



Income Tax Gazetted Officers' Association

President

ARAVIND TRIVEDI

(7599101090)

trivediaravind@yahoo.co.in

SecretaryGeneral

BHASKAR BHATTACHARYA

(8902198888)

secgenitgoachq@gmail.com

Notification

Date: 26-04-2024

Subject: Decisions taken in the Managing Committee Meeting of ITGOA, CHQ held online on 13-04-2024 on the issue of election for the posts of Office Bearers and Executive Members of ITGOA, Delhi Unit- regarding

The 47th Biennial General Body Meeting of the ITGOA CHQ was held at Lucknow from 21st to 23rd February, 2024. The BGM had unanimously resolved to constitute a Dispute Resolution Committee (DRC) with Shri J. Shivaji Yadav, Additional Secretary, ITGOA CHQ, Shri J.P. Singh, Additional Secretary, ITGOA CHQ and Shri D.P. Acharya, Joint Secretary, ITGOA CHQ as its members. The DRC was entrusted with resolving of all organizational disputes arising in any Unit of ITGOA for the next 2 years' term (2024-2026) of the newly elected CHQ. The BGM also decided that henceforth all organizational disputes will be mandatorily resolved within ITGOA only. The Dispute Resolution Committee was given the mandate to examine all such organizational disputes filed before the ITGOA, CHQ and the DRC would submit its report to the ITGOA, CHQ within a time frame. In addition to that, the ITGOA CHQ was entrusted with the responsibility of taking appropriate decision after considering the report of the Dispute Resolution Committee and to issue necessary advisory/direction to the concerned Unit(s)/party(ies) after the decision is taken. The BGM decided that the decision of the ITGOA, CHQ would be binding on all members of ITGOA.

The BGM had resolved to refer the dispute surrounding the last election of ITGOA, Delhi Unit to the Dispute Resolution Committee. The DRC will examination the issue and submit its report to ITGOA, CHQ after deliberation with the Election Commissioner, the stakeholders and general members. The ITGOA, CHQ will suitably advise the Election Commissioner, appointed for ITGOA Delhi Unit election, and other stake holders for completion of the election process. It was also decided by the BGM that the ongoing process of election of ITGOA, Delhi Unit was required to be kept in abeyance till decision is arrived at by the ITGOA, CHQ.

As per the decision taken in the 47th BGM, the Secretary General, ITGOA, CHQ issued a letter to the Election Commissioner appointed for the election of ITGOA, Delhi Unit on 26.02.2024 communicating that the DRC had been formed and it would look into the dispute regarding the election for the posts of Office bearers and executive members of ITGOA, Delhi Unit and requested him to further proceed in the matter of completion of the election process only after receiving the decision from the ITGOA, CHQ in this regard. This communication was also marked to the members of the DRC. Thereafter, the DRC started the work assigned to it.

Subsequently, the DRC submitted its report to the ITGOA, CHQ on 09.04.2024 and the CHQ shared the same with the Managing Committee members on 10.04.2024 and the same is also enclosed along with this Notification. The DRC Report was also e-mailed to the Election Commissioner, ITGOA, Delhi Unit on 10.04.2024 by the Secretary General, ITGOA, CHQ requesting him to convey his view/opinion/reply and mentioned that his view/opinion/reply would be placed before the Managing Committee of ITGOA, CHQ along with the DRC Report itself. In the meantime, the ITGOA, CHQ issued Notice on 29.03.2024 for online MCM to be held on 13.04.2024 for discussion on the single agenda, namely '**to discuss and decide on the issue of election dispute of ITGOA, Delhi Unit as mandated by the 47th BGM of ITGOA**'.

The Managing Committee Meeting of ITGOA, CHQ, held online on 13.04.2024, discussed the issue of election related dispute of ITGOA, Delhi Unit in light of the DRC Report (as submitted to ITGOA, CHQ on 09.04.2024), the reply of the Election Commissioner dated 11.04.2024 in response to the report and various social media posts made by the Election Commissioner and some members of ITGOA, Delhi Unit. The online MCM of ITGOA, CHQ, held on 13.04.2024, was attended by all 17 (seventeen) Units of ITGOA except the ITGOA, Delhi Unit (due to the reason that ITGOA, Delhi Unit has no official body after the expiry of 27 months from its last BGM/Election).

During the course of the Managing Committee Meeting of ITGOA, CHQ, held online on 13.04.2024, the report of the DRC was explained by the members of the DRC before the house. The reply of the Election Commissioner was also considered and rebutted by the members of the DRC. The other facts, replies, material on social media were also considered by the house. All the members of the MCM were given opportunity to give their views and opinion on the issue under consideration. The matter was deliberated at length for taking decision.

The members of the DRC submitted that the DRC had issued a letter vide dated 29.02.2024 requesting the Election Commissioner to submit the details of the entire election process i.e. from the issue of election notification. It was also stated that the DRC would visit New Delhi on 06.03.2024 to meet the Election Commissioner, the stake holders and general members of ITGOA, Delhi Unit. The Election Commissioner was also requested to inform all the stake holders and general members about its visit dated 06.03.2024.

In response to the above letter issued by the DRC to Election Commissioner, a reply was received from the Election Commissioner on 29.02.2024, seeking certain clarifications as to the provisions of which Article of Constitution of ITGOA, the DRC had been constituted and under the provisions of which Article of Constitution of ITGOA, DRC so constituted was calling a report from the Election Commissioner. In reply, the DRC issued a letter to the Election Commissioner on 03.03.2024 and requested him to make himself available before the DRC along with other stake holders. He was also requested to keep the entire election related documents and material intact and tamper free as the BGM had decided to put the process of election in suspension. A reminder was issued to the Election Commissioner on 05.03.2024 intimating that the DRC would be present on 06.03.2024 between 1 PM to 4 PM in ITGOA Room at CR Building, New Delhi and requested him to submit the documents sought in its earlier communications.

Unfortunately, in the meantime, the Election Commissioner had instead chosen to circulate a message in the WhatsApp groups informing that counting of ballots would start on 04.03.2024 from 10.30 AM ignoring the communication of DRC and the decisions taken in the BGM of ITGOA, CHQ.

The DRC was present in the ITGOA Room, CR Building, Delhi on 06.03.2024 at 1 PM as per the schedule. 36 members of ITGOA, Delhi Unit were present on 06.03.2024. The DRC interacted with all the members present and gathered details along with written submissions of the members. The Election Commissioner was neither present on 06.03.2024 before the DRC nor did he provide any evidence/document/detail as requested by the DRC. He was given another opportunity to present his case when the DRC, vide its letter dt. 10.03.2024, requested him to submit the details along with video footage on or before 13.03.2024. The Election Commissioner, this time, expressed his inability to submit the details citing paucity of time. Instead, he directed the Committee to come and visit his office with prior appointment. He further declared that the Election Commissioner is an independent entity as per the Constitution of ITGOA and he had already closed the election process of ITGOA, Delhi Unit by completing the counting process, declaring all the results and notifying the new Executive Committee of ITGOA, Delhi Unit on 05.03.2024. Further the Election Commissioner also alleged that all their correspondences had deliberately been shared by the DRC to a group of ITGOA, Delhi Unit whose members were submitting apprehensions/objections before the CHQ. He further alleged the secrecy of the proceedings was violated which could be contested before the Judicial authorities. This was observed as an clear attempt of the Election Commissioner to arm twist the DRC with a threat of taking the matters of organization to the Court of Law. The DRC took note of this as a serious threat to the unity of the association and attempt to split the association. In spite of the repeated requests made by the DRC, the Election Commissioner deliberately declined to produce any documents before the Committee. It is not out of place to mention here that when the Election Commissioner was nominated, he had to make sure that the entire process of election was conducted in a fair and unbiased manner so that no aspersion could be cast on the neutrality of the Election Commission. Further, the allegation labelled that a committee formed by the All-India BGM to look into the issue of unit level disputes including ITGOA, Delhi Unit Election had deliberately leaked communications to certain faction remained unsubstantiated and therefore completely unwarranted.

The DRC had sent a number of e-mails to the Election Commissioner between 29.02.2024 and 10.03.2024. Suddenly, the Election Commissioner whipped out a new excuse that he was busy with official work and avoided the DRC thereby flouting and avoiding the democratic process of decision-making mandated by the 47th BGM of ITGOA. In the correspondence made with the EC, it was categorically stated to keep the proceedings in abeyance and not to move ahead on the suddenly and arbitrarily stopped counting process of ballots on 14-02-2024, but he resumed the counting process on 04.03.2024 in haste even after receiving the letter of the DRC. Again, the letter of the Secretary General, ITGOA, CHQ requesting to keep the election proceedings in abeyance had also been ignored by the Election Commissioner. If we accept the Election Commissioner's excuse that he was busy in his official work, then the question arises how he could have spared time to restart counting of the ballots on 04.03.2024, which consumed an entire working day. The DRC has thus declined to accept the results of the counting that took place as the Election Commissioner had flouted the decision of the 47th BGM of ITGOA and ignored the direction of the ITGOA, CHQ. Further, the DRC had to work from one place and it was not be possible to for its members to go and visit each stake holder who had some grievances against the election procedure. The attitude and action of the Election

Commissioner showed that the he had already decided what he had to do, with deliberate defiance of his own organisation and its highest decision-making body, and acted swiftly for completion of the disputed election procedure, after the issue of letters by the Secretary General, ITGOA, CHQ and the DRC. The house also felt that the observations made by the DRC were to the point.

For immediate reference of the power of the Managing Committee as per the Constitution of ITGOA is reproduced hereunder:

Art. 17 (iv)

The Managing Committee shall –

(b) Take such action as may be found necessary to redress the grievances, as may be decided at any Managing Committee Meeting, General Body or Extra Ordinary General Body Meeting or as the exigency may demand.

Further, considering the importance of democracy at the grass root level, the following amendment to Art. 17 has been brought in and submitted for the approval of competent authority-

Art. 17 (iv)

The Managing Committee shall –

(b) Take such action as may be found necessary to redress the grievances, as may be decided at any Managing Committee Meeting, General Body or Extra Ordinary General Body Meeting or as the exigency may demand.

(c) Be the authority to decide in case of any dispute arises during election process of a Unit within the framework of constitution when brought to its notice by the Secretary General.

