



# JOINT COUNCIL OF ACTION OF

## INCOME TAX EMPLOYEES FEDERATION & INCOME TAX GAZETTED OFFICERS ASSOCIATION

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Joint Convenors

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No. N-1/2015-16

Dated: 29<sup>th</sup> September, 2015

### **Amendments in the Minutes of the Meeting with JCA on 16-09-2015 under the Chairmanship of Member (P&V) in the Conference Hall, DGIT(HRD).**

The point-wise amendments/insertions, to be made in the Minutes circulated, are given below:

**1. Promotions in the cadre of ACIT, for all regular and CRCs vacancies and upto R.Y. 2015-16 are to be given immediately.**

1.1.(a) The observation / findings/ contention of the CBDT that the practice being followed by CBDT / Ad VI since R.Y. 2010-11 was considering the vacancies of ACIT cadre only was not correct.

(b) As any register of vacancy was never maintained by the Department, the excess/shortage of DR/PR officers could not be ascertained on the basis of data of last few R.Y.s. The data for all the R.Y.s from the time the quota of DR/PR was initiated, along with various decisions/instructions of the GOI time to time restricting Direct recruitments to a specified percentage of total vacancy in the austerity measure drives, are to be taken into consideration to arrive at the figure of excess/shortage of DR/PR, which has not been done by the Department. So, the claim of excess of PR officers recruited from 2005 cannot be taken into consideration for calculation of vacancy in the cadre of ACIT.

(c) If the DoPT has determined 150 as the desirable number of DR to the cadre of ACIT, it is due to the clear understanding that the DR in a particular year must not exceed 3% of the cadre strength. How can that be the basis for determining

promotion quota as no promotee officer is likely to rise beyond the level of Addl. CIT?

It is pertinent to mention here that the CBDT took care of the STS cadre in the Cadre-restructuring and ensured that there would not be any stagnation for promotion to the JAG and every officer in STS got their due promotion in the cadre of JAG immediately after completing the mandatory residency in STS. But the cadre of ITOs was left unattended in the Cadre-restructuring by the CBDT, as the ITOs are waiting for 15 years now for the promotion to JTS while the mandatory residency as ITO is 3 years. Moreover, the issue that the Department had put forward a proposal for batch strength of 200 DRs and equal number of PRs officers in ACIT grade was a unilateral decision taken by the CBDT and was never discussed with JCA though the ITGOA & ITEF were among the signatories of Cadre-restructuring Proposal.

(d) Determination of vacancy is basically the job of the secretariat of the Board and in fact we are constrained to believe that the sentiments expressed in the said meeting of Hon'ble Finance Minister was wrongly interpreted in form of a minutes circulated by the HRD wing. The Hon'ble FM neither directed for the 180 promotions per year nor expressed his desire to restrict the number of promotions to the number of recruitments every year. Rather, the Hon'ble FM, in the meeting dated 06-09-2013, expressed that the Department should resort to the maximum number of promotions in the ACIT cadre, as otherwise there would not be enough officers available to fill up the posts of JCIT in future.

(e) The number of Cadre-restructuring vacancies in the cadre of ACIT available every year from the R.Y. 2013-14 was determined by the CBDT and circulated vide the letter dated 31.05.13 of the then JS (Admn), CBDT, Shri Lohani. The Department never felt it required to withdraw the letter, if incorrect, or at least to clarify it correctly for the consumption of everybody concerned within a span of 2(two) long years from the time when it was circulated. The JCA objects that the Department cannot explain its own letter/circular in a manner that restricts more promotions,

and going against the declared motto of the Cadre-restructuring of removing stagnation in various cadres.

1.2. As the proposed promotion of 180 has got no background calculation, the promotions for R.Y.s 2013-14, 2014-15 & 2015-16 are to be done with correct calculations of vacancies.

Moreover, in regard to the stay being granted by the Ernakulam Bench of the CAT in the seniority issue, the fact is that the Hon'ble Court granted the stay suo moto due to the non-appearance /non-filing of affidavit by the Department. Even while the affidavit was prepared by the CBDT finally, it was sent late to the O/o of the Pr.CCIT, Kerala and so could not be filed before the CAT in the due date of 15-07-2015.

**Regarding the other issues:**

- (i) Filling of vacancies/Conducting of DPCs in various cadres: Though the CBDT issued order to conduct DPCs by 31<sup>st</sup> July, 2015, due to the lack of supervision, most of the charges are yet to conduct DPCs for R.Y. 2015-16. A meeting was also called for by the HRD on 22.9.2015 to discuss the steps to be taken by the Regions to fill up the vacancies arising out of promotion quota. But we are sorry to note that the representatives of only 6 out of 18 Regions attended the said meeting.
- (ii) To regularise the Casual Labours : We were assured that the matter would be looked into and suitable action would be taken and the order, creating all the complications regarding the payment to the Casual Labours, would be withdrawn. But even after the expiry of 12 days, we observed no such move on part of the CBDT.
- (iii) Finalisation of RRs: The matter is still pending. It was stated that the proposal for one time relaxation in eligibility condition for filling up of vacant posts would be sent separately, which is yet to be done.
- (iv) Infrastructural Matters: The Department is moving in a routine manner even when the shortage of space and infrastructure is most acute in all most all the regions. Proper direction to different Pr.CCsIT for resolving the infrastructural problems on

war-footing and periodical supervision of the CDBT can only yield result in this issue, which is still to be done. The same is the status regarding the issue of providing laptops/mobile phones to the officers/officials.



**(Bhaskar Bhattacharya)**

**(Rupak Sarkar)**

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