



**JOINT COUNCIL OF ACTION**  
**INCOME TAX EMPLOYEES FEDERATION &**  
**INCOME TAX GAZETTED OFFICERS' ASSOCIATION**  
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No.N-1/JCA/2018-19

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**To**

**The Pr. Director General of Income Tax, HRD,  
Central Board of Direct Taxes,  
Vasant Kunj, New Delhi**

Respected Sir,

Subject – **Finalisation of pending Recruitment Rules – Request reg.**

We solicit your kind reference to the discussions we had with you on 16<sup>th</sup> & 28<sup>th</sup> March, 2018 in the matter of finalisation of Recruitment Rules for Executive Assistant and Inspector. As intimated at the meeting, we had subjected the various proposals and the DoPT position in our All India Conference held at Ujjain from 14<sup>th</sup> -17<sup>th</sup> February, 2018. We had also intimated you the decision taken at the Conference after considering various formulations. We reiterate the same once again.

**1. Executive Assistant.**

- a) The cadre of Executive Assistant is created on the basis of the recommendation of the 6<sup>th</sup> CPC. It has come about on amalgamation of the following cadres.
- (i) Sr. Tax Assistant
  - (ii) Office Superintendent
  - (iii) Stenographer Gr.I (including erstwhile Stenographer Gr. II)

The proposal for such amalgamation was agreed and accepted by ITEF.

- b) The residency period of Tax Assistant for promotion on Sr. Tax Assistant is three years. The DoPT had insisted to increase the residency period to 10 years. This could not be accepted by ITEF for the following reasons:

- (i) Such a long period of residency period will increase the stagnation and will defeat the very purpose of Cadre restructuring apart from the situation of the post of Executive Assistant lying vacant for want of eligible candidates, which will cause administrative and functional difficulties for the Department. In fact there are more number of posts of EAs than TAs. This has been created for functional requirements and had the approval of DoPT. By suggesting a long period of 10 years as residency period, DoPT is negating the very utility of creation of posts through cadre restructuring, which had the sanction and approval of the Cabinet. There had been number of posts created in Gr. A and B Cadres and every one of

them is allowed to be operated. By the stipulation of 10 years as residency period, the Tax Assistants will be compelled to discharge the function of Executive Assistants for no extra remuneration.

- (ii) The Tax Assistants are required to pass the departmental qualifying examination of Ministerial Staff, stipulated by the Department in order to become eligible for promotion as Executive Assistants. Such a condition is not prescribed by any other Department. This again is a functional requirement. The DoPT ought to have considered this special requirement of the Income Tax Department and should have accordingly agreed to the lesser residency period.
- (iii) The Tax Assistant were granted the Grade Pay of Rs. 2400/ whereas the Accountant/ Auditors who are recruited through the same graduate level examination of SSC are granted 2800/ as Grade Pay. This was a special dispensation made by the Department of Expenditure for the accounting organizations, which is under their direct control. The anomaly that has arisen due to the disturbance of the horizontal relativity was an item that had come up before the Departmental Anomaly Committee. The Anomaly committee did not come to the final conclusion except the official side statement that the issue would not come within the purview of the anomaly definition. No disagreement was recorded and the matter could not be sent to the Board of arbitration. The issue is pending before the Anomaly Committee. Had the Grade Pay been Rs. 2800/ the residency period for promotion as Executive Assistant could not, according to DoPT guideline have been 6 years. The issue of anomaly has again arisen after the 7<sup>th</sup> CPC and the same is an agenda item at the Departmental Anomaly Committee which has not met even once.
- (iv) The guideline of the DoPT had not been uniformly followed across the Department and there had been permitted variations in certain departments. For instance the residency period in the case of central secretariat for the promotion from UDC to Assistant is stipulated as 6 years. No doubt the guideline is to be treated as such and not to be constrained as mandatory as is being perceived by DoPT. When they have allowed deviation in the case of Central Secretariat UDC/Assistant, which is directly under the DoPT it is unethical and impermissible to insist upon the guidelines as mandatory only for Income Tax Department.

**The ITEF is agreeable to enhance the residency period from the present 3 years to 5 years and stoutly oppose the suggestion of DoPT to increase it to 10 years for the reasons stated above.**

## **2. Inspectors of Income Tax**

The DoPT has made inter alia the suggestions to increase the DR quota from the present 1/3<sup>rd</sup> to 2/3<sup>rd</sup> of the vacancies. **The ITEF couldn't agree this suggestion for the following reasons.**

- I. The ratio between feeder cadre and the promotion cadre is cited as the reason behind the DoPT suggestion. The application of a pre-determined ratio does not

serve any purpose. The present waiting period for promotion is on an average 8-10 years which is far in excess of the residency period of 3 years. The suggestion of the DoPT will increase the stagnation.

- II. The Department has stipulated Departmental exam with 5 papers as one of the conditions for the eligibility of promotion as Inspector. As per the present Recruitment Rule 1/3<sup>rd</sup> vacancies are filled up by DR, 1/3 on the basis of merit measured as to how early a candidate qualifies (i.e promotion is regulated on the basis of year of passing which means that those who pass earlier will get promotion first irrespective of his seniority in the feeder cadre) and the rest 1/3<sup>rd</sup> by promotion on the basis of the seniority in the feeder cadre ( from among those who qualify the exam). The present system has functioned very well till date and the RR are in consonance with DoPT guidelines as seniority promotion is only against 1/3<sup>rd</sup> vacancies.
- III. Examination being a pre-requisite for eligibility, the increase in the quota of DR could not be raised without causing problem of acute stagnation.
- IV. The Department has presently DR at the following down below cadres.
  - a) MTS. Who are eligible to be promoted as TA 100%.
  - b) TA - 75% DR Quota
  - c) Executive Assistant:- 50% DR Quota
- V. Since consecutive three cadres down below have the element of DR, that too more than 50%, the suggestion to increase the DR quota from the present 1/3<sup>rd</sup> vacancies to 2/3<sup>rd</sup> vacancies is not at all sustainable as the DR must not be resorted to in two consecutive Cadres of DoPT suggestion to increase DR Quota is to be considered, the DR Quota in the Cadre of TA and EA will have to be eliminated.

In the RRs that would be promulgated hereafter must have the saving clause as stipulated. As by the Supreme Court that the existing employees as on the date of notification will continue to be governed by the existing promotion of RR prior to its amendments.

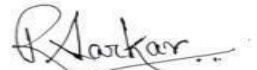
We therefore request that the issue may be taken up at a higher level of the DoPT and persuade them to be reasonable and just to the employees of our Department.

With regards,

Yours sincerely,



**(Amitava Dey)**



**(Rupak Sarkar)**

**Joint Convenors**