Considering the gravity of the situation, deriving the power from the above constitutional provisions, the Managing Committee resolved to intervene in the affairs of ITGOA, Delhi Unit in the interest of the unity and prestige of the Association. The following decisions were taken by the House in the online MCM, held on 13-04-2024:

- 1) The entire election process conducted by the Election Commissioner appointed for the election of ITGOA, Delhi Unit was neither in the true spirit of democracy and transparency nor without bias and malpractices, for the following reasons:
 - a) The number of posts for which the election was held on 14-02-2024 was never notified properly and/or the 30 days' time (as stipulated by the Constitution of ITGOA) was not given from the date of Notification issued to the date of polling.
 - b) The Notification dated 12-01-2024 was issued for the posts which were non-existent at the time of issuance of the Notification. The Notification dated 18-01-2024 did not provide 30 days' time before the date of polling. The Notification dated 30-01-2024 did also not provide 30 days' time before the date of polling. Also, the Notification dated 30-01-2024 posted and circulated through ITGOA, Delhi Unit Website was unsigned, which made it invalid in this reason itself. So, the

Notifications issued by the Election Commissioner, dated 12-01-2024, 18-01-2024, 30-01-2024 are faulty/wrong in some measure or the other.

- c) The nomination form of one of the contestants, namely, Shri Phanishwar, for the post of Vice President, was not accepted by the Election Commissioner which was duly submitted in time to him. Also, no reason was cited by the Election Commissioner for rejecting his nomination.
 - d) Casting of Postal/Advance Ballot was neither notified nor discussed/decided in the BGM of ITGOA, Delhi Unit, dated 29-01-2024. It was not even brought to the knowledge of all members of ITGOA, Delhi Unit, but some members of ITGOA, Delhi Unit were allowed to cast vote in advance of the declared date of election. Thus, many of them could not exercise their democratic right due to the faulty Election Notification.
 - e) The Election Commissioner had taken the assistance of some individuals to conduct the election process who were not the members of ITGOA, thereby going against his own Notification issued on 12-01-2024 and also the Constitution of ITGOA. In the said notification it was mentioned that assistance in the election process shall be taken from only the members of ITGOA.
 - f) The Election Commissioner had taken the assistance, to conduct the election process, of few officers who are members of ITGOA but openly (on record) supported/canvassed for a particular group, thereby violating the norm of neutrality and fairness.
 - g) The voter list used in the Election process was not duly certified by the erstwhile General Secretary, ITGOA, Delhi Unit. Also, this list was neither properly circulated nor provided to the stake holders. The voter list used for the said election was therefore arbitrary, unconfirmed and so, questionable.
 - h) The ballot papers were not securely stored when counting was arbitrarily stopped on 14-02-2024 and the ballot box was not sealed. Again, it was not opened in front of any witness at the time of re-starting of counting on 04-03-2024. Also, after the stoppage of counting process, the Election Commissioner ought to have kept the counted as well as uncounted ballots in safe custody after obtaining due attestations of the stake holders which would have ensured that the ballot papers were not tampered but this was not done. As the proper procedure was not followed by the Election Commissioner, possibility of changing the polled ballots remains.
 - i) The election process was kept in abeyance by the all India BGM of ITGOA and the decision was duly communicated to the Election Commissioner. But he preferred to restart the election process again and tampered with the crucial evidences during the alleged counting of ballots on 04-03-2024.
 - j) In spite of repeated requests, the Election Commissioner has not provided the CCTV footage of polling and the counting, rather delivered threat to the CHQ of the organization itself.
 - k) The voters were not asked to sign on any Register/Voters' List at the time of casting their votes and therefore, the number of actual votes cast and number of ballots counted cannot be matched or cross-checked. Besides, the absence of register of voters who have allegedly cast their ballot causes serious apprehensions about the genuineness of all the ballots polled.
- 2) Taking all the above facts into consideration, the House of MCM decided that the entire process of election of ITGOA, Delhi Unit, the polling of which was held on 14-02-2024, is declared null and void. The MCM also decided that a fresh election for the post of all office bearers and Executive members

of the Delhi Unit should be conducted and a new Executive Committee of ITGOA, Delhi Unit for the period 2024-2026 be formed at the earliest.

- 3) The House of MCM also unanimously expressed that an amicable, democratic and peaceful resolution of the election dispute of ITGOA, Delhi Unit should be reached with the help of common members of ITGOA, Delhi Unit, who should not suffer because of the improper conduct of election by the Election Commissioner appointed for the election of ITGOA, Delhi Unit.
- 4) The fresh election of the Executive Committee of ITGOA, Delhi Unit will be conducted by the members of ITGOA, Delhi Unit only.
- 5) As allegation had been labelled against the impartiality of the Election Commissioner and he had regularly displayed non-cooperative attitude and also not followed the directions of the ITGOA, CHQ and the decision of the all India BGM of ITGOA, the fresh election process should be conducted under the supervision of two independent observers appointed by the ITGOA, CHQ and under a new Election Commissioner, appointed amongst the members of ITGOA, Delhi Unit, for the election of ITGOA, Delhi Unit.
- 6) As presently there is no executive committee/body of ITGOA, Delhi Unit, an ad-hoc committee of ITGOA, Delhi Unit will be formed. This ad-hoc committee will facilitate the fresh election process of ITGOA, Delhi Unit. This body will also represent the members of ITGOA, Delhi Unit to the authority and also before the CHQ, on the issues which require immediate attention and as a stopgap measure so long the new elected Executive Committee of ITGOA, Delhi Unit is not formed.
- 7) As per the prevailing practice of ITGOA, Delhi Unit with regard to the appointment of the Election Commissioner, this ad-hoc committee of ITGOA, Delhi Unit will hold an Extra-ordinary General Body Meeting of ITGOA, Delhi Unit to decide and appoint the Election Commissioner for the fresh election of ITGOA, Delhi Unit who will conduct the election adhering to the provisions of the Constitution of ITGOA and maintaining transparency and neutrality. The Present Election Commissioner cannot continue to function since the conduct of election under him is found to be faulty and improper.
- 8) The newly appointed Election Commissioner will conduct the election of ITGOA, Delhi Unit. The two independent observers appointed by the ITGOA, CHQ will guide/help the ad-hoc committee and the Election Commissioner in conducting a free and fair election of ITGOA, Delhi Unit.
- 9) The ad-hoc committee of ITGOA, Delhi Unit, as created, will ensure that the fresh election process of ITGOA, Delhi Unit is completed within 3 months from the date of this Notification.
- 10) The Office Bearers of the erstwhile Executive Committee of ITGOA, Delhi Unit will provide the required Fund to the newly elected Election Commissioner for conduct of fresh election and also to the ad-hoc committee of ITGOA, Delhi Unit for its day-to-day functioning, as the subscription of the members of ITGOA, Delhi Unit, collected for the period 2022-2024, is in their possession.
- 11) The ad-hoc committee of ITGOA, Delhi Unit, will be created including members from both the contesting panels in the election of ITGOA, Delhi Unit held on 14-02-2024 and also the representative of independent candidates. The ad-hoc committee will also include names of those members who were not contestants in the election of ITGOA, Delhi Unit held on 14-02-2024 but showed enough encouragement for taking part in the democratic process of electing the Executive Committee and took active participation in the process of election in support of both the panels.
- 12) The ad-hoc committee of ITGOA, Delhi Unit will consist of 13 members. Out of the 13 members, 5 (five) members from each contesting panels, 1 (one) member from independent candidates and 2 (two) active members who didn't contest the election. For the members from each contesting

panels, the contesting Presidents, General Secretaries, 2 Vice-Presidents and 1 Addl. Secretary will be part of the ad-hoc committee, namely S/Shri/Smt. Pankaj Mehta, Bhagat Singh, Ajay Sharma, Gajendra Mishra, Ashok Kumar Man, Amardeep Rai, Dr. Rajeev Ratan, Vinod Kumar Mamgain, Marry Ekka and Umesh Kumar. From the independent candidates, Shri Phanishwar will be part of the ad-hoc committee. From the non-contesting members, two members, namely Shri Om Bir Singh and Shri Rajendra Singh Pundir, will be part of the ad-hoc committee. Dr. Rajiv Ratan, being the General Secretary of the erstwhile Executive Committee of ITGOA, Delhi Unit, will be the convenor of the ad-hoc committee, Delhi Unit.

- 13) Shri Ritesh Kumar, Zonal Secretary (North), ITGOA, CHQ, presently posted at Lucknow and Shri K. Sivakumar, President, ITGOA, Gujarat Unit, presently posted at Baroda, will be the independent observers, appointed by the ITGOA, CHQ, to guide/help the Ad-hoc Committee and the Election Commissioner in conducting a free and fair election of ITGOA, Delhi Unit.
- 14) The OBs of the erstwhile Executive Committee of ITGOA, Delhi Unit are requested to pay the subscription of ITGOA, Delhi Unit to the ITGOA, CHQ for the period 2022-2024 as per the norms, which was not paid during the 47th BGM of ITGOA at Lucknow. It is to mention here that payment of due subscription to the ITGOA, CHQ by all Units is mandatory as per the Constitution of ITGOA and it is not related with election of ITGOA, CHQ. As the subscriptions paid are the contributions of common members of ITGOA, Delhi Unit and the erstwhile Executive Committee holds/maintains the Bank accounts of ITGOA, Delhi Unit, they are duty-bound to pay the due subscription to the ITGOA, CHQ in time as per norms.
- 15) It has come to the knowledge of the House of MCM that the Election Commissioner and some members of ITGOA, Delhi Unit are abusing ITGOA, CHQ in different social media platforms, which tantamount to indiscipline and anti-organizational activity. All these members are requested to refrain from such action in future. Specific instances were quoted by the members of MCM, in respect of the attitude shown by some members against the texture, discipline and prestige of the Association, will be discussed with the concerned Unit of ITGOA in future for taking a call.

The House of MCM, in its online meeting on 13-04-2024, reposed faith and confidence that all contesting members of the election process of ITGOA, Delhi Unit that was held on 14-02-2024 along with their active supporters and all common members of ITGOA, Delhi Unit will cooperate and will abide by the decisions taken in the MCM of the ITGOA, CHQ.



