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Income Tax Gazetted Officers' Association

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To

The Presidents/General Secretaries,

The Members,

All Units of ITGOA.

Dear Comrade,

The 43rd BGM of ITGOA, held in Guwahati, NER, from 20th to 22nd December, 2015, expressed its sentiment in forming a unanimous CHQ ensuring the participation of the representatives of all Units. The House categorically expressed its sentiment that only uniform and synchronised efforts of the CHQ and the Units can bring about a change in the despondent and unfortunate plight of our members.

Accordingly, the BGM has ensured the presence of the representatives of all 18 Units in the CHQ. The list of the CHQ members has already been circulated earlier. **The Mumbai Unit has now nominated Com. Ravi Shankar, General Secretary, ITGOA, Mumbai Unit, as the Assistant Secretary, CHQ.** I, on behalf of the CHQ, extend a hearty welcome to Com. Ravi Shankar to the CHQ.

But it has to be pointed out that the same tune and texture of harmony has not been prevailing among the entire cross-section of its members across the country, at least in the issue of implementation of NRP Judgment and the promotions in the cadre of ACIT. We can reiterate that the promotion of 180 officers in the cadre of ACIT has taken place in September, 2014 against the vacancies of the R.Y. 2013-14 and since then, in spite of repeated deliberation and continuous persuasion by the ITGOA and the JCA for calculating the year-wise correct vacancy position and holding the DPCs for all such vacancies till the R.Y. 2015-16, the CBDT showed no intention to send the proposal for DPC of the R.Y. 2014-15, even for the number of vacancies arbitrarily decided by the CBDT itself. As the prolonged discussions and negotiations did not yield any result, the entire membership of JCA was compelled to resort to the path of agitation for about two months from 09-09-2015 to 03-11-2015. Compelled by the overwhelming

participation of our members in the programme of agitation throughout the country, the CBDT sent the proposal for 180 officers against the vacancies of the R.Y. 2014-15 to the UPSC on 28-10-2015. Finally, the countrywide agitation and the successful One Day Strike action by the members of JCA paved the way for a negotiation with the Revenue Secretary, GOI, on 03-11-2015 and the CBDT was directed by the Revenue Secretary to send a proposal for promotion of all the ITOs till 2003-2004 as ACIT in the DPCs for R.Y.s 2014-15, 2015-16 & 2016-17 which were to be completed by 31-03-2016. Accordingly, the proposal was sent by the CBDT and the same was sanctioned by the Hon'ble FM on 02-12-2015.

As per the sanction given by the Hon'ble FM, the proposal for DPC for the R.Y. 2014-15 was revised and the proposal for promoting 200 officers was sent to UPSC by the CBDT on 10-12-2015 which is still pending. Though the CHQ is pursuing the matter on a day-to-day basis since then and the O.P.Sinha Committee is putting its best efforts to convince the UPSC for holding the DPC early, I am sorry to say that a series of Court cases filed by our members for immediate revision of the All India Seniority List of ITOs as per the decision of Hon'ble SC in the case of NR Parmar and others, are creating hurdles before the UPSC in declaring the date of DPC.

It is true that there was a delay on the part of the CBDT in issuing the uniform guidelines for implementation of the NRP Judgement. Though the NRP verdict was pronounced by the Hon'ble SC on 27-11-2012, the Advisory for uniform implementation of NRP Judgement was issued on 29-09-2014 only, followed with a few corrigenda. But we have to admit the fact that the job remained incomplete in various regions even after a lapse of 17 months after issuing the uniform guidelines by the Board. This delay is due to the complex nature of the job and the apathetic attitude of the local administration in some regions. As a result, though some of the charges are able to complete the job of implementation of NRP Judgment in all cadres since 1986, some other charges are still working on it and would take some more time to complete the exercise.

A Committee was formed by the 43rd BGM of ITGOA at Guwahati to supervise the speedy and uniform implementation of NRP Judgement across all the 18 regions. The Committee requested all the regions, who revised the seniority list of ITOs as per the NRP Advisory issued by the Board, to send the details of revision in that region by 15-01-2016 to them in order to determine the uniformity. But unfortunately, the committee reported that they had received the required data only from Gujarat, Kerala and NWR. Partial data had been received from AP & Telengana, TN & P and Karnataka & Goa Units. All other Units have failed to send the required data to the said Committee. Com. V.M.Jayadevan, the Chairman of the Committee has requested the CHQ to appeal before all the Units once again to send the required data immediately, the copy of request is attached along with this Circular.

