



I.T.G.O.A. ZINDABAD

Income Tax Gazetted Officers' Association

President

AJAY GOYAL

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Secretary General

BHASKAR BHATTACHARYA

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Circular No. 02

Dated: 03-03-2016

To

The Presidents/General Secretaries,

The Members,

All Units of ITGOA.

Dear Comrade,

1. The promotion from ITO to ACIT for the R.Y. 2014-15 requires to be held immediately. All out efforts are being made to complete the process immediately. The CHQ appealed to all its members vide Circular No. 01, dated 25-01-2016, to be restrained from asking for the stay on DPC in the Court of Law, but some of our members choose otherwise. The ITGOA impressed the CBDT that as recasting of seniority after the implementation of NRP Judgment would take some more time, as evident from the status of correct implementation of the Advisory issued by the CBDT in various charges, and as the Hon'ble FM, GOI, had approved the promotion of all ITOS upto 2003-04 by the 31-03-2016, the promotion in the cadre of ACIT for the R.Y.s 2014-15, 2015-16 & 2016-17 is to be held on the basis of the existing Seniority List subject to any revision of seniority as per the implementation of NRP verdict of the Hon'ble Supreme Court. The Hon'ble Revenue Secretary, GOI, was also appraised of the issue by the Central JCA, vide its letter dated 03-02-2016 (the copy of the letter is attached herewith), requesting him to intervene and impress upon the UPSC for speedy disposal of all the 3(three) DPCs within the timeline fixed by the Hon'ble FM, GOI.

In the mean time, the CAT, Pr. Bench, directed to intimate the Court before any step towards promotion from ITO to ACIT and accordingly, the CBDT has filed an affidavit before the Hon'ble Bench. Moreover, the UPSC had forwarded a final deficiency list in regard to the proposal of R.Y. 2014-15 to the CBDT. As almost all the deficiencies are to be replied by the CBDT itself and the concerned Sections/Directorates are working on it, 7(seven) deficient APARs (as attached along with) are yet to be collected from 4 regions which are being forwarded to the respective Pr. CCsIT and the Presidents/General Secretaries of ITGOA in those regions are putting all efforts to complete the deficiencies and send it to the CBDT. But unfortunately, as the corrected APARs in these 7(seven) cases are sent to the CBDT by post only instead of special messenger, we tend to lose some precious days/time before submitting the same to the UPSC.

2. The promotion from ITO to ACIT for the R.Y. 2015-16 has to be done immediately and as per the request of the CHQ, the Chairman, CBDT, had directed the DIT (PP, PR & OL) to prepare the grading of the officers in the consideration zone of the said proposal. But after many efforts, 38 deficiencies still exist which are required to be removed to prepare the proposal for DPC of R.Y. 2015-16 (the list, as updated on 02-03-2016, is attached herewith). All the Units are requested to remove the deficiencies immediately to help to prepare the proposal for the DPC.

3. In regard to the Implementation of NRP Judgment across the country, there are 6 regions who are yet to complete the job, namely the WB, Mumbai, Delhi, Bihar, Pune and UP(W) charges. At the instance of Central JCA, CBDT, vide letter dated 08-02-2016 has requested all the regions again to complete the job immediately. I, on behalf of the CHQ, request all these Units to expedite the implementation of NRP Judgment and complete the job as soon as possible. Among the 12 other regions who have completed the job, Nagpur, MP & CG and UP(E) Units are yet to send the list & data as required by the Jayadevan Committee, The letter of Com. Jayadevan in this relation dated 18-02-2016 is attached herewith and these 3 Units are requested to provide the required list/data to Jayadevan Committee positively by 05-03-2016. Moreover, the CBDT has asked the Pr.CCIT, Ahmedabad to revise the seniority list, as was sent by the charge, after the implementation of NRP Judgment. The Gujarat Unit may seek the advice and guidance of the Jayadevan Committee in revising the seniority list of that region following the Advisory of the CBDT.

The AP & T Unit had written a letter to the CHQ (attached along with) addressing the issue of NRP and the promotion from ITO to ACIT. The CHQ accepts the sentiment and the suggestions expressed in the letter with right earnest though the AP & T Unit is requested to correct some of the misinformation contained in the said letter.