(Bhaskar Bhattacharya)
Secretary General

Copy for information to:

1. All members of ITGOA, Delhi Unit
2. The members of Managing Committee of ITGOA, CHQ

Encl: as stated

To

The Secretary General,
Income Tax Gazetted Officers' Association
Central Headquarters, New Delhi

Dear Comrade,

Sub: Submission of report- Delhi Election for the year 2024-26- Regarding

1. Introduction:

The election for the posts of the office bears and Executive Committee members of ITGOA, Delhi Unit was held on 14.02.2024. After completion of vote casting by the members, the counting process had started on the same day immediately after the voting hours. Subsequently during the process of counting of votes for the posts of President and General Secretary of the unit, certain disputes arose and the counting was stopped. This issue was flagged before the Secretary General, ITGOA, CHQ by some of the contestants followed by the Election Commissioner appointed. As the Biennial General Body Meeting (hereinafter referred to as BGM) of the ITGOA, CHQ was to be held on 21.02.2024 to 23.02.2024, the issue was placed before the BGM. During the BGM, the stake holders from both the panels (as appeared from the campaigning materials available on social media) independently placed their view points before the house of the BGM on the imbroglio over declaration of the election results. After thread bare discussion the house of the BGM, consisting of delegates from different units present in the BGM, unanimously decided to constitute a Dispute Resolution Committee (DRC) of the ITGOA, CHQ, consisting of three members viz: Shri J. Shivaji Yadav, Addl. Secretary, Shri J. P. Singh, Addl Secretary and Shri D. P. Achariya, Joint Secretary for the term of 2 years up to the next BGM of ITGOA, CHQ for resolution of all organizational disputes arising in any Unit. The issue of Delhi Unit election was also referred to the DRC.

2. Initiation of work of DRC:

As per the decision taken in the BGM, the Secretary General, ITGOA, CHQ issued a letter to the Election Commissioner appointed for the election of ITGOA, Delhi Unit on 26.02.2024 communicating that the DRC had been formed and it would look into the dispute regarding the election for the posts of Office bearers and executive members of ITGOA, Delhi Unit and requested to further proceed in the matter of completion of the election process only

after receiving the decision from the ITGOA, CHQ in this regard. The relevant portion of the letter of the Secretary General is reproduced under:

“I am directed by the newly elected Central Headquarters (CHQ) of ITGOA to inform you that 47th Biennial General Body Meeting of the ITGOA CHQ held from 21st to 23rd February, 2024 at Lucknow, unanimously resolved to constitute a Dispute Resolution Committee consisting of Shri J. Shivaji Yadav, Additional Secretary, ITGOA CHQ, Shri J.P. Singh, Additional Secretary, ITGOA CHQ and Shri D.P. Acharya, Joint Secretary, ITGOA CHQ as its members for resolution of all organizational disputes arising in any Unit of ITGOA for the next 2 years term of the newly elected body. The BGM also decided that all organizational disputes have to be resolved mandatorily within the ambit of ITGOA only. The Dispute Resolution Committee is mandated to examine all such organizational disputes as reported to the ITGOA, CHQ and submit its report to the ITGOA, CHQ within a time frame. In addition to that, the Secretariat of ITGOA, CHQ has been entrusted with the responsibility of taking a decision after receiving the report of the Dispute Resolution Committee and after considering all aspects, which will be binding on all members of ITGOA. The ITGOA, CHQ will issue necessary advisory/direction to the concerned Unit(s)/party(ies) after the decision is taken by the Secretariat, ITGOA, CHQ.

Furthermore, the house of the BGM directed to refer the issue of ongoing election of ITGOA, Delhi Unit to the Dispute Resolution Committee for its examination and submission of its report to ITGOA CHQ, preferably within 15 days, after interacting with the Election Commissioner, the stakeholders and other members who wish to present their case. On receipt of the report and considering all aspects, the issue will be placed before the Secretariat of ITGOA, CHQ for decision. Thereafter, the ITGOA CHQ will suitably advise the Election Commissioner, appointed for ITGOA Delhi Unit election, and other stake holders for completion of the election process. So, the ongoing process of election of ITGOA, Delhi Unit is required to be kept in abeyance till such time.

Therefore, I am directed by the ITGOA CHQ to request you to proceed in the matter of completion of the election process only after receiving the decision from the ITGOA, CHQ in this regard.”

The above communication was also marked to the members of the DRC. Accordingly, the DRC has also issued a letter vide dated 29.02.2024 requesting the Election Commissioner to submit the details of the entire election process, right from issue of election notification till the date of issue of this letter. It was also stated that the DRC would be present in Delhi on

06.03.2024 to meet the Election Commissioner, the stake holders and other members of ITGOA, Delhi Unit. The Election Commissioner was also requested to intimate all the stake holders and members about the visit of DRC to Delhi on 06.03.2024. The relevant portion of the letter issued by DRC is reproduced below:

“The Dispute Resolution Committee is mandated to examine all such organizational disputes as reported to the ITGOA, CHQ and submit its report to the ITGOA, CHQ within a time frame. The ITGOA, CHQ will issue necessary advisory/direction to the concerned Unit(s)/party(ies) after the decision is taken by the Secretariat, ITGOA, CHQ. Accordingly, as there has been a dispute with regard to the election for the posts of office bearers and executive members of ITGOA, Delhi Unit, the same has been referred to the Dispute Resolution Committee for examination and submission of report to ITGOA CHQ, after interacting with the Election Commissioner, the stakeholders and other members who wish to present their case.

In view of the same you are kindly requested to submit the details of the election process conducted right from issue of election notification to the Dispute Resolution Committee in its email id drc.itgoa@gmail.com along with the reason of dispute and your opinion on resolving it. The DRC will be present at New Delhi on 06.03.2024 and wishes to meet the Election Commissioner in person. So, it is requested that kindly make it convenient to meet the DRC on 06.03.2024.

It is also requested that the other stake holders may also be intimated about the said email id of the DRC and the scheduled meeting on 06.03.2024 through your good office, as they may also make submission before the DRC and/or meet the DRC which will help us to submit a fair report to the ITGOA, CHQ, New Delhi.

Your cooperation in this issue will be highly appreciated.”

In response to the above letter issued by the DRC to Election Commissioner, a reply was received from the Election Commissioner on 29.02.2024, seeking certain clarifications which are as under

“I have sought certain clarifications from Secretary General, CHQ for which I am yet to get reply. If you desire, I can share the same with you as well. Also please let me know under the provisions of which Article to Constitution of ITGOA this DRC has been constituted and under the provisions of which Article to Constitution of ITGOA, DRC so constituted is calling a report from me.

Regards

Rahul Gautam

Election Commissioner”

Replying to the mail received from Election Commissioner, DRC issued a letter to the Election Commissioner vide dated 03.03.2024 and requested to make himself available to meet the DRC along with other stake holders, and to keep the entire election related documents and material free from tampering as the BGM has decided to keep the process of election in abeyance. The reply to Election Commissioner is reproduced below:

“We have received your mail dated 29.02.2024 raising certain queries on the functioning of the Dispute Resolution Committee (hereinafter referred as the DRC).

In this regard, it is to inform you that certain irregularities in the election of the Delhi Unit, being conducted by you as Election Commissioner, were brought to the notice of the Secretary General, ITGOA, CHQ by a group of the members of Delhi Unit. The Secretary General, referred the issue to the Biennial General Body Meeting (hereinafter referred as the BGM) of the ITGOA, held at Lucknow during 21-23 February, 2024, to consider any such matter. The BGM after considering the dispute, constituted this Dispute Resolution Committee for resolution of all organizational disputes arising in any unit till next BGM. The house of the BGM being the highest decision-making body decided to refer the issue of ongoing election of ITGOA, Delhi Unit to the DRC for its examination and submission of its report to ITGOA CHQ, preferably within 15 days, after interacting with the Election Commissioner, the stakeholders and other members who wish to present their case. The Managing Committee of ITGOA, CHQ vide Article 17(iv)(b) is empowered to take action on any such issue, which will definitely take a call once the facts are gathered by the DRC and its report submitted. The CHQ vide letter dated 26.02.2024 has also specified that the ongoing process of election of ITGOA, Delhi Unit is required to be kept in abeyance till such time.

In view of the above, you are requested to maintain the status quo in the election process and extend your cooperation by keeping the election related documents and other material intact without any movement or tampering, since election process has been kept in abeyance as communicated vide CHQ letter dated 26.02.2024 addressed to you. The DRC members will be available in Delhi on 6th March 2024 to discuss the issue with you as well as with the other stakeholders and to examine the related documents. Your kind cooperation is required to be extended for submission of the DRC report to Central Headquarters of ITGOA. Further the same may please be brought to the notice of all stakeholders.”

Again, a reminder was issued to the Election Commissioner on 05.03.2024 intimating that the DRC shall be present on 06.03.2024 between 1 PM to 4 PM in ITGOA Room at CR Building, New Delhi and requested him to submit the documents requested for in its earlier communications. However, in the meantime, the Election Commissioner had instead chosen to circulate a message in the WhatsApp groups informing that counting of ballots would start on 04.03.2024 from 10.30 AM ignoring the communication of DRC and the decisions taken in the BGM of ITGOA, CHQ.

3. Meeting of DRC with Stake holders:

As per the schedule given, the DRC was present in the ITGOA Room, CR Building, Delhi on 06.03.2024 from 1 PM onwards. The DRC has interacted with the stake holders present and gathered details along with written submissions. During the course of discussion, submissions were made by certain stake holders present indicating the following irregularities in the election process

1. The stake holders have pointed out that the Election Commissioner was appointed by the outgoing Executive Committee rather than by the BGM of the ITGOA, Delhi Unit held on 29.01.2024. In the said BGM dated 29.01.2024, no reference was ever made regarding the appointment of Shri Rahul Gautham as Election Commissioner.
2. The Election Notification was dated 12.01.2024 but it was actually issued on 15.01.2024, indicating back dating of Election Notification.
3. As per the constitution of ITGOA, the election notification should be displayed in all notice boards across all 8 Income tax buildings of Delhi, where members of this Unit are working. However, some of the stake holders claimed that the same was not displayed in the notice boards across of the Income Tax buildings situated in Delhi Region.
4. The stake holders claimed that the proper certified voter list was never provided to the contestants.
5. The stake holders submitted that many members had requested for postponement of election to some other date owing to the reason that 14.02.2024 was an auspicious day and many members would not attend office to perform Pooja by applying for leave.
6. It was brought to the knowledge of the DRC that advance/postal ballots had been accepted by the Election Commissioner. But the provision of advance/postal ballot

was neither mentioned in the Election Notification nor intimated to any contestant/member.

