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F.No. ITGOA/CHQ/Sec.Meeting/03/2014-15

Date: 08/01/2015

Minutes of Extended Secretariat Meeting of ITGOA held on 04.01.2015 at New Delhi

In pursuance of the notice dated 04-12-2014, the extended secretariat meeting of ITGOA, CHQ was held on 04-01-2015 in the Income tax office, E-2 Block, Civic Centre, New Delhi to transact the items as per following agenda mentioned in the notice:

- 1) To Discuss & review the actions taken as per the decisions of MCM at Darjeeling held on 19th & 20th of August, 2014;
- 2) To discuss the course of action to be taken for promotion to the cadre of ACIT vis a vis implementation of the judgement in the case of Union of India vs. N. R. Parmar;
- 3) To discuss and decide the course of action on other pending issues;
- 4) To decide the date and venue of the next Management Committee Meeting;
- 5) Any other matter which may be brought up with the permission of the chair.

The meeting was presided by Com. Ajay Goyal, President, ITGOA. Following office bearers and members of the CHQ attended the meeting:

1. Com. Ajay Goyal, President
2. Com. Amitava Dey, Vice President
3. Com. Bhaskar Bhattacharya, Secretary General
4. Com. Aravind Trivedi, Addl. Secretary
5. Com. Mohnish Sood, Asstt. Secretary
6. Com. Raghvendra Singh, Treasurer

Besides, the representatives from units were also present in the meeting:

1. Com. Bhagat Singh, General Secretary and others from Delhi unit
2. Com. Vijander Kumar General Secretary and others from NWR unit
3. Com. P. Madhu, Joint Secretary and Com. S. Shyam Kumar fom AP & Telangana Unit
4. Com. Vinay Kumar, Joint Secretary and others from, UP(West) unit

The West Bengal and NER units were represented by Com. Bhaskar Bhattacharya and Com. Amitava Dey, General Secretaries of these units respectively.

At the outset, the President welcomed everybody present in the secretariat meeting. He briefed the present status of the important pending issues alongwith the difficulty faced in the settlement of the same. The progress on the revision of the seniority in compliance to the NRP in different regions and the status of next DPC in the ACIT cadre was also informed to the house. The problem of deficient APARs relating to the promotion in STS was also reported.

As the attendance in the meeting was so poor, only 6 out of 18 regions were represent in person, it was decided by the house that the decisions taken in the meeting be circulated to all the Units for their views/opinions/suggestions. All the Units would be requested to forward the same to the CHQ, discussing the issues in their respective Unit meetings if required, within 7(seven) days of receiving this minutes and the CHQ would act according to the views/opinions/suggestions expressed by majority of the Units.

The President then asked Com. Bhaskar Bhattacharya, Secretary General to initiate the discussion on the agenda items. The Secretary General proposed to take up the issue at Item no. 2 first, which was approved by the house.

A. Implementation of NR Parmar and promotion to the cadre of ACIT

The Secretary General informed, in details, the efforts made by the CHQ in getting the revision of the seniority as per of the Hon'ble Supreme Court judgement in the case of Union of India vs. N. R. Parmar. He informed the objections raised by our members while conducting the DPC for the R.Y. 2012-13 and 2013-14 in the cadre of ACIT without implementing NRP. He also expressed the overwhelming frustration of the entire membership for the inordinate delay in holding DPCs for promotion in the cadre of ACIT. **All these factors forced the CHQ to come to the conclusion that the only solution of the problem lied in getting the implementation of NRP as fast as possible.** The members were informed about the efforts made by the CHQ in getting the support of ITEF, the other JCA Partner, on the issue and pursuing Board for issuing uniform guidelines with a time frame. All these efforts of the Association with the support of the JCA have resulted in issuance of the guidelines by the Board, in the form of an Advisory, for Uniform implementation of the NRP in the whole department.

