



I. T. G. O. A. ZINDABAD

INCOME TAX GAZETTED OFFICERS' ASSOCIATION

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To
The Chairman,
Central Board of Direct Taxes,
New Delhi.

Respected Sir,

Subject: Implementation of decision of the Hon'ble Supreme Court in the case of Union of India vs. N.R. Parmar & Others (CA No. 7514-7515 & others)- Detection of anomalies in various charges in preparing the revised seniority list- Matter regarding.

Kindly refer to the above.

As your honour is well aware that the ITGOA is trying to provide all assistance to the CBDT in speedy completion of the 'implementation of the NRP Judgment' across the country and subsequent finalisation of the all India seniority list of ITOs, we are analysing the region-wise revised lists in various cadres for the purpose. During the process of such exercise, it has been noticed that some of the charges have not followed the Advisory issued by the CBDT in this regard properly. Also, the data required for uniform implementation of the NRP Judgment is not provided by some of the charges to the CBDT yet.

A brief note of such discrepancies noticed in the revised seniority list in the cadres of ITO and ITI prepared by various charges and also the data required from some charges are enumerated below for your kind perusal:

Data required for finalisation of All India Seniority list of ITOs

The following data is required in respect of the following units in order to complete the exercise of finalisation of seniority list of ITOs:

SI NO	CHARGE	DATA REQUIRED	REMARKS
1	Bihar and Jharkhand	Date of order is not available for any of the Recruitment Years	Date of order is required to finalise the all India seniority which may be called for from the Pr CCIT
2	NER	Date of order is not available for the RYs 1982-83 to 1992-93	may be called for from the Pr CCIT
3	Odisha	Date of order is not available for the RYs 1982-83 to 1992-93	may be called for from the Pr CCIT
4	Pune	Date of order is not available for the RYs 1989-90 to 1999-00	may be called for from the Pr CCIT
5	Rajasthan	Date of order is not available for the RYs upto 2000-01	may be called for from the Pr CCIT
6	Kerala	Date of order is not available for any of the Recruitment Years	May be called from the Pr CCIT

Discrepancies in ITO's seniority list of different charges

On verification of the revised seniority list in the cadre of ITOs, It is noticed that while calculating the available vacancies "on account of promotion to the grade of ACsIT", there is variation in the number of vacancies taken in the RY 2000-01 and 2001-02 and also Board's subsequent letter vide F.No.A-32013/2/2002-Ad. VI dated 21/02/2002 in which vacancies arisen in ITO cadre on account of promotion to the grade of ACsIT was communicated by the CBDT bifurcating the same for all CCIT (CCA) charges. The same for vacancy year 2000-01 and 2001-2002 are as under.

SL No	Region	No. Of Promotion as per earlier list VY 2000-01	No. adopted in Revised List	No. Of Promotion as per earlier list VY 2001-02	No. adopted in Revised List
1	BIHAR	52	78	21	5
2	DELHI	88	132	91	55
3	PUNE	103	119	31	10
4	RAJASTHAN	67	95	28	10
5	AP	61	74	32	19
6	Kerala	28	0	22	50

Note on seniority list of Delhi

Delhi Charge has adopted Exam Year as the Recruitment Year for the DR Inspectors. Delhi Unit is taking a stand that they have implemented the decision in the case of Sanjeev Mahajan confirmed by the Hon'ble Delhi HC in which the year of availability of Direct Recruit Inspector is correlated to the Examination Year and the decision was accepted by the Department. But as the Hon'ble SC in a speaking order has finally decided that the Recruitment Year is the criteria for determining the seniority of DR inspectors and HRD has issued the advisory in this regard and all the units have finalised the revised seniority list of Inspectors according to the advisory only, this is against the spirit of uniform implementation and there is every possibility of further litigation by other units in this regard. Hence, it is requested that the Pr. CCIT, Delhi may be advised to implement the decision as per the Advisory.

Note on seniority list of UP(East)

UP (East) region has revised the seniority list before the issue of the Advisory and they have taken the year of examination as the Recruitment year which is against the advisory dated 27/11/2014 and against the spirit of uniform implementation. This may lead to further litigation. The Pr CCIT, Lucknow may be directed to revise the list as per the advisory.

In view of the above-mentioned facts and figures, it is requested that the respective Pr. CCsIT may be directed to initiate the suitable remedial measures immediately.

Thanking you,

Yours sincerely,



(Bhaskar Bhattacharya)
Secretary General

Copy for information to:

1. The Member (P & V), CBDDT
2. JS (Admin.), CBDDT



(Bhaskar Bhattacharya)
Secretary General