7. During the counting process, the Election Commissioner was questioned with regard to the advance/postal ballots and as the dispute arose, the counting was kept in abeyance and further, the Election Commissioner did not intimate any of the stake holders regarding the place and process of preserving the ballot papers for maintaining safety and secrecy.
8. In the Election Notification dt. 12.01.2024 issued by the Election Commissioner, it sought election for 5 Vice President posts and 5 Additional Secretary Posts and with a * mark stating that the posts have been increased from 3 to 5 in each category and are subject to approval of the General Body. It was contended that the additional posts were not available at the time of issue of the Notification, which resulted in making the Notification as incomplete and void.
9. Apart from 2 groups contesting the elections, some independent candidates have also contested the elections. One of the Independent Candidate, Shri Phanishwar, JCIT who was present during the meeting of DRC, submitted that he had filed nomination for 4 posts. However, the Election Commissioner, while displaying the valid list of nominations, did not display his name against the 4 posts i.e., Vice President, Vice President (IRS), Additional Secretary, Executive Members for which he had filed his nominations. He alleged that his nomination for the post of Vice President was not shown in the Nomination list issued by the Election Commissioner, for which no satisfactory explanation was given by the Election Commissioner to him.
10. During the course of meeting, certain common members, who did not contest in the elections, were also present and made submissions. One such submission was made by Smt. Anjani Joshi, ITO AU-6, Delhi wherein she stated that, she had not been aware of the facility that vote can be cast through postal ballot as the election notification did not contain such details. She stated that she was shocked to know that certain members were allowed to cast votes through postal/advance ballot thereby denying her democratic right of casting vote. Likewise, the DRC has received number of emails in its mail id drc.itgoa@gmail.com, wherein many members stated that they shocked to know that postal ballots had been allowed by the Election Commissioner without incorporating it in the Election Notification

or informing the members about the facility. Thereby they could not cast their vote and it's against the principle of democracy.

11. It was alleged by some of the stake holders and members, that no register had been maintained during the election process, thereby they were unable to know who had cast their vote and who had not. It was also alleged by certain members that votes of many members, who never visited to cast their votes, appears to have been cast through some mischief and the Election Commissioner has not made it public as to which members have cast their votes. The voter list was never provided to the polling agents due to which they could not note and maintain as to which members had cast their votes. It was also alleged that voters were allowed to enter from the EXIT gate in the polling area with ballot papers, which further raises question, that how were they able to get ballot papers from EXIT gate side. It was submitted that this can be verified from the CCTV/video footage.
12. The Stake Holders and members who were present before the DRC stated that the Election Commissioner had not intimated about where the ballot boxes had been kept after stoppage of the counting process on 14.02.2024. Further no signature of the contesting candidates or their representatives had been taken at the time of alleged sealing of ballot papers and while storing at some unknown place. And, also no witness was present while the same were opened. Thus, the authenticity of the ballot papers recounted on later date had extinguished. It was alleged that the said ballot papers were tampered with and changed between 14.2.24 to 04.3.2024 by the Election Commissioner himself.
13. One of the stake holders have stated that he had filed his first objection on 14.02.2024. The Election Commissioner replied to him vide email dated 15.02.2024 stating that casting of votes through postal ballots before the appointed date of election i.e., 14.02.2024, was discussed and decided in BGM itself. It was stated that the Election Commissioner, later on, had authenticated both Shri Bhagat Singh and Shri Pankaj Mehta telephonically. In the same mail, the Election Commissioner stated that it had been decided after due consultation with Shri Bhagat Singh as well as Shri Pankaj Mehta, the Presidential candidates of both the groups, that after availability of ballot papers on 10.02.2024 at 11.30 AM, with his office, the Common voters can cast their votes physically in his office till 13.02.2024 which would be sealed in envelope in presence of two witnesses and would be counted with all other ballot papers, after mixing the same with the

votes polled on 14.02.2024. Subsequently vide his letter dated 01.03.2024, the Election Commissioner informed that it had been decided after due consultation with Shri Bhagat Singh as well as Shri Pankaj Mehta, the Presidential candidates of both the groups, that after availability of ballot papers on 12.02.2024 at 11.30 AM, at his office, the Common voters can cast their votes physically in his office till 13.02.2024. The cast ballots would then be sealed in envelope in presence of two witnesses and would be counted with all other cast ballots polled on 14.02.2024 after mixing them. The stake holders alleged that the Election Commissioner had conducted postal ballot voting in his office or some other place of his choice, providing an opportunity to select a few members only whereas the other members were not aware of this facility that they can cast their vote through postal ballot, which resulted in non-casting of their votes undemocratically. It was also alleged that no Notification was issued by the Election Commissioner with regard to the facility of the postal ballots. It was also alleged that in the email of the Election Commissioner, the availability of ballot papers is written as on 10.02.2024 whereas in his letter dated 01.03.2024, the availability of ballot papers is written as on 12.02.2024. It was alleged that it is the afterthought of the Election Commissioner in order to show this illegal action as proper. It was also alleged that even if informed, Shri Bhagat Singh as well as Shri Pankaj Mehta were not representing all 1340 members of the Unit and in absence of proper Notification, the allowability of postal ballot was illegal.

14. It was alleged that polling was recorded in the video/CCTV camera, which would reveal the cast of fake votes. However, when some member asked the Election Commissioner to make the video recording public, it was not accepted by the Election Commission and provided.
15. Sri Rajiv Ratan Singh, the erstwhile General Secretary of ITGOA, Delhi Unit, was present before the DRC on 06.03.2024. He stated that the proposal to increase the number of posts of Vice President and Addl. Secretary from 3 to 5 was taken in the Executive Committee Meeting. He further stated that no discussion with regard to postal ballots was made in the Executive Committee meeting or in BGM. Besides the notification didn't mention any such provision.
16. During the meeting with DRC, members present stated that the counting process had been stopped due to irregularities and the same had been brought to the knowledge of the Pr. Chief Commissioner of Income Tax, Delhi who in turn had

appointed 2 observers namely Sri Manish Dabas, JCIT and Sri Bhogender, JCIT. Further the observers already filed a report to the Pr. Chief Commissioner of Income Tax, Delhi.

17. The stake holders alleged that in the Para 3.1 of the Election Notification issued by the Election Commissioner on 12.01.2024, it was stated that the commission can co-opt any member of ITGOA, Delhi Unit for assistance and smooth functioning of the election process in any manner. However, the Election Commissioner has taken the assistance of the non ITGOA members and also supporters of one panel contesting the election as a group, which is evident from the campaigning materials released by that particular group.
18. It has also been alleged that Notification dated 12.01.2024 was issued duly signed by the Election Commissioner wherein the election was declared to be held for certain additional posts which were non-existent on the date of such Notification. Subsequently on 18.01.2024, the Election Notification was revised and the post of one post of Assistant Treasure was added in the list of posts. This corrigendum of Notification was also duly signed by the Election Commissioner. However, this Notification, containing one more post of Assistant Treasurer, was notified only on 18.01.2024 with date of election on 14.02.2024, thereby giving less than 30 days' time till the date of election. As per the ITGOA constitution, the election notification should be issued 30 days prior to the date of election, which was not followed by the Election Commissioner in the present case. Once the notification was amended, at least 30 days' time should have been further given for the date of election. Therefore, this is a big irregularity on the part of the Election Commissioner, which makes the entire election process void. Thereafter, Election Notification dated 30.01.2024 was posted on website of the ITGOA, Delhi Unit. Surprisingly, this Notification dated 30.01.2024 was unsigned. As the unsigned document has no legal sanctity, hence the same cannot be taken into any cognizance and any process under taken through this unsigned Notification is void. The copy of all the 3 notifications and its digital footprint on the ITGOA website were submitted.
19. It was alleged that the unsigned Notification was issued increasing certain posts, which was an amended Notification and not subsequent Notification, and also declaring date of election on 14.02.2024, thereby giving less than 30 days' time till the date of election. As per the ITGOA constitution, the Election Notification

should be issued 30 days prior to the date of election, which was not followed by the Election Commissioner in the present case. Once the Notification was amended, at least 30 days' time should have been further given for the date of election. Therefore, this was a big irregularity on the part of the Election Commissioner, which makes the entire election process void.

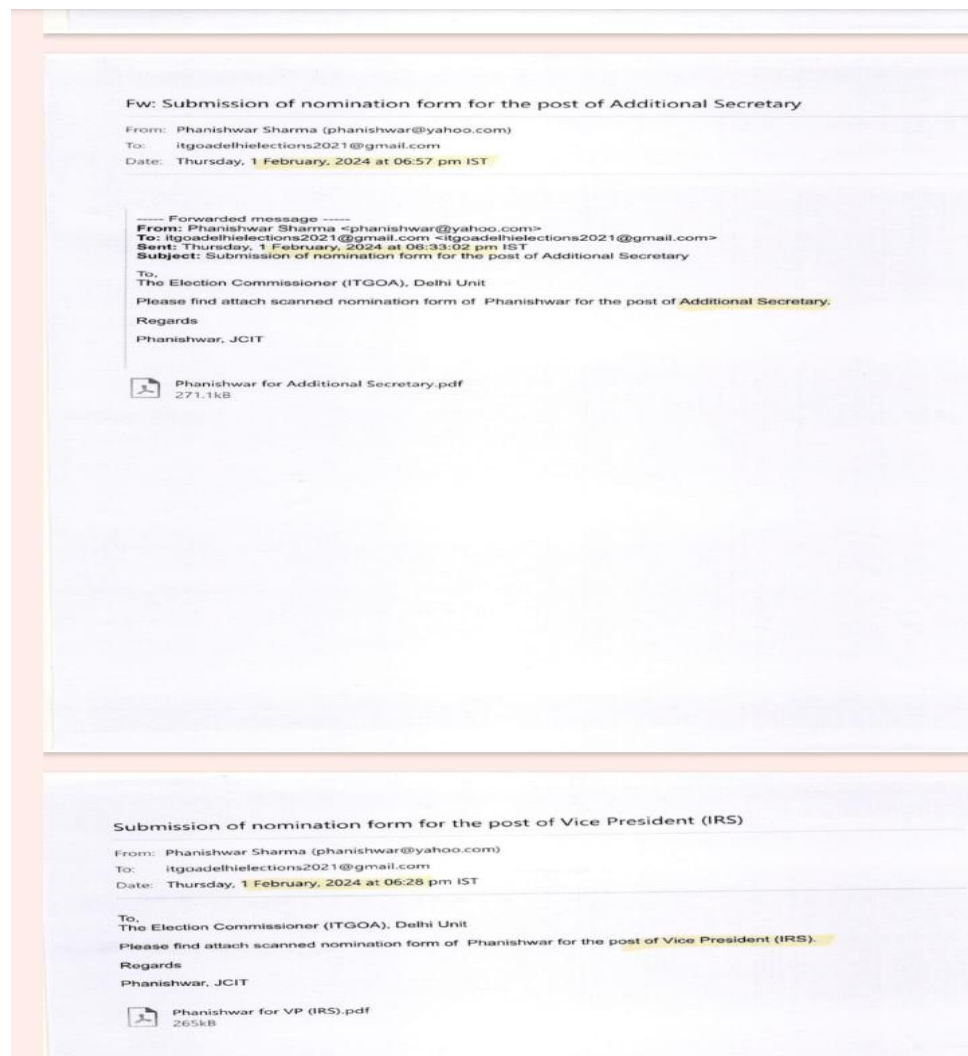
4. Point wise discussion after taking into consideration the available material provided to the DRC:

1. With regard to the objection raised on the appointment of Election Commissioner by the Executive Committee and not by BGM, it is clarified that as per the constitution of ITGOA, Executive Committee can appoint the Election Commissioner and the DRC finds no irregularities on the said issue.
2. The allegation that the election notification was issued on 15.01.2024 with back dated on 12.01.2024, the DRC did not find any material which support the claim of some of the stake holders.
3. The Election Notification was not displayed in all notice boards of all 8 buildings of Delhi Unit where members were working. As per the information gathered and enquiries made, the Notification was not displayed on the notice Boards of all buildings, where the members of ITGOA, Delhi Unit were working. Though the Notification was placed in the website of ITGOA, Delhi Unit, as per the submission of the members during the meeting of DRC all members of ITGOA, Delhi Unit do not have access to the said website, for the reason that the administrator of the website requires to allow the first time viewers that that is not done for all members. **Thus, the Election Commissioner failed in bringing to the knowledge of all the members about the date and time of the election by not displaying the Election Notification in all notice boards which was mandated, and also not allowing all members in the website of ITGOA, Delhi Unit.**
4. Certified voters list was not provided to all the contestants. The Voter's list was uploaded on the website of the ITGOA, Delhi Unit. However, there is nothing on records to show that the same was certified by the erstwhile General Secretary of the ITGOA, Delhi Unit since Shri Rajiv Ratan did not confirm this fact. Also, **website of ITGOA, Delhi Unit is not accessible to all members of ITGOA, Delhi Unit.**

5. Postponement of election date from 14.02.2024 to some other day as it was an auspicious day does not hold any ground for the reason that 14.02.2024 was not a public holiday.
6. The Election Commissioner had accepted advance/ postal ballots which is clear violation of Election Notification issued. Further, the Election Notification does not contain any mention that the postal ballots/ advance ballots shall be allowed to the members. **The Election Commissioner has therefore violated the notification issued by him. The Election Commissioner ought not to have allowed the Advance / postal ballots.**
7. As a dispute arose during the counting process, the same was kept in abeyance. The number of ballot boxes and/or the number of ballots, counting of which were kept in abeyance, were known to nobody other than the Election Commissioner himself. The entire disputed thing were kept in a Room, which was also not known to any of the stake holders. However, the same was not sealed in the presence of all stake holders and they have also not put any signature/stamp on the seal. During the meeting with stake holders wherein members of two groups were present along with independent candidate have confirmed that no such signature/stamp have been taken. Also, the ballot boxes/ballot papers were not opened in the presence of the stake holders for any further proceedings. **It is therefore concluded that the process of counting which restarted on 04.03.2024 without the presence of witnesses on behalf of all the stake holders was done in haste without due transparency and the results are disputed and should not be given any cognizance. Hence the entire election process is not transparent.**
8. Election Notification was issued on 12.01.2024 for 5 posts of Vice Presidents and 5 posts of Addl. Secretary, which was subject to approval of General Body Meeting of ITGOA, Delhi Unit, which was to be held on 29.01.2024. The Notification issued is at fault for the fact that the said posts had not yet been approved by the General Body Meeting and the Election Commissioner does not have the right or power to increase the number of posts without the approval of the General Body. The General Body of ITGOA, Delhi Unit, in its meeting, approved the same on 29.01.2024. Then the Election Commissioner should have reissued the Notification for the approved enhanced posts, giving a time of 30 days for election. But the Election Commissioner failed to do so. The Election Commissioner stated that after receiving the communication from the General

The stake holders claimed that the unsigned document has no legal sanctity and this act of the Election Commissioner makes the entire process vitiated and the election results should be declared null and void. The process of election on the basis of unsigned Notification can not be treated as valid.

9. Valid nominations were not displayed with regard to one of the candidate Shri Phanishwar, wherein his nomination for Vice President post was rejected. As per the copy of the email to the Election Commissioner submitted by Shri Phanishwar dated 01.02.2024 at 6:24 PM, the officer filed his nomination for Vice President post (Copy of the email enclosed). The member also sought rectification of valid contestants through email dated 05.02.2024. However, the Election Commissioner has stated that no such mail has been received with regard to nomination filed for the Vice President post. The entire correspondence with the Election Commissioner is displayed below:



Submission of nomination form for the post of Executive Member.

From: Phanishwar Sharma (phanishwar@yahoo.com)
To: itgoadelhielections2021@gmail.com
Date: Thursday, 1 February, 2024 at 06:31 pm IST

To,
The Election Commissioner (ITGOA), Delhi Unit

Please find attach scanned nomination form of Phanishwar for the post of Executive Member.

Regards

Phanishwar, JCIT



Phanishwar for Member.pdf
268kB

Re: Fw: Submission of nomination form for the post of Vice President

From: ITGOA Delhi Unit (itgoadelhielections2021@gmail.com)
To: phanishwar@yahoo.com
Date: Monday, 5 February, 2024 at 07:20 pm IST

Dear Sir

This office has not received any mail regarding you contesting for the post of Vice President. This has also been discussed telephonically

Regards
Rahul Gautam

On Mon, Feb 5, 2024 at 6:22 PM Phanishwar Sharma <phanishwar@yahoo.com> wrote:

On perusal of the list of contestants, it is seen that my name is not reflecting against the post of Vice President. Besides, I have also filed my nomination for the post of Vice President (IRS) where my name is shown as contestant for the post of Vice President (IRS).

Regards,

(Phanishwar)
JCIT (Judicial)-2, Delhi

----- Forwarded message -----

From: ITGOA Delhi Unit <itgoadelhielections2021@gmail.com>
To: Phanishwar Sharma <phanishwar@yahoo.com>
Sent: Monday, 5 February, 2024 at 05:26:32 pm IST
Subject: Re: Submission of nomination form for the post of Vice President

Respected sir

Please go through the amended list of the candidates which is available on ITGOA Delhi Unit, Delhi website. Your name is reflecting there at S.No. 3 of the candidates who have filed their nomination for the post of Vice President (IRS). Your nomination form duly reflects the post to be contested as Vice President (IRS). Copy of nomination form is attached for your ready reference

Regards

Rahul Gautam

On Mon, Feb 5, 2024 at 5:18 PM Phanishwar Sharma <phanishwar@yahoo.com> wrote:

Sub: Non appearing of my name in list of contestants for the post of Vice President -reg.

Sir,

Kindly refer to the trailing E-mail.

I have filed my duly filled nomination form for the post of Vice President which was sent to you through E-mail on 01.02.2024. However, on perusal of list of contestants for the post of Vice President issued by you, it is seen that my name is not appearing in such list. Kindly clarify the reasons or circumstances under which my candidature is not appeared in the list of contestants for the post of Vice

President. If it is due to mistake, then please issue a fresh/ revised list of contestants for the post of Vice President at the earliest so that I can finalize my candidature before time allowed as per the Election Notification dated 12.01.2014/ 30.01.2024.

It is also requested to extant the date and time for withdrawal of nomination accordingly and allow at least one days' time.

Regards,

Phanishwar, JCIT

On Thursday, 1 February, 2024 at 06:58:45 pm IST, Phanishwar Sharma <phanishwar@yahoo.com> wrote:

----- Forwarded message -----

From: Phanishwar Sharma <phanishwar@yahoo.com>
To: itgoadelhielections2021@gmail.com <itgoadelhielections2021@gmail.com>
Sent: Thursday, 1 February, 2024 at 06:24:56 pm IST
Subject: Submission of nomination form for the post of Vice President

To,
The Election Commissioner (ITGOA), Delhi Unit

Please find attach scanned nomination form of Phanishwar for the post of Vice President.

Regards

Phanishwar, JCIT

From the above communication with Sri Phanishwar, it is clear that the Election Commissioner did not produce any document in support of the rejection of his candidature for the post of Vice President. **This is a blatant violation of norms by the Election Commissioner.**

10. With regard to the advance / postal ballots, as claimed by many general members who had sent mail and also present in the meeting, the Election Commissioner erred in allowing postal/ advance ballots which is against the notification issued. If the Election Commissioner had to allow postal ballots, a well circulated and advance notification should have been issued informing all the members that postal ballots and advance ballots would be allowed. The Notification is silent on postal ballots/ advance ballots. Therefore, denying the democratic right of many members who could not cast their vote being unavailable in office on 14.02.2024 (some of the officers were absent on the day because they had to attend training program, also). If given an opportunity they could have cast the vote. **But the Election Commissioner has violated the Notification issued by him by allowing the specific few members to cast postal / advance ballots.**
11. The Register of voters (including who allegedly cast postal ballots) has not been provided by the Election Commissioner to the DRC in spite of repeated requests. In the absence of the Register of Voters it is highly difficult to ascertain how many members had cast their votes and the number of ballot papers counted. Further it is also not sure as to whether members have signed on the register/ voters list or not. This raises serious concern about the process followed in conducting the election and it is a matter of dispute. **Also, the voters were not asked to sign on any Register/Voters' List at the time of casting their votes which is a gross irregularity. Therefore, the number of actual votes cast and number of ballots counted cannot be matched or cross-checked, thus creating another dispute. This process clearly lacks transparency.**
12. After the stoppage of counting process, the Election Commissioner ought to have kept the counted as well as uncounted ballots in safe custody after obtaining due attestations of the stake holders which would have ensured that the ballot papers were not tampered. It has not been done.
13. **The reply of the Election Commissioner is contradicting his own emails written on the allowing of postal ballots/ advance ballots along with violating the**

Notification issued wherein the Notification dated 12.01.2024 or further corrigendum issued on 18.01.2024 and 30.01.2024 never mentioned about the postal ballots. Further the discussions as stated by the Election Commissioner in his email dated 15.02.2024 and letter dated 01.03.2024 are gross violations, which would make the entire process of election of ITGOA, Delhi Unit, null and void.

