



INCOME TAX GAZETTED OFFICERS' ASSOCIATION - WB UNIT

Aayakar Bhavan, 6th Floor, Room No. 28, P - 7, Chowringhee Square, Kolkata - 700 069

President : Mrinal Chanda

General Secretary : Sayantan Banerjee

(Mobile No. 9477331010)

(Mobile No. 8902197979)

Date: 09.02.2016

To
Com. Bhaskar Bhattacharya,
Secretary General, ITGOA(CHQ),
New Delhi

Dear Comrade,

Sub:- Issues discussed in the E. C Meeting of ITGOA(W.B) held on 09.02.16- matter reg.

Kindly refer to the above.

A meeting of the Executive Committee of ITGOA, WB Unit was held on 09.02.16 where the following issues came up for discussion. The meeting decided to highlight the issues before the ITGOA(CHQ) so that the same can be deliberated upon in the Secretariat meeting of ITGOA scheduled on 11.02.16,

1) **Promotion from ITO to ACIT:**

The house observed some of the constituents units of ITGOA like M.P. & Chattisgarh, North West Region & Mumbai had asked the CHQ for ad-hoc promotion to the grade of ACIT for the R.Ys 2014-15, 2015-16 and 2016-17. However, ITGOA, WB Unit strongly believes that exploring the idea of ad-hoc promotion will be akin to a backward step since the ball is already in motion for regular DPC for the R.Y 2014-15. Especially after the judgment of Principal Bench of CAT on 08.02.16, the CHQ must ensure to complete the DPCs for 650 vacancies/ ITOs promoted upto 31.03.2004 for R.Ys 2014-15, 2015-16 and 2016-17 before the date of next hearing .

Our experience with the regularization of 2002 batch ad-hoc JCIT which took more than **2 years after** regularization of the ad-hoc JCIT of just preceding 2001 Batch is a cause of alarm. First of all the decision of going for ad-hoc JCIT promotion for 2001 batch onwards instead of regular one itself was an irregular act, as there was no legal obligation against holding regular DPC. Thereafter the Board didn't bother to fulfil the compulsory obligation to obtain concurrence of DOPT for continuation of those ad-hoc promotions beyond first year on yearly basis. Finally piecemeal release of APAR deficiency lists caused the regularization process to be delayed inordinately. As a result many of our members were forced to retire as ad-hoc JCIT and many missed the NFSG. For the rest, NFSG benefit was received one year later from the date when it had actually been due. We have reason to believe that the most of the lapses on the part of the Board have been deliberate to deny the due benefits of our members.

If we walk into the same trap i.e. ad-hoc ACIT promotion, there is no guarantee that similar drama will not be repeated. We are already plagued by a plethora of CAT/Court cases in connection with seniority revision following NRP verdict. It is for sure that the Board will identify its potential **Suryavanshi** case(s) out of those cases and will influence UPSC for not conducting regular DPCs for years, as it did in the case of JCIT regular promotion. Even

Contd.....P/2

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-2-

accepting ad-hoc promotion for a single R.Y with an understanding of an interim measure for the time being may lead to successive ad-hoc promotions for years to come, as happened in the case of JCIT. We can be doubly sure that if such a situation emerges, the Board will do nothing to break the stalemate, but rather try to complicate the things.

We understand the deep frustration of our members, who are languishing in their 15th year as ITO. We can feel their desperation to break this inertia by any means and the immediate temptation of accepting ad-hoc promotion. But taking the things in totality, accepting ad-hoc promotion will ultimately harm the interest of our members. In the current scenario, ACIT promotion brings only an increment and we don't know from when and in which form the effect of 7CPC will be given. We apprehend, once ad-hoc promotion is taken place, the Board will wash off its hands from regularizing the same as the pressure that has built up following the successful agitation under the banner of JCA will cease to exist. A sudden complacency may also prevail amongst our members, which may take away thrust from our agitation.

