



I. T. G. O. A. ZINDABAD

# INCOME TAX GAZETTED OFFICERS' ASSOCIATION

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**Circular No. 7**

**Dated: 25-11-2014**

**To,**

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

**Dear Comrades,**

Our members have been apprised through various communications issued by CHQ in frequent intervals informing the status and/or requesting suggestion/opinion of President/General Secretary and members of ITGOA in relation to various issues. It was the conscious decision of CHQ that all the issues, and its development would be communicated to all our members on regular basis and we are trying to keep this commitment for last nine months. In a move to make daily communication more lucid and in time, we proposed to initiate the SMS Service from CHQ extended to all its members country-wide at one go. But as we are not provided with the database of mobile numbers of members by the Units till date, the CHQ is still not able to resort to this very useful tool of immediate communication. I take this opportunity to request all the Units once again to provide us the mobile numbers of all its members as fast as possible to initiate the SMS Service.

We narrate below the developments and status of the issues since our Circular No. 6 dated 12-10-2014.

## **1. Promotion from ITO to ACIT Cadre**

The most important issue before us is the issue relating to the promotions of ITO to ACIT cadre. We are aware that for holding the DPC, the CBDT has to complete three major requisites, (i) Preparation of seniority list for ITO's as per NRP verdict; (ii) identification of year-wise vacancies; and (iii) up-dating deficient APAR's. Status of the above three requisites are as under:

### **A. Preparation of All India seniority list and implementation of NRP decision of Hon'ble Supreme Court**

The persistent effort of JCA in getting the Uniform guidelines from the CBDT ultimately yielded some result and the CBDT had issued advisory addressed to all Pr. CCsIT on 29-09-2014 for uniform implementation of the judgment by issuing advisory in FAQ form. But unfortunately, the Board had advised the Pr. CCsIT to implement NRP only in the cadre of Inspectors of Income Tax and to complete the exercise of conducting review DPCs latest by 10-10-2014. The JCA, vide its letter dated 29-09-2014, objected to it immediately and demanded a corrigendum of the advisory stating that NRP is also to be implemented in all cadres where the elements of Direct Recruitment and promotion exists. The objection of JCA was referred to DoPT by the Board. The JCA resorted to meet the Chairperson and the DoPT frequently to resolve the issue expeditiously. The matter was also raised in the QRM, dated 14-10-2014. Finally, the amended advisory was issued by CBDT on 07/11/2014 suitably amending the same in the line of JCA demand. The time-limit was extended up to 24/11/2014 to complete the job region-wise. It was reported to CHQ that there is some ambiguity in relation to the seniority attributed to some of the vacancy years. CHQ has taken it up with the concerned Directorate and trying to get revisions of Advisory attributing correct seniority of those vacancy years as soon as possible. In the meantime, JCA and ITGOA have circulated their letters dated 09/11/2014 and 11/11/2014 respectively, requesting all its members to force/help local administration to complete the Job in a time bound manner. At the request of JCA, the respected Member (P), CBDT, is personally monitoring the implementation of NRP in different regions. The CHQ is keeping close contact with the Member (P), CBDT, and trying to apprise him regularly with the status of region-wise progress in the matter. As on date, as reported to CHQ, one region has declared that the job is done and most of the other regions are expected to complete it within next two weeks. Only four regions have reported to have a slow progress. I take this opportunity to request all the Units once again to put their best efforts for completion of the job as early as possible and in case of any difficulty in doing so, the CHQ may kindly be intimated immediately to help resolving the issue. More promotions from ITO to ACIT, which is undoubtedly our most importantly task ahead, will be possible if we all join hands to put all our efforts and resources in implementing the decision of NRP so that the All India Seniority List of Income-tax Officer is re-drawn immediately.

**B Status of Deficient APAR's**

The list of deficient APARs had already been circulated vide our communication dated 12-09-2014 requesting all the Unit General Secretaries for efforts for speedy completion of the job. The CHQ has approached the DIT (PRPPOL) again for updating the deficiency list and to upload the new one immediately. I take the opportunity to

request the General Secretaries of all Units once again to follow it up with the administration and the members of their respective Units whose names are appearing in the deficient list to complete the APARs before the finalization of seniority list, so that the process for DPC can start immediately.

**C. Identification and calculation of vacancies**

The CHQ has already proposed CBDT for filling up all available vacancies in the cadre of ACIT. We are persistently trying to get the job of year-wise vacancy calculation done by CBDT and we hope that this exercise will be complete before the seniority list is published by the Board.