He expressed that the Advisory issued, even after one corrigendum, was not properly addressing the year-wise fixation of seniority at everybody's satisfaction. One more corrigendum, correcting the position regarding the 1995 SSC Exam. is expected very soon. There might be more issues which need to be corrected through further corrigenda, as reported by various Units and also by various members. But to rectify the Advisory in all these issues would take some more time as the supporting evidences were neither readily available with the CBDT nor with the Pr. CCsIT(CCA). **It was proposed that all units/ concerned members may identify such issues where rectification was required in the Advisory and send them to**

CHQ with details but in the meanwhile all of us should see to it that the process of implementation of NRP continues / is taken up strictly following the existing Advisory subject to further changes to avoid further delay.

He said that after the issuance of the guidelines by the Board, the CHQ has asked all the Units to impress upon the respective Pr. CCIT(CCA) to adhere to the time-limit given by the Board and get the revision of the seniority done as per the guidelines in their regions. The CHQ has time and again contacted all the principal office bearers of the Units to get the work completed as early as possible. **Though all the Units had taken up the job with right earnest, only 4(four) regions, UP(E), Kerala, NER and MP & Chattisgarh, had reported to complete the job till now. Some of the Units had expressed that the completion of the job would require a few more months in their respective regions.**

He stated that one of the major hurdles for holding DPC was that the UPSC was dragged into the controversy directly by making them one of the respondents in Hon'ble Supreme Court in relation to the contempt petition of NRP. Moreover, the aggrieved members chose to write directly to the UPSC not to hold any DPC before the NRP exercise was complete. Therefore, the UPSC was reluctant to convene any further DPC in the cadre of ACIT before the Department certifies that the NRP exercise was complete. Even in such adverse circumstances, with persistent efforts of CHQ and a positive role played by the Board, DPC for 2013-14 was conducted successfully promoting 180 members from ITO to the cadre of ACIT. At that stage also, **the UPSC once again reiterated that it would not hold any more DPC without the completion of NRP exercise. And, the aggrieved members were also assured by the CHQ that all steps would be taken for early revision of the seniority as the NRP verdict.**

He also stated that it was very true that the Department was late in its effort to implement NRP. Had it been taken up at right earnest since the NRP judgement came into force two years back, we would not have been forced to face all this frustration in relation to the career progression of our members. It was also true that the aggrieved members, who went to the Court for implementation of NRP, were told by the CHQ on both the occasions of holding DPCs of 2012-13 & 2013-14 that the NRP exercise would be taken up and all due seniority would be fixed properly as soon as possible. He expressed that though the job of implementating NRP in the Department as a whole has been finally taken up with seriousness and though ITGOA and also the JCA have sincerely made efforts to complete the job as soon as possible and though the Board has also expressed its intention to help complete the job fast by issuing uniform guidelines with time frames, it appears that **the entire matter of completion of NRP exercise would take some more time at the different Pr. CCIT level** mostly for lack of all the records available and also for the disinterest shown by the some of the local authorities.

He stated that the other side of the story was that the frustration of our members, specially those who were promoted in 2000-01 and 2001-02 as ITO, had reached its height for this inordinate delay in promotion. The Association, which was bound to obey the opinion of the

majority of its members and also, act upon the sentiment of its tiniest section of membership, could not ignore both the issues of implementing NRP fast and paving the way for promotion in the cadre of ACIT. As the NRP exercise would take some more time, for all technical difficulties, to be completed all over India and also as the change of seniority of the officers in immediate promotion zone might not be affected much, it was very much required to consider the plight of the senior ITOs who are waiting for the promotion for such a long time. **If the members could rely on the intention of CHQ to complete NRP exercise, he proposed that the House could consider the promotions on the basis of the existing seniority list subject to further revision as per NRP might be allowed and, at the same time, putting all our efforts, region-wise and at all India level, to ensure the implementation of NRP at the earliest.**

The President requested all the units present in the meeting to give status of implementation of NRP in their region and to express their opinion /suggestions in this matter. The status and views expressed by the units were as under:

AP & Telengana Unit:

- a. The extra ordinary General Body meeting of the unit was held on 02.01.2015 and it was decided that the ACIT promotion, whether regular or adhoc, should be made immediately subject to the revision of seniority as per NRP and the DPC should be held as soon as possible.
- b. The revision of seniority work is undergoing and is expected to be completed by 31st of January.
- c. The FAQ issued by the Board is defective and silent on some of the category of members such as case of 1995, 1996 exams batches. It is not clear as to how the cases of sports person quota, inter-charge transferee, steno and data entry operators etc. will be dealt. These mistakes should be rectified at the earliest so as to avoid future litigation. The CHQ should take necessary action immediately.
- d. The Advisory should be followed strictly by all the regions, as it is today. Further changes would be made against future corrigenda.

