

I/1086814/2023



प्रधान आयुक्त सीमाशुल्क कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS
 मुंबई जोन-1, पी.एंड.ई(पी) नवीन कस्टम हाउस,
MUMBAI ZONE-1, P&E(P), NEW CUSTOM HOUSE,
BALLARD ESTATE / बैलार्ड एस्टेट

मुंबई / **MUMBAI-400001**

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F.No.II/(3)/APPT/163/2022-P and E

Date:23-03-2023

ESTT. OFFICE ORDER NO.: 93 / 2023.

The Hon'ble Bombay High Court (Goa Bench) vide its Order dated 30.03.2021 dismissed the Appeal filed by CBI, Goa against acquittal Order dated 29.08.2018 passed by Hon'ble Session Court, South Goa, Margao in a Special Case (Corruption) No. 13 of 2016 (Old No. 11 of 2002), in respect of Shri Joaquim Pereira, Preventive Officer (Retired). The said order dated 30.03.2021 has been accepted the competent authority in CBI as intimated vide office note F.No.11/12/2008-Vig. dated 13.06.2022 by the office of the Commissioner of Customs, Marmagao, Goa vide e-office F.No.II/(39)/OTH/2005/2021-Estt-O/o Commr-Cus-Goa dated 16.06.2022.

2. Thus, consequent upon change in vigilance status and opening of the sealed cover kept by the Review DPC held on 04/06.04.2016, Shri Joaquim Pereira, Preventive Officer (Retired), is notionally promoted to the post of Superintendent of Customs (Preventive) on regular basis with a deemed date w.e.f. **10.06.2003**, in the **erstwhile** pay scale of **Rs.7,500-250-12,000/-**, and as amended from time to time. On promotion as Superintendent of Customs (P), Shri Joaquim Pereira shall be placed below (Sr. No. 922) Shri Animesh Kumar and above (Sr. No. 923) late Shri S. G. Khopade of the seniority list of Superintendent of Customs (P) as issued vide Circular No. 17/2016 dated 20.05.2016, vide F.No. S/5-108/2016-Estt.(P).

3. On promotion as Superintendent of Customs(P), Shri Joaquim Pereira shall not be entitled for any arrears of pay and allowances, in terms of DOP&T's No.22011/4/91-Estt.(A) dated 14.09.1992, as he has been, exonerated with benefit of doubt, by the Hon'ble Session Court, South Goa, Margao in a Special

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Case (Corruption) No.13 of 2016 (Old No. 11 of 2002) for the offences punishable under Sections 120-B read with Section 420 of I.P.C. and Section 13(1)(d) read Section 13(2) of P.C. Act, 1988, leveled against him by the CBI, ACB, Goa.

4. The pay and other allowances of Shri Joaquim Pereira in the grade of Superintendent(P) shall be re-fixed from the deemed date of his promotion i.e. w.e.f. 10.06.2003, but shall not be entitled for any arrears of pay and allowances, as mentioned vide para-3 above. Shri Joaquim Pereira may exercise option under FR 22(I)(a)(1) for fixation of his pay in the higher grade within one month from issuance of this order. Such option once exercised shall be treated as final. The Pay and Account Section of Goa Custom House, from where Shri Joaquim Pereira has retired on superannuation, is requested to ensure the proper compliance of the above option and direction.

5. This order is subject to the final outcome of the SLP No.30621/2011 (Jarnail Singh & Othrs Vs Lachhmi Narain Gupta & Othrs) pending before the Hon'ble Supreme Court of India, and / or any relevant pending case in Hon'ble Tribunal / Hon'ble High Courts / Hon'ble Supreme Court of India and / or any direction of the Ministry pursuant to any judicial order.

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

Signed by Sunil Bhimrao

Deshmukh

Date: 23-03-2023 19:08:22

Reason: Approved

SUNIL BHIMRAO DESHMUKH

ADDITIONAL COMMISSIONER

ADC/JC-V-O/o Pr Commissioner-

Customs-General-Zone-I-Mumbai

Copy to:-

1. The Pr. Chief / Chief Commissioner of Customs, Mumbai Zone-I (CCA) Mumbai Zone II & III.
2. The Pr. Commissioner / Commissioners of Customs(G), Mumbai Zone I, II & III.
3. The Commissioner of Customs, Custom House, Marmagoa, Goa-403803.
4. The AC/DC-Vigilance Mumbai Zone-I, II & III & Goa Customs.
5. The DC/EDI for uploading the same on the official website of Mumbai Zone-I.

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6. The Supdt. i/c. PSO/NCH, Mumbai and PSO/Admn., Custom House, Marmagao, Goa-403803.
7. The AO/CCR & IPR, Mumbai Zone-I and Custom House, Marmagao, Goa-403803.
8. The CAO / Preventive Pay Bill, Goa Customs.
9. The SC/ST Cell, Mumbai Zone-I.
10. The Concerned Officer.
11. Notice Board.