



I.T.G.O.A. ZINDABAD

# INCOME TAX GAZETTED OFFICERS' ASSOCIATION

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## Circular No.5

**Dated: 04/07/2014**

To,

**The Members of CHQ,  
The President / General Secretary,  
All Units of ITGOA**

**Dear Comrades,**

### **1. Status of Promotion to ACIT for the R.Y. 2013-14**

The CBDT had submitted two Review / Regular proposals for promotion to the post of ACsIT to UPSC on 18.02.2014. CBDT was advised by UPSC to obtain opinion of DOLA on the issue as to whether holding DPC from the existing seniority list of ITOs subject to revision of seniority of ITI/ITO based on the judgment of Hon'ble Supreme Court in N. R. Parmar will tantamount to contempt or not. DOLA referred back the matter to the Board for obtaining views of DoPT and to clarify its stand taken before the Hon'ble Supreme Court in the contempt petition titled as 'Virender Kumar vs Dr. Sudha Sharma, ex-chairperson, CBDT'. The CHQ has been pursuing the matter at all levels in CBDT as well as other agencies involved in the process. The CBDT clarified the relevant issues placing reliance on the opinion dated 05.05.2014 of DoPT, clarifying the O.M. dated 04.03.2014 and sent the matter for examination to DOLA in first week of June, 2014.

After considering the facts, the DOLA has opined that the matter can be taken up with the UPSC for holding DPC subject to determination of final seniority in terms of judgement of the court in N R Parmar's case. The matter has been referred by CBDT to UPSC again around 3 weeks back after obtaining the advice of Department of Legal Affairs.

In the mean time, the UPSC has pointed out it has received representations from a few officers of the Department requesting for postponement of the regular DPC /

objecting to the review DPC and asked for comments of the CBDT. It has also come to our knowledge that the UPSC has written another letter to the CBDT, two days back, asking for status of implementation of N.R Parmar judgement.

While all out efforts are being made to get a date from UPSC by the ITGOA CHQ, the action of a few of our members coupled with the indifferent attitude of CBDT are all contributing to the further delay in the promotions. Each one of us has the right to contest for his/her legitimate right / seniority position and the CHQ is putting its sincere effort to force the Authority to implement the Judgement of N.R.Parmar and to recast the seniority list of ITOs as early as possible but we must not forget that by bringing stay either from the Court or writing letter to the UPSC thereby stalling the DPC and complicating the matter will jeopardize the career prospects of our own members only.

The root cause of this problem is the non implementation of N.R. Parmar judgement in a time bound manner. We have taken up the issue with the CBDT for not only uniform implementation of the judgement but within a fixed time period including review DPCs in all the regions so that the issue reaches its finality. The major hurdle in this issue is the indifferent attitude of the CBDT. In spite of our several letters and meetings with the authorities of the CBDT, the Board is sitting idle over the issue by not fixing the deadline for implementation of the judgment in all the regions. The implementation issue was also discussed in the last JCA meeting held on 02-06-2014 and it was decided to include it as one of the issues in the JCA Charter of Demand, already submitted to the Board. The Board has called for quarterly review meeting on 14.07.2014 and we are definitely going to raise the issue for time bound implementation of N.R.Parmar judgement.

The CHQ has been pursuing the matter at all levels in CBDT for DPC against CRC vacancy for RY 2013-14 & 2014-15 and regular vacancy for RY 2014-15 and requested the Board to initiate the process immediately. We have been assured that process will start immediately once the DPC for the regular vacancy for RY 2013-14 is completed.

There are sufficient vacancies available in the cadre of ACIT/ DCIT. The CBDT has to first of all finalise the All India seniority list in the cadre of Income-tax Officer. The same can only be done once the seniority list in all the regions is revised and updated by holding review DPC for promotion from Inspector to Income-tax Officer in the relevant years. This exercise should be done by following same and uniform guidelines throughout the country within a fixed time period. The CHQ has already initiated necessary steps. For his purpose, data for uniform implementation of N. R. Parmar is asked from all the units. A committee has also been formed to study the seniority fixed

in various regions and suggest corrective steps. The General Secretaries of Units are requested to comply the same early and facilitate the matter.

