HRD E-office File No.:C-18011(S)/43/2023-V&L-II (Comp. No.5525)/2003

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes
Directorate of Income Tax
(Human Resource Development)
*****

New Delhi, Dated 27.06.2025

OFFICE MEMORANDUM

Sub: Implementation of judgement of Hon'ble High Court of Mumbai dated 08.12.2023 passed in WP No. 9649/2012 arising out of order of Hon'ble CAT Mumbai Bench passed in OA No. 86/2008 dated 17.01.2012.

Consequent upon the acceptance of the recommendations of the 5th Central Pay Commission (CPC) and the implementation thereof w.e.f. 01.01.1996, the Income Tax Inspectors and Income Tax Officers were initially placed in the pay scales of ₹5500–9000 and ₹6500–10500, respectively. Subsequently, as per the Office Memorandum dated 21st April 2004 issued by the Department of Expenditure (DoE) under F.No.6/37/98-IC, and the CBDT's letter dated 22.04.2004 issued under F.No. A-11015/59/2002-Ad.VII, the pay scales of the posts of Income Tax Inspectors and Income Tax Officers under CBDT were revised to ₹6500–10500 and ₹7500–12000, respectively, w.e.f. 21.04.2004, i.e., the date of issue of the aforementioned OM of the DoE.

2. Aggrieved by the OM of the Department of Expenditure (DoE) dated 21.04.2004, the Income Tax Gazetted Officers' Association filed an Original Application (OA) before the Hon'ble CAT, Mumbai Bench, vide OA No. 86 of 2008 dated 31.01.2008, praying that the OM dated 21.04.2004 issued by the DoE may be modified so as to take effect from 01.01.1996 notionally for the purpose of pay fixation, and that the actual payment of arrears of salary be effected from the date of the said OM, i.e., 21.04.2004. The Hon'ble CAT, vide order dated 17.01.2012, allowed the OA, fixing the date of upgradation of pay scales as 01.01.1996 on a notional basis.

3. The order of the Hon'ble CAT dated 17.01.2012 was contested by the Department by filing Writ Petition No. 9649 of 2012 before the Hon'ble High Court, Mumbai. The Hon'ble High Court, Mumbai, while considering the recommendations/report of the Anomaly Committee constituted by the CBDT in compliance with the directions of the Hon'ble High Court, Kolkata, in W.P. (C.T.) No. 21 of 2015 on an identical issue, proceeded in the matter. The recommendations of the said Committee were accepted by the Government of India, and a communication to this effect was issued vide letter dated 22.09.2023. Keeping in view these facts, the Hon'ble High Court, Mumbai, vide order dated 08.12.2023, has directed that:

"16. In light of the abovementioned facts, the appropriate course of action is to dispose of this writ petition directing the petitioner to adopt the same course of action as has been done in respect of the original Applicants who had approached the Calcutta Bench of Tribunal that is acceptance of the report of Special Anomaly Committee and subsequent order giving effect thereto.

17...Accordingly the impugned order passed by the Central Administrative Tribunal dated 17.01.2012 in Original Application No. 86/2008 stands substituted/modified Petitioner will give the benefits as has been given to the Applicants before the Tribunal in Kolkata in Original Application No. 397/2009 in Writ Petition No. (CT) 21/2015."

4. The matter related to the implementation of the order/direction of the Hon'ble High Court, Mumbai, dated 08.12.2023, passed in W.P. No. 9649 of 2012, referred to in the foregoing paragraph, has been examined by the CBDT in consultation with the Department of Expenditure. Based upon the opinion of the Department of Expenditure, vide I.D. Note No. 7/2/2008-IC dated 13.06.2025, and with the approval of the Competent Authority, the CBDT has decided to implement the judgment of the Hon'ble High Court, Mumbai, dated 08.12.2023, passed in W.P. No. 9649 of 2012, arising out of O.A. No. 86 of 2008, in respect of the 'applicants only', i.e., members of the Income Tax Gazetted Officers' Association as on the date of filing the O.A., i.e., 31.01.2008.

5. In view of the above, the upgraded pay scales of ₹6500–10500 in the grade of Inspector of Income Tax, notionally w.e.f. 01.01.1996, and ₹7500–12000 in the grade of Income Tax Officer, notionally w.e.f. 01.01.1996 or from the date of joining the post of Income Tax Officer, whichever is later, as per the 5th CPC, are granted to the 'applicants only', i.e., members of the Income Tax Gazetted Officers' Association as on the date of filing the O.A., i.e., 31.01.2008. The pay shall be re-fixed accordingly, and the actual payment as well as the arrears thereon shall be made w.e.f. 21.04.2004, i.e., the date of issuance of the Office Memorandum by the Department of Expenditure, F. No. 6/37/98-IC.

6. All officers who were members of the Income Tax Gazetted Officers' Association (ITGOA) (Recognised Association) and working in any Unit of ITGOA as on the date of filing of the O.A., i.e., 31.01.2008, are mandatorily required to submit an undertaking stating that he/she was a bonafide member of ITGOA as on the date of filing of O.A. No. 86/2008, i.e., 31.01.2008. The undertaking should be duly certified by the General Secretary of the respective Unit of ITGOA. In the case of ITGOA members who have been transferred to another region, the home region (the Region where member was posted as on 31.01.2008) shall communicate the status of membership of transferred officers to the present region, based on the undertaking submitted by the concerned member duly certified by the concerned General Secretary of ITGOA Unit. In the case of retired members, based on the undertaking submitted by the concerned member, the General Secretary of the respective

ITGOA Unit or the Secretary General (CHQ), ITGOA, shall issue a certificate of membership to the concerned PCCIT(CCA) from where the members are drawing pension.

8. The concerned PCCIT (CCA) shall ensure the necessary verification of the certified undertaking submitted by the members of ITGOA before granting the upgraded pay scales of ₹6500–10500 in the cadre of Inspector of Income Tax, notionally w.e.f. 01.01.1996, and ₹7500–12000 in the cadre of Income Tax Officer, notionally w.e.f. 01.01.1996 or from the date of joining the post of Income Tax Officer, whichever is later.

9. The concerned PCCIT (CCA)/HoD/DDOs shall ensure the correctness of the date of joining as Inspector of Income Tax/Income Tax Officer and other relevant particulars related to the re-fixation of salary of the concerned officers from their service books, on account of the notional upgradation of pay scales as mentioned above, to avoid any excess payment.

This issues with the approval of the Competent Authority.

(Smita Verma)
Addl. Director of Income-Tax, (HRD)-CMD-II, Delhi

Copy for compliance to:

1. The PPS to the Chairman, CBDT, Delhi
2. The PS to the Member (Admn), CBDT, Delhi
3. All PCCsIT(CCA) / Pr. DGIT/DGIT of all Directorates.
4. The Pr. Controller of Accounts, CBDT, Delhi with a request to circulate to all ZAOs.
5. The Joint Secretary (Admn), CBDT, Delhi.
6. The JCIT(OSD)/Under Secretary V&L, CBDT, Delhi
7. The Secretary General of ITGOA.
8. Guard File of ADG-2 Charge.

Addl. Director of Income-Tax, (HRD)-CMD-II, Delhi