

Minutes of Secretariat Meeting of ITGOA held on 8th January, 2013 at Delhi

The meeting was chaired by Shri A. Sitarama Rao, President and was attended by delegates from 11 Units (AP, Bihar, Delhi, Gujarat, Kerala, Mumbai, NER, NWR, UP(E), UP(W) & W.B. of ITGOA and 3 Units (Karnataka, Orissa & T.N.) had sent their suggestions by E-mail.

2. President's introduction :

President, on behalf of the CHQ of ITGOA, welcomed all delegates to the Secretariat Meeting and highlighted the importance of the meeting, especially as the DPC for ITO to ACIT of RY 2012-13 (for 143 posts) has been deferred. He then asked Sh Rajesh Menon, Secretary General, to explain the status and developments, on the issue.

3. Secretary General, then spoke, as under:

- The DPC for ITO to ACIT for RY 2012-13 (143 posts) was scheduled on 18-12-2012 and it was gathered that objection was raised by some member of Gujarat Unit and that objection was forwarded to the CBDT by UPSC on 5/12/2012, seeking factual information about cascading effect of the SC judgment in the case of NR Parmar. CBDT was asked to consult, DOPT & Law Ministry (if necessary) on the issue.
- ITGOA immediately met Member (P) and Chairperson with a request to the Board to use its good offices with UPSC such as to conduct the DPC as scheduled. CBDT made a reference to DOPT on 12-12-2012 seeking its opinion as to whether to conduct the DPC with the existing seniority list of ITOs subject to revision, if any, to the Order of SC in the case of NR Parmar or to instruct all CCIT (CCA) to revise the seniority list of Inspectors and give its cascading effect on the All India Seniority of ITOs and till that time to keep the DPC for ACIT in abeyance.
- As there are different school of thoughts/opinions on the said SC Order i.e. with regard to its implementation date etc., amongst our members, ITGOA would like to remain neutral and let Administration take its own decision. But, ITGOA is never for deferment of DPC, as that is totally against the interest of all our members, because of eventual loss of rightful promotion and consequential seniority. An important aspect is that only if DPC is held and actual promotion order is issued, then on revision of ITO's seniority, the ITOs who gain on seniority will get their rightful place and if actual promotion do not take place, then on revision of seniority, there is likelihood that officers will not get their rightful place in the seniority of IRS Officers.
- Further, as there are more than 700 posts (with promotion quota more than 400) there is no reason to fear and there will be no reversions, even after revision of seniority of Inspectors and ITOs. Also, Ad-hoc promotion will not come to the rescue of our members, as such promotion will not give any consequential seniority, thus depriving our members their rightful promotion to higher grades in IRS.

4. Representatives from the Units presented their views on the issue as under :

a. W.B. Unit (S/Shri Bhaskar Bhattacharya – GS)

Following is the opinion/suggestion of W.B. Unit, as decided in its EC Meeting :

- DPC for regular promotion to the grade of ACIT must go on and its deferment citing NR Parmar's decision is not acceptable, as there are enough number vacancies in the promotion quota for adjusting any revision in seniority list of Inspector and its cascading effect in ITO's seniority. This is because the exercise for revising will take fairly long time and till that time there will be many of our members will retire without getting their due promotion.
- Ad-hoc promotion is no solution, as even after a favourable verdict from Hon'ble Delhi High Court, the Ad-hoc promotion of JCIT has not been regularized. This has deprived our members of promotion, as chain vacancies are not being filled-up. Our emphasis for regularizing the said Ad-hoc promotion.
- As far as NR Parmar's decision and its effect on seniority, there is no problem within W.B. region, but there is problem vis-à-vis other regions, in the All India Seniority List of ITOs. But still W.B. Unit strongly feels that DPC for ACIT cannot be stopped for any reason whatsoever.
- CBDT must be asked to issue uniform parameter, to determine seniority of Inspectors and even for implementation of the NR Parmar's decision. Otherwise, the problem will get compounded and will result in multiple litigation, which will not be in the interest of any of our member.

b. U.P.(W) Unit (Shri Arvind Trivedi – GS)

