

 <p>I.T.G.O.A. ZINDABAD</p>	<h1>INCOME TAX GAZETTED OFFICERS ASSOCIATION</h1>	
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F.No. ITGOA/CHQ/Regularisation/2021-22/03

Dated: 02.09.2021

To

**The Chairman,  
Central Board of Direct Taxes,  
New Delhi.**

**Respected Sir,**

**Sub:** Inordinate delays in Regularisation of ad-hoc ACIT for RYs 2016-17, 2017-18 & 2018 Batches– Regarding –

**Ref:** Central JCA's letters F No. JCA/2019-20 Dated 26/02/2020, F.No. ITGOA/ CHQ/ Regularization & Promotion/2020-21/01 Dated: 20.08.2020 & 19.04.2021; F No. JCA/2020-21/02 Dated 31/08/2020 & F No. JCA/2020-21/03 Dated 08/10/2020

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Kindly refer to the above.

2. In the continuation to our letters under reference, your kind attention is once again brought to the fact that the **Regularisation DPC of Ad-hoc ACsIT of 2016-17, 2017-18 & 2018** batches are long delayed, despite lapse of over 3 & 1/2 years, since their ad-hoc promotions. It is pertinent to note that the mammoth task of APAR collection and Vigilance clearances of over 850 officers have already been completed. However, till date the regularisation proposal has not been sent to the UPSC.

2.1. In this connection, it has been learnt that the said proposal has been held-up on account of certain court case and the judicial pronouncements therein. Further, it is learnt that a clarification in this regard has been sought from the Departmental standing counsel.

2.2 In this regard, we would like to bring to your kind notice certain facts of the case in question:

1. The petitioner in his OA, filed before CAT Ahamdabad, challenged the exercise of the CBDT initiated vide letter dated 16.08.2019 for **ad-hoc** promotion from ITO to ACIT for vacancy year 2019;
2. The Hon'ble Gujarat High Court, in the instant case, reiterated the same in para 6 of their order dated 03.12.2019;
3. The petitioner, before Hon'ble High Court, made prayer for implementation of post-N R Parmar All India Inter Seniority List in the cadre of ITO circulated on 05.02.2018 **for promotion to the post of ACITs for vacancy year 2019;**

4. The Hon'ble Gujarat High Court vide para 8 of their order dated 03.12.2019 observed as under:

***“..... A question arise whether still respondents could be permitted to proceed with their exercise of making on ad-hoc appointment ignoring the seniority list of 05.02.2018....”***

5. The Hon'ble Gujarat High Court had further held in said order as under:

***“....we are of the view that the petition is required to be disposed of as we are of the view that the respondent shall be restrained from implementing any exercise or undertaking any exercise ignoring the seniority list of 05.02.2018 till the final disposal of the Original Application ..... pending before the Tribunal”***

2.3 From the above facts, it is amply clear that the proceedings before the Hon'ble Gujarat High Court or Hon'ble Tribunal are related to the **Adhoc Promotion for vacancy year 2019 only and not at all related to regular DPC for the RYs 2016-17, 2017-18 & 2018 Batches.**

3. In view of the above facts, we, therefore, earnestly request your good-self to **immediately send the regularisation proposal of ad-hoc ACsIT of 2016-17, 2017-18 & 2018 batches**, without any further delay, **latest by 15<sup>th</sup> September, 2021**, failing which we would be constrained to resort to path of agitation as per decision taken in our Managing Committee Meeting held at Delhi on 17<sup>th</sup> & 18<sup>th</sup> August, 2021 as **our members are feeling depressed and let down**, which needs to be immediately addressed particularly when the Department is undergoing a historic structural change.

4. These regularisation/promotions would highly motivate the ITOs & ACsIT cadre for actualising the **varied goals** of the Department including the recent one **related to the Faceless Assessments**. We are confident that your good self shall be considerate in filling up of all the vacant posts in the grade of ACIT, through regularisations/promotions, by adopting the correct path to safeguard the interests of the promottee officers. This act would not only boost their morale but also give them confidence of being part of the Income tax family.

5. An early action and reply, in the matter, is solicited.

Thanking You,

Yours Sincerely,



**(Ravi Shankar),  
Secretary General,**

Copy forwarded for information & n/a to:

1. The Member ( Administrations ), CBDT, North Block, New Delhi;
2. The Joint Secretary ( Administrations), CBDT, North Block, New Delhi;
3. The Under Secretary, Ad- VI, CBDT, North Block, New Delhi.