



JOINT COUNCIL OF ACTION
INCOME TAX EMPLOYEES FEDERATION &
INCOME TAX GAZETTED OFFICERS' ASSOCIATION
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No. N-1/2018-19

Dated: 3rd May, 2018

To
Shri Arun Jaitley,
Hon'ble Minister of Finance,
Govt. of India,
North Block, New Delhi.

Respected Sir,

Sub: The long pending Issues - matter regarding.

Kindly refer to the above.

At the outset, we express our sincere thanks for affording us an opportunity to express before your honour in relation to some of the long-pending issues of the employees and officers of the Income Tax Department. *We two organisations together represent more than 95 percent of the personnel in the Income Tax Department and function and represent together under the platform of Joint Council of Action and shouldering all the core responsibilities of completion of assessments, conducting searches and surveys, Revenue Collection, widening of tax base and various other functions. With humility and a desire to seek a way out of the bleak circumstances prevailing in the Income Tax Department, we seek to draw your kind attention to the grievances of the entire cross-section of Gr. C, Gr. B and promotee Gr. A officers of the Department, as stated below in brief:*

1. ITO to ACIT promotion for the R.Y. 2017-18 and 2018-19 :

The promotion to the grade of ACIT for the Vacancy Year 2017-18 fell due on 01.04.2017. Even the promotion for the next vacancy year (2018-19) has already fallen due on 01-04-2018. Unfortunately no significant progress has been observed, as the matter is still stuck in the CBDT for the reasons is not known to us. From R.Y. 2014-15 onwards promotion to the grade of ACIT is presently taking place only on Ad-hoc basis. Only your kind intervention can ensure the promotion process for the Vacancy Year 2017-18, which is already running late by more than one year and 2018-19, also fallen due, completed at the earliest.

2. Stagnation in the Cadre of ITO and Cadre Restructuring of the Department

An Income Tax Officer is getting the chance for promotion to the grade of ACIT only after rendering service of 14-16 years as against the required 3 years' service as

per the recruitment rules. The major reason is the faulty cadre restructuring of the Department in 2013, wherein a total of 20751 posts were created but only 202 posts were created in the cadre of DCIT/ACIT against the proposal of 600 posts. It is very pertinent to mention here that the next cadre review of various posts in the Income Tax Department has fallen due in the current month itself, as per the DoPT guidelines. Even if a full fledged restructuring is not required, selective review of the cadre structure of entry Grade Group A and all Group B posts may be conducted to resolve the issue of stagnation.

3. Pending court case related to higher pay in the grade of Inspectors and ITO:

After implementation of 5th CPC, the pay scales of the posts analogous to the Income Tax Inspectors (ITI) and Income Tax Officers (ITO) and analogous posts in the Department of Customs and Central Excise were upgraded w.e.f. 21.04.2004 only instead 01.01.1996. The Hon'ble CAT, Mumbai in its judgement dated 17.01.2012 held that to make payment arrears of pay within 8(eight) months of the passing the order w.e.f. 01.01.1996. However, the Department of Expenditure had directed to challenge the order in High Court on 5.3.2012, which was even before the Law Ministry examined the issue on merit and gave their opinion on 22.3.2012, wherein it was stated that there was no reason or ground to challenge the order of the Tribunal. The Revenue Department filed Civil Writ Petition No. 9649/2012 before Hon'ble Bombay High Court seeking to quash the CAT's order. The Hon'ble Bombay High has neither admitted the petition nor granted any stay on the decision of the Hon'ble CAT, Mumbai. Under the above circumstances, your kind intervention is solicited to implement the above CAT order following the present Government's minimum litigation policy and render justice to the employees of the Department.

4. Finalization of Recruitment Rules:

CBDT cleared the objections raised by the DoPT on the draft RRs of different grades. But, the DoPT has not agreed with the views of the Department. For this, persuasion at highest level may be required to explain the functional needs of the Department. The RR of Inspector/Executive Assistant (two most important grades at staff level) are required to be notified immediately for filling up of huge number of vacant posts. Therefore it is prayed to your good self to kindly direct CBDT to take effective steps for the earliest finalization and notification of RRs in all pending cases.

5. Filling up of all vacant posts:

In the last cadre restructuring exercise of Income Tax Department, **20,751 posts** were created, which got the Union Cabinet's approval in May, 2013. This is very

unfortunate that even after five years of the notification of the Cadre-restructuring, **30205 posts** are lying vacant out of **62954** sanctioned posts of Group C cadres. The following steps may be taken to fill up these huge vacancies:

- I. **For filling up of vacant posts in DR quota** a request may be made to the Staff Selection Commission for **Special Recruitment Drive** as early as possible.
- II. **Restoration of Zonal/Regional Recruitment in the cadre of Group-C to tide over the huge vacancies:** Presently the appointment in the Govt. of India is based on an all India Recruitment test. Often such joining is followed by constant request for transfer to the regions of domicile/choice. The old pattern was well thought out procedure, allowing the opportunity to any candidate to compete in the examination form anywhere in the country. The CBDT in principle acknowledged the problem of huge vacancies that exist in various charges and also in favour of Zonal/Regional Recruitment. Since it involves policy matters for recruitment process of GOI and the Hon'ble Supreme Court verdict, which instituted the all India Recruitment, itself provides sufficient leeway to the Government for reintroduction of Regional Recruitment, if the Government so desires. At least for Income Tax Department, as a special recruitment drive to ease out the acute shortage of staff.