Besides It is a known fact that UPSC only allows prospective regularization. It means that the members who will retire soon after or in near future after being promoted on ad-hoc basis, will gain nothing but a marginal pension benefit. For those, who will be in service, may face delay in all time bound future promotions like STS, JAG and NFSG, in absence of early regularization. Again if regularization doesn't take place early, the One Below Rule may not be much of help as the clause of completion of minimum period of regular service (minimum residency period) may act as a spoilsport. We all know that the DRs are most sensitive towards our members getting promotion to the grade of JCIT, as they don't want to serve under any PR JCIT. So a DR led Board will naturally go for extra miles to deny the JCIT promotion to our members, if there is even a slightest opportunity.

2)Uniform and Early Implementation of NRP :

The house was informed that the process of review DPC in West Bengal had been completed for all group C grades and the review DPCs for ITOS would be conducted from 16.02.16. It is expected that the revised seniority list of ITOs can be completed within a very short time. Once the matter is completed the list will be sent to the Board with a copy to the 'Jayadevan committee', as decided in the last BGM. However, some of the members pointed out that some units are not showing desired urgency to complete the process. Some who have completed the implementation of NRP verdict have not followed the advisories issued by the Board, as alleged. It is decided that the CHQ must impress upon the CBDT to ensure all the Pr. CCIT of 18 regions to issue a certificate affirming while inalizing the seniority list in different grades following NPR verdict that the advisories have been followed. The unit secretaries should be requested to send a copy of the revised seniority list of ITOs in a proforma designed by the 'Jayadevan committee' to the CHQ for scrutiny. The same should also be displayed in our website (All India) for consumption of all members.

Contd.....P/3

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-3-**3) 7th CPC Recommendations :**

You are aware that the GOI constituted an Empowered Committee of Secretaries (E-COS) under the chairmanship of the Cabinet Secretary on 27.01.2016 for examining the recommendation of the 7th CPC. The Implementation Cell (IC), which had earlier been constituted under a JS of DOE, was asked to act as the secretariat of the E-COS. From the minutes of the meeting of the IC with nodal officers of various departments held on 02.02.2016 (copy enclosed) it is learnt that all the Departments have been asked to send the comments on the recommendations of the CPC, relevant to the Departments in a given proforma along with monetary implication of the modification, if any suggested. It was left to the respective Department regarding the need to discuss with the staff associations. But a rider was imposed in the minutes that the issues which had represented by the staff associations before the CPC and if it hadn't accepted those after due diligence, would not to be considered by the E-COS, unless the Department would forward full justification to consider those issues.

As per the minutes, we have two sets of cases :1. Demand for AO-PS cadres, which hadn't been discussed in CPC Report and not accepted 2. Other demands, which had been discussed and almost summarily rejected. In CPC Report, it appears that the CPC recommended upgradation in 45 occasions, a list of the same is enclosed. Some of the upgradations recommended are of technical grades/posts, which may not be equated with ours. But some of the upgradations in the Department of Post, Railways, CBI, IB etc., where upgradations were recommended on the same set of arguments, which we too had placed before the CPC. However in our case, upgradation so demanded was declined, whereas in case of other Departments, as mentioned above, the upgradation had been allowed on the basis of the same argument. So we believe that we have a strong case to pursue. But as stipulated in the minutes, the comments/ request of reconsideration should come from the Department with full justification, that too within **two weeks** from 02.02.2016. So we have hardly anytime left. It is therefore requested to immediately impress upon the nodal officer or the officer concerned of the DOR to duly represent our demands with full justification (already submitted by the JCA) while sending the comments to the IC.

Two more issues relating to CPC too need immediate action. First one is the 398 posts of ACIT/DCIT curtailed in the final proposal for CRC. In the report, CPC recommended the DOR to review the CRC exercise. The main concern of the CPC, as expressed in the report, was high concentration higher grade posts in IRS Cadre. Statistically, it was presented in the CPC Report that IRS cadre (post CRC) has 10.39% posts occupied by HAG and above posts against the limit of 3.0 %, as stipulated in the DOPT CRC monogram. So there is a clear scope of rationalization of IRS cadre by downgrading at least 7.39 % of the total strength, which makes around 380 posts in 5000+ strong IRS cadre. This gives us a golden opportunity to tag the rationalization of IRS cadre with the demand for creation of posts in ACIT/DCIT cadre.

