



THE

NEWSLETTER

Bulletin of the Income Tax Gazetted Officers' Association, WB Unit
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Vol - 2

1st January - 15th April 2013

Editorial

Warm greetings on the successful completion of yet another Financial Year, in which we ensured that this region's Budget Collection grew at a rate higher than the National Rate.

It is now time for us to review and take count of the past year, at both the personal and the departmental level.

The department is seen to have achieved almost all its targets. And it is now known that all due promotions at the senior levels are about to take place. At our level, we have spent an immensely stressful three months from January to March, lost three of our colleagues within that period, completed all our tasks and achieved our targets. However, at the end of it we are once again faced with a bleak future with little or nothing prospective happening for the promotee officers.

It is this deprived lot of promotee officers that has consistently been the driving force in collecting the Direct Tax element of National Budget every year, despite the severe shortcomings of amenities and infrastructure. And yet, we are denied due respect or recognition, our promotion prospects are systematically derailed, our positive ideas for the betterment of the system are overlooked, we are made victims of highhandedness, and are denied our rightful share of incentives even after exceeding our target for revenue collection. Over the years, we seem to be getting habituated to the atrocities inflicted from above, we seem to be gradually resigning to the psychological trauma.

It would be in vain to expect the CBDT to be perturbed by the inconveniences and hardships of its grass-root operators. It is clear now that there never was any honest intention to explore the potential of departmental manpower through a concerted effort to create a well distributed workload, through efficient deployment of the manpower, or through systematic creation of jurisdiction. The hierarchy has

formulated itself into a terror emanating mechanism instead of motivated revenue generating inspirational force. The situation is such that, for our own comfort and convenience, we need to ensure a balanced and well distributed work load at our own initiative.

The manpower crisis has reached a stage where it frustrates each and every one of us. However, the authorities, in whose hands the solution to this problem lies, remains deaf and dumb to the issues or to ways & means to tackle them. Therefore, it is perhaps time for us to put in our own efforts to confront the situation. As the first step, I suggest that we work out schemes to ensure equal and proportionate work load between every officer in the same cadre(s). Let us make the department a place of pride, pleasure and strength for each one of us. Let us from the beginning involve ourselves as well as our ITEF partners in the culture of planned input and efficient prompt output. It is the responsibility of all the members of ITGOA to imbibe the spirit of efficiency in each and every office in West Bengal.

ITGOA visualizes an efficient prompt tax system in West Bengal through a healthy, balanced and supportive work culture for all its members.

The news of suspension of the ongoing agitation programme has just arrived. It has taken us by surprise, as at the secretariat meeting dated 12.04.2013, no unanimous decision was reached on this issue. The outcome of the programme is yet to be analysed. However, I congratulate all the members of the West Bengal unit for their all-out support and participation in the fight against injustice.

Bhaskar Bhattacharya
(General Secretary)

On the National Front :

No threats please!

Sri Nitin Gadkari, former National President of Bharatiya Janata Party(BJP) made a remark on 24th January '2013, in a public meeting, threatening the Income Tax officers investigating the cases related to 'Purti' group of companies. ITGOA, WB unit is unanimous with its fraternal JCA organizations that this type of statement is totally uncalled for and is aimed to hinder the process of free and fair investigation. We demand an unconditional apology from Sri Gadkari and request the central JCA to publish a press statement expressing this sentiment of our members. We also desire to move the CBDT to take appropriate steps to ensure the safety of the officers from all external threats. We do resolve to reiterate that if a single staff/officer in this department faces witch-hunt from any external force for pursuing his work with integrity, the entire workforce will rise to his defense.

Organisation & Agitation

1. Secretariat Meeting. 8th January, 2013, New Delhi

An extended Secretariat meeting was convened by the CHQ on 08-01-2013 at New Delhi to discuss the outrage expressed by a large section of members at the postponement of DPC for the promotion of ACsIT originally scheduled on 18-12-2012. The meeting was attended by delegates from 11 Units (AP, Bihar, Delhi, Gujarat, Kerala, Mumbai, NER, NWR, UP(E), UP(W) & W.B. of ITGOA. Three Units (Karnataka, Orissa & T.N.) had sent their suggestions by E-mail.

