

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3,

SUB-SECTION (i)]

Government of India
Ministry of Finance
(Department of Revenue)

Notification

New Delhi, the March, 2023

G.S.R.....(E).- In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Directorate of Enforcement, (Assistant Legal Advisor), Group 'A' Post, Recruitment Rules, 2019, the President hereby makes the following rules regulating the method of recruitment to the post of Assistant Legal Advisor in the Directorate of Enforcement, Department of Revenue, Ministry of Finance, namely:-

1. **Short title and commencement.** - (1) These rules may be called the Ministry of Finance, Department of Revenue, Directorate of Enforcement, (Assistant Legal Advisor), Group 'A' Post, Recruitment Rules, 2023.

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

2. **Number of post, classification and level in pay matrix.** - The number of the said posts, its classification and level in the pay matrix attached thereto, shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.

3. **Method of recruitment, age-limit, qualification, etc..-** The method of recruitment, age-limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the aforesaid Schedule.

4. **Disqualification.** - No person, -

(a) who has entered into or contracted 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 said posts:

Provided that the Central 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 that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** - Where the Central Government is of the 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 Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. **Savings** -- Nothing in these rules shall affect reservation, relaxation of age-limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Schedule

Name of post.	Number of post.	Classification.	Level in pay matrix.	Whether selection post or non-selection post.	Age-limit for direct recruits.	Educational and other qualifications required for direct recruits.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Assistant Legal Advisor	18* (2023) *subject to variation dependent on workload.	General Central Service, Group 'A', Gazetted non-Ministerial.	Level – 11 in the pay matrix (Rs. 67,700-2,08,700)	Not applicable.	<p>Not exceeding 40 years.</p> <p>Note-1: Relaxable for Government servants upto five years in accordance with the instructions or orders issued by the Central Government.</p> <p>Note-2: The Crucial date for determining the age limit shall be the closing date for receipt of applications from the candidates in India, and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub division of Chamba District of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep.</p>	<p>(1) Degree in law from a recognized University or Institute; and</p> <p>(2) Three years experience at bar dealing with criminal laws or fiscal laws.</p> <p style="text-align: center;">OR</p> <p>(3) Master's Degree in law from a recognised University or Institute; and</p> <p>(4) one year experience at bar dealing with criminal laws or fiscal laws.</p> <p>Note-1: Qualifications are relaxable at the discretion of the Union Public Service Commission for</p>

					<p>reasons to be recorded in writing, in the case of candidates otherwise well qualified.</p> <p>Note-2: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>
Whether age and educational qualifications prescribed	Period of probation, if any.	Method of recruitment whether by direct recruitment or by promotion or by	In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.

for direct recruits will apply in the case of promotees.		deputation/absorption and percentage of the vacancies to be filled by various methods.			
(8)	(9)	(10)	(11)	(12)	(13)
Not applicable.	One year.	<p>(i) Forty per-cent by deputation (including short term contract)/absorption failing which by direct recruitment;</p> <p>and</p> <p>(ii) sixty per-cent by direct recruitment.</p>	<p>Deputation (Including Short-Term Contract)/Absorption:</p> <p>Officers under the Central Government or State Government or Union territories or University or recognized research institutions or Public Sector Undertakings or Statutory or Autonomous Organisation:</p> <p>(A)(i) holding analogous post on regular basis in the parent cadre or department; or</p> <p>(ii) with five years service in the grade rendered after appointment thereto on a regular basis in Level-10/Level-9 in the pay matrix or equivalent in the parent cadre or Department;</p> <p>and</p> <p>(B) possessing the educational qualifications and experience as</p>	<p>Group 'A' Departmental Confirmation Committee for considering confirmation consisting of:-</p> <p>(i) Additional Secretary, Department of Revenue (Chairman)</p> <p>(ii) Joint Secretary Department of Revenue - (Member)</p> <p>(iii) Director of Enforcement- (Member)</p>	Consultation with UPSC is necessary on each occasion.

prescribed for direct recruits under column (7).

Note 1.- Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not to exceed four years.

Note 2.- The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding 56 years as on the closing date of receipt of applications.

