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| income tax | INCOME TAX EMPLOYEES FEDERATION  KERALA CIRCLE  Central Revenue Buildings, I.S.Press Road, Kochi-682018.  Telephone No.(0484)2795549 Mobile: 08547000175  e-mail: itefkera@gmail.com  Fax No.(0484)2395508  Website:itefkerala.com |

President : K. Babu Thomas

General Secretary: K. S. Sajeev Dated: 27-09-2013

To

The Chief Commissioner of Income Tax(CCA)

Kochi.

Sir,

Sub: Personal Grievance Redressal Committee – Agenda for 2nd meeting – reg.

Ref: CCIT’s order CC-CHN/Personal Grievance Redressal Committee/2012-13 dated 21-12-2012

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As per the instructions contained in the CBDT OM F-No B 12020/15/2012/AD IX dated 16-11-2012 mentioned in the CCIT’s letter under reference, the ITEF presents the following points/ grievances for discussion in the Committee. The Chief CIT is requested to kindly convene the meeting at an earlier date to resolve the following grievances/ issues pertaining to non-gazetted employees.

**1**. **Denial of Promotion to Sri. C. H. Rajeev, STA :**

Sri. C. H. Rajeev, STA was promoted as OS on ad-hoc basis from the panel drawn in December 2011 as there was stay on promotions. However, since the promotion was only on ad-hoc basis, the official turned down the promotion. At the time of subsequent regular DPC, which was held after the stay being vacated by the CAT, the official was not considered for promotion as he was deemed to have forgone his claim for promotion.

Sir, in this context, we would like to draw your attention to clause 2 & 3 of the Office Memorandum No.1/3/69-Estt(D) dated 22nd November, 1975 from Cabinet Secretariat, Department of Personnel and A.R.

“2. When a government servant does not want to accept a promotion which is offered to him, he may make a written request that he may not be promoted and the request may be considered by the appointing authority, taking relevant aspects into consideration. where the reasons adduced by the persons concerned for such refusal ordinarily meet the requirements of the case if the next person in the select list were promoted.  However, since it may not be administratively possible or desirable to offer appointments, to the persons who initially refused promotion, on every occasion on which a vacancy arises during the period of validity of the panel, no fresh offer of appointment on promotion should be made in such cases for a period of six months from the date of refusal of first promotion. Government servants refusing promotion for reasons acceptable to the appointing authority will, on eventual promotion to the higher grade, lose seniority vis-a-vis their erstwhile juniors promoted to the higher grade earlier than they, irrespective of whether the posts in question are filled by selection or otherwise.

3. The above mentioned policy will not apply where adhoc promotions against short-term vacancies are refused.”

The ad-hoc promotion to OS, which the official refused, was being done against consequential vacancies resultant to ad-hoc promotions in the higher posts. Therefore, the vacancies of OS cannot be considered to have been fully crystallized. The ad-hoc panel that was drawn was in existence only for a period of about 6 months. There after regular panel was drawn from which the official was omitted.

The DOPT in its order No.2803611 1201 2-Estt(D) dated 30-04-2013 has clarified that an ad-hoc appointment does not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade concerned also does not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade. As a corollary, a person should not be denied the benefit of regular promotion for refusing ad-hoc promotion which does not confer any benefit to him.

Sir, in view of the above, it is requested to reconsider the denial of promotion to Sri. C. H. Rajeev, STA.

**2. Promotions to vacancies pending before 23rd May in the cadres of STA, OS and Steno Gr.I:**

It is requested to fill up the posts that fell vacant in the cadres of OS, STA and Steno Gr.1 before the notification issued in 23rd May merging these cadres.

**3. Promotions to post where amendments to RR not required:**

Promotions to post of TA, LDC and NS where amendment to RR is not required may be made at the earliest.

**4.** **Skill test to MTS:**

In Kerala Region, MTS are allowed to appear for skill test only after completion of 5 years. Due to this practice, the MTS, becomes eligible for promotion only after 6 or 7 years even though the residency period for promotion is 5 years. However, in other Regions they are permitted to appear for the skill test from the very year of their joining. In many cases, it is seen that the MTS joining on Inter Charge Transfer are at an advantage as they have been allowed to appear for the skill test from their date of joining. It is therefore requested to permit all the MTS in Kerala Region to appear for the skill test for promotion. It is also requested conduct the skill test for MTS for the year 2013 at the earliest.

**5.** **Appointment under sports quota:**

As per extant instructions, 5% of the posts ear-marked for DR can be filled up by persons having meritorious achievements in sports activities. In Kerala Region, there is shortage/ delay in appointment of DRs especially in the lower cadres of MTS and TA necessitating employment of outsiders to some extent. This shortage can be alleviated to a certain extent, if a percentage of the vacancies are filled through sports quota. This would also be a boost to the youth of the state who toils hard for sporting excellence.

**6. Settlement of pending compassionate cases:**

It is requested to consider and decide on the representations pending for compassionate appointment.

**7. Pending anomaly of Shri. K. P. Bharatharajan, NS**

Shri. K. P, Bharatharajan was promoted directly as NS from peon. His junior was promoted as Daftri [an intermediate post] and was later promoted to NS. This resulted in the junior drawing more pay. His petition for settlement of anomaly was rejected.

In the case of ITIs, the CBDT has accepted as anomaly the instances of similar nature where the junior received higher pay due to intermediate promotion during the intermittent period. Hence, it is requested to reconsider the decision taken in the case of Shri. K. P. Bharatharajan, NS. The official’s application is pending before the CCIT.

6. **Installation of new lift at Calicut**:

For a very long period of time the employees at Calicut have been requesting for replacement for lift at Calicut office as it often breaks down causing immense difficulty for the Officers and staff. People getting trapped in the lift at Calicut are a routine affair. This matter had been taken up earlier in the JCM and it was promised to get the lift replaced. However, till date nothing has materialized.

Therefore, it is once again requested to look into the matter and do the needful to replace the lift at Calicut.

**Matters pending even though decisions were taken in the first PGRC.**

**7. Transfer to Shri. Krishnankutty, MTS**

It was informed through ‘Action Taken Report’ that Sri. Krishnankutty, WB will be given requisite training for MTS and thereafter his transfer request to Trivandrum will be considered. Even though his training has been completed, the transfer request is still pending before the CCIT. Hence, it is once again requested to grant his transfer.

**8. Mobile phone charges reimbursement**

The official side informed that the respective Commissioners will be asked to meet the pending mobile reimbursement charges from the OE as and when funds become available. However, no such instruction has been issued till date.

**9. Modernisation of Ranges at Kochi**

In the last PGRC, it was informed that the modernization could not be taken up due to paucity of funds. It is once again requested to consider the renovation of the Ranges at Kochi from the current year funds.

Yours faithfully

Sd/-

( A G Narayan Hari )

Acting General Secretary