- Uniform application of NR Parmar's decision has to be ensured, in all grades where there are DR & PR. Only then there will not be any dispute and court cases, which can bring the process of promotion to a standstill. In this regard, CBDT's instruction issued on 22-2-2005 after filing the CA in SC, in NR Parmar's case must be emulated. But, the present DO Letter from Member (P) to all the CCsIT (CCA) has only created confusion in the field. Besides, the said DO Letter talks about vacancy year, but in the FAQ issued by DOPT, the concept of vacancy year has been fully negated. Even in SC Order there is mention of Recruitment Year & year of initiation of recruitment process. Board must give a clear direction to the field.
- CBDT is resorting to selective implementation of Court Orders i.e. SC Order in SK Shukla is not implemented in a general manner, but the NR Parmar's decision is being sought to apply to all similarly placed Inspector across the country and that too with retrospective effect. This must be strongly objected to.

- In para '9' of Gujarat HC's Order, the contention of some of the applicants have not been entertained and that aspect has attained finality. Now, the Board's action is in contravention of that final order of HC. Hence, the proposed implementation by CBDT will only increase the litigation on the subject.
- As regards the cascading effect of the revision in the Inspector's seniority on the seniority of ITO for the present DPC i.e. for 2012-13, will be very marginal i.e. around 30 to 33 out of 143 and since there is more than 700 posts lying vacant, there is no need to worry about any reversions.
- DPC for ACIT must be held immediately and for this any sort of agitation can be adopted and UP(W) is ready to give its full support and successfully implement all the programs. Preferably the agitation must be under JCA banner, but if need be even ITGOA can go alone, on this important and vital issue.

c. Bihar Unit (S/Shri Diwakar Singh)

- Fully agree with the views expressed by W.B. & UP (W). An interesting fact to be noted is that Promotions to the grade of ACIT is stalled on the basis of NR Parmar's decision, which is w.r.t seniority of Inspector, whereas promotion to the grade of ITO (from the grade of Inspector, based on existing seniority) is taking place. Further, if cascading effect has to be seen then no promotions in the higher grades i.e. AC to DC, DC to JC etc. can take place. But on 1-1-2013 AC to DC promotion has been effected. From this the partisan attitude of the Board is evident and some of our members have fallen in to the trap laid by CBDT, to ensure that none of our members will advance in the IRS cadre, beyond AC & DC.
- As UOI is the petitioner in NR Parmar's case, its implementation is Board's headache and we should not discuss it much. Board must first take a decision on all aspects of its implementation and give a clear-cut direction in the form of OM to the field, instead of the DO Letter of Member (P) which has only caused confusion.
- There is some misconception about the likely benefit out of the SC Order in NR Parmar's case. In fact, Bihar in general and Diwakar Singh in particular will be the maximum beneficiary, as Inspectors who are junior have already been promoted.
- As for the stalled DPC for ACIT, we must draw attention of the Board to the DOPT OM dated 30-3-1988 which provides for regular (provisional) promotion even when there is no Recruitment Rules or when Seniority is in dispute. ITGOA must ensure that DPC must be held at any cost and if need be a strong agitation can be launched.

d. N.E.R Unit (Shri Amitava Dey – GS)

- Fully agree with WB, UP(W) & Bihar on the aspect of NR Parmar's case and DPC for ACIT. We have many issues and there is need to prioritise. There is no doubt about implementation of SC Order. Even NER would stand to gain, as Date of Joining has been used for determining seniority of DR Inspectors.
- But, there is no reason to stop or defer DPC for ACIT, as this is not the last DPC. If after revision of seniority of Inspector, its cascading effect comes in the seniority of IT, it will involve review DPC for ACIT also and at that time even the present DPC also could be reviewed. In the long run, it is the DR Inspectors who are going to be losers because now those with Date of Birth in 1965 & earlier will not be getting a chance to become Addl CIT which being in PB-4 is the real gain both in pay & pension. Hence, the need of the hour is to see the larger picture rather than bickering amongst ourselves.
- CBDT must constitute a task force to study the impact of the order on an All India Scale, because each region cannot have the All India perspective and Board must give clear directions as the revision of seniority of Inspectors consequent to the Order of SC in NR Parmar, including the date from the revision has to be done etc and this should be a time-bound exercise.
- The deferred DPC must be expedited and for that purpose we should not shy away from agitation, which preferably must be under JCA banner.