Second One is 01.01.96 issue. We were given to understand that it was DOE, which insisted to challenge the CAT, Bombay Bench Order; otherwise DOR was of the opinion to accept the verdict. Now DOE plays the pivotal role in CPC implementation and is manning the IC. Considering the minimum litigation policy followed by the present

Contd.....P/4

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-4-

Government at all level, the DOE may be impressed upon to examine the possibility of withdrawing the case pending before the Hon'ble High Court at Bombay. It may further be impressed upon that the GOI is otherwise fighting a losing battle. The more will be the delay to accept the retrospective effect, the more will be the monetary implication (arrear payment) getting snowballed. As the issue emerged out from the implementation of 5th CPC recommendation, this ECOS & IC (or DOE as a whole) may be the appropriate platforms to resolve the issue forever.

4) Revised All India T&P Guidelines:

After formation of a committee and holding few meetings, nothing has been heard regarding finalization of T&P Guidelines (All India & Local) since then. As the T&P season is approaching, there is every possibility that the Board will finalize the issue after calling a meeting hurriedly, which may not address our concern properly. We have several issues to resolve like to do away with the custom of transfer on promotion for the sake of transfer only (even from already deficient zone), strictly following the spouse ground, AGT to AGT reckoning of cooling off period etc. at All India Level and do away with Placement Committee upto Group B Level, to do away with the custom followed to place the officers at the disposal of CCIT/CIT instead of direct posting, immediate recalling of the letter of the Member (P&V) causing whimsical out of turn transfer of our members etc. at local level. It is requested to kindly take up the issue with the Board to finalize the Guidelines to avoid doing the same in haste and without addressing our concern. Our suggestion is enclosed in this regard.

5) CAP and Artificial Deadline:

In the name of CAP, a reign of terror has literally been unleashed by calling for reports, pressing hard for abiding by the artificial deadline, calling for explanation regarding the absurd task of identifying the revenue potential case and for so many other targets. We have already sent a letter to you requesting to address the problems. We once again request you to prevail upon the Board to refrain from issuing action plan targets, which are not only absurd or unachievable but often go against the spirit of the statute.

We have so far been habituated with the promise of releasing of **cover-it-all** or **Master** format of report by the Board, covering all information required; after which no other non-statutory report may be required to call for. So many Chairpersons have been retired since, but we are yet to get the format of the promised all cure report. We propose that it is high time for the CHQ to ask the Board to identify its statutory reports or suitably change those, if required and intimate. It is proposed that the CHQ shall clearly state to the Board that from **01.04.2016, our members will not submit any non-statutory report**. The Board should rather groom the CsIT/ CCsIT to build the ability (if found missing) to analyze the statutory reports for obtaining desired information, instead of calling for the Reports from the Assessing Officers at the drop of a hat.

Contd.....P/5

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-5-

6)CPC & ITD related problems:

The Central Processing Unit (CPC) was introduced with the declared mission to act as the back office of the field formations. But after some years, our field offices are literally working as the back offices of the CPC. All complicated cases or after making simple cases complicated, the CPC pushed back those indiscriminately to the AOs. AOs are being held responsible for any delay in refund issuing, overlooking the role played by the CPC. Several directions have been issued clearly fixing the responsibility on the AO for not helping out the CPC in time bound manner, whereas the AOs are getting no support from the CPC. Our members are here to serve the people, but ending up by serving the interest of the vendors.

Similarly even in case of ITD applications too, mid-year rolling out of ITBA, the disastrous situation regarding PAN migration, poor performance of helpdesk, poor performance of webmail etc. are causing a huge inconvenience in the field formation. We request the CHQ to take up the issues with the CBDT to ensure that CPC or other vendors shall act to properly support and supplement the assessing officers.