Absorption

Note : only officers of Central Government/State Government/Union territories shall be eligible to be considered for appointment on absorption basis.

[File No.....]

(Name and designation of the Officer)

Annexure III

(Enclosure to O.M. NO.14017/29/85-Estt. (RR) Pt. Dated 16.5.86)

Form to be filled by the Ministry / Department while forwarding proposals to the Department of Personnel & Training and the Union Public Service Commission for amendment of approved Recruitment Rules:-

1.	(a)	Name of the post	Assistant Legal Advisor
	(b)	Name of the Ministry / Department	Ministry of Finance, Department of Revenue
2.		Reference No. in which commission's advice on recruitment rules was conveyed.	--
3.		Date of notification of the original rules and subsequent amendments (copy of the original rules & subsequent amends should be enclosed duly flagged and referenced.	

Col.No.	Provisions in approved rules	Revised provisions proposed	Reasons for the revision proposed.
(1) Name of the post	Assistant Legal Advisor	Assistant Legal Advisor	No change
(2) No. of posts	18* (2019) *subject to variation dependent on workload.	18* (2023) *subject to variation dependent on workload.	Change in year
(3) Classification	General Central Service Group 'A' Gazetted Non-Ministerial	General Central Service Group 'A' Gazetted Non-Ministerial	No change
(4) Level in pay matrix	Level – 11	Level – 11 in the pay matrix (Rs. 67,700-2,08,700)	As per 7 th CPC
(5) Whether selection post or non - selection post	Not applicable	Not applicable	No change

(6) Age limit for direct recruits	<p>Not exceeding 40 years.</p> <p>Note-1: Relaxable for Government servants upto five years in accordance with the instructions or orders issued by the Central Government.</p> <p>Note-2: The Crucial date for determining the age limit shall be the closing date for receipt of applications from the candidates in India, and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub division of Chamba District of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep.</p>	<p>Not exceeding 40 years.</p> <p>Note-1: Relaxable for Government servants upto five years in accordance with the instructions or orders issued by the Central Government.</p> <p>Note-2: The Crucial date for determining the age limit shall be the closing date for receipt of applications from the candidates in India, and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub division of Chamba District of Himachal Pradesh, Andaman & Nicobar Islands or Lakshadweep.</p>	No change
(7) Educational and other qualifications required for direct recruits	<p>(1) Degree in law from a recognized University or Institute; and</p> <p>(2) Three years experience at bar dealing with criminal laws or fiscal laws.</p> <p>OR</p> <p>(3) Master's Degree in law from a recognised University or Institute; and</p>	<p>(1) Degree in law from a recognized University or Institute; and</p> <p>(2) Three years experience at bar dealing with criminal laws or fiscal laws.</p> <p>OR</p> <p>(3) Master's Degree in law from a recognised University or Institute; and</p>	No change

	<p>(4) one year experience at bar dealing with criminal laws or fiscal laws.</p> <p>Note-1: Qualifications are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in the case of candidates otherwise well qualified.</p> <p>Note-2: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>	<p>(4) one year experience at bar dealing with criminal laws or fiscal laws.</p> <p>Note-1: Qualifications are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in the case of candidates otherwise well qualified.</p> <p>Note-2: The qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission for reasons to be recorded in writing, in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>	
(8) Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotee	Not applicable	Not applicable	No change
(9)	One years	One year	Grammatical change