It was further decided to visit all the Units and apprise about the indifferent attitude of the Board not only in the case of promotion to the cadre of ACIT but in all other issues. We believe that it is possible to reverse the indifferent attitude of the Board through unified efforts only.

## **2. NFSG to 2001 batch**

With the continuous efforts of the CHQ, in the last week of April 2014, the CBDT had called for vigilance clearance and APAR grading for granting NFSG to the left out promottee officers of 2001 batch w.e.f. 01.01.2014. We are pursuing it on regular basis to have the order of promotion passed early. The vigilance clearance was issued more than a month ago. However as regards APAR grading, it transpired that in case of 71 officers 121 APARs are deficient. The list was displayed on irsofficersonline on 28.05.2014. Till now approximately 30 APAR have been received by CBDT, which are being updated. The CHQ has been regularly requesting all the General Secretaries to ensure that the deficiencies in respect of officers of their charge are removed at an early date so that CHQ may proceed to get the proposal move for getting a date from screening committee. It is learnt that the Board is going to upload the updated deficiency list shortly. All the Unit Secretaries are requested once again to take appropriate steps for removing deficiencies without any further delay.

## **3. Transfer & Posting**

As regards proper Transfer & Posting Policy and its implementation, a detailed memorandum was submitted to the Revenue Secretary and the CBDT. The CBDT has been ordered by Revenue Secretary to examine the contents thereof and submit report.

The process of AGT was initiated more than two months back by CBDT. The CHQ had submitted category wise list of members seeking transfer with reasons. The list was already circulated earlier to you all. Due to a change in Govt./Revenue Secretary and involvement of the Board in the preparation of union budget, the process has been very slow. Till this day, the final orders have not been issued.

## **4. Cadre Restructuring**

As you all know that CR-2013 failed to bring any relief to the members of the ITGOA. Except the cadre of ACIT, promotion to all other cadres are taking place. The staggering of post in the cadre of ACIT was nothing but an arbitrary decision of the CBDT to imperil the career prospects of our members. The issue was taken up since

the notification issued on 31.05.2013 but without much success. With the change in government we should now take up the matter with the highest political authorities including the new Finance Minister and to apprise him as regards the ill intention of the Board to fill up the post of ACIT in 5 years and to get it reversed in order to impart justice to our members. We are moving in this direction and are hopeful to get an audience with the Finance Minister after Budget Session.

#### **5. CCGGOO and 7<sup>th</sup> Central Pay Commission**

At the initiative of ITGOA, CHQ a convention of CCGGOO was again successfully held in New Delhi on 26<sup>th</sup> June, 2014 to decide the issues to be taken up with the VII Pay Commission. The Convention, inter alia, discussed the issues to be placed before the 7<sup>th</sup> Central Pay Commission concerning the Group-B Gazetted Officers. It was decided to demand separate pay scale for Group-B Gazetted Officers, JCM for Group-B officers, improvement of MACP schemes, Bonus etc. In this connection a draft Memorandum was also approved in that Convention. The same are being circulated to you all separately for your inspection and suggestion. In our own front, as decided earlier, we will be submitting our memorandum under the banner of JCA and accordingly the draft Memorandum is being circulated soliciting suggestions from all. The last date for submission of Memorandum is 31.07.2014. An extended Secretariat Meeting will be convened in the second week of July, 2014 at New Delhi to finalise the same.

#### **6. Meeting of the Secretariat & JCA**

A meeting with JCA was held on 02.06.2014 at New Delhi wherein a common charter of demands was prepared. The said Charter of demand was submitted to the Board asking for early settlement. The Board has now called for quarterly review meeting on 14.07.2014 to discuss all these issues. It is a fact that we are trying our best to ensure justice to our members including persuasion at various levels by ITGOA alone as well as through JCA wherever it is necessary. But in spite of all these efforts we found that due to indifferent attitude of the Board, the anticipated/desired result is not coming. As you all will agree that if the persuasion failed to redress the grievances of our members than we will have no other alternative but to tread the path of agitation and for which we all should be prepared for sustained struggle.

LONG LIVE ITGOA  
LONG LIVE JCA

Thanking You,

Yours comradely,

*B. Bhattacharya*

**(Bhaskar Bhattacharya)**  
**SECRETARY GENERAL**