4. The Regularization of 2003 batch in the cadre of JCIT is due for long and the NFSG of this batch was due on 01-01-2016. The proposal of DPC for the regularization of this batch will be submitted to the UPSC on 07-03-2016. But, a deficiency of 12(twelve) officers of this batch still exist, 8(eight) of which are members of ITGOA. The list of those officers, along with the deficiencies, is attached herewith and all the Units concerned are requested to remove the deficiencies immediately, with intimation to the CHQ.
5. For the promotion of the 2006/2007 batch officers in the cadre of JCIT, the ITGOA impressed the CBDT to hold an early DPC. But some of the deficiencies of the officers of this batch still exist. The Units of ITGOA and the concerned officers are requested to remove the same and send the complete APARs to the HRD, CBDT, within this week so that their names are considered while the DPC is done.
6. The promotion for the left-out officers of the 2010 batch was done on 18-02-2016 (the order is attached herewith). The 2011 batch officers are due for promotion to the cadre of DCIT as on 01-04-2016 and the proposal for DPC has already been sent to the CBDT by the concerned Directorate. But the deficiency of so many officers is still there which were circulated by the CHQ on 26-02-2016 (attached again herewith). I do request all Units to remove the deficiencies immediately so that all these officers are promoted to the cadre of DCIT as early as possible.
7. A corrigendum of the Advisory to the NRP Implementation was demanded by the ITGOA as per the decision of the MCM at Chandigarh. The proposal for corrigendum was submitted by the ITGOA on 14-10-2015 and the HRD, CBDT, has given its reply denying our proposal on 29-01-2016 which reached us very late. The copy of the reply of CBDT is attached herewith and all the UNITS are requested to give their view/opinion in presenting our view again to the CBDT. The suggestions may be forwarded to Sri Aravind Trivedi(07599101090), Addl. Secretary General, ITGOA, in trivediaravind@yahoo.co.in.
8. The Committee for Amendment in the T & P Guidelines, 2010, was formed by the CBDT on 13-08-2015. Further, few new members were adopted in the said Committee due to the retirement/transfer of some of the members. Despite the fact that several meetings of the Committee were held, yet all the issues were not settled. Hence, the ITGOA demanded a meeting of the Committee to finalise the proposal. Accordingly, the T & P Guidelines Committee had invited the representatives of the ITGOA & ITEF in a meeting on 02-03-2016. Sri Aravind Trivedi, Addl. Secretary General, ITGOA, attended the same on behalf of the ITGOA. All the issues and representations of ITGOA/ITEF were discussed again. The Committee has decided to meet again before finalising its recommendation.

The CBDT has circulated the Mandatory/review Lists for the AGT, 2016. All our members are requested to check whether his/her names are rightly placed in the said lists or not and the CHQ may be informed immediately in case of any anomaly. The information may be sent to Sri S. Chandramouli (09445960137) Asstt. Secretary, ITGOA, at cmitgoa@gmail.com and/or Sri Vijander Kumar (09530796307), Zonal Secretary(North), ITGOA, at vijanderk@gmail.com.

9. The Court case in regard to the Gr. Pay of the AO/PS members has been heard in the CAT, Pr. Bench on 01-03- 2016 wherein, the Department has filed an affidavit. After accepting the affidavit, the Hon'ble Court has given the next date for final argument on 28-03-2016.
10. The Central JCA convened a meeting at New Delhi on 02-03-2016. The NJCA has given a call for Indefinite Strike action from 11-04-2016 against the retrograde recommendations of the 7th CPC and the ITEF, as one of the constituents of Confederation of Central Govt. Workers and Employees, will actively take part in the said Strike. The ITEF has requested the ITGOA to participate and join in the said Strike action of all Central Govt. workers and employees vide its letter dated 01-03-2016. On behalf of the CHQ, ITGOA, I request all Units of ITGOA to deliberate on the issue and intimate the sentiment/opinion of the respective Units regarding our participation in the Indefinite Strike action from 11-04-2016 to the CHQ by 09-03-2016 (the letter of ITEF dated 01-03-2016 is attached herewith).
Decision regarding agitation in the banner of JCA has also been taken to protest the inaction of the Department in presenting the anomalies detected in the 7th CPC Report to the appointed Committee of the GOI and the delay in promotion in the cadre of ACIT even after the sanction of the Hon'ble FM, GOI, etc. The Circular of Central JCA follows separately.
11. The Organizations/Associations of the Central Govt. Officers, under the banner of CCGGOO, convened a day- long Dharna, on 25-02-2016 at the Jantar-Mantar, New Delhi. The Dharna was a success with the participation of all 23(twenty-three) constituents of CCGGOO. Memorandum was submitted before the Deputy Speaker, Lower House of Parliament, and also to the Cabinet Secretary, GOI, on the same day.
The Implementation Cell formed by the Govt. for considering the views of various Departments and Service Associations in regard to the 7th CPC Report invited the CCGGOO in a meeting on 24-02-2016 and a delegation of CCGGOO met the JS(Expenditure), GOI. The meeting continued for more than an hour and all the issues relating to the Gr. B & Promottee Gr. A officers were discussed in it. The detail of the meeting will be communicated through CCGGOO Circular.

At the end, I take the opportunity to request all the members of CHQ to make them available in the Head- quarter, may be on rotation, to help pursuing the issues at the right place and at the right time.