e. Shri Satish Bhalla (Asstt. Secretary-CHQ)

- CHQ must pressurize the Board to hold the DPC in time. In fact, DPC should be held in a particular pre-determined month every year. Without timely promotion there is no charm in working.
- There is no point in discussing the SC Order in NR Parmar's case. The judgment of Apex Court is law of the land and will have to be implemented. CBDT must issue an unambiguous instruction in this regard, so as to ensure that in all the 18 regions of the country, there is uniform application of seniority rules, then only we can see a real reduction in litigation, which is not only take away our precious energy and resources, but also delays the promotion process. Another ill effect of litigation is that it creates a sort of chasm, in our united movement, thereby weakening us.
- For ensuring the DPC relating to RY 2012-13, agitation can be resorted but ideally it must be under JCA banner, for ensuring success.

f. U.P. (E) Unit (Shri J. B. Singh – GS)

- Deferment of DPC is not acceptable and CHQ must lodge a strong protest with the Board. But, our experience shows that when ITGOA launched agitation on its own, it was not at all effective and concrete result was not forthcoming. Hence, agitation has to be under JCA banner, after thoroughly evaluating that how far we can go.
- Before launching agitation, there should be an Emergency MC Meeting, so that the decision of agitation is taken after thorough discussion which is a pre-requisite for its success. We must also decide before-hand itself, how far we can go with strike. One of the most successful form of agitation is Boycott of Member-CBDT during their visit across the country.
- CHQ has lost precious 20 days after deferment of the DPC for ITO to ACIT. During this period, what has been done by CHQ to pressurize the Board in reviewing its decision to defer the DPC.
- Members from Gujarat are very vocal on the implementation of SC Order in the case of NR Parmar and this is understandable, as they have fought this injustice for such a long time i.e. since 2003 to 2012. But, there is a need to go further deep on the aspect of ITO Seniority. The system of determining the All India Seniority of ITO on the basis of DDoJ is actually the reason for such great anomaly and the time has come to question, as to who is responsible for bringing this concept. Individually, he was always against this DDoJ and have objected to this in every meeting and for this he has been targeted in many CHQ circulars & mails. If only year-wise segregation was done in determining the ITO Seniority, the problem would have been much less.
- DPC for ACIT must take place, as there is no scope for any contempt proceedings or any sort of stay from any court and the said SC Order states before the final finding, “In the instant case”. Here the Board must be told that in Central Govt. (other departments) where there will be DRs & PRs, but the DPCs in those Depts are not being stayed or deferred, on the basis of SC order in NR Parmar’s case, even though the same is applicable to them also as SC Judgment is law of the land.
- CHQ must also explore other recourse for solving the present tangle i.e. Negotiation with Board, Approaching RS/MOS (Fin.)/FM or any other influential dignitary who can use his good offices to direct the Board to take immediate remedial steps or even legal recourse can also be thought of.

g. Mumbai Unit (Shri Ravi Shankar – GS)

- Our top priority must be for immediate holding of DPC and promotions must be made subject to revision, if any, on account of SC Order in NR Parmar's case. This appears to be the consensus in ITGOA, as can be made out from the opinion expressed till now. Secretary General has already stated that retrospective seniority in the grade of ACIT, only if actual promotion takes place now and this also necessitates that DPC must be held without any loss of time.
- There is no two opinion about implementation of the SC Order in NR Parmar's case, but its practicability has to be seen. For eg. in Mumbai region, there are some gaps with respect to the year of initiation of recruitment process, especially when CCIT (CCA) were directly writing to Regional SSC. Member (P)'s DO has only created confusion in the field i.e. the letter does not talk about the year from which it has to implemented and it talks about vacancy year, instead of recruitment year. Lastly, many promotee inspectors who were DR-UDC have demanded that the ratio of this judgment must be applied to UDC grade also, otherwise they will be losers on both sides and which is not acceptable. Therefore, CBDT must constitute a task force to study the implication of this judgment with representatives of ITGOA and then issue a clear-cut guidelines for a uniform application to the field formation, as to the grades for which it will be implemented, the date from which it will be effective, what is the recruitment year for a particular exam, etc.
- Board's double standard is clearly evident i.e. on one hand it does not implement SC Judgment in the case of SK Shukla in a uniform manner, even when the Chief Justice of India and Hon'ble P.M. has gone on record that Govt. must take positive steps in reducing litigation. But in NR Parmar's case, lot of enthusiasm is being shown to implement it, even without making any study on availability of data required for the same and deferring the already slated DPC for ITO to ACIT. This situation will only increase litigation and usher in an era of Ad-hocism in our Department, especially for our members. We must strongly protest against this.
- CHQ's stand to remain neutral is appreciable, as both PR & DR Inspectors, on becoming ITO are our members and we cannot be seen taking sides. Otherwise, it will adversely affect our united movement.

