

To

The Secretary General
M/s ITGOA
A-2/95, Manishinath Bhawan, Rajouri Garden
New Delhi – 110 027.

Sir

Subject :- Implementation of decision of the Hon'ble Supreme Court in the case of Union of India vs. N.R. Parmar&Ors. (CA No. 7514-7515 &ors.) – Issue of advisory – correction thereof - reg.-

Please refer to your letters dated 14.10.2015 & 10.12.22015 wherein certain issues have been raised in connection with the advisories issued by HRD and seeking amendments and corrections to the same.

2. In this connection, I am directed to state that all the issues raised by the ITGOA had been discussed threadbare before issuance of the Advisories. It is pertinent to mention here that the ITGOA and ITEF had been taken on board before the said issues were thrashed out. Meetings were held by DGIT (HRD) where various issues were identified as being contentious and which required clarity, were discussed.

3. However, since the issues have again been raised, clarification to the same is brought out below:

SI No.	Issues raised by in the representation dated 14.10.15	Clarification/Response
1	Examination Year 1991: The issue raised was that till the vacancy year 1991-92, the CCsIT (CCA) were requisitioning directly to the SSC. It has been assumed in the representation that the examination of 1991 must have been held for the direct recruitment to be made for vacancy year 1991-92 itself. Hence any DPC conducted in 1991-92 for examination held in 1991 would have been sent directly by the CCsIT (CCA) to SSC. It has thus been demanded that the CCIT (CCA) may be directed to utilize the date of requisition letter sent by them to SSC against the Inspectors recruited through 1991 examination in order to determine	The said issue was already discussed in the meeting held with DGIT (HRD) on 05.12.2013 and 11.12.2013, in which ITEF and ITGOA had participated. It was unanimously agreed that the year of exam is not relevant for determining seniority. It would be used only as a point of reference for linking/identifying successful candidates to their respective year of requisition and vacancy year. The dossiers received from SSC in respect of the successful candidates mention the year of the SSC examination only. On the other hand the requisition letters normally mention the year of examination, vacancy year and requisition date. Therefore it is necessary

	<p>their correct recruitment year. In this connection the reliance placed in the Advisory dated 7.11.14 of letter of SSC forwarding the dossiers to CCIT, Ahmedabad has been questioned.</p>	<p>to create a link between the Exam Year and the date of requisition in order to determine the year of seniority of any selected candidate. Further CBDT letter issued vide F. No. A-1 2012/2/92-AD VII dated 30.01.1992 clearly mentions the vacancy year as 1.3.1992 to 28.2.1993, i.e VY 1992-93 for the examination held in 1991. It was further directed that intimation of vacancy in the grade of Income Tax Inspector in the prescribed proforma be sent to the CBDT and notto the Staff Selection Commission as henceforth. Accordingly in Annexure 1 to the Advisory dated 7.11.14 at the remarks column to Sl.no 7 it was clarified as below: <i>“Letter to SSC not available. However, the letter of SSC forwarding the dossiers to CCIT, Ahmedabad, mentions the CBDT letter no. A-12021/2/92/AD VII dated 03.06.1992”.</i> From vacancy year 1992-93 onwards, centralized requisition was made by CBDT (AD VII section) to SSC. Hence seniority of DRs for the examination held by SSC in 1991 against vacancy year 1992-93 was denoted as 1992-93 in the Advisory. In view of the above there is no necessity to issue any further direction in this regard to the Pr. CsCIT (CCA).</p>
2	<p>Examination Year 1993: The issue raised was that the SSC Examination of 1993 was conducted for appointment by way of direct recruitment against vacancies of Income Tax Inspectors of the year 1993-94. Therefore, the assignment of the recruitment year 1994-95 against the Inspectors</p>	<p>At sl. No 1 of the Annexure 1 to the Advisory dated 7.11.14 it was clearly brought out that the ratio of Apex Court’s judgement is clear that the seniority of the DR would arise from the year in which the requisition has been sent to SSC. In the meeting held with DGIT (HRD) on 03.12.2013 and</p>

	<p>recruited through the Examination of 1993 in the Advisory is contrary to the judgement of the Hon'ble Supreme Court. Revision of the Advisory sought to the extent that the Inspectors recruited through the examination year 1993 be placed in the recruitment year 1993-94, instead of 1994-95.</p>	<p>11.12.2013, in which ITEF and ITGOA had participated, it was unanimously agreed that the year of exam is not relevant for determining seniority. It would be only used as a point of reference for linking/identifying successful candidates to their respective year of requisition and vacancy year. For the examination held by SSC in the year 1992 the vacancy period was from <u>1.3.1993</u> to <u>28.2.1994</u> i.e. VY 1993-94. This is amply clear from CBDT letter issued vide F. No. A-12021/1/93-AD. VII dated 20.01.1993. The requisition for the examination of 1993 was sent to SSC on 27.07.1994. Hence seniority of DRs for the examination held by SSC in 1993 against vacancy year 1994-95 was denoted as 1994-95 in the Advisory. That the vacancy year is 1994-95 for the examination conducted in 1993 is also clear from the letter of CBDT written to the CCsIT (CCA), a sample copy of letter written to CCIT, Bangalore vide CBDT letter dated 31-05-1994 is enclosed. No letter of CBDT to SSC showing that the requisition was made in the F.Y. 1993-94 has been provided by ITEF. In view of the above there is no deviation from the judgement of the Apex Court.</p>
3	<p><u>Examination Year 1995:</u> The issue raised for this year relates to the examination of 1995. Originally the requisition for vacancy year 1996-97 was sent to SSC on 26.06.1996. In some of the regions the examination was cancelled and a re-examination held on 7.3.99. Accordingly for these regions a requisition was sent to SSC on 7.6.99. Due to this, seniority for those DRs in</p>	<p>The said issue had been brought to the notice of the CBDT by the Staff Associations viz. ITGOA and ITEF as well as the field formations earlier also. After detailed deliberations and with the approval of Member (P&V) and Chairperson, CBDT, corrigendum vide Advisory dated 16.1.2015 was issued. This has been brought out very elaborately at point no. 4 of the Advisory</p>