With warm regards,

Yours comradely,



(Bhaskar Bhattacharya)
Secretary General

Deficiency List for vacancy year 2014-15

S. No.	New Seniority List No.	Name of the Officer Smt./Shri	Region	Cat.	Date of Birth	Period	Remarks
1	2	GIRISH AGARWAL	MP	GEN	9/5/1965	2007-08 & 2008-09	ACR for the period 2007-08 and 2008-09 has not been reviewed. 'No Review Certificates' for each years are required.
2	38	P.K.SAXENA	MP	GEN	13/07/1963	2008-09 (01.04.08 to 27.07.08)	No APAR
3	188	HARISH KUMAR	UP (W)	GEN	06/03/1969	2011-12 (photocopy)	Original or Attested photocopy of the APAR required (in case of photocopy, then kindly ensure that each page of ACR/APAR must be attested)
4	296	SUKHDEV SINGH MANGAT	MUMBAI	GEN	08/02/1969	01.04.2012 to 27.09.12	The CCIT, (CCA), Mumbai letter dtd 09.09.14 has intimated that No APAR Certificate for the period 01.04.12 to 06.09.12 issued but "No APAR Certificate" not enclosed with the letter.
5	349	AJAY KUMAR CHAUDHARY	PATNA	SC	25/09/1963	2012-13 (photocopy)	Original or Attested photocopy of the APAR required (in case of photocopy, then kindly ensure that each page of ACR/APAR must be attested)
6	445	AJAY KUMAR VIRAH	MP	SC	21/08/1967	2006-07	Original or Attested photocopy of the APAR required (in case of photocopy, then kindly ensure that each page of ACR/APAR must be attested.
7	578	TULENDRA NATH SAIKIA	NER	ST	01/06/1958	26.11.2012 to 31.03.2013 (photocopy)	Original or Attested photocopy of the APAR required (in case of photocopy, then kindly ensure that each page of ACR/APAR must be attested.

Note: Have been FAXed to all regions.

S. No.	New Seniority List No.	Name of the Officer Smt./Sir	Region	Cat.	Date of Birth	DATE OF JOINING	Required ACRs/APARs for the period	Remarks
1	362	SANDIP GANGULY	WEST BENGAL	GEN	15/01/1969	18/05/2001	2013-14	
2	368	SWAPAN KUMAR MONDAL	WEST BENGAL	GEN	27/12/1965	18/05/2001	2013-14 (21.12.13 to 31.03.14) No APAR	
3	459	SUDRATO GOSWAMI	WEST BENGAL	GEN	08/5/1969	2/25/2003	2010-11 (April. 10 to Nov., 10) No APAR & 2011-12 (i.e. 01.04.11 to 09.08.11) No APAR & 2012-13 & 2013-14	
4	474	AMIT KUMAR ROY	WEST BENGAL	GEN	11/12/1956	2/25/2003	2010-11	
5	493	RAMAN KUMAR VERMA	WEST BENGAL	GEN	7/1/1973	2/25/2003	2013-14 (i.e. 01.04.13 to 30.09.13) No APAR	
6	715	Roshan Lakra	WEST BENGAL	SC	01.07.1969	17.12.2004	2013-14	
7	736	ANUP KUMAR MONDAL	WEST BENGAL	SC	3/6/1964	5/2/2005	2013-14 (i.e. 01.04.13 to 04.07.13) No APAR	



INCOME TAX GAZETTED OFFICERS ASSOCIATION

(Andhra Pradesh & Telangana Unit)

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K.M. Lakshman Kumar (TPY)
P. Satya Prasad (KNL)
Pramod Kumar Singh (KNL)

Date : 19.02.2016

To

The Secretary General,
Income-tax Gazetted Officers Association,
New Delhi.

Dear Comrade,

Please refer to your SMS communication dated 15.02.2016 to CHQ members. On behalf of ITGOA, AP&TS members, I profusely thank you for updating us on the burning issue of DPC for ITO to ACIT.

We understand the following from the said message sent:

- That the proposal for R.Y 2014-15 is pending with UPSC and they wanted CBDT to appraise about pending court cases.
- Accordingly, the US, AD-VI was directed to appraise the JS (UPSC) on the interim order dated 11.02.2016 of CAT (PB), Delhi on the MA filed by Mr. Barad & others.
- As per the CAT (PB) order, the CBDT is required to appraise the CAT (PB) about any DPC proposal for the grade of ACIT, in the form of affidavit.
- As conduct of DPC is not cleared by Courts, there is a big question mark in the conduct of said DPC either regular or adhoc.

- The Chairman, CBDT directed for preparation of DPC proposal for RY 2015-16 and also put up deficiency list for RY 2016-17.
- The grading for regularization of JCIT of 2003 batch has been done.