After deliberations held over three hours, the meeting decided that:

- 1) ITGOA would press with all force, through negotiation or agitation, for immediate holding of DPC for ITO to ACIT promotions.
- 2) The DO letter issued by the Member (P) was intended for revision of seniority of Inspectors & only consequentially seniority of ITOs. It was not a direction for implementation of the SC Order in the case of NR Parmar, which can be done only when necessary instructions of the DoPT is issued in this regard. Hence, a clear-cut Instruction or OM from CBDT will have to be obtained.
- 3) The attention of CBDT would be drawn to the **DOPT OM dated 30-3-1988**, which states that *even when the seniority list is disputed, provisional regular DPC can be held on the basis of existing seniority* and consequent promotions can be given subject to any revision.
- 4) ITGOA has never come in the way of any one's legal right of approaching CAT or Court, but its appeal to its members as always is, not to pray for any stay or bring any hurdle in the promotion process, as the ultimate loss will be to our members only, due to loss of seniority in the cadre of ACIT and also in the career prospects of our members in IRS.

2. Managing Committee Meeting. 3rd - 4th Feb, 2013. Puri

The All India Managing Committee Meeting of ITGOA was held in Puri, Odisha, to discuss and review the progress of issues affecting members since Kerala MCM in July, 2012 and to discuss organizational matters.

West Bengal Unit was represented by large number of delegates and observers including Secretary/President of North Bengal Unit and South Bengal Unit.

The President briefed the meeting on the following issues:

1. Continuing Deadlock on issue of promotion from ITO to ACIT.
2. Outsourcing and problems in Tamil Nadu unit vis-à-vis our relation with JCA.
3. Issue relating to "year of Induction".
4. Grade Pay of A.O. & P.S.

Issues raised by the West Bengal unit

(1) ACIT promotions: We expressed our concern at the failure on part of CHQ to pursue the issue, and pointed out that it was no longer a question of filling up of only 143 vacancies for recruitment Year 2012-13, but of filling up more than 400 posts, considering the cascading effect that would arise out of regularization of ad-hoc promotions to grade of JCIT. It was pointed out that there was no bar on regularization of ad-hoc promotions of JCITs, and that CBDT is not giving effect of the decision of Delhi High Court on this issue. So, the goal of the Association should be to put pressure upon the Board to hold DPC for all the 400+ vacancies in the cadre of ACIT immediately.

(2) Seniority list of ITOs: Seniority of all later batches also need to be resolved and notification of a complete seniority list of ITO's to be ensured; otherwise no further DPC could be held for want of seniority list.

(3) Grade Pay to A.O. and P.S.: Despite setback in the Principal Bench of CAT, New Delhi, we proposed further action by the CHQ and suggested that the cost of further litigation in the case of A.O. and P.S. members should be borne by the Association. This was supported by the full house.

(4) Cross country transfers on promotion to Gr. A cadres: This policy should be taken up with the Board and scrapped on principle. There should be a separate set of guidelines for promote officers, which should give due weightage of their advanced age and other obligations.

(5) The following technical issues were also highlighted by our Unit : a)PAN Migration b)Rectification of Challan c)ITD connectivity to be extended to TROs d) Uploading of Demand to CPC e) Integration of Data f)Online passing of Order of CIT(A), ITAT, etc. g)Separate Password for issue of Refund h)Range-wise Internal Audit Officer.

(6) Objectionable statement made by Sri Nitin Gadkari, President, BJP against the Officers of the department was condemned.

