



JOINT COUNCIL OF ACTION
INCOME TAX EMPLOYEES FEDERATION &
INCOME TAX GAZETTED OFFICERS ASSOCIATION

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Joint Convenors
KP Rajagopal & Bhaskar Bhattacharya

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

Dated: 20th May, 2014

To,
Shri R.K. Tewari,
Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi 110 001.

Sir,

SOLICIT IMMEDIATE ACTION

Sub: Judgement of the Hon'ble Supreme Court dated 27.11.2012 in the case of UOI & Others Vs. N.R.Parmar & Others – Regarding:

Ref: 1. Board's F.No. C-18012/26/2003-V&L dated 15th October 2013- under category

URGENT/ COURT MATTER/SPEED POST.

2. Board's F No. HRD/CM/220/14/2013-14/513/2014-Ad.VII dated 13.3.2014.

3. ITEF letter No. N-1/N-3/12-15 Dated: 21st October, 2013.

We write this with reference to the above referred communications of the Board to the Cadre Controlling Authorities in the matter referred to in the subject. It has come to our notice that the Department of Personnel & Training has provided further opinion in File DOR.F.No. C-18015/37/2014-V&L dated 01.05.2014 with regard to the implementation of the Supreme Court judgement cited. Vide Boards communication in F No. HRD/CM/220/14/2013-14/513/2014-Ad.VII dated 13.3.2014 the Cadre Controlling Authorities were required to implement the Supreme Court Judgement as per the general instructions issued by the DOPT OM dated 04.03.2014 without providing any specific guideline to be adopted for the same. The present opinion provided by the DOPT is on the references made by the Board based on the points of doubt/clarification raised by various Cadre Controlling Authorities.

We have been requesting the Authorities in the Quarterly Review / PGRC Meetings and specifically by ITEF letter referred at Sr. No. 3 above and also by ITGOA letter dated 13.03.2014 for issuance of clear, unambiguous, uniform and speaking instructions as to how and on what principle the interse seniority of the Promotees and Direct Recruits is to be fixed in pursuance of the Supreme Court Judgment and the instructions of the DoPT. The case before the Supreme Court itself was the product of various lines of interpretation adopted by the different CCAs, partisan attitude of the authorities and the neglect of monitoring the seniority list of officers/officials periodically. Despite several assurances, the matter has not been addressed till date making it impossible for the Cadre Controlling Authorities to implement the DOPT OM. It is our apprehension that the Board may again endorse the present opinion of the DOPT in this regard, without making it clear to the CCAs as to how the judgement of the Supreme Court is to be implemented.

It is pertinent to bring to your kind notice that on the directions of the CBDT to the DGIT (HRD), two meeting of the stake holders viz. Official side, ITGOA and ITEF representatives were held on 03.12.2013 and 11.12.2013 wherein various issues were identified as probable debatable points and were discussed. According to the understanding reached in the said two meetings an “advisory” of such issues agreed by all, were prepared and submitted to the Board. Had this advisory prepared in the form of a “FAQ” been accompanied with the Boards OM dated 13.3.2014, the CCAs would have been in a position to implement the same in uniformity across the regions. The Board’s reluctance to do so has not only resulted in delay in the implementation of the Judgement but allowed the CCAs either to raise points of doubts or implement the same on the elucidation/advise derived from various sources.

In this situation, we request your goodself, if any further instruction to the CCAs are being contemplated on the basis of the opinion now rendered by the DOPT, the “advisory”, referred to above, arrived by agreement by all stake holders may also be communicated to the CCAs for implementation of the Supreme Court judgement in a uniform manner in all the CCA Regions.

Thanking you,

Yours fraternally



(KP Rajagopal) (Bhaskar Battacharya)
Joint Convenors