2. The Executive Committee of ITGOA, AP&TS Unit has taken stock of the present situation as appraised by the Secretary General and it has been decided to communicate as under:

2.1 It is seen from the interim order dt.11-02-2016 of CAT (PB), Delhi that the senior standing counsel sought further four weeks to file reply and ***also submitted that while taking any further step towards promotion to the post of ACIT the respondent no.2 shall appraise the tribunal about the same.*** When the senior standing counsel suomoto gives undertaking to inform the CAT, there is no second opinion that an affidavit has to be filed by the Board. If CAT allows the prayer of the petitioners for revision of All India seniority and then conduct of DPC, then there will be no possibility of DPC with the existing seniority list. In this back ground **it is very important that NRP implementation is done expeditiously** and revised lists are submitted to the Board at the earliest.

2.2 Comrade Jayadevan Committee was constituted to check uniformity in implementation of NRP by all the units. The Committee be supplied with the revised seniority list of each region without any further loss of time. We were surprised to know from Comrade Jayadevan that so far he has received data from 6 regions only Viz., Kerala, NWR, KTK&Goa, AP&TS, Gujarat and Orissa. We have contacted all the other Units and came to know that the implementation of NRP has been completed in 7 other regions also Viz., Rajasthan, NER, Nagpur, UP (East), Tamil Nadu, Pune and MP &Chattisgarh but data has not been submitted to Com. Jayadevan. We need not emphasise that these 7 regions include the regions of two All India Vice Presidents and two All India Joint Secretaries. Further, we found that implementation has been completed up to the level of Inspectors in Mumbai and Bihar regions and the revised seniority lists have been published. With this NRP has been totally implemented in **13 out of 18 Regions** and in two other Regions it will be completed soon. **Today, we have spoken to the office bearers of all the above 7 Units and requested them to submit the revised seniority lists to Com Jayadevan.**

2.3 When all over India, there is a positive response from 15 Regions, it is not understood **why the same is not being done in regions like Delhi, West Bengal and UP (West) which belongs to our All India President, Secretary General and Addl. Secretary.** The CHQ chose to bring to the notice of everyone about the infirmities in the Gujarat revision, by releasing the interim report of Jayadevan Committee addressed to ITGOA-CHQ. The same was highlighted to the CBDT, who in turn issued letter to Pr. CCIT, Gujarat for examining and revising their seniority list. Our Unit wants to know, whether CHQ has at any point of time brought to the notice of the Board about the above three erring Pr. CCsIT of Delhi, W.B. & UP-W who have not implemented NRP till date & any specific letter was written by the Board to the respective Pr. CCsIT.

2.4 It is needless to emphasize that the Implementation of NRP, strictly as per the Board advisory is the need of the hour. We all know some of the Comrades from Gujarat have approached CAT (PB), Delhi for revision of their All India Seniority. Similarly, Ernakulum CAT was approached. As the NRP has been implemented in many regions, it is but natural for others to follow suit, if the all India seniority list is not revised. We therefore, feel that it is the duty of the CHQ to ensure speedy implementation of NRP in all regions. But, we feel disappointed that CHQ is found wanting in its efforts to ensure the same. **Doubts have been raised from many quarters & in many forums i.e. whether CHQ is at all, serious about implementation of NRP,** as is evident from the progress of implementation from Delhi, WB and UP (West). May we request the CHQ to clear the doubts in our minds.

3. I, on behalf of 520+ members of ITGOA, AP & TS Unit, fervently appeal to the All India President, Secretary General and Addl. Secretary to take up this issue seriously and **ensure implementation of NRP, strictly as per the advisory issued by CBDT** which is going to have impact on the career prospects of our entire promote officers, who have reposed tremendous confidence in the BGM and allowed your team to form the CHQ of ITGOA for a second term without any opposition. **You are requested to please reinforce confidence in members that they are in safe and unbiased hands.** At the same breath, I also request the other office bearers to submit the data of their regions to Comrade Jayadevan Committee and you, as Secretary General has to ensure this.

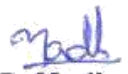
4. Frustration amongst members of ITGOA is spreading across the entire country mainly due to the stagnation in the grade of ITO which is touching an all time high of 15

years and they are steadily losing confidence in the Association's capacity to redeem from this crisis situation. Any failure now, would compromise the identity of ITGOA as a whole and its very existence because no Service Association can exist in true sense where its members are utterly disillusioned. For ITGOA, promotion from ITO to ACIT is the most important aspect, as it is the entry point to Group 'A' and presently there is a systematic strategy to delay our member's entry therein so that they do not have scope to advance to the supervisory grades i.e. JCIT & above.

5. As Secretary General, it is your bounden duty to take along, all the Units of ITGOA & its members and resolve even minor differences between them rather than allowing these differences to reach the level of irreconcilable conflict. You are requested to take remedial actions, if need be, under the platform of JCA so as to pressurize the CBDT to hold the regular DPC for promotion of ITO to ACIT for RYs 2014-15, 2015-16 & 2016-17 and reduce the stagnation level to some extent.