In the mean time, quite a good number of representations were received by the CBDT and the copies were marked to the CHQ from various charges with regard to the correctness of the revised list of Gujarat charge. The V.M.Jayadevan Committee has also endorsed the views

expressed by the members and submitted a note on its preliminary findings on the representations filed. Copy of the note was mailed by the CHQ to all Units on 19-01-2016.

It has also been gathered from the CBDT that the revised seniority lists of ITOs from many charges are yet to reach the Board as on today, even from the charges where it was claimed to have been completed,. And, like the Gujarat charge, there may be probable objections against the revised seniority list in other charges too, once the seniority lists of ITOs of other charges are put in the website for public consumption.

Also, the MP & CG Units has written a letter to the CHQ on 20-01-2016 expressing the frustration of its members and requesting the CHQ to impress upon the CBDT for holding DPCs for Ad-hoc promotion in the cadre of ACIT. The NWR Unit has also expressed the same opinion through its letter dated 25-01-2016. Though the CHQ appreciates the sentiment of the members of the MP & CG Unit and the NWR region, and for that matter, the frustration of the entire membership all over the country, the decision of ad-hoc promotion cannot be taken by the CHQ alone. We are enclosing herewith the copy of the letters of MP & CG Unit and NWR Unit, addressed to the CHQ, for the perusal of all Units. All the Unit General Secretaries are requested to go through the letters and to discuss the issue in their Units and shall forward their comments/opinion immediately for necessary action by the CHQ.

While concluding my submission, I may wish to draw your attention to the following facts:

- I) Some of the charges are yet to complete the work of implementing the SC decision in the case of NR Parmar upto the cadre of ITO. **The General Secretaries of these Units are requested to ensure that the revised seniority lists of ITOs are prepared as fast as possible.**
- II) Many charges, who have claimed to have completed the implementation, are yet to send the final seniority list to the CBDT. **All the Unit General Secretaries of these regions are requested to ensure that the revised seniority list of ITOs are sent to the Ad-VI section of CBDT by the respective Pr.CCIT immediately with a copy to the HRD wing of CBDT.**
- III) **The Gujarat charge is requested to send its views in regard to the findings of the Jayadevan Committee immediately so that our members and the CBDT can be appraised of the issue.**
- IV) **Apart from the above, all the charges, where the revision of seniority list is completed , are requested to send the List of ITIs and ITOs along with the Minutes of the Review DPCs, as requested by the V.M.Jayadevan Committee, to the Committee and the CHQ immediately.**

V) All Units of ITGOA are requested to give their opinions regarding the proposal of the MP & CG Unit and NWR Unit, as attached.

On the above-mentioned facts, it is felt that the uniform implementation of NRP Judgement would take some more time to complete across the country. The entire membership of ITGOA is too frustrated for getting their very legitimate promotion in the cadre of ACIT. **A debate of corrected seniority list should not be a hindrance to the normal career progression of most of its members. The approval accorded by the Hon'ble FM, GOI, with regard to the promotion from ITO to ACIT is to be given effect before 31-03-2016. Otherwise, the fruitful agitation with the cent-percent participation of the members of JCA would be in vain.**

It must be kept in mind by all our members that the commitment of promotion of about 650 numbers, that too by 31-03-2016, as sanctioned by the Hon'ble FM, GOI, is the result of a sustained struggle by all the members of JCA all over the country. Through the various modes of agitation for almost 2(two) months, the officers and employees of the Income Tax Department delivered the pain they suffered over to the authority and so, the Hon'ble Revenue Secretary came down for a negotiation and approved the measures for immediate promotions in the cadre of ACIT. **The CBDT has to ensure the 650 around promotions by 31-03-2016 as the approval of the Hon'ble FM has been taken for the same. Such an opportunity should not be missed out by our members who have been deprived of their due for so long. At this juncture, it is not absolutely acceptable that the issue of correct seniority position of a few delivers back the same pain again to its fellow membership denying the promotion to a whole lot of around 650 officers from all 18 regions of the Tax-India. I, on behalf of the CHQ and the entire fraternity of ITGOA, appeal before all our members to refrain themselves from seeking resort to the Court of Law for fixation of seniority and thereby barring/delaying the process of promotion in the cadre of ACIT. The ITGOA, with the help of all its members, will ensure that the NRP Judgment is implemented uniformly and as soon as possible all over the country and the review DPCs would be conducted in the ACIT cadre immediately thereafter. But, till such time, the regular DPCs are to be held, for the normal career progression of all our members, and all of us must be restrained from seeking the intervention of the Court of Law.**

The other major factor that delays the process of promotion/upgradation in all the cadres is the issue of deficient APARs.