h. Gujarat Unit (Shri Vikaram Ratnoo – JS)

- Members of Gujarat are being targeted and portrayed as villains in CHQ Circular & Mails. The name of Sh. Virendra Kumar with designation has been mentioned, as if he is the only person who has made the application. In fact around 50 ITOs from Gujarat have made such application.
- CHQ must persuade and pressurize the Board to go ahead with DPC for ACIT. Gujarat is not against the DPC per se. Only dilemma is whether DPC should be before or after the implementation of the Order of SC in the case of NR Parmar and Gujarat Unit genuinely believe that if it is after the implementation, the chances of litigation or any stay order, will be comparatively less. In fact, there is confirmed information that members from other Units have also gone to CAT on this issue.
- Member (P)'s DO Letter to all CCsIT(CCA), makes it evident that CBDT is inclined to implement the said SC Order. ITGOA must demand that the implementation should be a time-bound exercise. DPC for ITO to ACIT can be held thereafter, which will be least contested in Courts. But, the said DO Letter has created some confusion in the field, as there is no clear directions from the Board on the implementation aspect, which is a must for a uniform application. Otherwise, every regions calculation of number of posts in ACIT to be kept vacant will not be correct and besides with implementation by other regions, there will be neutralizing effect. For eg. if only Gujarat region implements the order there will be around 50 ITO from Gujarat who are likely to be promoted and if all the regions implement the same, then around 12 ITOs of Gujarat will be likely to get ACIT promotion.
- Gujarat Unit is with CHQ, for any action to expedite the DPC. But, we have to introspect on the achievement from the agitation undertaken earlier and usually CBDT is against ITGOA and its demands. Hence, it is likely that even the demand for expeditious conduct of DPC will not be acceded, which means that we will be losers on both counts i.e. there will be delay in implementing the said order of SC and DPC will also be not immediately held.
- As regards implementation of the said SC Order, in this era of computers, there should not be any great difficulty. Gujarat has completed the exercise within 7 days and other regions can also do similar exercise in about 20 to 30 days time. CHQ must demand for retrospective implementation of the said SC Order and that too in a uniform manner, in the interest of equity and fairplay. There need not be any fear about loss of seniority in IRS Cadre, as the recruitment year concept laid down by SC in NR Parmar's judgment will ensure correct seniority in ACIT cadre.

i. Delhi Unit (Shri Baswa Nand – GS)

- As far as implementation of SC Order in the case of NR Parmar, there need not be a debate, as it will give justice to those who have been deprived earlier. But, the time schedule of 7 days or 20/30 days for doing the exercise, has to be considered with the procedure for finalizing Seniority List i.e. first a draft calling for objection has to be issued and reasonable time say 15 to 30 days time will have to be given, thereafter the objections will have to be disposed off and then final Seniority List has to be issued. Officers can go to CAT or Court at any stage, which will mean that the seniority list will be final only after the final order in that case. Further, even if there is problem in Seniority List of few regions, All India Seniority List of ITOs cannot be finalized, which will delay the promotion to the grade of ACIT and that will be against the interest of all our members.
- Practical difficulty faced at the time of holding DPC, in the form of non-availability of ACR/APAR (especially for part periods) and delay in getting Vigilance Clearance with Penalty Statements, also have to be considered, when we are demanding Review DPCs for 25/26 years.
- All our members have suffered for long due to delay in holding DPC for the grade of ACIT and many of our members have lost on their rightful promotion. Therefore, our main aim should be to expedite this DPC and there should be no fear of any reversion due to implementation of the SC Order in NR Parmar's case, as there are number of vacancies in the grade of ACIT out of promotion quota, which can be utilized for any adjustment later due to revision of seniority of Inspector & ITO.
- In retrospect, the withdrawal of agitation by the JCA in June 2012, on the assumption of office by the present Chairperson, appears to be a wrong move. ITGOA should have convinced our JCA Partners to continue the agitation, which would surely have solved some of our major issues including the present promotion.
- On the mode of agitation, members suggest indefinite strike out of emotions but to implement the same, it will require herculean efforts. Best form of agitation that will be successful, are non-submission of reports, boycott of official meetings, Gherao of Members on their official visits, etc.