With fraternal greetings,

Comradely Yours,


(P. Madhu)

General Secretary, AP & TS Unit.



JOINT COUNCIL OF ACTION
INCOME TAX EMPLOYEES FEDERATION &
INCOME TAX GAZETTED OFFICERS' ASSOCIATION
A-2/95, Manishinath Bhawan, Rajouri Garden, New Delhi-110 027



Joint Convenors :

Rupak Sarkar
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No. N-1/2015-16
February, 2016

Dated: 03rd

To,
The Hon'ble Revenue Secretary,
Govt. of India,
New Delhi.

Respected Sir,

Sub: Promotion to the cadre of ACIT and Relaxation of "mandatory stay" in the cadres of Administrative Officer and Tax Assistant for promotion to the higher cadres- matter regarding.

Kindly refer to the above.

This has with reference to the above mentioned subject, we would like to bring to your kind notice that as per your desire and assurance conveyed in the meeting with the JCA on 03.11.2015, the agitational programme in the Income Tax Department was immediately suspended. We would also like to remind you that following the instruction given by you, the CBDT had submitted a proposal of promoting all the ITOs till the R.Y. 2003-04 in the cadre of ACIT in the DPCs for the R.Y.s 2014-15, 2015-16 & 2016-17 and to complete all DPCs by 31-03-2016 and the Hon'ble FM, GOI, had given his kind consent to the proposal on 02-12-2015. Accordingly, the CBDT had sent the proposal of DPC for 200 officers for the R.Y. 2014-15 to the UPSC on 10-12-2015, which is still pending.

It is our apprehension that without your direct supervision the CBDT will not be able to secure an early date of DPC for the R.Y. 2014-15 from the UPSC. The much delay has already increased the frustration amongst the officers in the Department. It is our belief that your kind intervention will definitely help for an early DPC for the R.Y. 2014-15 thereby reducing the level of frustration and also to hold the DPCs for the R.Y.s 2015-16 & 2016-17.

In view of the above narrated facts, we would like to solicit your kind intervention for early DPC for the R.Y. 2014-15. We are sure that the same will also definitely help to hold the other two DPCs within 31.03.2016.

Also, the issue of relaxation in the required statutory stay in the cadres of Administrative Officer and Tax Assistant for promotion to the higher cadres are still pending. Your kind direction in this matter may settle the issue and the vacant posts in the cadres of Pr.AO and Sr.TA may be filled up immediately.

We would remain ever-grateful if you allow us a short hearing in relation to the above mentioned issues.

This is for your kind consideration and necessary action.

Yours sincerely

(Bhaskar Bhattacharya)

(Rupak Sarkar)
Joint Convenors

Dear Comrades

Please refer to the earlier communication regarding the formation speedy and uniform implementation of NRP judgment and my first reminder

In this regard ,The General Secretaries of the units where the implementation is completed were requested to send me a copy of the pre-revised and revised seniority list of ITIs and ITOs of their charge for the Recruitment Year from 1986-87 to 2012-13 along with the copies of the minutes of the revised DPCs.

It is regretted to state that most of the units have not responded to the request so far. I have received the list only from the following units. These lists are also incomplete and the details are given as under.

Sl No	Unit	Details sent	Details required
1	Gujarat	Revised lists of ITO and ITI along with minutes	Pre-revised list of ITO and ITI
2	Kerala	Revised and pre-revised lists and minutes	
3	Karnataka	Revised lists of ITO and ITI along with minutes	Pre-revised list of ITO and ITI
4	AP and TS	Revised lists of ITO and ITI along with minutes	Pre-revised list of ITO and ITI(Year of exam may be specified in ITIs list)
5	Orissa	Revised lists of ITO(from 1994-95 to 2008-09) and ITI along with minutes	Pre-revised list of ITO and ITI and revised list of ITOs for the remaining period(Year of exam may be specified in ITIs list)
6	NWR	Revised lists of ITO and ITI along with minutes	Pre-revised list of ITO and ITI
7	TN	Revised lists of ITO and minutes	Revised list of ITIs and Pre-revised list of ITO and ITI
8	Pune	Draft list of ITI 2001-02 onwards	Revised final lists of ITO and ITI along with minutes. Pre-revised list of ITO and ITI

The revised seniority list of Inspectors is most important because the NRP decision is to be implemented in the cadre of ITIs first. It is also requested to specify the RY of the promotions, Year of Exam of the DR ITIs and date of joining of the Interchange transferees/compassionate appointments/Sports quota/Inter-department transfer/Surplus Cell appointments etc.