6. Post of Principal A.O/ Senior PPS/PPS

The Committee constituted by the Board for suggesting Cadre Review proposal in 2008 also submitted the proposal for creation of the new grades of Principal Administrative Officer, Senior Principal Private Secretary and Principal Private Secretary in AO/ PS Cadres. These commensurate posts were proposed keeping in view of the introduction of Apex Scale and HAG+ grade in IRS cadre. But in the Cadre Restructuring Notification dated 31.05.2013, these posts were left out, while Apex Scale and HAG+ grade in IRS cadre were duly created as per the final proposal. Thereafter very little initiative has been taken by the CBDT till date, though we submitted detailed note for revival of the proposal of commensurate posts in AO/PS cadres. Now, we would like to urge to use your good office to issue your kind direction to the Board for taking immediate steps for creation of these posts in AO/PS cadres.

7. Staff Car Drivers to be merged with the main stream cadres, with relaxation:

The Government of India's policy decision of not purchasing vehicles not only results in closure of any future recruitment in the cadre of Staff Car Driver, but also a majority of the cadre are continuing without any duty. In view of this fact it is necessary that the existing staff car drivers are provided with an option of merging with the main stream cadres on one time relaxation measure. Though the CBDT approved the proposal

for merger, but the Department of Expenditure has raised objection. Now, we would like to urge upon your honour to issue your kind direction in this respect.

8. Regularisation of Ad-hoc ACsIT of 2014-15, 2015-16 and 2016-17 Batches

The regular promotions in the cadre of ACIT could not take place even after the sanction for 3(three) consecutive DPCs for the vacancy years 2014-15, 2015-16 & 2016-17 was accorded by your honour in November, 2015 with the direction of holding all 3(three) DPCs by 31-03-2016. Since then, 3(three) promotion orders in the cadre of ACIT were issued for the vacancy years 2014-15, 2015-16 & 2016-17 promoting ITOs to the grade of ACIT *on ad hoc basis only*.

Though the UPSC agreed to hold the regular DPC for Ad-hoc ACsIT of 2014-15 batch, the process was suddenly aborted, once the latest DoPT OM dated 30-09-2016 on Reservation was issued. The UPSC categorically refused to hold any DPC to any grade having reservation element, unless the said OM is further clarified by DoPT to its satisfaction. As a result, the Promotee Officers (ACsIT) of 2014-15, 2015-16 & 2016-17 batches, most of whom were waiting for their second promotion only in their service career of 22-25 years, are now staring at a very bleak future. Their seniority is going to be suffered irreparably if not regularized in time. Without regularisation of their Ad-hoc promotion, there will be problems in the next promotion to the cadre of DCIT which is due on 01.01.2019 in which their counterpart Direct Recruit ACsIT will also be promoted. We feel that your kind intervention can only ensure regularization of already promoted (on ad-hoc basis) ACsIT immediately.

9. ITBA and Infrastructure related issues:

In order to provide the best tax payer services available around the Globe and maintain non-adversarial non-intrusive tax regime, CBDT rolled out a new online platform called Income Tax Business Application or ITBA in September, 2015. As the new platform is significantly higher and robust version compared to ITD (the earlier platform), the infrastructure requirement in terms of Bandwidth, Hardware and Software, Accessibility, Training, Support etc. had to be upgraded or replaced accordingly. We have suggested accordingly to the Board. However, the Board is yet to Act on our suggestions. As a result, the entire Department is still struggling with ITBA. The main victim due to this attitude is e-assessment in ITBA Platform. Due to these shortcomings the assesseees are showing complete reluctance to opt for e-assessment. Unless the Board is directed to act immediately to plug all the infrastructural loopholes; ITBA platform, conceived as a game changer for the Department, will remain as a non-starter.

10. Temporary Status or Regularization of Casual Workers against the MTS posts sanctioned in the Cadre Restructuring as per different Court Judgement:

Relaxation of guidelines has been requested for regularization of Casual Workers against the MTS posts sanctioned in the Cadre Restructuring 2013 or giving temporary status to the Casual Workers, as given in the *Rajya Sabha*, who have completed 10 years of service in the Department.

11. Disparity in Pay matters and non-convening of the Departmental Council meetings:

As the 7th CPC has made several recommendations which are against the interest of the employees and officers working in Revenue Department and in absence of the council meeting for the past more than a decade, we have no proper forum to place our points of view and seek redressal. We request your goodself to kindly direct the concerned to take necessary steps to convene the meeting of the Departmental Council as an early date.

12. Relaxation for appointment on Compassionate grounds from the applicants waiting for a long time:

One of the important issues is the large number of pending applications for appointment of the dependents of our employees, who died in harness. This pendency is created due to the ceiling of 5% of Direct Recruitments on all compassionate appointments, as introduced by the Department of Personnel and Training. We have pleaded that at least a onetime relaxation of the ceiling of 5% to be allowed to consider the cases which are fit for compassionate appointments. Though the authority has taken some initiatives, near about **1500** such applications are still pending at various Pr.CCsIT charges.

We would like to take this opportunity to request your good self for kind favourable consideration for issuing necessary direction to the concerned authorities for addressing all the grievances of its employees and officers so that the officers/officials of the Department can deliver their best to the Nation. We would further like to request your good self to kindly allow us an audience to explain and clarify the above issues.

With regards,

Yours sincerely



(Amitava Dey)



(Rupak Sarkar)

Joint Convenors