## INCOME TAX EMPLOYEES FEDERATION

### MANISHINATH BHAWAN

### A2/95 RAJOURI GARDEN

### NEW DELHI-110027

 Cir. No. 48/12-15                                                                                                       Dated: 30th July, 2014.

Dear Comrades,

**VII-CPC & Our Memorandum**:

The Joint Council of Action of ITEF and ITGOA has submitted its memorandum on the pay and service conditions of the Group B & C personnel of the Department.  The Memorandum, based on the principal and logics contained in the draft memorandum circulated and approved by the Secretariat of both the organisations was personally handed over by Com. KP Rajagopal, Secretary General, ITEF and Com. Ajay Goyal, President, ITGOA.  We had also, in a brief meeting on the occasion with the Member Secretary, VII-CPC,  Ms. Meena Agarwal, requested to provide us a chance to orally present evidence and further justification for our claim.  The Secretary assured us that the same will be considered positively.  A copy of the same was also submitted to the Chairman, CBDT, with a request to support and further elucidate our claim in the presentations on behalf of the Department to the Commission to attain a better pay and service conditions for the personnel in the Department. Copy of the Memorandum submitted to the VII-CPC by the JCA is attached herewith sans the annexure A & B Viz. The duty lists of all personnel and Departmental Examination Syllabus.

## [Click hereVII-CPC-JCA MEMORANDUM](http://www.itefcentralhq.org/wp-content/uploads/2014/03/VII-CPC-JCA-MEMORANDUM.pdf)

**Meeting with Chairman**:

The Secretary General, ITEF and President, ITGOA, had a brief meeting with the Chairman, CBDT today.  Only a few points were discussed.  On the issue of filling up of chain vacancies in Group B & C for the RY 2013-14, the Chairman assured that necessary directions will be given to the concerned to issue instructions to the CCAs in this regard.  Copy of our letter dated 28.7.2014 addressed to the Chairman on the issue is enclosed.

On our enquiry, the Chairman informed us that the Hon’ble Finance Minister has approved the Recruitment Rules of Group B &C Cadres and the same have been submitted to the Department of Personnel & Training.

In the matter of promotion to the cadre of ACIT, it has been informed by the Chairman that necessary clarification has been submitted to the UPSC with request for conducting the meeting of the DPC at the earliest.  The response from the UPSC is awaited and the matter is being pursued.

In the matter of Promotion to the Posts of JCIT, we have been informed that the DPC meeting for adhoc promotion of the 2005 batch Officers has been completed on 26.07.2014 and submitted to the Secretary, Revenue for approval.

**Errata**

In our Cir. No. 47/12-15 Dated: 25th July, 2014 communicating the decisions of the Secretariat meeting held on 23. 07.2014, the following two issues discussed and decided in the Sect. meeting have been inadvertently omitted.  The following decisions may be read as part of that Circular.

1. Implementation of Cadre Restructuring in the attached Directorates: The Secretariat took serious note of the way in which the promotions are effected and provided to the personnel of the Directorate without any logic or Rules just prior to the merger of the cadres with the CCA, Delhi, which lead to a five day industrial action by the members of the JCA, Delhi.  The Secretariat has decided to take up the issue with the CBDT.
2. Remittance of Renewal Fee and Aayakar Dues: Taking note of the financial constraints of the CHQ  for its day to day functioning and huge outstanding from various Circles, the Secretariat appealed to all circles to clear the outstanding immediately.

With greetings,

Yours fraternally,

(KP Rajagopal)

Secretary General.

### Copy of ITEF letter No. N-1/E-2/12-15 Dated: 28th July, 2014.

To

Shri R.K. Tewari,

Chairman,

Central Board of Direct Taxes,

North Block,

New Delhi

Sir,

**Sub:       Implementation of Cadre Restructuring- Promotion to the Group B & C Posts-**

**Non-consideration of Chain  vacancies by CCAs- Request for instructions-**

**Ref:        i) Order in F No. HRD/CM/102/28/2013-14 dated 31st March, 2014 and**

**ii) F. No. HRD/CM/102/10/2014-15/1510 dated 27.05.2014-**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***
We write this with reference to the above two instructions  issued by the Board and also the discussions the JCA representatives had with your goodself in the Quarterly Review Meeting held on 14.7.2014.    Vide the second reference dated 27.05.2014, the CCAs were required to conduct the meetings of DPCs and effect promotions for the Group B & C cadres by 5th June, 2014 for vacancy year 2013-14.

We have been getting report from our field formations that though promotion orders have been issued in almost all charges, the Cadre Controlling Authorities in some charges have not taken the consequential vacancies while conducting DPC Meetings and effecting promotions.  The reason communicated to us by our units is that some of the CCAs have taken the stand that although the vacancies are for RY 2013-14 as the promotions are being effected in the year 2014-15, the consequential vacancies will fall in the year 2014-15.   The Stand taken by the CCAs is absolutely contrary to the Instructions of the Dept. Of Per. & Trg. dated 10.4.1989 with regard to determination of vacancies for DPC.   This will also create problem and confusion in fixing the inter-se seniority of Direct Recruitees  and Promotees and may lead to unnecessary litigation if the vacancy year for the consequential vacancies of a particular year is taken to a subsequent year in some regions.    We reproduce below further clarification of para 4.1 of the said instructions of the DOPT.

*“In reiteration of the aforesaid provision (para 4.1) of the DPC guidelines, dated 10.4.1989, it is hereby clarified that such vacancies arising in a particular vacancy year, as noted in the aforesaid Para 4.1, would be considered together by the DPC.  These vacancies should also included newly created posts in the same vacancy year.****Hence the DPC for a particular vacancy year held subsequent to the creation of such new posts in the same vacancy year would be required to take into consideration such newly-created posts also alongwith other already existing/anticipated vacancies arising in the same vacancy year****.  As a sequel to it, the zone of consideration would also get enlarged in a corresponding manner in terms of Dept. Of  Per. & Trg. OM No. 22011/1/90-Estt.(D), dated 12.10.1990 and 22.4.1992”.*

***(Swamy’s manual on Establishment & Administration-Page 847)***

Further the Dpt. Of Per & Trg in F.No. 22011/9/98-Estt(D) dated 6.10.1999 further clarified with regard to “Chain Vacancies” as under:

***2. The aforesaid matter has been considered in consultation with the Union Public Service Commission.  Accordingly, it is clarified that the “chain vacancies” on account of retirement etc. in the higher grades in a vacancy (panel) year shall include:-***

***The vacancies which can be clearly anticipated as likely to become available in the concerned grade by promotion of Officers of the service to higher grades during that vacancy (panel)year,****(Expected promotion to the higher grades under the Model Calendar for DPCs would normally be against vacancies arising by retirement in all the higher grades/hierarchy as per Paragraph 7 of the OM dated 8.9.1988).*

***(Swamy’s manual on Establishment & Administration-Page 889)***

It is clear from the above that  the consequential vacancies of the promotions effected on newly created posts for RY 2013-14 should also be taken as anticipated vacancies while determining the regular vacancies for the same year.  Therefore, the position taken by some of the CCAs need to be elucidated.  We accordingly, request the Chairman to kindly direct the concerned to issue necessary clarification to the Pr. CCsIT to effect promotions for the consequential vacancies also during the same vacancy (panel) year and to maintain uniformity in the matter.

Thanking you,

Yours faithfully,

(***KP Rajagopal***)

Secretary General