



# Income Tax Gazetted Officers' Association

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## 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 47<sup>th</sup> Biennial General Body Meeting of the ITGOA CHQ was held at Lucknow from 21<sup>st</sup> to 23<sup>rd</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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 47<sup>th</sup> 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

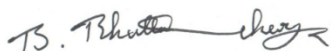
of the Delhi Unit should be conducted and a new Executive Committee of ITGOA, Delhi Unit for the period 2024-2026 be formed at the earliest.

- 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 47<sup>th</sup> 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