**2. IRS Recruitment Rule**

As informed earlier, we have already written letters raising our concerns to the Secretary, DoPT in the matter of proposed IRS RR and the objection was submitted before DoPT on 17-09-2014. The same was also intimated to the Hon'ble FM, MoS(Finance), Minister-in-charge of DoPT, the RS and the CBDT. Subsequently, the DoPT has issued an OM dated 24-09-2014 taking cognizance of our letter instructing all the Cadre-controlling Authorities of Organised Group 'A' Services to publish the proposed amendments in the existing rules in the official websites of the respective Departments and to call for the comments of the concerned officers. As the same was not done by the CBDT, the CHQ had again requested the Secretary, DoPT on 30-09-2014 to ensure that the proposed IRS RR be uploaded in the Departmental Website. The issue has also been taken up in QRM on 14/10/2014 and the Chairman CBDT instructed for a meeting of ITGOA on this issue with DsIT (HRD), which was held on 28/10/2014. No agreement could be arrived at w.r.t. the most unacceptable proposal of amendment i.e. the proposed Rule 7(2) as per which the Board shall determine the number of vacancies to be filled in each year in the grade of Assistant Commissioner of Income Tax. The CHQ has strongly objected this clause with an apprehension that the number of promotion may be restricted by CBDT up to the numbers of direct recruits available in a particular year in case the direct recruits are not available up to the their quota out of the vacancies arising for that year.

In the meantime, the DoPT has raised objections in some of the clauses of the proposed IRS RR, as submitted to it by CBDT. Most of these objections also contained in the protest letter submitted by ITGOA to the DoPT. A reply to this objection was filed by CBDT, wherein, though many of our objections were set right but the issue of vacancy calculation was assigned once again at the hands of CBDT only. A synopsis of the status of proposed IRS RR, after the reply of CBDT to DoPT, is given below for understanding / consumption of all our members and necessary suggestion(s).

S. No.	Issue raised by ITGOA	Present status after DOPT query	Remarks
1	<p>Either the Rule 6(2) in the Draft Recruitment Rule should be deleted or the regular continuous service should be reckoned from the vacancy year.</p>	<p>There is no change in the proposed Sub-rule 6(2). However, the Board has accepted for following change:</p> <p>“Following may be inserted in column (4) of S.No.(5) of Schedule II below the existing formulation:-</p> <p>Promotee officers inducted in the IRS shall be assigned the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers with whom their seniority is clubbed.</p> <p>Note 2 of Schedule 2 will stand deleted.”</p>	<p>This change has been made only for NFSG cadre i.e. Addl.CIT promotion. If the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers is given for all promotions i.e. DCIT, JCIT etc, then it will be proper. Therefore, it may be provided that the regular continuous service for promotee officers shall be counted with the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers with whom their seniority is clubbed.</p> <p>The issue has to be further taken up accordingly.</p>
2	<p>There should be no change in Rule 7(2) and existing rule may be continued. Alternatively, the clause should provide that the vacancies should be determined as per the Government of India/ DOPT guidelines. Otherwise, it will only give rise to avoidable litigation due to arbitrary action.</p>	<p>There is no change in the proposed Sub-rule 7(2). The Board has not accepted DOPT objections on this point.</p>	<p>This issue needs to be contested till it is resolved in our favour.</p>