j. Kerala Unit (Shri Jayadevan – Jt. Secretary of CHQ)

- On the issue of SC Order in NR Parmar's case, the immediate need of the hour is a little restraint and grace. Members must desist from propagating that a particular region is the worst affected and another region will be biggest beneficiary. In fact, although Kerala region will also be a beneficiary, because date of joining has been considered for determining the seniority of DR Inspectors there. Still, Kerala Unit has never made any statement like some members from other regions. Here, one aspect that has to be remembered is that in all regions there are both DR & PR Inspectors, so there cannot be any region which can say that their region will be the highest beneficiary of the SC Order, because in those regions the PR Inspectors views will be different.
- Although there need not be any doubts, whether the said order will be implemented or not, but we all must not close our eyes to the practicality and the enormity of the task at hand. The estimate that the exercise can be completed in 20/30 days is illusory, because already demands have surfaced from the PR Inspectors, who were DR UDC/Sr.TA to revise their seniority in their entry grade and revise their seniority in the grade of Inspectors, by holding review DPCs for the grade of Inspectors, before holding review DPC for the grade of ITO.
- Therefore, CBDT should come out with a clear-cut guidelines on all the aspect of implementing this SC Order i.e. the date from which it will be applied, the grades for which it will be applied and the modalities of holding review DPCs in different grades etc. Only then there will uniform implementation, which can stand the test of judicial scrutiny. For this, CBDT will also need to consult DoPT which is the nodal agency that lays down rules for Govt. Service. ITGOA in its turn must monitor the implementation, such that no injustice or arbitrariness is done.
- Hence, ITGOA's prime goal now, should be to expedite the deferred DPC for ACIT relating to RY 2012-13 and for this, if need be, we can also resort to agitation preferably under JCA or if need be under ITGOA also. Kerala Unit will implement all action call of the CHQ with full vigour & vitality.

k. A.P. Unit (Shri A. Sitarama Rao – President)

- DPC for ITO to ACIT must be our first and foremost priority and for any reason, if the same is delayed, then we must demand that no DPC must be held.
- Board is insensitive to the stagnation of ITOs, because not a single DR is affected.
- As a strategy to bring pressure on the Board, we must demand that only IAS Officers be appointed as Member- CBDT.

l. Shri Anantharaman N.V. Iyer (Treasurer – CHQ)