14. The CCTV footage of the polling process was also sought by the DRC. However, the Election Commissioner has not provided it till date.
15. Shri Rajiv Ratan Singh, the General Secretary of the previous committee confirmed that no discussion was made with regard to postal / advance ballots in the executive committee meeting or BGM thereby contradicting the statement of Election Commissioner.
16. As the election commissioner himself referred the matter to the Pr. Chief Commissioner of Income Tax, Delhi and also to the Secretary General, ITGOA, CHQ after the process of counting had been put on hold, it is not understood what made the Election Commissioner to restart the counting process. This was done despite of the Secretary General of ITGOA, CHQ categorically requesting the Election Commissioner to keep the election proceedings in abeyance till the ITGOA, CHQ decides on the matter. Neither any communication was received from Pr. Chief Commissioner of Income Tax nor from the Secretary General, ITGOA CHQ for restarting the counting process, then how could the Election Commissioner restart the counting process on his own. **It seems that the entire episode that followed indicates a mala fide intention on the part of the Election Commissioner.**
17. The Election Commissioner has taken the assistance of the members of Income Tax Employees Federation, who are not members of ITGOA, which is evident from his order dated 12.02.2024 wherein 4 members in the cadre of ITI had been coopted by him going against the Election Notification as well as the Constitution. The said order is reproduced below:

OFFICE OF THE
ELECTION COMMISSIONER
INCOME TAX GAZETTED OFFICER'S ASSOCIATION
7003, AAYAKAR BHAWAN, SECTOR3, VAISHALI, GHAZIABAD-
201010
Mob.#7982919292

Order

Date:- 12.02.2024

In exercise of powers conferred to me by the constitution of ITGOA, I hereby co-opt the following officers and officials to help the undersigned in conducting the upcoming elections of ITGOA, Delhi Unit, Delhi. They would assist the undersigned from 13.02.2024 till the completion of election process:-

S.No.	Name	Designation
1.	Sh. Pritpal Singh	ACIT
2.	Sh. Rajesh Kumar	ACIT
3.	Sh. Pankaj Kr. Pruthi	ACIT
4.	Sh. Surendra P Baxla	ACIT
5.	Sh. Rajesh Kumar	ITO
6.	Sh. Surender Bhandari	ITO
7.	Sh. Ambrish Kumar	AO-3
8.	Sh. Dheeraj Kushwaha	ITI
9.	Sh. Ashok Sharma	ITI
10.	Sh. Davendra Dahiya	ITI
11.	Sh. Sunil	ITI

-sd-

(RAHUL GAUTAM)
ELECTION COMMISSIONER (ITGOA)
ASSTT. DIRECTOR OF I.TAX (ITBA)-4,
R.No.7003, Ayakar Bhawan, Sector-3, Vaishali, Ghaziabad

From the above order it is clear that the Election Commissioner has taken the assistance of members of ITEF as per serial number 8,9,10 and 11 of the said order. This is clear violation of the Election Notification issued as well as of the Constitution. Further to verify the allegation that supporters of certain panel have been taken for assistance of election process, the campaigning materials of a panel have been verified and it is found that at least three members, coopted to assist in the election process by the Election Commissioner, had openly supported that panel through a leaflet distributed among the general members. The relevant portion of the leaflet is reproduced below.

VOTE * SUPPORT * ELECT
Election of ITGOA, Delhi Unit – 2024-26 on 14.02.2024
at D-Block, Civic Centre from 10.00 AM to 04.00 PM
आपका अपना संगठन (आस)



AAPKA APNA SANGTHAN (AAS)

A Team Led by
Pankaj Mehta & Gajendra Kumar Mishra

COMPLETE ANALYSIS OF OUR TENURE

Our team started functioning from 8th November, 2021, when majority of AAS candidates successfully elected and took oath. During this period, our team stood by its members in their hour of crisis, be it issues with their higher authorities, work related matters, leave issues, vigilance matters, excessive reporting etc., we were available at the single call of our members and ensured that we reach to that particular member as soon as possible and listen to their grievances at their seat only. We had this motto to be available at the doorsteps of our members and we tried to perform this duty in the most diligent manner. The burning issues are enumerated below:

1. Regularisation of Officers promoted earlier on Ad-hoc basis: A total of 225 ITOs got their regular promotion retrospectively w.e.f. the date of their original DPC held for recommending Promotion on Ad-hoc basis. Similarly, promotions of AO-2, AO-3, Sr.PS and PS were regularized from retrospective dates.
2. Grant of Non Functional Upgradation in the Pay Level 9 (erstwhile Grade Pay of 5400): The ITOs, who have been regularised for the year 2017-18, 2018 and 2019, also got the benefit of financial up-gradation from the date of completion of 4-year regular service counting the period from retrospective dates.
3. Fixation of pay in 6th CPC corresponding to upgraded pay of Rs.7450/-: Pay fixation of almost 100% Officers got completed in Delhi Charge after getting certificate of membership of ITEF from the DDOs where Officers were earlier posted during 01.01.2006 to 31.08.2008 and arrears have also been disbursed.
4. Entry Pay in 6th CPC corresponding to upgraded pay of Rs.7,450/-: Still, Officers, who got their promotion as Inspectors of Income Tax [ITI] prior to 01.01.2006, have not been awarded anomaly for stepping up of their pay with their Juniors AND those who have joined as Direct Recruit Inspectors/Promoted post 31.08.2008 have not been awarded their due benefit of basic pay of Rs.13,860/- at entry level corresponding to revised upgraded pay of Rs.7,450/-. These issues have already been taken up with the ITGOA (CHQ.) and it shall be ensured that all possible steps for implementation of the same will be taken up by the ITGOA (CHQ.).
5. Pay anomaly on account of Two Advance Increments granted to Juniors on passing Departmental Exams: The Hon'ble High Court of Karnataka on 23rd February, 2021 and Hon'ble Delhi High Court have decided the matter in favor. It shall be ensured that directions be implemented at the earliest.
6. Pay Anomaly of Private Secretaries ["PS"] : The case has been filed in Pr. CAT Delhi by ITGOA (CHQ.).

WE KNOW WHAT YOU WANT : YOU KNOW WHAT WE CAN

Chief Patrons: Svs. Rajinder Singh Pundir, Jaideep Yadav, Ram Kesh Meena, Manmohan Singh Bisht, Navinendu Shekhar, Sanjay Pandey, Bal Kishan Gopal, Ganesh Prasad, Girish Chandra Khanduri, Subhash Chand, Jagjit Singh (Senior), Sujeet Roy, Parvinder along with following convenors and supporters:

Convenors: Svs./Ms. Indu Bala Saini (JCIT), Sanjay Gosain (JCIT), Dinesh Kumar Gupta (JCIT), Pradeep Kumar, Sandeep Sabharwal, Vipin Kumar, Kanhaiya Lal Meena, Praveen Nagpal, Shamita Sareen, Digamber Upadhyay, Rajinder Dhyani, Sunil Kumar Sharma, Narinder Pal Kaur, Seema Rajpal, Harish Grover, Rajesh Khurana, Manish Suman, Rajeev Kumar Saxena, Sanjay Saluja, Rajesh Saluja, Shashi Kanta, Arunesh Kumar, Anupama Pahwa, Sanjay Budgular, Satya Dev Sharma, Prem Prakash Mehra, Ashok Gupta, Bindu Sachdeva, Sonu Agarwal, Anupam Juneja, Satpal Singh, Suresh Kumar, Shelly Garg, Saurabh Mehta, Seema Kukreja and Vinod Saini.

Supporters: Svs. Pritpal Singh, Sunil Prakash, Bharat Vikas Gerangal, Surinder Verma, Pankaj Pruthi, Rishi Dev Verma, Murari Lal Meena, Tridev Munshi, Sanjeev Bimbisariye, Ravinder Gupta, Pawan Kumar Sharma, Amit, Manoj Kariya, Avinash Verma, Manju Anand, Dheeraj Kumar, Sanjay Rawat, Sangeeta Bisht, Sarvjeet Kaur, Arun Dhanda, Priya Ranjan, Pawan Gola, Rishikesh, Rajesh Kumar, Rajdeo Prasad Verma, B. K. Jena, Manohar Lal Bhandari, Sandeep Sharma, Rang Lal Meena, Sanjeev Chauhan, Joginder Singh (PS), Meena Bhardwaj, Inderjeet (AO), Virender Singh, Ishwar Lal, Anand Kumar, R. D. Sharma, G. S. Tuli (AO), Anil Nayyar, Sachin Nayyar, Sanjay Sharma, Amit Pal Singh (AO), K. Manoj, Rakesh Prasad, Ramesh Kumar, Mithlesh Trivedi, Raman Chawla, Raj Kumar, D. D. Sharma, Krishan Kumar Kakkar, Parveen Sharma (AO), Rekha Bhati (PS), Ashok Kumar, Deepak Kumar, Anju Saxena (PS), V. Jayesh Kumar, Deepak Kalra, Gajender Singh Gosain, Gaurav Singh, Purushottam Jolly, Amarjeet Kaur Oberoi, Puneet Gupta, Bal Kishan Shukla, Rohit Kumar, Kamal Talreja, Madan Singh, Anil Chhabra, Babita (PS), Ritu Venkatesh, Ashok Kumar, Geeta Rani, Vimmi Dhiman, Naresh Sachdeva, Arun Kumar, Anil Kumar Verma, Anil Kumar, Roshan Gupta, Lalit Sharma, Pradeep Jain, Prakash Chauhan, Shekhar Chandra Tiwari, S. Rajaganapathy, Narinder Juyal, S. C. Semwal, Navin Anand, Sangeeta Kapoor, Inderjeet Kaur (PS), Thakur H. S. Negi (AO), Birender Singh, Darshan Kaur, Hema Joshi, Parvesh Kumar, Hemlata Parashar, Ashok Kumar Goel, Pradeep Rai, Shalini Arora, Rajesh Sharma, Kiran S. Anand, Anita Kumari, U. K. Dass, Vivekanand, Surender Kumar, Trilok Chand, Guru Dutt Khanna, Vinay Kumar Sharma, Rajiv Singh Negi, Kuldeep Singh Bisht, B. Suresh, Ravinder Waldia, Anjana Rajpal, Sachin Kumar, Pankaj Kohli, Mukesh Kumar Sharma, Sandeep Bhatia, Uma Shankar Gupta, Vinod Kumar, Kanti KapilaToppo, H. S. Gautam, Sangeeta Gupta, Sunita Gupta, Shobhan Bhattacharjee, Sunil Kumar Mangal, Jagdish Grover, Subhash Chander, Mahesh Chand Tewari, Vinod Kumar Sharma, Radhey Shyam (AO), H. S. Bholia (PS), Naresh Kumar (PS), Ashwani Trikha, Ashish Soti (PS), Ravinder Sandila, Atul Kumar Singh, Sujata Bahl (PS), Sunita Larecha (AO), Jaswinder Kaur (AO), Tripta Sinha, Usha Rani, Babita Agarwal, Diwakar Joshi, Nirbhay Kumar Singh, Abha Arora, Mahima Arora, Nalin Verma, Piyush Shrivastava, Anupam Kumar, Ashish Jain, Vinay Saxena, Ankit Singh, Ms. Sindhu, Pratap Kumar, Dharmesh Sehgal, Pavinder Singh, Jai Bhagwan (AO), Sanjeev Kumar, Bhim Singh, Veer Bahadur Singh, Manjula Nawani, Nanak Yadav, Sachin Maan, Anil Dev, Umesh Chand, Vikas, Suraj Kumar Gupta, Kulveer Malik, S.S. Bhandari, Sardar Singh, Kundan Singh Bisht, Pushpendra (PS), Jaswant Mann (AO), Sushma, Avni Prabha, Randhir Singh Bhure (AO), Sunita Jyotri, Ram Niwas Yadav, Nidhi Sehgal, Sharad Yadav, Rahim Hussain, Jatinder Nagpal, Ganesh Dhondiyal, Sunil Sharma, Satish Goswami, Rajender Yadav, Subhash Kumar, Surinder Saroya, Rakesh Negi, Raju Kumar Dutta, Rajesh Kumar (Munna), Sushil Kumar, Ram Singh Parte, Ram Singh Negi, Rati Ram, Raj Kishore Sah, Vinod Kumar (ACIT), Robin Choudhary, Ankit Yadav, Kishan Singh, Narinder Kumar, Venkateshwarlu Rao (AO), Ashok Dhakoliya, Chandan Kumar Munna, Naresh Thakur (AO), Dharmender Kumar Choubey, Devender Kumar Vimal, Kamlesh Kumar, Sreelakshmy V.G., Hem Prakash, Surjit Singh, Jyoti Prakash Jha, Pramod Meena, Rakesh Kumar, Vinod Pant, Jitender Kumar, Narain Singh Bisht (AO), Jeevan Chand Joshi, Yashwant Rao, Yashwant Singh Rawat (AO), Rashmi Pandey (PS), Amrith Sharma (AO), Badri Dutt Joshi (AO), Sangeeta Ralhan, Monika Malik (PS), Deepika Khanna (PS), Mahesh Chand, Trilok Singh, Saneev Rastogi, Sandhya Bhagat, Renu Meena (PS), Jaya Jaitley, Nitin Yadav, Ajeet Sinha, Mritunjay Singh, Mani Bhushan, Shobha Jagannathan (PS), Ashok Rawat and many more friends.