NER Unit:

- a. The revision of seniority work has been completed in all cadres and review DPCs also held in NER.
- b. The Advisory issued by the Board is to be implemented by the Pr. CCIT in toto without any deviation. Further, in-case of difference of opinion or the objections given by the members, same should not be considered by them and need to be forwarded to Board.
- c. The implementation of NRP and normal promotion are two separate matters and both the issues should be dealt with utmost sincerity by the CHQ. The ACIT promotion should be made immediately without waiting for NRP implementation

subject to the revision of seniority as per NRP. Also, put all efforts, both in regions and all India, to complete NRP exercise as early as possible.

NWR Unit:

- a. The revision of seniority work is undergoing and is expected to be completed by March 2015.
- b. The FAQ issued by the Board is defective and silent on some of the category of members. Such as case of 1993, which in violation to the order of the Hon'ble Supreme Court. But, the revision process should not be stopped for this. In this regard, the CHQ should take necessary action.
- c. The ACIT promotion either regular or adhoc for RY 2013-14 remaining cases, if any, and RY 2014-15 , should be made immediately subject to the revision of seniority as per NRP.

West Bengal Unit:

- a. The revision of seniority work as per the Advisory is undergoing and is expected to be completed by 31st January for all cadres.
- b. The implementation of NRP and normal promotion are two separate matters and both the issues should be dealt separately. The ACIT promotion should be made immediately subject to the revision of seniority as per NRP and the DPC should be held as soon as possible. Also, put all efforts, both in regions and all India, to complete NRP exercise as early as possible.
- c. The Advisory issued by the Board should be changed based on facts as and when pointed out and the seniority be accordingly revised.

Delhi Unit:

- a. The revision of seniority work is undergoing and is expected to be completed by mid of February, 2015.
- b. The ACIT promotion should be made immediately subject to the revision of seniority as per NRP implementation.

The FAQ issued by the Board is defective and silent on some of the category of members. In spite of the same, the revision of the seniority should be continued. Any mistakes found or if the advisory is revised, the seniority may again be reviewed thereafter

UP (W) Unit:

- a. The revision of seniority work is undergoing and is expected to be completed by mid of February, 2015. The work of Inspector cadre is almost complete and in the lower cadres it has yet to start.
- b. The Advisory issued by the Board is defective and silent on some of the category of members. In spite of the same, the revision of the seniority should be continued.

Any mistakes found or if the advisory is revised, the seniority may again be reviewed thereafter.

- c. The implementation of NRP and normal promotion are two separate matters and both should be delinked. The ACIT promotion should be made immediately subject to the revision of seniority as per NRP.

Information received from following two units was also placed before the house.

Kerala Unit:

- a- The revision of seniority as per NRP has been completed in Kerala. The CHQ should ask other units to get the seniority revised.
- b- For delay in the exercise by the authorities, let us think of going into the agitation.

MP Unit:

- a. Promotion should be allowed to happen, which should be subject to revision as per NRP implementation.
- b. The revision of seniority as per NRP has been completed.