(7) Miscellaneous issues raised by our unit included the difficulties faced in the following fields: i) Arrear Demand Uploading. ii) QPR to be submitted online. iii) Faulty functioning of Tarang/Data Card. iv) Pay-fixation of ITOs w.e.f. 01-01-1996. v)Laptop to be provided to all newly promoted ITOs and Sr.PS/PS/AOs. vi) Provision for two Operational vehicles per Range. vii) Instructions of Higher Authority re:early completion of time barred scrutiny. viii) Uniformity in decisions on Outsourcing. ix)Effective date of DCIT promotion. x) Problem of incomplete APAR at the time of promotion. xiii) Publication of Civil List. xiv) Fixation of seniority vis-à-vis N.R.Parmar case.

It was finally decided that ITGOA will **agitate on the following Demands:**

- i. Immediate holding of DPC for ITO to ACIT for R.Y. 2012-13.
- ii. Immediate regularisation of Ad-hoc JCIT from 2000 to 2003 batch officers & conduct of DPC for consequent vacancies of ACIT.
- iii. Finalisation of All India Seniority List of all ITOs promoted after 18/6/2001 before 31-03-2013.
- iv. Up-gradation of Pay scale of AO and PS to grade pay of Rs. 4800/-.
- v. Provide laptop and data card to all AOs and PS, as now this is a functional necessity. Similarly, newly promoted ITOs be also given new laptops instead of old ones.
- vi. Promotion of ACIT to DCIT for 2006 & 2007 batch should be given effect from 1-1-2011 & 1-1-2012, respectively; and promotion of left-out officers of earlier batches should be expedited. Also, correct Civil List No. be allotted to

those DRs who have taken technical resignation (especially of 2006 to 2008 batch) and give correct seniority to PR with consequential effect on Promotion to DCIT.

- vii. Initiate thorough discussion with ITGOA on the issue of 'Year of Induction'.
- viii. Finalise IRS Civil List, on the basis of extant rules.
- ix. Transfer back of ACsIT & DCsIT who have been subjected to cross-country transfer.
- x. Implement Cadre Restructuring proposal of ITGOA/ITEF in toto.
- xi. Provide adequate supporting staff immediately and till such time our members shall not be responsible for any lapses.

The course of agitation was decided as below:

- i. Protest before Chairman/Member-CBDT on their visits and wearing of Black Badges by all members from 11-2-2013.
- ii. Non-cooperation in Recovery work/drive and Non-submission of statistical reports, dossier reports, DO Letters, etc. except parliament question w.e.f 11-2-2013.
- iii. Lunch Hour Demonstration on 15-2-2013.
- iv. None of our members will participate in any Search & Survey action including TDS survey/ Inspection/ Verification/ study or by whatever name called and Recovery Surveys w.e.f. 20-2-2013.
- v. None of our members will pass any assessment orders u/s. 143(3) or 144 or 147 in the month of February 2013.

It was discussed and decided that we would also take into confidence our JCA partner in agitational programme.

3. Action after the MCM

The CHQ served the Notice of Agitation to the Board on 05-02-2013. CBDT, in turn, issued a letter on 08-02-2013 seeking clarification regarding the correct status of the issues and demands of ITGOA. The CHQ furnished the reply to this letter on 11.02.2013 with details of the charter of demands. The CHQ served another letter of protest to CBDT on 26-02-2013 in response to the Chairperson's attitude of maligning the agitation at a video conference held on 25.02.2013.

Later, the CHQ called for another Secretariat Meeting in Mumbai on 10-03-2013 to review the status of the agitation and also, asked for suggestions of all the State Units for intensification of agitation programme. However, 14 of the 18 units felt that since there was no positive response from the Board so far, the time for reviewing had not yet arrived. Consequently, the proposed meeting was called off. Several units including West Bengal sent written communication calling for further intensification of the agitation. WB unit expressed that for the purpose of intensification a call may be given to boycott all organized meetings, function and programme of the higher authorities; dharnas, candle light marches, press meetings may also be organized.