3	<p>Suitable provision in Rule 7(5) should be made regarding the length of service to be reckoned for the Promotee Officer as the same as of Direct Recruit of that Corresponding Vacancy Year. Further, in lines of the Clause 5(f) of the DOPT OM dated 04.03.2014 on seniority, it should be provided that the initiation of recruitment process for any of the modes viz. direct recruitment or promotion would be deemed to be the initiation of recruitment process for the other mode as well.</p>	<p>The Board has accepted for following change:  “Following may be inserted in column (4) of S.No.(5) of Schedule II below the existing formulation:-  Promotee officers inducted in the IRS shall be assigned the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers with whom their seniority is clubbed.  Note 2 of Schedule 2 will stand deleted.”</p>	<p>This has been inserted only for NFSG cadre i.e. Addl.CIT promotion. If the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers is given for all promotions i.e. DCIT, JCIT and CIT, then it will be proper. Therefore, the clause should be added in Rule 7(5) itself. The Rule may be amended as under:  <b><i>“7(5) For the purpose of appointment to any grade, the length of service shall be reckoned to have commenced from the 1st of January of the year following the year of the Examination on the basis of which the Direct Recruit was recruited and shall include any period during which he would have held a post in the Service but for his being on leave or otherwise not being available for holding such post. Promotee officers inducted in the IRS shall be assigned the benefit of ‘Batch’ corresponding to the batch of the ‘direct recruit’ officers with whom their seniority is clubbed.”</i></b>  Alternatively following Note-3 may be added below Schedule-II as under:  <b><i>“Note 3 - Promotee officers</i></b></p>
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			<p><b><i>inducted in the IRS shall be assigned the benefit of 'Batch' corresponding to the batch of the 'direct recruit' officers with whom their seniority is clubbed."</i></b></p> <p>This issue needs to be contested till it is resolved in our favour.</p>
4	Proposed Rule 8 should be either on 'Appointments by deputation' or it may be removed.	There is no change.	The issue is technical and not of much importance for us.
5	<p>Proposed Rule 10 (3) be reframed as under:</p> <p>10(3) The relative seniority among the Promotee Officers and the Direct Recruit Officers in a particular vacancy year shall be in the ratio of 1:1, being corresponding to the quota rule of 50% each for Promotion and Direct Recruitment It shall be fixed in accordance with the DOPT OMs dated 07.02.1986, 03.07.1986 &amp; 04.03.2014 or as decided by the DOPT from time to time, in the following sequence, namely:-</p> <p>(a) Promotee,  (b) Direct recruit,  (c) Promotee,  (d) Direct recruit, and so on till the last available Promotee or Direct Recruit Officer and left-over officers, if any, will be bunched at the</p>	<p>The Board has accepted for following change:</p> <p>"Rule 10 - The seniority of the persons recruited to the Service after the initial constitution shall be determined in accordance with the general instructions issued by the Government in the matter from time to time."</p>	It may be sufficient for our cause.

	bottom of that particular vacancy year.		
6	Rule-12- Probation Because of already been confirmed in the feeder cadre and having lots of experience and knowledge in the Departmental field, there should be no probation period for promotee officers. Of course there should be training for shorter / truncated duration to enhance, upgrade the knowledge and to interact with best of talents / brains / trainers of the Department.	There is no change.	As per DOPT instructions on RRs, probation after promotion is a must clause in RRs. It is also in existing IRS RR, 1988. We may not expect any favour on this issue.
7	Schedule-III The composition of Departmental Promotion Committee for JCIT & ACIT cadres should be: 1. Secretary, Department of Revenue- Chairman 2. Chairman, CBDT- Member 3. Member, CBDT- Member	There is no change.	This change may be made only after the DOPT finalizes the recommendation of 2 <sup>nd</sup> Administrative Reforms Committee.

The matter was discussed with the Chairperson and Member(P) again demanding redressal of grievances. The CHQ is constrained to pursue the DoPT frequently with the legitimate concern of all promote officers.

The draft IRS RR was uploaded on Departmental website on 19/11/2014 for a few hours and again withdrawn without assigning any reason.

We will pursue the issue at all the levels of concerned authorities to ensure that the interest of our members is protected / ensured at any cost.

### **3. Transfer & Posting in the Cadre of ACIT/DCIT and Addl. CIT/JCIT**

Many requests of our members for the T & P orders in the cadres of Addl. CIT/JCIT and DCIT/ACIT have already been accepted and suitable orders have been passed by CBDT.

All the officers, in the cadre of DCIT/ACIT, who were transferred out of their home-station in 2010 & 2011 have been transferred back to their desired regions by these orders and at present there is no such case pending before the CHQ to pursue. Though some cases relating to 2012 & 2013 have been considered by the CBDT but yet good number of officers has to be accommodated in their home stations or nearby stations. We have taken up these cases, especially the cases of medical ground and disabled child ground, with CBDT again.

In the cadre of Addl.CIT/JCIT also, the cases of left-out 2010 & 2011 transferred officers, retirement zone officers and disabled child ground officers have been taken up with CBDT.

It is expected that orders for both the cadres of ACIT/DCIT and ADDL. CIT/JCIT will be passed by the CBDT in short time.

