



JOINT COUNCIL OF ACTION

OF

INCOME TAX EMPLOYEES FEDERATION & INCOME TAX GAZETTED OFFICERS ASSOCIATION

A-2/95, ManishinathBhawan, Rajouri Garden, New Delhi-110 027
Email: itfcentral@gmail.com: Tel: 98682 77455 & 89021 98888 Fax: 011 2510 5324



Joint Convenors

KP Rajagopal & Bhaskar Bhattacharya

No. N-1/M-12/2014

Dated: 18th Dec. 2014

To

The Chairperson,
Central Board of Direct Taxes,
North Block,
New Delhi- 110 001

Respected Madam,

Sub: Proposed amendments in IRS Recruitment Rules- Objections - regarding

Kindly refer to the draft 'Recruitment Rules of Indian Revenue Service' sent for obtaining concurrence of DoPT by the Central Board of Direct Taxes. Such rules are proposed to replace the existing IRS Recruitment Rules, 1988.

In this regard, it is to submit that we have gone through the Draft IRS Recruitment Rules sent to DoPT by the CBDT and found that many clauses of these rules are not framed as per the Government/DoPT guidelines. We have also found that many clauses in these draft rules are detrimental to the career prospects of our members. A detailed objection in this regard was submitted before you on 25-09-2014 from ITGOA. The Board was kind enough to accept some of our objections in its reply to the queries made by DoPT regarding the proposed IRS RR. But, some of the clauses, which were not framed as per the extant Government/DoPT guidelines and also affecting the normal career prospects of our members adversely, are not suitably amended till now. We are once again highlighting all such issued before your good self.

S. No.	Issue raised by ITGOA	Present status after DOPT query	Remarks/Amendments required
1	Either the Rule 6(2) in the Draft Recruitment Rule should be deleted or the regular continuous service should be reckoned from the vacancy year.	There is no change in the proposed Sub-rule 6(2). However, the Board has accepted for following change: "Following may be inserted in column (4) of S.No.(5) of Schedule II below the existing formulation:- Promotee officers inducted in the IRS	This change has been made only for NFSG cadre i.e. Addl.CIT promotion. If the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers is given for all promotions i.e. DCIT, JCIT etc, then it will be proper. Therefore, it may be provided that the regular continuous service for promotee officers shall be counted with the benefit of 'Batch' corresponding to the batch of the 'direct

		<p>shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed.</p> <p>Note 2 of Schedule 2 will stand deleted."</p>	<p>recruit' officers with whom their seniority is clubbed.</p>
2	<p>There should be no change in Rule 7(2) and existing rule may be continued. Alternatively, the clause should provide that the vacancies should be determined as per the Government of India/DOPT guidelines. Otherwise, it will only give rise to avoidable litigation due to arbitrary action.</p>	<p>There is no change in the proposed Sub-rule 7(2). The Board has not accepted DOPT objections on this point.</p>	<p>There should be no change in Rule 7(2) and existing rule may be continued. Alternatively, the clause should provide that the vacancies should be determined as per the Government of India/DOPT guidelines. Otherwise, it will only give rise to avoidable litigation due to arbitrary action.</p>
3	<p>Suitable provision in Rule 7(5) should be made regarding the length of service to be reckoned for the Promotee Officer as the same as of Direct Recruit of that Corresponding Vacancy Year. Further, in lines of the Clause 5(f) of the DOPT OM dated 04.03.2014 on seniority, it should be provided that the initiation of recruitment process for any of the modes viz. direct recruitment or promotion would be deemed to be the initiation of recruitment process for the other mode as well.</p>	<p>The Board has accepted for following change: "Following may be inserted in column (4) of S.No.(5) of Schedule II below the existing formulation:- Promotee officers inducted in the IRS shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed.</p> <p>Note 2 of Schedule 2 will stand deleted."</p>	<p>This has been inserted only for NFSG cadre i.e. Addl.CIT promotion. If the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers is given for all promotions i.e. DCIT, JCIT and CIT, then it will be proper. Therefore, the clause should be added in Rule 7(5) itself. The Rule may be amended as under: <i>"7(5) For the purpose of appointment to any grade, the length of service shall be reckoned to have commenced from the 1st of January of the year following the year of the Examination on the basis of which the Direct Recruit was recruited and shall include any period during which he would have held a post in the Service but for his being on leave or otherwise not being available for holding such post.</i></p>

			<p><i>Promotee officers inducted in the IRS shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed."</i></p> <p>Alternatively following Note-3 may be added below Schedule-II as under:</p> <p><i>"Note 3 - Promotee officers inducted in the IRS shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed."</i></p>
4	Proposed Rule 8 should be either on 'Appointments by deputation' or it may be removed.	There is no change.	It may be considered since there is duplication in proposed Rule 8 and Rule 13.
5	Proposed Rule 10 (3) be reframed as under: 10(3) The relative seniority among the Promotee Officers and the Direct Recruit Officers in a particular vacancy year shall be in the ratio of 1:1, being corresponding to the quota rule of 50% each for Promotion and Direct Recruitment It shall be fixed in accordance with the DOPT OMs dated 07.02.1986, 03.07.1986 & 04.03.2014 or as decided by the DOPT from time to time, in the following sequence, namely:- (a) Promotee, (b) Direct recruit, (c) Promotee, (d) Direct recruit, and so on till the last available Promotee or Direct Recruit Officer and left-over officers, if any, will be bunched at the bottom of that particular vacancy year.	The Board has accepted for following change: "Rule 10 - The seniority of the persons recruited to the Service after the initial constitution shall be determined in accordance with the general instructions issued by the Government in the matter from time to time."	The concept of bunching should be clearly provided as per the DOPT instructions to avoid future litigations.
6	Rule-12- Probation Because of already been	There is no change.	There should be no probation period for promotee officers

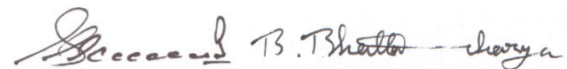
	confirmed in the feeder cadre and having lots of experience and knowledge in the Departmental field, there should be no probation period for promotee officers. Of course there should be training for shorter / truncated duration to enhance, upgrade the knowledge and to interact with best of talents / brains / trainers of the Department.		due to the reasons mentioned.
7	Schedule-III The composition of Departmental Promotion Committee for JCIT & ACIT cadres should be: 1. Secretary, Department of Revenue- Chairman 2. Chairman, CBDT- Member 3. Member, CBDT- Member	There is no change.	This change may be made as per the recommendation of 2 nd Administrative Reforms Committee.

We would like to mention that the Draft IRS RR was uploaded on Departmental website on 19-11-2014, as directed vide DoPT OM dated 24-09-2014, and withdrawn within a few hours without assigning any reason.

We would take the opportunity to request you to consider the above-stated objections and make suitable lawful changes and submit a rejoinder of these Draft Rules to DoPT immediately. Also, the proposed Draft Rule may kindly be published in the Departmental Website asking for observation/suggestion/opinion from everybody concerned.

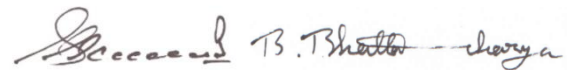
This is for your kind consideration and necessary action.

Yours sincerely,



(KP Rajagopal) (Bhaskar Bhattacharya)
Joint Convenors

Copy for information to the Member (P), CBDT, New Delhi.



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Joint Convenors