Communication dated 15.04.2013 from the All India President of ITGOA announces the suspension of the ongoing agitation programme. Details are available at www.itgoawbunit.org.

On the Local Front :

Meetings held in the various buildings

In consonance with decisions taken in the first EC meeting immediately after formation of the present committee, EC meetings were decentralized and held in rotation at different buildings, so that more and more members could get an opportunity to become involved in the deliberations and decision-making process. Further, Office bearers and EC members also visited several buildings and met with the members individually as well as in collective meetings.

1. Bamboo Villa, 01.02.2013

The first such EC meeting was held at Bamboo Villa, and proved to be a run-away success. Almost all members posted in Bamboo Villa as well as some in other buildings attended, and took part in the discussions. Shri Sumit Roy presided over the meeting; Shri Bhaskar Bhattacharya expressed our collective appreciation of the fact that Bamboo Villa had become a role model for the whole of India, in the way the processing was being completed there not only for Kolkata offices, but for Moffussil offices too. A plethora of issues dealing with day to day work of officers was raised, solutions to known problems were provided, and course of action on more intractable issues were suggested. Wider issues such as vigilance administration, early disposal of scrutiny were also brought to the members' attention.

The issues and agenda to be moved and emphasized at the Managing Committee Meeting at Puri on the 3rd and 4th of February, 2013 were finalised.

2. Poddar Court, 01.02.13

Representatives from the Executive Committee met with all members posted in the building. A new Building Committee was elected from amongst the members, with the following composition:

1. Atanu Debbarman- Convener
2. Masud Alam
3. J.K. Saha
4. Tapas Saha
5. Smt. Baby Nanda Sur
6. Sri Avijit Haldar (AO/DDO)

It was declared that the Convener will act as a Permanent Invitee to the Executive Committee, as decided in the 1st EC Meeting.

3. Uttarapan, 07.02.13

Representatives from the Executive Committee met with all members posted in the building. Sri Sayantan Banerjee narrated the local and All India situation and the agitation programmes adopted. The meeting discussed a range of issues starting from local and building-specific issues to the regional as well as national. A new building committee was constituted with the following members :

1. Shri Prasanta Chakraborty – Convener
2. Shri Subhrajyoti Chakraborty
3. Shri Mithun Shikder
4. Smt. Anita Das
5. Shri Pradip Chatterjee
6. Shri Amlan Dutta
7. Shri Asish Das

It was declared that the Convener will act as a Permanent Invitee to the Executive Committee, as decided in the 1st EC Meeting.

4. AO/PS special meet, Aaykar Annexe, 12.02.13

A special meeting was convened to discuss issues particularly related to these two cadres. Shri Bhaskar Bhattacharya discussed the implications of the decision of the principal bench of CAT, on the case. Course of legal action was discussed, and fund requirements were reported. It was revealed that so far, the expense had been borne by the AO/PS litigants personally, with the WB Unit being the only unit to have contributed as an organization. It was also decided that ITGOA would raise a litigation fund with equal contribution from all members (later fixed at Rs.400/- per head).

It was also reported that the demands of AO/PS had finally been included in the All-India charter of demands for the first time, at the instance of the WB unit. It was further communicated that supply of computers with Net Connection to AO/DDO members had finally been sanctioned by the authorities.

5. Dakshinapan, 13.03.13

Representatives from the Executive Committee met with all members posted in the building. Sri Bhaskar Bhattacharjee narrated the local and All India

situation and the agitational programme adopted. This, as well as a number of other issues, including technical problems were raised and discussed. The matter of raising litigation fund for the AO/PS case was discussed and confirmed.

An appeal has been made by the Executive Committee to all the members to contribute a sum of Rs.400/- at least to the said Litigation Fund.

6. Aaykar Bhawan, 20.03.13.

The EC meet at Aaykar Bhawan was attended by such a phenomenally large number of members that the venue had to be shifted at the last moment for want of space. Issues regarding the Agitational programme, as well as the Local Transfer Policy were discussed.