	<p>whose case requisition was sent in 1996 was shown in the Advisory as 1996-97 and for those DRs whose requisition was sent in 7.3.99 the seniority was shown as 1999-2000. This was discriminatory as candidates from these regions where re-examination took place and requisition sent in 1999 would lose their right of seniority which would have been assigned to them had the original requisition dated 26.06.1996 been taken in their case. Revision of the Advisory dated 16.1.2015 sought to the extent all the candidates be placed in the same recruitment year i.e. 1996-97.</p>	<p>dated 16.1.2015 and sl. No 11 of the Annexure 1 of the Advisory. The requisition dated 7.3.1999 was a fresh requisition sent to SSC which supersedes the earlier requisition for the relevant regions. It is also noteworthy that in the grades of ITI, there is no All India seniority list. Every region is an independent cadre region, and there is no question of any discrimination between the CCA Region on this account and cannot be equated with the requisition sent earlier on 26.06.1996.</p>
4	<p>Examination Year 1996 & 1999:The issue raised relates to the letter of requisitions sent to SSC for Examination held in 1996 and 1999. It has been contended that the requisition for 1999 examination was sent on 15.02.2000 and the requisition for 1996 examination was sent in 1996 itself. Accordingly amendment has been sought in the Advisory dated 16.01.2015.</p>	<p>In the Advisory dated 07.11.2014 & 16.01.2015 for VY 1997-98 the date of requisition letter was shown as 28.11.2001, hence as per the ratio of the Apex Court decision in the NR Parmar case the seniority of the DRs was taken as 2001-02. Similarly for VY 1998-99 & 1999-2000 the letter of requisition was dated 10.08.2001 and the seniority was denoted as 2001-02. The letter dated 15.02.2000 was a tentative requisition that was sent to SSC for CGLE-1999. This is amply clear from the CBDT letter dated 10.08.2001, wherein it has been clearly indicated at para 2 as below: <i>“ The vacancy position of Inspectors of Income Tax, as intimated to you vide letter No A-12021/14/99-AD VII dated 15.2.2000, has undergone some changes due to various reasons. The position has been reconciled and the latest vacancy position is indicated in the annexure enclosed”.</i> No recruitment has been undertaken on the basis of the tentative vacancy letter dated 15.2.2000.</p>

		<p>Based on the above, the Advisory had considered the definitive requisition letter dated 10.08.2001 for the purpose of arriving at the Recruitment year/ Seniority of DRs for VY 1998-99 & 1999-2000.</p> <p>Similarly for VY 1997-98, requisition letter was dated 28.11.2001 for which the year of seniority was correctly taken as 2001-02 in the Advisory. No reference of any requisition sent in 1996 has been made in the letter of JCA.</p>
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4. The issues raised in your representation dated 10.12.2015 for the examination year has already been discussed in the table above. In view of the discussion made at sl.no 2 above, I am directed to state that it is amply clear that for examination year 1992, the Recruitment year was 1993-94.

5. Regarding Examination year 2009 & 2010, the issue raised had been discussed threadbare before the issue of Advisories. However, since the issue has again been raised, clarification to the same in tabular form is brought out below:

Sl. No	Issues raised in the representation dated 10.12.15	Clarification/Response
1.	The issue raised was that since no Examination was held by SSC in the year 2009, how to determine the inter se seniority of candidates pertaining to selections for VY 2009-10 and selections for VY 2010-11. In this context it has been requested that the relative merit/rank secured in CGLE 2010 be taken for determination of seniority.	The requisition for 2009 exam was sent to SSC vide letter dated 21.01.2010. The enclosure to the letter very clearly mentions that the vacancies are for RY 2009-10 .In the letter of DoPT dated 15 th January, 2010, mentioned in the letter dated 21.01.2010, the RY has been clearly mentioned as 2009-10 .In the CBDT letter No. A-12021/37/2009-AD. VII dated 11.11.2009,calling for vacancy position, it has been clearly mentioned that the Examination was for 2009. Similarly in the requisition letter dated 27.10.2010,it has been mentioned that the examination is for 2010. No further information, at the time of issuance of

		<p>the Advisories, regarding the examination being cancelled for the year 2009 was available with HRD. However even otherwise it would not make any material difference to the Advisory issued for VY 2009-10 & 2010-11. Considering the dates of the requisition letters, Sl. No 19 of Annexure 1 clearly states that selections of vacancy year 2009-10 would get seniority over selections for vacancy year 2010-11. It is but obvious that if combined dossiers are sent by SSC for two vacancy years then the relative merit in the SSC exams would be relevant for deciding the seniority. In fact many Pr. CCIT regions are already following this principle at the time of deciding the inter se seniority.</p>
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