- There is no need to say anything on the SC Order in the case of NR Parmar, its implementation, difficulties faced due to ambiguity as to the date from which it is to be made effective, cadres/grades to which it is applicable, authentic data available etc., as much has already been deliberated upon.
- Before deciding on the strategies to be adopted for expediting the DPC, we must be aware of the mindset of the Board and that of our members on this issue. ITGOA (mainly CHQ) has always maintained that it will not take sides with different group or combination of its members, on any issues and will reiterate its appeal against any hurdle (in the form of prayer to CAT/Court/CBDT/UPSC) in conduct of DPC. Mentioning of name of a member, who wrote to UPSC against the DPC for ACIT, was not any attack or castigation on such member, but only as a sequence of events which led to deferring of the said DPC, which all members have a right to know. Further, it is to borne in mind that all DR Inspectors (who are now ITOs) alone do not constitute ITGOA, which has other members also.
- Sequence of events that led to deferring of the DPC to ACIT & thereafter, are :
 - 27-11-2012 - Hon'ble SC pronounces judgment in NR Parmar's case.
 - 29-11-2012 - Virendra Kumar writes to UPSC, against holding of DPC for ACIT.
 - 04-12-2012 - CCIT(CCA) Ahd. writes to CBDT on implementation of SC Order.
 - 05-12-2012 - UPSC forwards the said objection to CBDT & Calls for its views.
 - 10-12-2012 - CBDT refers the matter to DOPT, seeking its advice on the matter i.e. to go ahead with DPC subject to revision of seniority later or to instruct all CCIT(CCA) to revise seniority of ITI & ITO and till then to keep the DPC for ACIT in abeyance.
 - 14-12-2012 - DOPT in its reply states that the said SC Order is under examination and requires consultation with DoLA & UPSC. CBDT was advised to consult UPSC for the matter relating to ACIT Promotion.
 - 17-12-2012 - CBDT sought the advise of DoLA, so as to inform the present status to UPSC, before the said DPC for ACIT scheduled on 18-12-2012
 - 18-12-2012 - In the absence of any specific advise either from DoPT or DoLA, the DPC for ACIT was deferred.
 - 18-12-2012 - DoLA asked CBDT for full facts of the case & DoPT's advise.
 - 26-12-2012 - Member (P) writes a DO to all CCsIT (CCA) w.r.t implementation of SC Order in NR Parmar's case & its cascading effect on ITO seniority

- From the above, it emerges that firstly there is some confusion with regard to the implementation of the SC Order in the case of NR Parmar and secondly, CBDT is being extra cautious in the matter of ACIT promotion, for avoiding any charge of ‘Contempt of SC’.
- Therefore, for ensuring expeditious conduct of DPC for ITO to ACIT, firstly it will have to be demonstrated to CBDT, with facts & circumstances of the case and findings in the Order, that there will be no contempt of court, if DPC is held. If the CBDT drags its feet on the ACIT-Promotion, then strong agitational program either under JCA (if need be under ITGOA alone) will have to be held.
- Although some objections have been raised on the agency of DDoJ as Inspector for determining the All India Seniority of ITOs, it should not be forgotten that DDoJ was the only method by which All India Seniority of ITO could be determined, as the promotion to the grade of ITO consequent to Cadre Restructuring in 2001, was deemed to be on 18-6-2001 across the 18 regions in the country i.e. All the ITOs are promoted on the same day in the entire country and therefore their inter-se seniority based on their seniority in the feeder cadre i.e. Inspector, is not only logical but also the only legally feasible method and DDoJ as Inspector i.e. Date of Joining of the junior-most ITO of a particular promotion/year (irrespective of PR or DR Inspector) to all the ITO of that region, is to maintain the already determined regional inter-se seniority. Shri JB Singh’s suggestion (or demand) is for using the All-India ranking given by SSC, for determining the All India Seniority of ITOs who are promoted on same day i.e. 18-6-2001. But this claim has been refuted in the CBDT’s affidavit i.e. As the cadre of Inspector is not an All India one, the All India ranking which is there only for DR Inspector, who constitute only 1/3rd and the balance 2/3rd are PR Inspectors who do not have any All India Ranking. Besides, the waiting period for promotion to the grade of Inspectors are not uniform across the country and there are cases of Inspectors with inter-charge transfers whose seniority based on their All India Ranking given by SSC has no relevance. These facts have been explained even earlier and are highlighted again so that there is no misconception in this regard. If still there is any objection to DDoJ, then lack of a better viable alternative reduces the scope for any other method for determining All India Seniority of ITO of those promoted on 18-6-2001.

m. Written Opinion of Units which were not present physically :

T.N. & Pondy

Our stand should be to re-convene the deferred DPC. Waiting to give effect to SC judgement will not only delay our DPCs indefinitely but would also cause loss of seniority, loss of promotion & associated benefits to all concerned, including those who are likely to be promoted, regardless of the outcome of the implementation of the SC judgement, which is self-destructive. As stated earlier, either we stand to get both promotion and seniority OR stand to lose both. Our objective should be to see minimum damage in the overall context and thereby to pursue immediate re-convening of DPC.