AGM of North Bengal unit

The Annual General Meeting of ITGOA; NB Branch Unit was held on 18.02.2013 in the Conference Hall, Annexe Building, Aayakar Bhawan, Matigara, Siliguri. The AGM was preceded by the Gate meeting. Com. Sanjay Pandey apprised the members as to how and why the ongoing agitation has been launched by ITGOA.

Thereafter, the association room of ITGOA at Aayakar Bhawan, Matigara, was inaugurated by General Secretary Com. Bhaskar Bhattacharyya along with Com. Soumesh Kumar Das, JCIT – Range-1 &3, Siliguri, Com. P.Dam Kanuagya, JCIT – Range-2/ Siliguri. An exhibition of Photographs taken by our members was organized to commemorate the occasion. The achievements of Com. Biplab Basak – ITO/2(1)/ Siliguri in the field of Athletics were highlighted by having all his medals, photos and newspaper clippings displayed.

Com. President Sona E. Foning welcomed all the members to the AGM and called upon the members to stay united.

Com. Secretary General Dhiraj Singha addressed the podium and the house. In his brief speech he gave a summary of the activities of this I.T.G.O.A, Branch.

Veteran comrades Shri Mihir Banerjee & Shri J. P. Lepcha, who had graced the occasion with their presence expressed their happiness at being remembered and for being invited to the AGM.

Com. Bhaskar Bhattacharya General Secretary, ITGOA, WB Unit spoke on several issues and appraised the house about the current organizational situation.

General members took part in the discussion and pointed out various issues to be taken up by the Association.

Protests against Authoritarianism

Of late, certain Commissioners had shown extreme forms of highhandedness with their subordinate officers, going far beyond their rights. On the one hand, our members were humiliated and insulted on minor or even non-existent grounds, and on the other hand, attempts were made to manipulate them to indulge in manifestly inappropriate action. ITGOA staged bold and persistent action against the impugned Commissioners, and ensured that the authorities apologized to our members who had been unjustly wronged. Upholding our dignity is one of the primary tasks of the ITGOA, and this unit showed exemplary action in this regard.

Vigilance matters

It appears that there is some confusion among certain senior officers in the matter of procedure to be followed in regard to Vigilance Administration on anonymous/pseudonymous petitions or complaints received against our officers, though the same has been laid down in clear and unambiguous terms by the Central Vigilance Commission. Though no verification or preliminary investigations can be carried out in cases of anonymous petitions, often such action is indeed initiated in some of the charges in this region. This, in turn, is leading to the spread of a fear psychosis in the minds of officers working in the various field formations. In this context a detailed submission was submitted to

the CCIT-I, Kolkata on 18-01-2013, pointing out the salient instructions of the DoPT & CVC in this regard. It was requested that all such matters be dealt with in an uniform manner consistent with the prescribed guidelines. The CCIT has agreed in principle.

Details of the CVC instructions are being put up in our website for information of all our members.

SMS-Service & Website

As you all know by now, the ITGOA, WB Unit has moved one step closer to its members with the activation of an SMS service, as well as its online site inaugurated on 05.03.2013. We are now available at www.itgoawbunit.org. This is not a blog but a fully functional Web portal; we are proud to say that we are the first State Unit to put up a full portal.

The user ID for each member is their respective employee code. The initial password may be collected from any of the EC members and all members are requested to change their passwords at the earliest.

We are now in touch with all our members through both the website and through SMS, which will bring you updates on organizational, administrative and technical matters.

Achievers of Excellence

Biplab Basak

Most of us know Shri Biplab Basak as ITO ward 2(1), Siliguri. But we were very pleasantly surprised to learn that Shri Basak was an ace athlete in his time and had represented both the state and the country on several occasions. He was a regular at CRSB and won several medals in his main events – long jump and triple jump. He represented India at Asian Veteran meet in Thailand in 2010 and at the World Indoor Masters Athletic Meet (in 50 plus events) in Finland. He is now associated with the Siliguri Master Athletic Association and is gearing up for all the upcoming Masters Athletic Meets. We wish him good luck and great success.