The DPCs for promotion in the cadre of ACIT for the R.Y.s 2015-16 & 2016-17 are also due by 31-03-2016, as per the sanction given by the Hon'ble FM, GOI. The updated deficiency list of ITOs falling within the zone of consideration of DPC for the R.Y. 2015-16 was forwarded to all Units on 01-01-2016 with the request to expedite the process for removal of deficiency and to send the CHQ a copy of the forwarding of completed cases by the Pr.CCIT offices to the CBDT. Though Sri Raghvendra Singh, Treasurer, CHQ, and the comrades from TN & P Unit are following it up with all the Units of ITGOA, the CHQ has received such communication only from the MP & CG Unit and the AP & Telengana Unit till date and it is gathered from the concerned section of CBDT that a good number of deficiencies are yet to be removed. **The CHQ could very**

well impress the CBDT to send the proposal for the DPC of R.Y. 2015-16 immediately once the deficiencies are removed.

The 2010 batch was granted the STS w.e.f. 01-01-2015. But 36 officers of this batch remained left-out in the orders of STS for this batch, mainly due to deficient APARs. Though a few of those left-out officers took initiatives and removed the deficiencies in their cases immediately, they could not be promoted in STS as most of the other officers didn't cooperate to complete their deficient APAR cases. Finally, 12 cases could be completed and the proposal for DPC had been sent to the CBDT last week. **It is expected that the DPC for these 12 officers will be held in next few days.**

The deficient APARs of the officers of 2011 batch, eligible for promotion in the cadre of DCIT w.e.f. 01-04-2016, was circulated on 11-12-2015. The most of the deficiencies of the list so uploaded are still pending, as gathered from the concerned section of CBDT. I would like to remind that **a delay in promotion of this batch in the STS would delay their promotion in the JAG and so, all the Units must take up the issue of removing the deficiencies as soon as possible.**

The JCSIT of 2002 batch were regularized on 31-12-2015. The Screening Committee meeting for granting the NFSG to this batch will be held at the end of this month. The regularizations of the JCSIT of the bunched portion of 2002 batch and the 2003 batch are already overdue. The 2003 batch officers would have been eligible for the NFSG on 01-01-2016 if the regularization would have been done in time. The CHQ is pursuing the matter with the concerned section of CBDT to send the proposal for DPC to the UPSC early, but 13 cases of deficient APARs are still pending. **The list of those cases is annexed with this circular with a request to all concerned to remove these deficiencies as early as possible to minimise the period of delay in granting NFSG to the 2003 batch.**

Similarly, the 2004 batch of ad-hoc JCSIT are yet to be regularised. The bunched portion of the 2003 batch officers, though promoted in the STS along with the 2004 batch, will be eligible for the NFSG with the 2003 batch officers. So, the regularization of the 2004 batch officers in the cadre of JCIT, too, has to be done as early as possible to minimise the period of delay in granting NFSG to the bunched portion of the 2003 batch officers, all of whom are the members of ITGOA. **The Unit leaderships may activate the process of collecting complete APARs of the 2004 batch officers at the respective Pr.CCIT offices, with the help of the concerned officer members, to avoid further delay.**

It has been gathered that the most of the APARs of the F.Y. 2014-15 are yet to reach the concerned Directorate of the CBDT. The HRD wing of the CBDT requested all the Pr.CCsIT to expeditiously send the completed APARs of 2014-15 and the CHQ also requested all the Units of ITGOA to look into the matter. I would like to reiterate that the APARs of 2014-15 will be required for the promotion from ITO to ACIT for the R.Y. 2016-17, the promotion of 2011 batch in STS and the promotion of the 2006/2007 batches officers in the cadre of JCIT, the DPCs for all

of which are due to be held by 31-03-2016. So, **the leadership of all Units are requested to pursue the respective Pr.CCIT offices to send the APARs of 2014-15 immediately to the Board.**

All the Units of ITGOA are requested to take up the issue of removing deficiencies in APARs of our members those are required for various promotions/regularizations in different cadres, as stated above, on war-footing and help the CHQ to put pressure on the CBDT for holding of DPCs/sending proposals for DPCs within the given time-frame.

With warm regards,

Yours comradely,



(Bhaskar Bhattacharya)
Secretary General