It is also requested to intimate me the principles followed by their charge in interspersing the Inter Charge transferees .A copy of the lists may also be sent in excel format. A common format in this regard was circulated

The pre-revised list of ITOs is also required to verify the number of promotions done in the respective RYs as certain units have raised doubts about the distribution of vacancies for the RY 2000-01 and 2001-02 (please clarify the discrepancies in this regard in the light of letter vide F.No.A-32013/2/2002-Ad. VI dated 21/02/2002 in which vacancies arisen in ITO cadre on account of promotion to the grade of ACsIT was communicated by the CBDT bifurcating the same for all CCIT (CCA) charges for vacancy year 2000-01 and 2001-2002).

TN, NER and MP units have intimated that the list will be sent to me in another two days. West Bengal intimated that the list will be ready in another two weeks. No response has been received from Delhi, Mumbai, UP(W), UP(E), Bihar, Nagpur and Rajasthan.

Yours faithfully,

V M Jayadevan

18-02-2016

INCOME TAX EMPLOYEES FEDERATION



Since 1953

CENTRAL HEADQUARTERS

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President: Ashok Kr. Kanojia
090138 50795

Secretary General: Rupak Sarkar
098021 98000

No. M-12/2015-18

Dated, 1st

March, 2016.

Dear Comrade,

Sub: Indefinite Strike from 11th April, 2016 on the call of NJCA – participation -

The entire Central Govt. employees and officers are totally disappointed and dissatisfied with the adverse recommendation of the 7th CPC. The National JCA of Central Govt. Employees in its meeting held on 8th February, 2016 had unanimously decided to fight back against the adverse and retrograde recommendations. Accordingly the NJCA has decided to go on indefinite strike action from 6 am of 11th April, 2016. The strike notice will be served on 11th March, 2016 to the Cabinet Secretariat of Govt. of India and all head of the Department.

You may recall that when the affiliates of the Confederation of Central Govt. employees organised a one-day strike on 12.12.2012 & 2nd September, 2015 on the 15 point charter of demands, your organisation graciously decided to join the strike action demanding inter-alia, VII-Pay Commission, Merger of DA etc. and your organisation also decided to give moral support in the strike action on 21st & 22nd February, 2013 on the same demands.

The Secretariat taking into consideration the joint movement by our two federations, decided to solicit the participation of ITGOA in the indefinite strike from 11th April, 2016, as per call of NJCA and acknowledged by the Confederation of Central Govt. Employees in its meeting held on 12th February, 2016. To maintain our unity, we request you to kindly explore the possibilities of your Association for joining the said action programme.

With fraternal greetings,

Yours Comradely,

(Rupak Sarkar)

Secretary General

To
Com. Bhaskar Bhattacharya,
Secretary General,
Income Tax Gazetted Officers Association,
New Delhi.

To

The Secretary General
M/s ITGOA
A-2/95, Manishinath Bhawan, Rajouri Garden
New Delhi – 110 027.

Sir

Subject :- Implementation of decision of the Hon'ble Supreme Court in the case of Union of India vs. N.R. Parmar & Ors. (CA No. 7514-7515 & ors.) – Issue of advisory – correction thereof - reg.-

Please refer to your letters dated 14.10.2015 & 10.12.22015 wherein certain issues have been raised in connection with the advisories issued by HRD and seeking amendments and corrections to the same.

2. In this connection, I am directed to state that all the issues raised by the ITGOA had been discussed threadbare before issuance of the Advisories. It is pertinent to mention here that the ITGOA and ITEF had been taken on board before the said issues were thrashed out. Meetings were held by DGIT (HRD) where various issues were identified as being contentious and which required clarity, were discussed.

3. However, since the issues have again been raised, clarification to the same is brought out below:

Sl No.	Issues raised by in the representation dated 14.10.15	Clarification/Response
1	Examination Year 1991: The issue raised was that till the vacancy year 1991-92, the CCsIT (CCA) were requisitioning directly to the SSC. It has been assumed in the representation that the examination of 1991 must have been held for the direct recruitment to be made for vacancy year 1991-92 itself. Hence any DPC conducted in 1991-92 for examination held in 1991 would have been sent directly by the CCsIT (CCA) to SSC. It has thus been demanded that the CCIT (CCA) may be directed to utilize the date of requisition letter sent by them to SSC against the Inspectors recruited through 1991 examination in order to determine their correct recruitment year. In this connection the reliance placed in the	The said issue was already discussed in the meeting held with DGIT (HRD) on 05.12.2013 and 11.12.2013, in which ITEF and ITGOA had participated. It was unanimously agreed that the year of exam is not relevant for determining seniority. It would be used only as a point of reference for linking/identifying successful candidates to their respective year of requisition and vacancy year. The dossiers received from SSC in respect of the successful candidates mention the year of the SSC examination only. On the other hand the requisition letters normally mention the year of examination, vacancy year and requisition date. Therefore it is necessary to create a link between the Exam Year and the date of requisition in order to