Debasish Biswas

Debasish Biswas is once again all set to set foot across another new horizon, - the Mt. Dhaulagiri (8,167 Mt./ 26,795 ft.) North East Ridge (Nepal) Expedition in April 2013. We wish our hero all success.

P.T. Yolmo

"BHAKKANO"- meaning " the feelings burst out of heart" recently released an audio CD album with 9 melodious songs written and composed by P.T. Yolmo, ITO, Darjeeling, Produced by ' Team Aaroohee', the album has conquered the hearts of music lovers of Darjeeling. 'Team Aaroohee' under the convenorship of P.T. Yolmo is formed mainly to focus on the hidden talents on different fields and to lift them up towards success.

Promotions / notifications

DCIT

Immediately after the publication of our last newsletter, ACsIT of the 2008 batch were notified as DCsIT with effect from 01.01.2013. This is the first time in quite a few years that promotions to the grade of DCIT were made on the very first date of eligibility. We congratulate the affected members, and also express our appreciation to the authorities for finally upholding the prescribed calendar.

Some ACsIT of 2007 batch who had not been promoted earlier due to missing APARs were also notified w.e.f. 17.10.2012, i.e., the date of promotion of their batch mates. We also congratulate these members.

However, some members of the same batch are yet to be promoted. We demand that a further meeting of the screening committee needs to be held immediately for them. We also demand that retrospective effect be given for all promotions to the grade of DCIT from 1st of January of the respective years for the 2006 & 2007 batches as well.

ITO

There has been four new promotions to the post of ITO since 01.01.2013. We congratulate all our new members and warmly welcome them to the fold of ITGOA.

Charge Handover Report

It is seen over the years that this particular aspect of our job is getting neglected causing immense difficulty for the incoming officer and exposing both the incoming and outgoing officer to great risk. We request all our members to include at least the following items in the charge hand over report:

1. List of pending proceeding with time barring date
 - a. Assessment (both Income Tax & Wealth Tax)
 - b. Penalty (both Income Tax & Wealth Tax) – Please note that the time barring date consequent to order of CIT(A) and ITAT are different
2. List of audit objections and the stage of such objection
3. List of grievance cases
4. List of pending RTI applications
5. List of cases where stay of demand or installment has been granted
6. List of dossier cases and action, if any, taken
7. List of cases where proposal for 263 has been sent
8. List of cases where 148 is to be issued and reasons thereof
9. Any other important thing of that charge – that requires attention of the incoming officer

In addition to that all are requested to do the following for the convenience of his successor.

1. Please hand over the files mentioned above. If the successor wishes please help him understand such files.
2. In cases where papers have been submitted on requisition please give some idea to the incoming officer whether such papers were requisitioned with some specific aim.
3. Please clean your table, drawers, other storage places and computer so that the new incumbent don't have to do the unpleasant job of clearing your personal and other useless things.

All of us are predecessors and successors simultaneously. So helping the successor will at the end only benefit us.

Death - untimely & undue

The year-end has always taken a deep toll on our members' mental and physical health. However, this March was marked by the untimely deaths of as many as three members, each from massive cardiac attacks.

Debapriya Karmakar (46), Prasenjit Daw (42), and Nitai Ch Biswas (55), had all much to give and much to expect from life; but fate decided otherwise.

At this sad juncture, we express our deep grief to the families, friends and close colleagues of the deceased. We are sworn to provide all assistance to the bereaved families. We would welcome suggestions from all members on whatever little we may do. Suggestions may kindly be given to the EC members at your buildings, or through e-mail, or on the forum on the web-site.

We are also pondering over working out some general strategies to combat or reduce the health hazards which may be the outcome of the nature of our job. Any suggestions on these are more than welcome.