



Tele Fax: 033-2213-6417

INCOME TAX GAZETTED OFFICERS' ASSOCIATION - WB UNIT

Aayakar Bhavan, 6th Floor, Room No. 28, P - 7, Chowringhee Square, Kolkata - 700 069

President : Sudipta Guha
(Mobile No. 8902196555)

General Secretary : Sayantan Banerjee
(Mobile No. 8902197979)

Date: 08.05.18

To
The Principal Chief Commissioner of Income Tax
West Bengal & Sikkim,
Kolkata.

Madam,

Subject: Obtaining approval for extension of Ad-hoc promotions to the grade of
Income Tax Officer from the Competent Authority- request regarding.

Your kind attention is drawn to the fact that all promotions to the grade of ITO since the promotion (Order No. 12 of 2016-17) for filling up of the vacancies consequential to the ACIT promotion of 2014-15 have had to be done on **Ad-hoc basis** due to the pending court cases, followed by the DoPT OM dated 30.09.2016 on reservation. As the situation prevails, the regularization of the Ad-hoc ACIT promotions may not be taken up anytime soon.

As per the existing DoPT Guidelines, extension of Ad-hoc promotion beyond one year is mandatory. Otherwise the promotion so taken place on ad-hoc basis simply ceases to exist. Considering the huge ramification, the Board has obtained the approval for extension from DoPT in case of Ad-hoc ACIT and JCIT promotions, as and when required.

Actually the DoPT Guidelines in this regard is very unambiguous, which says as under:

" the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangement beyond one year is not received before the expiry of the one year period, the ad-hoc appointment/promotion shall automatically cease on the expiry of the one year term. Notwithstanding these provisions, instances have come to notice of this Department where Ministries/ Departments have continued ad-hoc arrangements beyond one year without express approval of this Department, and later on, approached this Department to seek ex-post facto approval for continuation of such arrangements. It is reiterated that continuation of any ad-hoc arrangement beyond one year and release of pay and allowances for the same, without express approval of this Department is not in order."



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This provision is squarely applicable for the ad-hoc promotions done to the grade of ITOs in this region (all ITO promotions taken place in this region starting from the promotion order no. 12 Of 2016-17). But till date no effort has been taken to obtain approval for extension of those Ad-hoc promotions from the competent authority (DoPT). In absence of any such initiative, the ITOs promoted on Ad-hoc basis are facing legal hurdles on two counts. First all statutory duties discharged by them including passing of scrutiny orders, recovery actions, participation in survey or search and seizure operation etc. anytime beyond one year from the date of their ad-hoc promotion may not pass the judicial scrutiny. On the other hand, the fixation of pension and finalization of other retirement benefits may face hurdles at the end of the ZAO, CBDT, Kolkata. One such officer is regularly facing humiliation at the hand of the ZAO officials even after one year of retirement, but his pension is yet to be finalized.

Under the circumstances, it is requested to kindly send the proposal for extension of ad-hoc promotion in all grades to the Board for onward transmission to DoPT, where one year from the date of promotion has already been completed or to be completed soon. It is learnt that Pr. CCIT, Mumbai has already sent such proposal.

Yours faithfully,

Sayantan Banerjee

(SAYANTAN BANERJEE)

General Secretary, ITGOA, WB Unit

Copy to the Secretary General, ITGOA CHQ with a request to pursue the matter at the Board, once the proposal is sent.

