



Income Tax Gazetted Officers' Association

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To
The Pr. DGIT(HRD), HRD
JLN Stadium,
New Delhi

Madam,

Sub: Publication of Draft Civil List, 2024 on 16.07.2024, as uploaded on *irsofficeronline* portal -matter regarding

Attention is invited to Draft Civil List, 2024 of Indian Revenue Service officers, circulated vide letter F. No. HRD/CMD-IV/613/01/2024-25/2142 dated 16.07.2024 of the Directorate of HRD and uploaded on *irsofficeronline* portal on 16.07.2024, though taken down from the website shortly thereafter. But this brief display is enough to cause widespread dissent amongst our members and revealed the mindset of those involved in preparation of this Draft Civil List.

However, before delving deep into the content of the Draft Civil List, 2024, let us first consider the importance of the Civil List. The Civil List has all along been considered as the seniority list of IRS officers (IT) for all practical purposes. When this position (i.e. Civil List is the seniority list) was challenged before the Hon'ble CAT (in the matter of Vikas Keraba Suryawanshi; OA No. 1052 of 2010), CBDT filed an affidavit on 18.10.2010, stating *inter alia* the following:

".....the department has been till now operating the Civil List as the seniority list for the purpose of consideration of the promotion of the IRS(IT) officers from one grade to another. All the promotions made in the cadre till now have been based on the inter se seniority position of the officers indicated in the Civil List. Therefore, it is an accepted position that the Civil List published by the department from time to time is also used as the seniority list for the purpose of consideration of promotion of the officers....."

As the larger bench of CAT headed by the Hon'ble Chairman decided otherwise, it is the CBDT, who challenged the order of the CAT in WP(C) 8018/2010 and the Hon'ble Delhi High Court passed the judgment dated 07.06.2012 stating that ***it is held that the Civil List operated by the petitioners is the seniority list for the officers of IRS Department and it will be liable to be amended/modified according to the reference which is to be decided by the Tribunal.***

When the original applicants filed SLP challenging this judgment [Special Leave to Appeal (C) No(s). 21339/2012], the Hon'ble Supreme Court dismissed the SLP on 01.03.2017 stating that *we do not find any ground to interfere with the impugned order of the High Court.* In case of reference too, Hon'ble CAT possibly dismissed it due to default, as CAT website is showing the case as disposed of without any final order uploaded or even without mentioning the date of final order. Therefore, Civil List is primarily the seniority list for IRS

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officers, irrespective of other information incorporated in it and any tinkering will be deemed contemptuous of the Hon'ble Courts' directions. Even later, when separate seniority lists in IRS cadres are published by the CBDT, the format of the publication of the Civil List has always been in order of the seniority in IRS cadres.

On perusal of the Draft List published, it is found that basic requirement of the Civil List (Seniority List) i.e. interpolation of PR officers and DR officers maintaining seniority as well as bunching of the excess officers of PR or DR quota at the bottom of the batch, as mandated in the extant IRS Recruitment Rules, is completely missing and so, in violation of IRS RR, 2015. Instead, starting from the CIT grade below (i.e. CIT, J/Addl. CIT & A/DCIT; wherever PR officers are available), the list displays name of the PR officers and DR officers separately. Name of the DR officers in a particular grade are featured first followed by the PR Officers of the same grade. Such ridiculous setting creates an anomalous situation, where name of PR officers of 2001 batch are appearing below the DR officers of 2006 batch (CIT); 2014 batch DR officers appearing prior to 2006 batch PR officers (J/Addl. CIT) and 2021 Batch DR officers, who are yet to be allotted permanent civil code are preceding 2014 batch PR officers in a list, which is mandated by the Apex Court to be used as the seniority list of the IRS officers. When the Board is very much particular on following the principle of natural justice, such raw deal meted out to its own employees could have been avoided.

It is pertinent to mention here the DoPT's observation, communicated in its note dated 29.02.2024, which you are aware of. This observation stated that promoting only DR officers of the 2014 batch to the grade of DCIT in the absence of a seniority list was *not in order*. This implies that all subsequent DR-only STS promotions (from the 2015 to 2019 batches) were also *not in order*. Despite the knowledge of such irregularities, if the Directorate of Human Resources still proposes such a deliberate distortion of the Civil List (which essentially serves as the seniority list), it sends a clear and unequivocal message that the HRD no longer intends to facilitate any further regular promotions of IRS officers (both DR and PR) up to the grade of PCIT.

In this regard, your attention is invited towards the formation of the Committee by the Directorate of HRD for preparation of draft Civil List. In that Committee, The President of ITGOA was nominated as a member. A meeting of the committee was held on 07.02.2024 which was duly attended by him. In the meeting, few ideas such as putting photographs of the officers etc., were discussed and it was decided that further discussions would be held in the next meeting. But without our knowledge of any further meeting on any further issue, including the issue of separate lists for DR and PR officers disturbing the seniority, this draft Civil List has thus been prepared by not taking ITGOA, the major stakeholder, into confidence.

Madam, it is reiterated that we want a Civil List that clearly portrays the seniority of the IRS officers, as this is the legally settled proposition. We are not concerned about the additional information it contains; the basic principle is non-negotiable for us. Naturally, our members feel completely humiliated. Therefore, we demand that the Draft Civil List is redrafted with interpolation of DR and PR officers of all batches which will essentially serve as the Seniority List and published in the manner as it has been published thus far in earlier occasions.

This is for your kind consideration and necessary action.

Thanking You,

Yours Sincerely,



(Bhaskar Bhattacharya)

Secretary General

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Copy for information and necessary action to:

The Respected Chairman, Central Board of Direct Taxes, North Block, New Delhi, soliciting your kind attention to your message on 01.07.2024 after assumption of the charge of the Chairman, CBDT, and we were elated by the words of togetherness, camaraderie, collective efforts, working as a team etc. in it. Sir, it may be the time we request your kind intervention for publication of the correct Civil List to induce confidence amongst our members that you really mean it.



(Bhaskar Bhattacharya)

Secretary General