



JOINT COUNCIL OF ACTION
OF
INCOME TAX EMPLOYEES' FEDERATION &
INCOME TAX GAZETTED OFFICERS' ASSOCIATION
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Joint Convenors
KP Rajagopal & Bhaskar Bhattacharya

No.N-1/M12/12-15/

Date: 2nd February, 2015.

To
The Member Secretary,
VII th Central Pay Commission,
New Delhi.

Respected Sir,

In addition to our Memorandum submitted before the VII CPC on 28th July, 2014, we would like to submit the following points for your kind consideration.

A. Suggested Pay for Group-A Officers

We have already mentioned in Chapter IV of the Memorandum submitted by Joint Council of Action (comprising Income Tax Gazetted Officers' Association and Income Tax Employees Federation) that the Income Tax Department is basically an officer oriented department. An officer of the Department has various roles to discharge. The Group-A officers of the Department have got immense diversity of work and are required to be administrators, investigators, quasi-judicial authorities, shrewd lawyers and the tax policy makers right from the beginning of their careers i.e. from the level of Assistant/Deputy Commissioner of Income Tax. The Group-A officers are bestowed with the responsibilities to identify the tax evasion and are given statutory power of Search & Seizure and also to prosecute to check evasion. The Group-A officers of the Income Tax Department are summoned during the conduct of the elections as Expenditure Observers and work under the Election Commission of India in ensuring proper and fair election process and role of the officers of

Income Tax Department have won accolades from the Election Commission for arresting flow of black money in the election procedure. The cutting edge level officers of the department i.e. Assistant/Deputy Commissioner of Income Tax are responsible for collection of more than 80% of regular tax as a part of the Budgetary revenue collection of the country. These Group- A officers are also required to perform the following functions apart from administrative job

1. Ensuring processing of returns on AST module.
2. Allotting PANs wherever required.
3. Making IRLA operational and ensuring that all demands are entered into this system.
4. Ensuring that all the software packages prescribed by the DIT (Systems) are made operational.
5. Seeing that all tax payers grievances are attended in time and redressed in a fixed time bound manner.
6. Ensuring timely collection of demands and issue of refunds.
7. Selection of cases for scrutiny in time and ensuring their timely disposal.
8. Controlling all computer hardware and software of the range and ensuring its maintenance, replacement and updating. Providing technical support and guidance for operation of the computer system.
9. Taking all necessary steps for widening of the tax base.
10. Internal Audit functions.
11. Ensuring that appeal effects are given and central scrutiny reports are submitted in time.
12. Attending Court of Law to represent the Department.
13. Providing training to the Departmental personnel.
14. Conducting Tax-awareness programmes.
15. Performing all other Statutory functions.

It is a fact that to ensure proper performance in all these activities the primary requirement is that the persons should be of exceptional ability & sensitivity and with innate commitment & integrity. The fact was also echoed by the

various committees constituted by the Government of India in this respect. So long, the performance of the Group-A officers were ignored by the successive Pay Commissions. We, therefore, submit before this Pay Commission that considering the nature of work, extended working hours and outdoor job and for overall improvement of the revenue collection of the country, the suggested pay of Group-A officers should be as under:-

Post & (Present Group)	Starting Basic Pay
Assistant Commissioner of Income Tax	88,000
Deputy Commissioner of Income Tax	99,000
Joint Commissioner of Income Tax	1,13,000
Addl. Commissioner of Income Tax	1,32,000

B. Grade Pay of Administrative Officer and Private Secretary

The parity in the pay scales of Income Tax Officer, Administrative Officer (Gr.III) and Private Secretary which were maintained till 4th Pay Commission have been disturbed and as per the recommendation of the 6th Central Pay Commission the Income Tax Officers were given Grade Pay of Rs. 4800/- in PB-2 where as the cadres of Administrative Officer (Gr.III) and Private Secretary in the Income Tax Department were equated with the common category and were given Grade Pay of Rs. 4600/-. In a recent judgment of Principal Bench of CAT, New Delhi vide their order dt. 12th March, 2014 have held that the PS of Railway Department be given the GP of Rs. 4800/-, this judgment was challenged by the Railway Department in High Court of Madras and Apex Court, and the decision of the Principal Bench of CAT was upheld at both the forums. The extract of the order of CAT is as under:

“We have heard both sides and perused the records. It is an admitted fact that the applicants herein, who are Railway employees, are all covered by the

recommendations of the 6th Central Pay Commission. Their pay structure is governed by the Pay recommendation appointed by the Government of India from time to time. The Railways have historically followed the Pay Commission recommendation of the Central Government. Therefore, since the Principal Bench has already held in OA 164/2009 that the relief claimed by the applicant is admissible, we find no reason as to why the same cannot be extended to the applicant herein. It is not the case of the respondents that the recommendation of the Sixth CPC is not applicable to the applicants in this O.A.

6. *The respondents have taken the stand that the Recruitment Rules for the Private Secretaries in the Railways and Private Secretaries in the other departments of the Government of India are different. However, they have not produced any Recruitment Rules to prove that the applicants herein are recruited by separate Recruitment Rules with different standards of academic and professional qualification etc.*

7. *From all this it can be said that there is no statutory rules which differentiates the applicants herein from that of the Private Secretaries in the Central Secretariat or the Central Administrative Tribunal. Under such circumstances, we are of the opinion that the respondents have not made out a convincing case to deny the benefit of OA 164/2009 to the applicants before us.*

8. *For the aforesaid reasons we are of the opinion that impugned order cannot be sustained and the same is set aside. The respondents are directed to grant the Grade pay of Rs. 4800/- initially and Rs. 5400/- on completion of 4 years regular service in the cadre of Private Secretaries Grade II with Gazette Status with effect from 01.01.2006 as claimed in the OA”*

Therefore, the Administrative Officer, Grade-III and Private Secretary of Income-tax Department, being akin to that Private Secretaries of Railway Department, should be granted the Grade pay of Rs. 4800/- initially and Grade pay of Rs. 5400/- on completion of 4 years regular service.

But, the Confederation of Central Government Gazetted Officers' Organisations(CCGGOO), in its submission before the VII CPC, had already placed with logic that the pay and remuneration of all the Gr. B officers, across various Departments of Govt. of India, be initiated with the equivalent replacement scale. So, **the Administrative Officer, Grade-III and Private Secretary of Income-tax Department are entitled to the replacement scale of Grade pay Rs.5400/- in PB-2**, as demanded for the cadre of ITO and other initial Gr. B cadres in other Departments.

C. Upgradation of the cadres of Administrative Officer and Private Secretary

The Union Cabinet approved Cadre Restructuring in Income Tax Department on 23.05.2013. As a result two new tiers of scales/grades were introduced in Indian Revenue Service (Income Tax) and even certain upgradations of existing pay scales were taken place which is as on the next page which is as under:

	PRE-RESTRCUTURING SET UP		POST-RESTRCUTURING SET UP	
Sl. No.	Post	Scale	Post	Scale
1	Chief Commissioner of Income Tax	Rs. 67000-79000	Principal Chief Commissioner of Income Tax	Rs. 80000 (fixed)
			Chief Commissioner of Income Tax	Rs. 75500-80000
2	Commissioner of Income Tax	Rs. 37400-67000 + GP of Rs. 10000	Principal Commissioner of Income Tax	Rs. 67000-79000
			Commissioner of Income Tax	Rs. 37400-67000 + GP of Rs. 10000

However, tiers of scales/ grades for Officers of common categories in Administrative Officer and Private Secretary cadres in Income Tax Department, who actually cater the higher officers of Indian Revenue Service (Commissioner onwards) remain the same. For AO Cadre, there are three grades of A.O. Grade-III, A.O. Grade-II and Senior A.O. In case of P.S. Cadre there are only two grades of P.S. and Senior P.S. So in order to maintain complete parity between the common categories officers working in Ministry (CSSS) and Field as well as to upgrade existing posts in AO & PS cadres in Income Tax Department to higher grades commensurate with those in IRS Cadre, we plead for certain upgradations in AO & PS cadres as under:

Sl.No.	IRS Cadre	A.O. Cadre to cater & the replacement scale demanded	P.S. Cadre to cater & the replacement scale demanded
1	Principal Chief Commissioner of Income Tax	Principal A.O. PB-3, GP-7600/-	Senior PPS PB-3, GP-7600/-
2	Chief Commissioner of Income Tax	Senior A.O./A.O. Grade-I PB-3, GP-6600/-	PPS PB-3, GP-6600/-
3	Principal Commissioner of Income Tax	A.O. Grade-II PB-3, GP-5400/-	Senior P.S. PB-3, GP-5400/-
4	Commissioner of Income Tax	A.O. Grade-III PB-2, GP-5400/-	P.S. PB-2, GP-5400/-

Your kind attention is drawn to the recommendation of 6th Pay Commission in respect of upgradation of 15% of existing Central Secretariat Stenographer Service (CSSS) to PB-3 15,600-39,100, GP-7,600, designated as Principal Staff Officer (Para 3.1.11.; Page 162 of 6th CPC Report), which was eventually accepted by the Government. The Post of PSO was created vide DOPT's O.M. 20.03.2009. We are also pleading for the same kind of upgradation for AO & PS cadre in Income Tax Department. As only upgradation (not creation of new post) is involved, the matter is well within the terms of reference of 7th CPC.

D. Benefit of enhanced pay/remuneration in JTS and JAG, instead of STS and NFSG.

After acceptance and implementation of 6th CPC Report by the Union Government, the reality is that there is hardly any financial benefit for Group B Officers on being promoted to Group A (Junior Time Scale). Moreover the maximum financial benefit lies in the promotion from Junior Administrative Grade (JAG) to Non-functional Selection Grade (NFSG), which is rather an upgradation. It may be appreciated that most of the 7th promote officers end their career by just entering into Group A Service (JTS). In very few Departments, there is a faint chance for 7th promotee officers for entering into JAG scale. So for betterment of all the 7th promote officers, we submit that **there should be substantial financial benefit in promotion to the grade of JTS and JAG**, instead of to the grade of STS and NFSG. Better financial benefit in case of former two promotions actually allows the 7th promotee officers to carry the benefit even while drawing their pension (being the last promotions for almost all promotee officers).

E. Revision of pay/remuneration in the interregnum period

We are obliged that the 7th CPC has already paid attention to the fact of arbitrary upgradation of pay scale by certain Departments defying the *mantra* of successive Pay Commissions of analogy/ parity between pay and nature of work (Letter of 7th CPC No. 7CPC/99/RR/2014/1 Dated: 8th September, 2014). Officers/Officials of Income Tax Department are the worst sufferer. Similarly placed or even subordinately placed Officers/ Officials of Central Bureau of Investigation, Department of Revenue Intelligence, Enforcement Directorate, Intelligence Bureau, Central Secretariat Service, DANICS & DANIPS, Audit & Accounts Department etc. have been surpassed us in terms of Pay scale bypassing the recommendations of successive Pay Commissions. We have strongly urged before the Commission in the memorandum submitted by JCA (Page-19-20) that this practice should be stopped. We once again plead that the Commission should take such a strong stand in its recommendation against this backdoor upgradation creating anomaly, so that DOPT and DOE shall discourage the Departments to undertake such bypassing Act. It may be appreciated that the first and foremost sovereign duty of any Government is to collect tax, as that only fuels the other two sovereign duties of governing and protecting its own territory. Being the Highest Revenue Collector for

Government of India, only we deserve performance based upgradation the most, if at all, any such move takes place.

Thanking you,

Yours fraternally,

(KP Rajagopal) (Bhaskar Battacharya)
Joint Convenors