7) FR 56(j):

FR 56 (j) vested the absolute power in the hand of the Appropriate Authority regarding premature retirement, if the Authority is of the opinion that it is in the public interest to do so. Though this rule is very much harsh towards the fundamental right of the Government servants, the Apex Court has held it constitutionally valid in few occasions. DOPT has also issued several OMs time to time regarding the procedure to be followed for periodic review in order to *strengthen the administration* by facilitating premature retirement under FR 56(j). The latest one issued on 11.09.2015. Even in its recommendation, the TARC also referred to FR 56(j) to weed out officers of doubtful integrity or non-performers (First Report; Chapter-IV, People Function). JCA strongly opposed that recommendation along with others. As the TARC recommendations have been appeared to be shelved and in absence of any periodic review in our department, we have not been much concerned regarding 56(j), though things have long been on the paper.

But of late, we are observing tremendous activities on this count. In WB & Sikkim Charge, a committee has been constituted under one Pr. CIT and the committee is asking for leave details as well as APAR grading for last 5 years of all Group B officers/ officials (review of Group A officers to be done centrally) to review the performances of the officers/officials. We are not sure about what is in the store. But TARC recommendation followed by CPC recommendation and several oblique references on performances of Government Servants clubbed with threat of invoking FR 56(j) coming out in the media even from the highest seat of the power are surely something to be scared. But this is such an issue, JCA alone can't fight to resist. Moreover, we believe that the provision of 56(j) must have been conceived to use only in extreme situation and to be exercised with extreme caution. But what is being practiced, is a routine review culminating into such a severe step like forced retirement. Therefore it is requested that the developments taking place should be examined closely and the issue should be taken up with larger forums like CCGEW, CCGGOO, JCM and NJCA etc. for registering immediate protest against the move.



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-6-

8) New APAR Form :

CBDT put it in the public domain through a Press Release dated 08.01.2016 that certain changes will be brought in the APAR form of the assessing officers to ensure greater responsibility in assessment works. We simply fail to understand why the public at large should have any concern about the APARs of the assessing officers. It is basically an effort on the part of the CBDT to portray the assessing officers as responsible for all misdeeds and failures of the Department in the public eye. The parameters declared to be incorporated for bringing in responsibility are so intangible like quality of assessment or pace of disposal etc. that the move definitely widens the scope of keeping the assessing officers at the mercy of the higher ups. We strongly oppose to such move and request the CHQ to demand to the Board for immediate scrapping of the changes so proposed.

We hope the above issues raised in the E.C. meeting will be discussed threadbare in the forthcoming secretariat meeting and mode of action will be arrived at after giving due weightage to the views of our unit.

Comradely Yours,

Sd/-
(SAYANTAN BANERJEE)
General Secretary,
ITGOA, WB Unit

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**RESOLUTION ADOPTED AT THE EXECUTIVE COMMITTEE MEETING OF ITGOA
(WB UNIT) HELD ON 09.02.16 AT ASSOCIATION ROOM, AAYAKAR BHAWAN**

A meeting of the Executive Committee of ITGOA, WB Unit was convened today to discuss the issue of promotion from ITO to ACIT and developments in this regard, since the meeting held with the Revenue Secretary. The Executive Committee meeting unanimously resolved to ask the CHQ to put pressure on the CBDT for ensuring regular promotion to the grade of ACIT for R.Ys 2014-15, 2015-16 and 2016-17 by 31.03.2016, instead of pursuing ad-hoc promotions against the vacancies of the above mentioned Recruitment Years.

The meeting further observed that the regularization of 2002 batch ad-hoc JCSIT was delayed inordinately since their promotion on ad-hoc basis. Also the subsequent batches of JCSIT promoted on ad-hoc basis are yet to be regularized. The members present in the meeting opined that once we go for ad-hoc promotion, the pressure that has built up on the CBDT following the agitation of JCA, which culminated in the meeting with the R.S. will be eased. The members present also felt that if we opt for ad-hoc promotion, the CBDT would not be bothered to expedite the regularisation process, let alone uniform NRP implementation, especially when the career of direct recruit officers is not going to be affected by the delay.

Sd/-

(MRINAL CHANDA)

President, ITGOA, W.B.UNIT