At the same time, a clarification may also be sought from SC on the implementation, whether it shall be prospective or retrospective.

This stand of ours is despite the fact, that many of our members would find a place in the present DPC and would get promoted, if SC order is implemented.

However, we recommend a practical approach. We should also work on re-fixing seniority and on the conduct of review DPCs for ITIs, ITOs etc., without stalling DPCs.

Orissa

Board may be pressurized to conduct the deferred DPC immediately and the following agitational programmes may be resorted to.

1. Non-submission of all types of reports.
2. Non-participation in Survey, Search & Seizure operations till the DPC is held.

It was also decided that the Board may be pressurized to conduct DPC to regularize posts of JCIT and fill up of consequential vacancies.

Karnataka & Goa

Our views are :

- ITGOA cannot side with any group DR or PR as both are its members.
- We should leave to Govt to decide on implementation aspects or not of SC decision.
- Since many members may retire in the period till the issue is resolved, we should immediately impress upon CBDT to hold adhoc DPC and release promotion orders subject to Govt to decision on implementation aspects or not of the SC decision.
- Moreover since huge vacancies are already there in AC cadre and 2013-14 DPC also should be conducted there won't be any question of reversions
- We cannot embark on any sort of agitation either alone or under JCA on this single issue. Presently the mood of the members is not for any sort of agitation. We request CHQ to strongly work for getting the regular promotion. In case it is getting delayed, please pursue for getting adhoc promotions.

5. **Summing-up**

The President summed-up the discussions, as under :

- Emotions of those members from Gujarat who were engaged in the litigation upto SC level, is understandable. But, after today's discussions, the unanimous decision is that DPC for ITO to ACIT must go on and for this ITGOA will go all-out, either through negotiation or agitation. Sincere efforts will be taken to rope-in our JCA partners for the agitation and if need be, ITGOA will devise strategy for achieving our goal of early DPC.
- Member (P)'s DO Letter is only for doing the home-work for revision of seniority of Inspectors & consequentially seniority of ITOs and it is not a direction for implementation of the SC Order in the case of NR Parmar, which can be done only with a suitable OM from DoPT for the purpose. Hence, a clear-cut Instruction or OM from CBDT will have to be got and in this direction the CCIT (CCA) Ahd.'s letter seeking Board's direction for implementing the SC Order, may be borne in mind. **CBDT's letter dtd 22-2-2005** after filing CA in SC against Gujarat HC's order in the case of NR Parmar, will also be shown.
- ITGOA's demand will be for expeditious holding of DPC for ACIT and the promotions can be made expressly subject to review, based on revision of seniority of Inspectors and consequential effect on the seniority of ITOs.
- As for holding the said DPC, UPSC's approval is a must, which in turn would be looking forward to specific advice of DoPT and/or DoLA. ITGOA will follow-up with CBDT for getting the requisite advice and in this regard the matter will be raised in the meeting with Personnel Grievance Redressal Committee, which is scheduled for today at 3.00 PM. Here the attention of CBDT would be drawn to the **DOPT OM dated 30-3-1988**, which states that even when the seniority list is disputed, provisional regular DPC be held on the basis of existing seniority and consequent promotion be made subject to any revision.
- Of late the litigation have really increased and starting from ACIT promotion of 2007-08 to 2012-13, one or the other CAT/Court have granted stay. For eg. ACIT Promotion, of 2007-08 & 2008-09 in Sept./Oct. 2008 was stayed by CAT (Orissa), of 2009-10 in Sept./Oct. 2010 was stayed by CAT (Allahabad), of 2010-11 & 2011-12 was stayed by CAT (Mumbai) and then Mumbai HC and the present DPC has been deferred in the wake of SC Order in the case of NR Parmar. Although, ITGOA has never come in the way of any one's legal right of approaching CAT or Court, but its appeal to its members is as always, sincere request to such members, not to pray for any stay or bring any hurdle in the promotion process, as the ultimate loss will be to our members only, due to loss of seniority in the cadre of ACIT and the career prospects of our members in IRS.

The meeting then concluded at 07.00 P.M. on 08.01.2013.

Sd/-

**(RAJESH D. MENON)
SECRETARY GENERAL**