As can be seen from the above, the Election Commissioner has taken the assistance of officers who are proclaimed supporters of a particular group/panel. The same can be verified from the above leaflet along with order dated 12.02.2024 issued by the Election Commissioner with Sl. No. 1, 3 and 7. This is

blatant violation of the norms to conduct a free and fair election and act of favouritism to a certain group contesting the election.

18. The Notification dated 12.01.2024 was issued duly signed by the Election Commissioner wherein the election was declared to be held for certain additional posts which were non-existent on the date of such Notification. Subsequently on 18.01.2024, the Election Notification was revised and the post of one post of Assistant Treasure was added in the list of posts. This corrigendum of Notification was also duly signed by the Election Commissioner. However, this Notification, containing one more post of Assistant Treasurer, was notified only on 18.01.2024 with date of election on 14.02.2024, thereby giving less than 30 days' time till the date of election. As per the ITGOA constitution, the election notification should be issued 30 days prior to the date of election, which was not followed by the Election Commissioner in the present case. Once the notification was amended, at least 30 days' time should have been further given for the date of election. This is gross violation. Thereafter, Election Notification dated 30.01.2024 was posted on website of the ITGOA, Delhi Unit. Surprisingly, this Notification dated 30.01.2024 was unsigned (the copy of the same is placed at para 8 above). As the unsigned document has no legal sanctity, hence the same cannot be taken into any cognizance and any process under taken through this unsigned Notification is void.

19. The unsigned Notification was issued increasing certain posts, which was an amended Notification and not subsequent Notification, and also declaring date of election on 14.02.2024, thereby giving less than 30 days' time till the date of election. As per the ITGOA constitution, the Election Notification should be issued 30 days prior to the date of election, which was not followed by the Election Commissioner in the present case. This makes the entire election process null and void.

5. Reply received from Election Commissioner on 13.03.2024:

As the Election Commissioner was not present on 06.03.2024, another opportunity was given to the Election Commissioner, requesting him to submit the details along with video footage on or before 13.03.2024. However, the Election Commissioner expressed his inability to submit the details and in fact, directed the committee to come and visit his office. The mail received is reproduced below

"Dear Comrade

Please refer to your mail enclosing a letter therein.

Vide your said letter you have asked to provide details with regard to the discrepancies taken place during the election process of ITGOA, Delhi Unit. It appears that the members of DRC have already made up their mind on the basis of hunches placed before them that discrepancies have taken place during Election process without going through the report forwarded by me to SG on his email id on 18.02.2024 However, I request to please share the details of the hunches/discrepancies placed before you.

Besides, you have also asked to provide the CCTV footage of entire elections process conducted by this office on 14.02.2024, through mail or physically to any member of the committee., It must be understood that I am posted with DGIT(Systems) in ITBA and the work assigned is to look after the assessment related issues. The month of March, 2024 is very crucial as there are number of time barring assessments with FAOs, JAOs, AO(IT) and AO(Central). Also, there are associated AOs of RU, TU and VU whose issues are also needed to be addressed. In the light of this these facts, I can't be present physically before any of the members of the committee. Further, you must be aware that the CCTV footage of entire election process conducted by this office on 14.02.2024 can't be e-mailed as the same is voluminous data. The CCTV footage is in my safe custody and preserved for future litigation, if any. If you wish to view the CCTV footage, you can visit my office at R.No. 7003, Ayakar Bhawan, Sector-3, Vaishali, Ghaziabad subject to prior information about your visit so that I can plan my work accordingly.

Please note that since all the correspondences made by your team to me, were shared either by your team or SG, ITGOA(CHQ) deliberately to the faction whose members are placing hunches/objections before your team or CHQ, therefore, the secrecy of the proceedings cannot be ensured as the matter may be tested before the judicial authorities.

It is not out of place of mention here that the office of the Election Commissioner is independent as per the Constitution of ITGOA. Therefore, I have already completed the Election Process of ITGOA, Delhi Unit by declaring all the results and notified the new Executive Committee of ITGOA, Delhi Unit, copy of which is attached herewith.

Regards

Rahul Gautam

Election Commissioner”

The Election Commissioner in his reply above has initially said that he is busy with official work and can't be present before the committee and has stated that CCTV footage is in his safe custody and the DRC can come and collect from his room.

Further he also alleged that all the correspondence has been deliberately shared by the DRC to a faction of ITGOA, Delhi Unit whose members are placing hunches/objections before your team or CHQ. Therefore, the secrecy of the proceedings cannot be ensured as the matter may be tested before the judicial authorities. This is clearly an attempt of the Election Commissioner to arm twist the DRC with a threat of taking the matters of organization to the Courts of Law. The DRC takes note of this a serious threat to the unity of the association and attempt to split the association.

In spite of the repeated requests made by the DRC, the Election Commissioner has failed to produce any documents before the Committee. It is not out of place to mention here that when the Election Commissioner has been nominated, he has to make sure the entire process is conducted with due diligence so that no aspersion can be cast on the neutrality of the Election Commission. Further alleging that a committee formed by the ITGOA, CHQ in its All-India BGM to look into the issue of ITGOA, Delhi Unit Election, has been deliberately leaked communications to certain fraction is unsubstantiated and therefore unwarranted. The DRC has been sending mails to Election Commissioner time and again from 29.02.2024 to 10.03.2024. Suddenly the Election Commissioner whipped up a new logic that he is busy with official work, which seems to be in order to avoid the DRC. In the correspondence made with Election Commissioner, it was categorically stated to keep the proceedings in abeyance, but he has started counting the ballots on 04.03.2024 in haste even after receiving the letter of the DRC. Again, the letter of the Secretary General, ITGOA, CHQ requesting to keep the election proceedings in abeyance has also been ignored by the Election Commissioner. The Election Commissioner's logic that he is busy in his official work, if accepted, then question arises how could he have had the time to start counting of the ballots on 04.03.2024, which almost took the entire day. (However, the results of same are not taken into consideration by the DRC). The DRC had to work from one place and it could not be possible to go and visit each stake holder

who had some grievances against the election procedure. This shows that the Election Commissioner has already decided what he has to do and acted swiftly after issue of letter by the Secretary General and DRC just to make sure that the faulty Notification issued is not questioned by anyone.

6. Mails received from members

The DRC has also received mails from members who were not contestants and who could not cast vote as the Election Commissioner had not made them aware that postal ballot would be allowed. Some of the mails are reproduced below:

- i. Mail received from Jai Kumar Thakur, ITO

“Sir,

The elections for the office bearers and executive members for ITGOA Delhi Unit were held on 14.02.2024.

I want to apprise you that it was emphasized through various media that one has to carry his I card /proof of applying for I card, to cast his/her vote on election day. Further, it was not mentioned anywhere /not spread through any media that there will be any provision of any type of advanced/postal ballot.

Due to the fact that I am on deputation with Directorate of Enforcement posted outside Delhi region, I couldn't use my right to cast my vote physically. But I was surprised when I got to know that some persons have been allowed to cast their votes through advanced/postal ballots. I feel that me and all other members who couldn't join office to cast their votes have been deprived of our right to vote as no message has been communicated through ITGOA Delhi website or any media of the provision of advanced/postal ballots.

Kindly take my objections on record and do the needful to redress the same.

Regards

Jai Kumar Thakur

ITO

Presently on deputation

At lucknow”

- ii. Mail received from Rekha Bhati, PS

“Respected sir,

The elections for the office bearers and executive members for ITGOA Delhi Unit were held on 14.02.2024.

I want to apprise you that it was emphasized through various media that one has to carry his I card /proof of applying for I card, to cast his/her vote on election day. Further, it was not mentioned anywhere /not spread through any media that there will be any provision of any type of advanced/postal ballot.

I couldn't use my right to cast my vote physically due to some domestic reasons. But I was surprised when I got to know that some persons have been allowed to cast their votes through advanced/postal ballots. I feel that me and all other members who couldn't join office to cast their votes have been deprived of our right to vote as no message has been communicated through ITGOA Delhi website or any media of the provision of advanced/postal ballots.

Kindly take my objections on record and do the needful to redress the same.

Regards

Rekha Bhati

P.S.”

iii. Mail received from Kanuj Sehra, Assistant Director, ED

Sir,

The elections for the office bearers and executive members for ITGOA Delhi Unit were held on 14.02.2024.

I want to apprise you that it was emphasized through various media that one has to carry his I card /proof of applying for I card, to cast his/her vote on election day. Further, it was not mentioned anywhere /not spread through any media that there will be any provision of any type of postal ballot.