The Secretary General summarized the views of the house as below:

- i) **The implementation of NRP and normal promotion are two separate matters and both the issues should be dealt with utmost sincerity by the CHQ.**
- ii) **At least one corrigendum of the advisory is coming and more will be required. Till such time, existing advisory be followed.**
- iii) **All-out efforts to be made to complete the NRP exercise in all regions. The CHQ asks for weekly report from all the Unit regarding the progress in implementation so that the intervention of CBDT can be asked for immediately, wherever required.**
- iv) **The process of holding DPCs for R.Y. 2013-14 (Review DPC, if more vacancies can be found out), 2014-15 and 2015-16 are to be initiated immediately, subject to further revision as per implementation of NRP.**
- v) **The CHQ requests the entire membership of ITGOA to give consent to the above decisions taken in today's meeting.**

The house also decided that the Board should be asked at the appropriate stage to give a dead line for the implementation of the NRP. The CHQ was authorized to take action at suitable time.

B. STS to 2010 batch / APAR deficiency:

On this issue, it was informed that in spite of all out efforts made by the CHQ for the removal of deficiencies in APARs, the deficiency could not be removed in 78 cases and their names have been left out from the STS promotion order. CHQ has been successful in persuading the Board to upload an updated list once again so as to enable the Units to pursue with the Pr. CCIT(CCA) / concerned members to remove the deficiencies at the earliest. The Chairperson CBDT has assured to hold the screening Committee Meeting in respect of left out Officers at an early date / immediately on removal of deficiencies.

It was suggested that the online submission mechanism should be made operational to remove the possibility of delay or loss of APARs in time. It was also suggested that the a committee should be formed at the Pr. CCIT level and the ITGOA member should be made member who can monitor to ensure the removal of the deficiency.

It was informed that the problem of deficient APARs is also delaying the regularisation of adhoc DPC of 2002 to 2004 batch IRS. Therefore utmost care should be made in the APAR matter. The Board should regularly update and upload the APAR deficiencies at least twice in a year.

C. Uploading of seniority list of Group A upto 1999 on the IRS online for objections-

Com. Ajay Goyal, President informed the house that the Board had uploaded the seniority list of Group A upto 1999 on the IRS online for objections. He told that seniority was prepared upto 1999 only as CBDT considered the seniority after 1999 was disputed. The matter was raised by the members present in the meeting and it was felt that the Board had changed its stand taken in the Vikas Keraba Suryabanshi case. The Board had taken the stand before the Hon'ble High Court Delhi that the Civil List was the seniority of the Group A officers and no other seniority list was prepared by the Department. But now the Board had started the preparation of the seniority list separately from the Civil List. By doing, so the Civil list would lose its relevance. Com. Aravind Trivedi, Addl. Secretary, expressed that the ITGOA should strongly oppose such act of the CBDT. After the discussion, it was decided that it should be demanded from the Board that the seniority list should be prepared upto date and not only upto 1999 and circulated for seeking objections, if any.

D. IRS Recruitment Rules:

The members present in the meeting were informed on the present status of the issue. The proposal is pending with the DOPT for approval. The CHQ has submitted objections to the CBDT and also to the DOPT and regularly pursuing the matter. The issue was also raised in the

last QRM on 14-10-2014 and one round of meeting with the HRD has also been held on this issue.

Though Board has accepted some of the objections raised by ITGOA before DoPT and agreed for modifying the relevant clause, the main objection in respect of determination of vacancies to be filled up at the entry level to Group A i.e. in the cadre of ACIT remains unattended to. Our objections are that the determination of vacancies year wise should not be entrusted upon the CBDT, but these should be determined as per the extant instructions and guidelines of the Govt. of India. The Board has not accepted the objection of the CHQ till date. Moreover, the benefit of batch proposed to be granted to the NFSG cadre. This should be granted to the JAG and STS also.

Meanwhile, it is learnt that the DOPT has objected to the provision in the draft rule which provides that after 9 years of service in Group A, JAG grade may be granted. The issue will also damage the interest of our members.

The Chairperson has been apprised of all our objections requesting her to take up all these issues with DoPT properly.

It was suggested that we should submit our objections to all the agencies/ Departments to which the Rules are to be sent for approval and if need be, we should be prepared to approach the Court of law for any such discriminatory amendments against the Principles of Natural Justice and against the existing rules in various other services.