	<p>Advisory dated 7.11.14 of letter of SSC forwarding the dossiers to CCIT, Ahmedabad has been questioned.</p>	<p>determine the year of seniority of any selected candidate. Further CBDT letter issued vide F. No. A-1 2012/2/92-AD VII dated 30.01.1992 clearly mentions the vacancy year as <u>1.3.1992 to 28.2.1993</u>, i.e VY 1992-93 for the examination held in 1991. It was further directed that intimation of vacancy in the grade of Income Tax Inspector in the prescribed proforma be sent to the CBDT and not to the Staff Selection Commission as henceforth. Accordingly in Annexure 1 to the Advisory dated 7.11.14 at the remarks column to Sl.no 7 it was clarified as below:</p> <p><i>“Letter to SSC not available. However, the letter of SSC forwarding the dossiers to CCIT, Ahmedabad, mentions the CBDT letter no. A-12021/2/92/AD VII dated 03.06.1992”.</i></p> <p>From vacancy year 1992-93 onwards, centralized requisition was made by CBDT (AD VII section) to SSC. Hence seniority of DRs for the examination held by SSC in 1991 against vacancy year 1992-93 was denoted as 1992-93 in the Advisory.</p> <p>In view of the above there is no necessity to issue any further direction in this regard to the Pr. CsCIT (CCA).</p>
2	<p><u>Examination Year 1993:</u> The issue raised was that the SSC Examination of 1993 was conducted for appointment by way of direct recruitment against vacancies of Income Tax Inspectors of the year 1993-94. Therefore, the assignment of the recruitment year 1994-95 against the Inspectors recruited through the Examination of 1993 in the Advisory is contrary to the</p>	<p>At sl. No 1 of the Annexure 1 to the Advisory dated 7.11.14 it was clearly brought out that the ratio of Apex Court’s judgement is clear that the seniority of the DR would arise from the year in which the requisition has been sent to SSC. In the meeting held with DGIT (HRD) on 03.12.2013 and 11.12.2013, in which ITEF and ITGOA had participated, it was unanimously agreed</p>

	<p>judgement of the Hon'ble Supreme Court. Revision of the Advisory sought to the extent that the Inspectors recruited through the examination year 1993 be placed in the recruitment year 1993-94, instead of 1994-95.</p>	<p>that the year of exam is not relevant for determining seniority. It would be only used as a point of reference for linking/identifying successful candidates to their respective year of requisition and vacancy year. For the examination held by SSC in the year 1992 the vacancy period was from <u>1.3.1993</u> to <u>28.2.1994</u> i.e. VY 1993-94. This is amply clear from CBDT letter issued vide F. No. A-12021/1/93-AD. VII dated 20.01.1993. The requisition for the examination of 1993 was sent to SSC on 27.07.1994. Hence seniority of DRs for the examination held by SSC in 1993 against vacancy year 1994-95 was denoted as 1994-95 in the Advisory. That the vacancy year is 1994-95 for the examination conducted in 1993 is also clear from the letter of CBDT written to the CCsIT (CCA), a sample copy of letter written to CCIT, Bangalore vide CBDT letter dated 31-05-1994 is enclosed. No letter of CBDT to SSC showing that the requisition was made in the F.Y. 1993-94 has been provided by ITEF.</p> <p>In view of the above there is no deviation from the judgement of the Apex Court.</p>
3	<p><u>Examination Year 1995:</u> The issue raised for this year relates to the examination of 1995. Originally the requisition for vacancy year 1996-97 was sent to SSC on 26.06.1996. In some of the regions the examination was cancelled and a re-examination held on 7.3.99. Accordingly for these regions a requisition was sent to SSC on 7.6.99. Due to this, seniority for those DRs in whose case requisition was sent in 1996 was shown in the Advisory as 1996-97 and for those DRs whose requisition was sent in 7.3.99 the seniority was</p>	<p>The said issue had been brought to the notice of the CBDT by the Staff Associations viz. ITGOA and ITEF as well as the field formations earlier also. After detailed deliberations and with the approval of Member (P&V) and Chairperson, CBDT, corrigendum vide Advisory dated 16.1.2015 was issued. This has been brought out very elaborately at point no. 4 of the Advisory dated 16.1.2015 and sl. No 11 of the Annexure 1 of the Advisory. The requisition dated 7.3.1999 was a fresh requisition sent to SSC which supersedes</p>