Due to the fact that I am on deputation with Directorate of Enforcement posted outside Delhi region, I couldn't use my right to cast my vote physically. But I was surprised when I got to know that some persons have been allowed to cast their votes through postal ballots. I feel that me and all other members who couldn't join office to cast their votes have been deprived of our right to vote as no message has been communicated through ITGOA Delhi website or any media of the provision of postal ballots.

Kindly take my objections on record and do the needful to redress the same.

Regards

Kanuj Sehra

Assistant Director, ED

Chandigarh

iii. Mail received from Com. Darmendra Kumar Meena, AD, ED

“Sir,

The elections for the office bearers and executive members for ITGOA Delhi Unit were held on 14.02.2024.

I want to apprise you that it was emphasized through various media that one has to carry his I card /proof of applying for I card, to cast his/her vote on election day. Further, it was not mentioned anywhere /not spread through any media that there will be any provision of any type of postal ballot.

Due to the fact that I am on deputation with Directorate of Enforcement posted outside Delhi region, I couldn't use my right to cast my vote physically. But I was surprised when I got to know that some persons have been allowed to cast their votes through postal ballots. I feel that me and all other members who couldn't join office to cast their votes have been deprived of our right to vote as no message has been communicated through ITGOA Delhi website or any media of the provision of postal ballots.

Kindly take my objections on record and do the needful to redress the same.

Regards,

Dharmendra Kumar Meena

Assistant Director

Directorate of Enforcement

Surat”

iv. Mail received from Com. Anajali Joshi, ITO-AU6(1)(3)

“Sir,

The elections for the office bearers and executive members for ITGOA Delhi Unit were held on 14.02.2024.

I want to apprise you that it was emphasized through various media that one has to carry his I card /proof of applying for I card, to cast his/her vote on election day. Further, it was not

mentioned anywhere /not spread through any media that there will be any provision of any type of postal ballot.

As of urgent unavoidable domestic assignments, I couldn't use my right to cast my vote physically. But I was surprised when I got to know that some persons have been allowed to cast their votes through postal ballots. I feel that me and all other members who couldn't join office to cast their votes have been deprived of our right to vote as no message has been communicated through any media of the provision of postal ballots.

Kindly take cognizance and do the needful.

Regards

Anjali Joshi

ITO, AU-6(1)(3)''

As it can be seen from the mails received, samples of which have been reproduced above, some officers were on deputation and as per Election Notification officers who are on deputation can cast their votes. But the Election Commissioner did not inform the general members about the postal ballots and the said officers, who were posted outside Delhi could not cast their vote. Now, they have raised their objection that only select few were allowed to cast advance/ postal ballots. Also, officers who for some other reasons could not attend the office on the date of polling have raised objection that if postal / advance ballot were allowed they all could have exercised their franchise. Because of the faulty Election Notification, they could not exercise their democratic right.

All these inferences are drawn on the basis of the submissions, emails evidences received from the members of ITGOA, Delhi Unit in the course of the proceedings of the DRC on 06.03.2024 and also the mails received till 13.03.2024.

7. Conclusion:

The DRC acts on the submissions/ decors available with it during the course of fact-finding procedure and it is placed before the ITGOA, CHQ.

As discussed above, our findings show that the Election Commissioner has clearly deviated from the Election Notification issued by himself not once but on many occasions. Also, the process from issue of Notification till the counting of ballots was not fool proof. The same are detailed below:

1. The Election Commissioner deviated from the notification with regard to the allowing of specific few members to cast their vote through postal ballot/ advance ballot.
2. The Election Commissioner has taken the assistance of officials other than members of ITGOA going against his own notification issued mentioning assistance in the election process shall be taken from only the members of ITGOA. And also taking the assistance of officers, who openly supported a particular group, itself proves that fair and free elections have not been conducted.
3. The Election Commissioner has issued Notification dt. 12.01.2024 with increased number of posts for Vice President and Addl. Secretary without following due procedure and in anticipation that General Body shall approve the proposed increase in number of posts on 29.01.2024 whereas the election was to be held on 14.02.2024. Even if it is presumed that General Body has approved the above increase in number of posts as per the letter dated 29.01.2024 of the General Secretary, ITGOA, Delhi Unit, the Election Commissioner should have provided 30 days from the date of such enhancement to conduct the election and not on 14.02.2024. Further the Notification issued on 30.01.2024 is unsigned which makes the entire process null and void.
4. Valid nominations were not properly displayed and also the reasons were not specially mentioned for unilaterally rejecting certain nominations.
5. The voter list allegedly used in the Election process was not duly certified by the erstwhile General Secretary as Shri Rajiv Ratan himself has not confirmed it. Also, this list was neither properly circulated nor provided to the stake holder.
6. The ballot papers were not securely stored when counting was stopped and the same was not sealed or opened in front of any witness at the time of re-start of counting on 04.03.2024. This defect on the part of the Election Commissioner nullifies the entire process of counting which should not have re-started in the first place.
7. The election process was kept in abeyance by the all India BGM of ITGOA and the decision was duly communicated to the Election Commissioner but he tampered the crucial evidences by the act of alleged counting on 04.03.2024 thereby disobeying the decision of the all India BGM.
8. In spite of repeated requests, the Election Commissioner has not provided the CCTV footage of polling and asked the DRC to collect it from his office. The DRC was

available in ITGOA, Delhi Unit's Room in CR building on 06.03.2024 but the Election Commissioner has intentionally avoided it and refused to furnish the CCTV footage and register of voters who cast their ballots.

9. From the emails received from officers, it is clear that, many of them could not exercise their democratic right due to faulty Election Notification.
10. The voters were not asked to sign on any Register/Voters' List at the time of casting their votes which is a gross irregularity. Therefore, the number of actual votes cast and number of ballots counted cannot be matched or cross-checked. Further why the members were allowed from the exit door along with ballot papers as alleged by the members was not known as to the fact that the Video footage was not provided. This process clearly lacks transparency and is a gross anomaly.
11. After the stoppage of counting process, the Election Commissioner ought to have kept the counted as well as uncounted ballots in safe custody after obtaining due attestations of the stake holders which would have ensured that the ballot papers were not tampered. This further nullifies the process.

Taking all the above facts into consideration, the DRC is of the unanimous opinion that a fresh election for the post of all office bearers and Executive Committee members of the Delhi Unit should be conducted and a new executive committee of ITGOA, Delhi Unit be formed at the earliest. Further the DRC is of the opinion that as allegation has been levelled against the impartiality of the Election Commissioner and he has regularly displayed non cooperative attitude and also not followed the directions of the CHQ and the decision of the all India BGM of ITGOA, the fresh election process should be conducted under supervision of two observers appointed by the ITGOA, CHQ under a new Election Commissioner. Besides, in order to avoid future confrontations amongst contesting panels or groups/individual contestants, the entire election process should be video graphed.

Comradely yours



J. Shivaji Yadav
Addl. Secretary



J.P. Singh
Addl. Secretary



Durga Prasad Acharya
Joint Secretary

Encl:

1. List of members who were present before the DRC on 06.03.2024

S.No. Name of the Officer Designation

Signature with date

- ① Bhagat Singh ACIT
o/c ITA Unit-2, N. Delhi
- ② VIKRAM ITO
o/c PCIT-AU-7, Delhi
- ③ AJAY SHARMA ITO, W-78(1)
- 4 ASHOK K. MAMM ITO AU-9
- 5 VINOD KR. MANGAM ITO AU-7
- 6 DEEPAK MEENA ITO CIT TDS-2
- 7 CHETRAM MEENA ITO CIT TDS-1
- 8 BALJEET SINGH ITO R. DGIT (HRD)
- 9. Amrita ITO, O/o TP-1
- 10. Anjali Joshi ITO, O/o PCIT AU (W)
- 11. Sunita Yonzme ITO, ITAT.
- 12. Rajesh Bala ITO, ADG-3 (System)
- 13 URHILA VATS, ITO, ADG-4 (Vig.)
o/c DU (Vig.)
- 14. Pawan Kumar ITO TDS Lapmi Nar
- 15. Susender Singh ITO VU-2 Dharm
- 16. Rakesh Kumar ITO DR-BAR
- 17. Atul K. Goswami ITO CIT TDS-2
- 18 Mukesh Kumar AD CIT (Appeals) Unit-2 Lapmi Nar

Vikram Singh

Ajay Sharma
6/3/2024

Ashok K. Mamm

Vinod Kr. Mangam
Deepak Meena

Chetram Meena
6/3/24

Baljeet Singh
6/3/24

Amrita
6/3/24

Anjali Joshi
Sunita
06/03/2024

Rajesh Bala
06/03/2024

Urhila Vats
06/03/24

Pawan Kumar

Susender Singh
6/3/24

Rakesh Kumar
6/3

Atul K. Goswami
6/3/24

Mukesh Kumar
6/3/24

S. No.	Name of the officer	Desig	Signs
19.	Nitin Verma	ITO	<u>Nitin</u>
20.	Atul Dabas	ITO(AU)-8	<u>Atul Dabas</u>
21.	Pardeep Dhankhar	ITO (LIAP, CENTRAL-3)	<u>Pardeep</u>
22.	Pardeep Dahiya		
23.	KAMAL KANT	ITO, Pr. DGIT(IECI) ITO - AU-8	<u>Kamkant</u>
24.	UMESH KUMAR	ITO, W-61(1), N.D.	<u>Umesh Kumar</u> 06/03/2024
25.	VINOD KUMAR	ITO, AU-6(2)(2)	<u>Vinod Kumar</u>
26.	ANITA RAI	Sr. PS, DG (Systems)	<u>Anita Rai</u> 06/13/2024
27.	VISHAL SAHNI	ITO TU 1(1)(5) & Polling Agent	<u>Vishal Sahni</u> 06/13/24
28.	Moham Singh	ITO, W-61(1)(3)	<u>Moham Singh</u> 06/13/24
29.	MANISH VATSA	ITO, AU-10(1)(5)	<u>Manish Vatsa</u> 06/03/24
30.	Amit	ITO (HQ), VU-2	<u>Amit</u> 06/10/24
31.	NIRAJ NATHY	DDIT (L2CI) (HQ)	<u>Niraj Nathy</u> 06.3.24
32.	Amit Jain	ITO HQ AU-10	<u>Amit Jain</u> 06/3/24
33.	Deepak Kumar	ITO AU-06	<u>Deepak Kumar</u>
34.	Vipin	ITO AU-10	<u>Vipin</u> 06/03/24
35.	PRADEEP	ITO AU-07	<u>Pradeep</u> 06/03/24
36.	Simender Kumar	ITO, AU-8(3)(4)	<u>Simender Kumar</u> 06/3/24