

Note on revised seniority list of Gujarat

Analysis of ITI's seniority list

Gujarat Charge had implemented the decision of Hon'ble Supreme Court in the case of NR Parmar and Others in all cadres and revised the seniority up to the cadre of ITOs. The revised seniority in the cadre of ITIs was prepared on the basis of the minutes of the meeting with all stakeholders including ITEF, ITGOA and Administration conducted on 15.04.2015. They have followed the principles prescribed in the Advisory issued by CBDT on 27/11/2014 to the extent of correlating the Exam Year with the Recruitment Year in respect of the DR Inspectors. Instead of relying on the data available in the Advisory to determine the year of requisition, they have followed the data culled out from the records retrieved from Office of the Pr CCIT, Gujarat.

As per the Advisory dated 27/11/2014, the issue relating to Para 2.4.4 of OM dated 3.7.1986 should have to be dealt separately as the same was not the subject matter of the SC decision. In Gujarat, they have applied 2.4.4 in all years except the years in which the ADRP plan was in vogue. Detailed reasoning has been given in all years in order to substantiate the principle of Para 2.4.4. They have also carried forward the DR vacancies in many years strictly as per 2.4.2 of the OM after detailed discussion.

But the issues involved are narrated as follows

- 1) The committee has received the revised seniority list of ITIs from Kerala and NWR in which, prima facie, it is felt that they have correctly followed the advisory in the revised DPC to the cadre of Inspectors. Carrying forward of vacancies and Para 2.4.4 were not invoked in these charges. If we allow to follow each unit the carrying forward and application of Para 2.4.4 on the basis of the data of under reporting of vacancies in the respective units, it may create total disparity among the units and the principle of uniformity fails. It is not clear whether under reporting is to be considered in all India level because the reporting of vacancies were done by CBDT from the year 1991 after collecting data from all Charges.
- 2) In this regard, it is to be noted that by application of 2.4.4 in Gujarat, some of the DRs of in some Exam Years are getting a definite advantage among the DRs of other units in the same Exam Year. For Example, some of the DR members of the Gujarat Unit of 1993 Exam who were placed in the RY 1994-95 in the revised list are getting interspaced with the DPs promoted in the year 1993-94 on Ad-hoc basis(who were regularised only in the RY 1994-95 due to application of Para 2.4.4). A detailed report in this regard will separately be prepared submitted after discussing in the committee.
- 3) Gujarat Charge has considered the total vacancy in the cadre of ITI on the basis of the promotions done to the cadre of ITIs in a particular year by the original DPC. Vacancy arisen in a particular year should have been considered on the basis of the date of arising of vacancies as per the vacancy register maintained in the Charge. Counting of the vacancies on the basis of number of promotions

made in a particular year has no scientific basis. There is no mechanism to find out whether the vacancy calculation done in these years were correct or not.

- 4) Detailed verification is also required to find out whether reservation principle has been followed properly or not.

The objective behind issuing common advisory by the CBDT was to ensure uniformity in implementation of the principles prescribed in the OM dated 7.2.1986/3.7.1986 among the different charges and because of the fact that the data available in different charges were not uniform. So the uniformity can be ensured only when the different charges ignore the data available with them and strictly adhere to the norms prescribed in the Advisory so as to avoid further litigation in this regard.

Discrepancies in ITO's seniority list

On verification of the revised seniority list in the cadre of ITOs, It is noticed that while calculating the available vacancies "on account of promotion to the grade of ACsIT", the Cadre Controlling Authority of Gujarat acted on the Board's letter No. 48/1/2001-AP/DOMS/141 dated 04/06/2001 issued in consequent to the Cadre Review 2001, in which the number of ITOs likely to be promoted from the region as ACIT out of 1062 vacancies intimated to UPSC by the Board was determined at 99 for Gujarat Charge. It appears that based upon such reference, available vacancies were calculated and DPC was conducted on 18/06/2001 promoting 196 officers for vacancy year 2000-2001 in the Gujarat region.

But they have totally ignored the Board's subsequent 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. It is apparent from the Annexure that the vacancy bifurcated on account of promotion to the grade of ACIT for Gujarat region by the CBDT was revised to 48 for the vacancy year 2000-2001 and 49 for vacancy year 2001-2002.

Since chain vacancies in ITO grade occurs only when promotion is made to ACIT grade, it is considered necessary by the CBDT that the panel in ITOs grade for vacancies due to promotion to ACIT grade, should also be prepared by bifurcating such vacancies in two panel years .

Thus, In view of the above communication from the CBDT, actual available vacancies for the vacancy year 2000-2001 for Gujarat charge should have been worked out to:

Increase in cadre strength	: 81
Superannuation/Death	: 09
On account of promotion of Ad-hoc ACIT's	: 07
<u>On account of promotion to the grade of ACsIT's</u>	<u>: 48</u>
Total	: 145

Hence, maximum number of promotions to the ITO Cadre in the V.Y. 2000-2001 for Gujarat region could not have been exceeded 145. It is apparent in the revised seniority list of ITOs submitted by the Gujarat Unit that while doing review DPC's for ITO's, total 192 officers were promoted in vacancy year 2000-2001 (i.e Sl. No. 182 to Sl.No.373) and only 10 officers were considered for V.Y. 2001-2002. Thus, excess promotion at least to the extent of 47 (192-145) have been wrongly done in the review DPC for the vacancy year 2000-2001.

This report is made on the basis of the preliminary analysis of the data received from Gujarat. A detailed report will be submitted after analysing the data in the sitting of the Committee.

WITH THE APPROVAL FROM ALL THE COMMITTEE MEMBERS

Sd/-

(V. M. JAYADEVAN)

CHAIRMAN OF THE COMMITTEE TO SUPERVISE SPEEDY AND UNIFORM IMPLEMENTATION OF NRP JUDGEMENT

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