	<p>shown as 1999-2000. This was discriminatory as candidates from these regions where re-examination took place and requisition sent in 1999 would lose their right of seniority which would have been assigned to them had the original requisition dated 26.06.1996 been taken in their case. Revision of the Advisory dated 16.1.2015 sought to the extent all the candidates be placed in the same recruitment year i.e. 1996-97.</p>	<p>the earlier requisition for the relevant regions. It is also noteworthy that in the grades of ITI, there is no All India seniority list. Every region is an independent cadre region, and there is no question of any discrimination between the CCA Region on this account and cannot be equated with the requisition sent earlier on 26.06.1996.</p>
4	<p><u>Examination Year 1996 & 1999:</u>The issue raised relates to the letter of requisitions sent to SSC for Examination held in 1996 and 1999. It has been contended that the requisition for 1999 examination was sent on 15.02.2000 and the requisition for 1996 examination was sent in 1996 itself. Accordingly amendment has been sought in the Advisory dated 16.01.2015.</p>	<p>In the Advisory dated 07.11.2014 & 16.01.2015 for VY 1997-98 the date of requisition letter was shown as 28.11.2001, hence as per the ratio of the Apex Court decision in the NR Parmar case the seniority of the DRs was taken as 2001-02. Similarly for VY 1998-99 & 1999-2000 the letter of requisition was dated 10.08.2001 and the seniority was denoted as 2001-02. The letter dated 15.02.2000 was a tentative requisition that was sent to SSC for CGLE-1999. This is amply clear from the CBDT letter dated 10.08.2001, wherein it has been clearly indicated at para 2 as below:</p> <p><i>“ The vacancy position of Inspectors of Income Tax, as intimated to you vide letter No A-12021/14/99-AD VII dated 15.2.2000, has undergone some changes due to various reasons. The position has been reconciled and the latest vacancy position is indicated in the annexure enclosed”. No recruitment has been undertaken on the basis of the tentative vacancy letter dated 15.2.2000.</i></p> <p>Based on the above, the Advisory had considered the definitive requisition letter dated 10.08.2001 for the purpose of arriving at the Recruitment year/ Seniority of DRs for VY 1998-99 & 1999-</p>

		<p>2000.</p> <p>Similarly for VY 1997-98, requisition letter was dated 28.11.2001 for which the year of seniority was correctly taken as 2001-02 in the Advisory. No reference of any requisition sent in 1996 has been made in the letter of JCA.</p>
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4. The issues raised in your representation dated 10.12.2015 for the examination year has already been discussed in the table above. In view of the discussion made at sl.no 2 above, I am directed to state that it is amply clear that for examination year 1992, the Recruitment year was 1993-94.

5. Regarding Examination year 2009 & 2010, the issue raised had been discussed threadbare before the issue of Advisories. However, since the issue has again been raised, clarification to the same in tabular form is brought out below:

Sl. No	Issues raised in the representation dated 10.12.15	Clarification/Response
1.	The issue raised was that since no Examination was held by SSC in the year 2009, how to determine the inter se seniority of candidates pertaining to selections for VY 2009-10 and selections for VY 2010-11. In this context it has been requested that the relative merit/rank secured in CGLE 2010 be taken for determination of seniority.	The requisition for 2009 exam was sent to SSC vide letter dated 21.01.2010. The enclosure to the letter very clearly mentions that the vacancies are for RY 2009-10 .In the letter of DoPT dated 15 th January, 2010, mentioned in the letter dated 21.01.2010, the RY has been clearly mentioned as 2009-10 .In the CBDT letter No. A-12021/37/2009-AD. VII dated 11.11.2009,calling for vacancy position, it has been clearly mentioned that the Examination was for 2009. Similarly in the requisition letter dated 27.10.2010,it has been mentioned that the examination is for 2010. No further information, at the time of issuance of the Advisories, regarding the examination being cancelled for the year 2009 was available with HRD. However even otherwise it would not make any material difference to the Advisory issued for VY 2009-10 & 2010-11. Considering the dates of the requisition letters, Sl. No 19 of Annexure 1 clearly

		<p>states that selections of vacancy year 2009-10 would get seniority over selections for vacancy year 2010-11. It is but obvious that if combined dossiers are sent by SSC for two vacancy years then the relative merit in the SSC exams would be relevant for deciding the seniority. In fact many Pr. CCIT regions are already following this principle at the time of deciding the inter se seniority.</p>
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Deficiency List of 2003 batch officers as on 02-03-2016

Sl. No.	Name of the officers	Civil Code No.	Deficiency Period	Region of deficiency	Present posting
1.	Sanjeev Ghai	02533	05.07.11 to 31.03.12	Delhi	Pune
2.	A. B. Koli	02596	01.04.09 to 31.08.09	Mumbai	TN & P
3.	N. Murmu	02602	2011-12 & 2010-11	WB	Bihar & J
4.	Satish Kumar	03511-A	2011-12	NWR	UP(E)
5.	Adarsh Kumar Taneja	03513	ALL PERIOD	Delhi	Retired on 31.05.2014
6.	Rakesh Tripathi	03536	01.04.09 to 31.07.09	UP (W)	Retired on 28.02.2015
7.	Anil Kumar Sharma	03537	2011-12	UP(W)	UP(W)
8.	C. P. Singh	03551	2011-12, 01.04.09 to 30.06.09 & 01.04.08 to 27.11.08	Delhi	Delhi