



# Income Tax Gazetted Officers Association

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ITGOA(CHQ)/Circular/2013-14

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To,  
All Members of I.T.G.O.A,  
(Through: President/General Secretary of all Units)

*Comrades,*

This is further to Circular dated 28-04-2013 wherein all our members were urged to display patience, both in words and deeds, and allow the concrete benefits to fructify in the atmosphere created by the suspension of agitation that was conducted with due alacrity across the country by ITGOA single-handedly, on the face of very heavy odds.

2. Despite our appeal to desist from bringing any kind of blanket stay on the promotion process, as that will be against the interest of all our members including those who are litigating, three OAs were filed, two in Ahmedabad & one Mumbai Bench of CAT, wherein the prayer was for stay on promotions. But due to perseverance, the DPC was held on 20-04-2013 and appointment Orders along with posting were issued on 13-05-2013. Members are once again requested, firstly to **refrain from engaging in avoidable litigation** and even if it is essential then, **avoid prayers for complete stay on promotions**. We should try to develop a comprehensive & holistic outlook in this regard, otherwise entire lot of ITOs will suffer due to conflicting court orders & resultant uncertainty.

3. Now, there is another positive development i.e. Union Cabinet has approved the Cadre Restructuring proposals. A total of 20,751 new posts will be created out of which 1349 will be in IRS i.e. ACIT to CCIT & balance 19402 will be Non-IRS ones i.e. ITO to MTS. Grade-wise details are as under :

Grade	Existing	Proposed	New posts
Pr CCIT - (80000)	0	26	26
CCIT- 75500-80000	0	91	91
Sr. CIT (67000-790000)	116	300	184
CIT (37400-67000)	731	635	(-) 96
JCIT/Addl.CIT	1253	1575	322
DCIT	1358	1394	36
ACIT	734	900	166
Reserve	0	620	620
<b>Total of Group 'A'</b>	<b>4192</b>	<b>5541</b>	<b>1349</b>

ITO	4448	5942	1494
Admn. Officers Grades	814	1384	570
Pvt. Secretary Grades	823	1051	228
Inspectors	9490	13293	3803
Other Non-Gazetted Staff	46027	62177	16150
<b>Total</b>	<b>57154</b>	<b>77905</b>	<b>20,751</b>

The above figures are those which were cleared & recommended by CoS (Committee of Secretaries) and will be the final one. But, correct figures will be known only after notification of Cabinet decision with approval of competent authority. Further, it is not known whether the Cadre Restructuring is going to be effected in one go or in two phases. But, most important aspect is that while promotion will go unhindered in all the grades, promotions to the grade of JCIT, ACIT & ITO is bound to get entangled in the mire of litigation i.e. For the grade of JCIT- Litigation started by 15 DR IRS Officers of 2002/2003 [ Vikas Keraba Surywanshi & Ors Vs. UOI ; OA-1052/2010, WP(C) 8018/2012 along with WP (C) 7990 & 8017/2012 and now SLP-21339/2012 in SC ]

For ACIT & ITO - Litigation after Apex Court's decision in NR Parmar [ Dinanath & Abraham – OA 506 & 507/2012 and OA 145 & 146/2013 – AHD Shoba R Guddad & Ors (ITOs from Pune) – OA 647/2012 – MUM ]

It is gathered that CAT-AHD & CAT-MUM & CAT-AP have already stayed promotions to the grade of ITO for panel year 2013-14 and thereafter, without implementing Apex Court judgment in the case of NR Parmar. **ITGOA has already taken-up with CBDT for issuance of a uniform guidelines for implementing NR Parmar's judgment**, to avoid further litigation and complications on the matter.

4. Significance of finalizing All India Seniority List of ITOs was highlighted in the Circular dated 28-4-2013 and hence not repeated here. But, it is reiterated that in the absence of such Seniority List w.r.t ITO promoted after 2001, no further DPC for the ACIT grade can be held due to non-availability of required consideration zone for reserved candidates which is 5 times of vacancy. The effect of this would be that even with sufficient number of vacancies in the grade of ACIT, no promotions can take place, unless All India Seniority List of ITO is finalized and the ongoing litigation will have to be resolved first. This issue will be discussed in PGRM meeting of 4-6-2013. Implementation of NR Parmar judgment will necessitate change in Inspectors seniority and thereby cause a change in ITO's Seniority in most of the regions across the country, but this would not be automatic and Review DPCs will have to be held for the grade of ITOs for all the affected years. All these aspects will be put to thorough deliberations in the next MC Meeting which is slated to be in the month of July 2013 at Delhi.

5. **All the issues affecting our members**, as highlighted in the Circular dated 28-4-2013 **will be discussed in the meeting of Personnel Grievance Redressal Machinery, which is slated to be held on 4-6-2013.** Meanwhile, AGT Orders for the grades of DCIT/ACIT and Addl. CIT/JCIT has been issued on 24-5-2013, in which the following grievances are apparent :

- a. Officers who have completed cooling-off Period of 2 years have not been transferred back to the place of their origin.
- b. In the criteria of exemption from transfer to officers who are to retire within 3 years (as per Transfer Policy 2010), there is a unilateral change i.e. 3 years have been replaced by 2 years. Further, choice station has not been given to officers who are to retire within 3 years.
- c. Cross-country transfers effected last year have not been corrected. Besides, officers who were retained on spouse grounds have been transferred out, against their options.
- d. Officers of Delhi Region who have worked for more than the cooling-off period outside Delhi, on their return to Delhi have been posted to the Directorates, without their consent. Now, even after completing 2 years in the Directorates, these officers are not posted to Delhi region.

All the Units are requested to compile a list of DCIT/ACIT and Addl./Jt.CIT who are having grievance with respect to their postings in the enclosed proforma and send it to CHQ latest by 28-5-2013 along with representation copy from such officers.

6. Leadership of all Units are requested to give wide publicity to this circular and collate the views/suggestions of their members and also compile the list of DCIT/ACIT and JCIT with grievance in their postings.

**LONG LIVE ITGOA ; LONG LIVE OUR UNITY ; LONG LIVE ITGOA**

Yours comradely,



**(Rajesh D. Menon)**  
**SECRETARY GENERAL**

Enc. As above

**LIST OF DCIT/ACIT REQUESTING FOR TRANSFER**

<b>Name of Officer</b>	<b>Civil List No.</b>	<b>Present Posting</b>	<b>Desired Posting (In order of preference)</b>	<b>Grounds/Reasons</b>

**LIST OF Addl./Jt. CIT REQUESTING FOR TRANSFER**

<b>Name of Officer</b>	<b>Civil List No.</b>	<b>Present Posting</b>	<b>Desired Posting (In order of preference)</b>	<b>Grounds/Reasons</b>