E. Vigilance Matters

The members present in the meeting raised the issue of the pendency of the vigilance matters. Com. Mohnish Sood expressed that the vigilance cases are not being completed in a time bound manner and allowed to continue for a long time. The suspension cases are also not being reviewed periodically and properly as per the rules. The interference of the DIT (Vig.) in finalization of the vigilance matter is also creating hurdles in completion of the matter.

It was unanimously felt that this issue should be taken up with the Board so that the pending cases are disposed off at the earliest. It was decided to entrust Com. Mohnish Sood to prepare a proforma for obtaining the information from the Units of the pending vigilance cases. The discrimination in the transfer and posting in the name of preventive vigilance was also raised in the meeting. It was informed that the matter has been raised with the CBDT, but no proper reply has been obtained on this issue. This matter will again be raised with the competent authority for redressal.

The Secretary General apprised that the issue of handling of TEPs on matrimonial disputes as taken up with Board. On this, the Board is going to issue guidelines on handling of TEPs.

F. 7th Central Pay Commission-

On this issue, Shri Amtava Dey briefed the members about the proposal on the pay scale for the Group A cadre, which were not included in the earlier submission submitted to the Commission. In short, it is proposed that the pay scales for the Group A cadres will be asked in lines of the earlier memorandum and proposed increase sought for different cadres considering the specific job being performed by these cadres. Further, the suggestions given in the MCM at Darjeeling are also being proposed to be included. After discussion, it was decided that this draft proposal will be sent to all the units for seeking their suggestions.

G. Attendance through Biometric System

After lot of discussion, it was decided to call for suggestions from all the Units on the issue to decide future course of action in the matter.

H. Returns as per Lokpal

This matter was also raised in the meeting and after discussion it was decided to take up this issue from the platform of the CCGOO. The Units will also be requested to give their suggestion to form a proper view on the issue.

I. Problems relating to the AO/PS cadres:

The matter of the pending issues pertaining to the both the cadres were discussed in the meeting. The present status of the issues was also briefed by the CHQ. On the issue, it was informed that the proposal for Laptop has been denied for three times by the Deptt. Of Expenditure. However, the CHQ is continuously pursuing this matter and the Board has agreed to send a fresh proposal again.

On the matter of grade pay, it was informed that the case pending in the court being monitored continuously and the lawyer is being briefed from time to time. The matter is likely to be finalized on next date fixed on 18-02-2015.

The issue of increase in the strength of the AO/PS commensurate to the posts of the Pr. CCIT/Pr. CIT created in CRC,2013 was also discussed and it was informed that the CHQ was in a process of making a fresh proposal in the line of the basic proposal of CRC prepared in 2008 and the Board had agreed to forward it again to the Ministry.

The matter of vacant posts of the Pr. AO and Sr. PS in the regions was also discussed. After discussion it was decided to ask the Units to provide the relevant details of vacant posts in

these cadres, so that a view may be formed and necessary action for getting relaxation in rules etc., if required, for filling the posts may be taken.

J. Pentafurcation of ACIT posts in the Cadre restructuring

The matter was discussed in the meeting in details and the present status of the efforts made by the CHQ was informed to the members present in the meeting. Com. Ajay Goyal expressed that political interference is required on this issue. Com. Vijander Kumar opined that we should approach the PM through his email. The Secretary General informed that the JCA has written to the FM on this issue. A meeting has been sought from FM by the JCA. The CHQ requested all the Units to get the political interference in the matter as all the efforts made with the bureaucrats have not been succeeded. It was further decided to ask the Units to give their views for deciding future course of action.

K. Holding of Next Managing Committee Meeting

The MP & CG Unit has proposed for hosting the next MCM at Indore on 23rd and 24th of the February, 2015. The House unanimously accepted the proposal.

L. Increase of subscription

It was informed to the house that an increase in subscription from Rs. 60/- to Rs. 100/- per month w.e.f. 01.04.2014 was decided in the last BGM at Chennai and the Units were requested to do accordingly.

In the end, the President thanked all the members for attending the meeting and also gave the best wishes to the newly elected committee of the NWR Unit.