Period of probation, if any			
(10) Method of recruitment whether by direct recruitment or by promotion or by deputation or transfer and percentage of the vacancies to be filled by various methods	<p>(i) Forty per-cent by deputation (including short term contract)/absorption;</p> <p>and</p> <p>(ii) Sixty per-cent by direct recruitment.</p>	<p>(i) Forty per-cent by deputation (including short term contract)/absorption failing which by direct recruitment;</p> <p>and</p> <p>(ii) sixty per-cent by direct recruitment.</p>	<p>The Directorate of Enforcement has not been able to fill up the vacancies under the 40% Deputation/absorption quota even after issuance of many Vacancy Circulars by the DoR vide OM No. A-35011/8/2021-Ad. ED dated 07.01.2022, 25.08.2022 and 02.12.2022.</p> <p>Further, the Directorate has only received 03 complete applications for the post of ALA on deputation basis, against 07 vacant posts under deputation clause.</p> <p>Thus, all the 07 posts under Deputation Quota are lying vacant in Directorate of Enforcement and the same is affecting the working of this Directorate.</p>
(11) In case of recruitment by promotion or deputation or transfer grades from which	<p>Deputation (Including Short-Term Contract)/Absorption:</p> <p>Officers under the Central Government or State Government or Union territories or</p>	<p>Deputation (Including Short-Term Contract)/Absorption:</p> <p>Officers under the Central Government or State Government or Union territories or</p>	No Change

<p>promotion or deputation or transfer to be made.</p>	<p>University or recognized research institutions or Public Sector Undertakings or Statutory or Autonomous Organisation:</p> <p>(A)(i) holding analogous post on regular basis in the parent cadre or department; or</p> <p>(ii) with five years service in the grade rendered after appointment thereto on a regular basis in Level-10/Level-9 in the pay matrix or equivalent in the parent cadre or Department;</p> <p>and</p> <p>(B) possessing the educational qualifications and experience as prescribed for direct recruits under column (7).</p> <p>Note 1.- Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not to exceed four years.</p>	<p>University or recognized research institutions or Public Sector Undertakings or Statutory or Autonomous Organisation:</p> <p>(A)(i) holding analogous post on regular basis in the parent cadre or department; or</p> <p>(ii) with five years service in the grade rendered after appointment thereto on a regular basis in Level-10/Level-9 in the pay matrix or equivalent in the parent cadre or Department;</p> <p>and</p> <p>(B) possessing the educational qualifications and experience as prescribed for direct recruits under column (7).</p> <p>Note 1.- Period of deputation (including short-term contract) including period of deputation (including short-term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not to exceed four years.</p> <p>Note 2.- The maximum age limit for appointment by deputation (including short-</p>
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	<p>Note 2.- The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding 56 years as on the closing date of receipt of applications.</p> <p>Absorption</p> <p>Note : only officers of Central Government/State Government/Union territories shall be eligible to be considered for appointment on absorption basis.</p>	<p>term contract) shall be not exceeding 56 years as on the closing date of receipt of applications.</p> <p>Absorption</p> <p>Note : only officers of Central Government/State Government/Union territories shall be eligible to be considered for appointment on absorption basis.</p>	
<p>(12)</p> <p>If a Departmental Promotion Committee exists, what is its composition</p>	<p>Group 'A' Departmental Confirmation Committee for considering confirmation consisting of:-</p> <p>(i) Additional Secretary, Department of Revenue (Chairman)</p> <p>(ii) Joint Secretary Department of Revenue - (Member)</p> <p>(iii) Director of Enforcement- (Member)</p>	<p>Group 'A' Departmental Confirmation Committee for considering confirmation consisting of:-</p> <p>(i) Additional Secretary, Department of Revenue (Chairman)</p> <p>(ii) Joint Secretary Department of Revenue - (Member)</p> <p>(iii) Director of Enforcement- (Member)</p>	No change
(13)	Consultation with UPSC is necessary on each occasion.	Consultation with UPSC is necessary on each occasion.	No change

Circumstances in which UPSC is to be consulted in making recruits			
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4. Name, addresses and telephone numbers of the Ministry's Representative with whom these proposals may be discussed, if necessary, for clarification / early decision.

Sh. Vivek Mishra, Under Secretary (Ad. ED),
Department of Revenue, Ministry of Finance, North
Block, New Delhi.



JOINT DIRECTOR (Estt.)

Signature of the Officer sending the proposals

अभ्युदय अ. आनंद / ABHYUDAYA.ANAND

संयुक्त निदेशक / Joint Director

प्रवर्तन निदेशालय / Directorate of Enforcement

वित्त मंत्रालय, राजस्व विभाग

Ministry of Finance, Department of Revenue

भारत सरकार, नई दिल्ली / Govt. of India, New Delhi