### **4. Effective date of DCIT promotion and regularization of Ad-hoc JCIT of 2001 batch**

It has already been intimated in our last communication that letters in this regard have been submitted on 08-10-2014 before CBDT highlighting the facts. The issue has also been raised in QRM on 14/10/2014 and the Chairman, CBDT directed the JS (Admn.) and DIT(HRD) to take up the issue with the DoPT immediately. The matter has been discussed with and notes have also been handed over to both DIT(HRD) and JS(Admn.) to apprise and equip the Department so as to enable it to pursue the matter with the DoPT immediately.

### **5. AO/PS Grade pay**

The Laptop issue of the AO/PS cadres is once again taken up with the authorities and this will be pursued further. A detailed report can be circulated only after a positive breakthrough on this issue.

The issue of Grade pay for the AO/PS was last heard in the Pr. Bench, CAT, on 21/11/2014 but again the case is fixed for further hearing on 03/12/2014, which is supposed to be the final hearing. The CHQ is sincerely trying to get the order passed early.

### **6. Issue relating to handling of cases of Matrimonial disputes:**

In the last MC meeting at Darjeeling, the issue relating to framing of our members/problems of our members in handling of cases relating to matrimonial disputes had been discussed and it was decided that the CHQ should pursue the CBDT for issuing suitable



instruction in this regard. The CHQ has taken up the issue with the Board and suitable instruction is expected by the end of this month.

#### **7. NFSG to 2001 Batch:**

The bunched portion of 2001 batch officers, all of whom are members of ITGOA, has been granted NFSG from 01/01/2014 vide order dated 08/10/2014 but almost 25 officers could not get the same due to deficient APARs. All the General Secretaries of the respective Units were requested to find out the fate of the deficient APARs in respect of these left out officers from the local administrations and intimate the same to the CHQ immediately. We have still got response in about half of those cases and CBDT has been requested to hold the screening committee again for granting the NFSG for these officers from 01/01/2014. The members and Unit Secretaries are once again requested to kindly ensure that all the deficient APARs reach the CBDT within a week's time.

#### **8. Amendment of existing Transfer/Placement Guidelines of IRS officers:**

This issue was discussed in the Quarterly Review meeting of the Chairman, CBDT, with the representatives of JCA on 14-10-2014. The Chairman, CBDT, also expressed the need for amendments in the existing guidelines and requested the representatives of ITGOA to submit the proposed amendments of the existing 'Transfer/Placement Guidelines for officers of the Indian Revenue Service, CBDT' to the Board for consideration.

We proposed some of the amendments required in the Transfer/Placement Guidelines issued on 16-02-2010, as below, vide our communication dated 05-11-2014:

- Clause 3.4 is to be read as *“Group-‘B’ officers on promotion to the grade of ACIT shall be transferred out of the region **only when there are no vacancies in that region** and except in those cases where the officer has less than **five years** of service left at the time of promotion.”*
- Clause 3.5 is to be read as *“Officers who have **5 years or less** service left shall be posted to the station/region of their choice to the extent possible.”*
- Clause 4.6 is to be read as *“All postings in the Board.....Central Processing Centre(CPC), Settlement Commission and **International taxation & Transfer Pricing** shall be treated as exempt.....”*
- Clause 4.8 is to be read as *“The cooling off period for being posted again to the same station/region will be **2 years reckoned from AGT to AGT exercises and the***

***periods spent in exempt postings will be counted as period of stay at that station/region."***

- Clause 6.1 is to be read as "*Cases of postings on medical/compassionate/educational grounds will be considered sympathetically and in accordance with the extant instructions of the Government of India by the Placement Committee.*"
- Clause 9 is to be read as "*Subject to the availability of vacancies, Principal Office Bearer(President, General Secretary and Treasurer) of the recognized Associations/Federations at unit/circle level may be allowed to continue at the same station/region till the next BGM at unit/circle level of the respective Association/Federation.*"

We have discussed the matter with the Chairperson again and require submitting our consolidated proposal immediately to the Board. I request everybody concerned once again to forward any suggestion in relation to the amendment to T&P guidelines to the CHQ urgently on priority.

#### **9. Regularization of JCIT**

The proposal for regularization of 2002 batch officers in the cadre of JCIT is prepared and ready to send to UPSC in a few days. Regularization of these officers is required to be done before 31-12-2014 as all these officers will be eligible for NFSG on 01-01-2015. CHQ is pursuing the matter regularly.

I assure that any further development on the above issues and many more issues / demands which the CHQ is seized of will be intimated immediately to all our members.

With warm regards,  
Yours comradely,



**(Bhaskar Bhattacharya)**  
**Secretary General**