Provided that, save for exceptional circumstances, probation shall not be extended for more than a year and no person shall be kept on probation for more than double the normal period of probation.

(3) The Government may require a person appointed to the Grade VI of the Service to undergo during the period of probation such course of training and to pass such examinations, and tests as it may think fit to specify as a condition for satisfactory completion of the probation.

(4) If at any time during the period of probation as referred to in sub-rule (2) of this rule or on its expiration, the Government are of the opinion that a

person is not fit for permanent appointment to the Service, the Government may terminate his services or revert him to the post, if any, on which he holds a lien or pass such other orders as the may think fit.

(5) On the completion of the period of probation to the satisfaction of the Government, the person shall, if considered fit for permanent appointment to the Service, be so appointed subject to the availability of permanent vacancies in the Grade.

(6) Persons who have been appointed on probation or in an officiating or temporary capacity to any post in the Service before these rules come into force, shall be considered for permanent appointment to the post held by them at the commencement of these rules in the order of their *inter se* seniority in the post as determined in accordance with these rules irrespective of whether a permanent vacancy arose before the commencement of these rules or arises on a date subsequent to the commencement of these rules.

27. Seniority.—The seniority *inter se* in Grade VI the persons appointed to the Service before the commencement of these rules, shall be as in the list circulated vide letter of the Government of India in the Ministry of Finance (Department of Revenue) No. A-23020/8/84-Ad, II dated the 12th July, 1984.

(2) The seniority *inter se* of the persons appointed to the Service after the commencement of these rules, shall be determined in accordance with the general orders regulating seniority of Government employees issued by the Government from time to time.

28. Residuary Matters.—In regard to matters not specifically covered by these rules or by special orders, the members of the Service shall be governed by the rules, regulations and orders appropriate to the Central Civil Service in general.

29. Disqualifications.—No person,—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the Service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

30. Liability for transfer.—Officers of the Service shall be liable for transfer anywhere in India or abroad.

31. Power to issue certain orders.—The Government may issue orders, not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

32. Removal of difficulties.—The Government may, from time to time, issue such general or specific directions as may be necessary to remove difficulties in the operation of any of the provisions of these rules.

33. Interpretation.—Where any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government who shall decide the same.

34. Power to relax.—Where the Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

35. Saving.—Nothing in these rules shall effect reservations and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

SCHEDULE I

[See sub-rule (1) of Rule 4]

Grades, Numbers and Scales of Pay of Posts Included in the Service

Sl No.	Grade of the post	Number of posts	Scale of pay (Pre-revised)
1	2	3	4
1.	Grade I (Senior Administrative Grade level-I)	35	Rs. 2500-125/2-2753
2.	Grade II (Senior Administrative Grade level-II)	37	Rs. 2250-125/2-2500
3.	Grade III (Non-functional Selection Grade of Junior Administrative Grade)	231	Rs. 2000-125/2-2250
4.	Grade IV (Junior Administrative Grade)		Rs. 1500-60/1800-100-2000
5.	Grade V (Senior Time Scale)	630	Rs. 1100-50-1600
6.	Grade VI (Junior Time Scale)	116	Rs. 700-40-900-EB-40-1100-50-1390
	(i) Deputation Reserve	40	Rs. 700-40-900-EB-40-1100-50-1300
	(ii) Level Reserve	41	Rs. 700-40-900-EB-40-1100-50-1300
	(iii) Training Reserve	30	Rs. 700-40-900-EB-40-1100-50-1300
	(iv) Probationary Reserve	100	Rs. 700-40-900-EB-40-1100-50-1300

SCHEDULE II

[See Clause (d) of Rule 2 and Rule 25]

Composition of Departmental Promotion Committee for considering cases of promotion and confirmation to post included in the various grades of the Service

Sl. No.	Grade	Departmental Promotion Committee for considering promotion	Departmental Promotion Committee for considering confirmation
1	2	3	4
1.	Grade I	1. Chairman/Member UPSC—Chairman 2. Secretary (Revenue)—Member 3. Chairman (CBEC)—Member 4. Two Members* of CBEC—Member	1. Secretary (Revenue)—Chairman 2. Chairman (CBEC)—Member 3. Two Members* of CBEC—Member
2.	Grade II	1. Chairman/Member UPSC—Chairman 2. Secretary (Revenue)—Member 3. Chairman (CBEC)—Member 4. Two Members* of CBEC—Members	1. Secretary—Chairman (Revenue) 2. Chairman (CBEC)—Member 3. Two Members* of CBEC—Members
3.	Grade III	1. Chairman (DBEC)—Chairman 2. Two Members* of CBEC—Member	1. Chairman (CBEC)—Chairman 2. Two Members* of CBEC—Members
4.	Grade IV	1. Chairman/Member UPSC—Chairman 2. Chairman (CBEC)—Members 3. Two Members* of CBEC—Members	1. Chairman (CBEC)—Chairman 2. Two Members* of CBEC—Members
5.	Grade V	1. Chairman (CBEC)—Chairman 2. Two Members* of CBEC—Member	1. Chairman (CBEC)—Chairman 2. Two Members* of CBEC—Member
6.	Grade VI	1. Chairman/Member UPSC—Chairman 2. Chairman (CBEC)—Member 3. Two Members* of CBEC—Members	1. Chairman—Chairman (CBEC) 2. Two Members* of CBEC—Members

*To be nominated by Chairman, CBEC.

Note 1.—The absence of a Member, other than Chairman or a Member of the Commission, shall not invalidate the proceedings of the Committee, if more than half the members of the DPC had attended its meetings.

Note 2.—The proceedings of the DPC relating to confirmation shall be sent to the Commission for approval. If, however there are not approved by

the Commission, a fresh meeting of the DPC to be presided over by the Chairman or a Member of Commission shall be held.

SCHEDULE III

[See Rule 10]

Minimum educational qualifications and age-limit for direct recruitment to posts in Grade VI of the Service on the results of the competitive examination

1. A candidate must have a degree of any University incorporated by an Act of the Central or State legislature in India or other educational institutes established by an Act of Parliament or decided to be deemed as Universities under Section 3 of the University Grants Commission Act, 1956 (3 of 1956) or a foreign University approved by the Government from time to time or possess qualification which has been recognised by the Government for the purpose of admission to the examination.

Note 1.—In exceptional cases the Union Public Service Commission may treat a candidate who has no any of the above qualifications, as a qualified candidate provided that he has passed examinations conducted by other institutions, the standard of which in the opinion of the Commission justices, his admission to the examination.

Note 2.—Candidates possessing professional and technical qualifications are recognised by Government as equivalent to professional and technical degree would also be eligible for admission to the examination.

2. A candidate must have attained the age of 21 years but must not have attained the age of 26 years on the first day of August of the year in which the examination held.
