

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(2013-2014)**

(FIFTEENTH LOK SABHA)

THIRTY SECOND REPORT

ON

MINISTRY OF FINANCE (DEPARTMENT OF REVENUE)

Action taken by the Government on the recommendations contained in the Twenty Fourth Report (Fifteenth Lok Sabha) on “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)”.

Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____



**LOK SABHA SECRETARIAT
NEW DELHI**

9 December, 2013 / 18 Agrahanya 1935 (Saka)

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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES (2013-2014)

Shri Gobinda Chandra Naskar - Chairman

MEMBERS – LOK SABHA

2. Shri M. Anandan
3. Shri Khiladi Lal Bairwa
4. Shri Bhudeo Choudhary
5. Smt. Jyoti Dhurve
6. Dr. Manda Jagannath
7. Shri Mohan Jena
8. Shri Mohinder Singh Kaypee
9. Shri Kamal Kishor 'Commando'
10. Shri Mithilesh Kumar
11. Shri Basori Singh Masram
12. Shri Arjun Meghwal
13. Shri Kishanbhai V. Patel
14. Shri Ashok Kumar Rawat
15. Shri Bajju Ban Riyan
16. Shri C.L. Ruala
17. Smt. Rajesh Nandini Singh
18. Shri Rajaiah Siricilla
19. Dr. Kirit Premjibhai Solanki
20. Shri Bhausahab Rajaram Wakchaure

MEMBERS – RAJYA SABHA

21. Dr. Pradeep Kumar Balmuchu
22. Shri Shashi Bhusan Behera
23. Shri Thaawar Chand Gehlot
24. Shri Faggan Singh Kulaste
25. Shri Lalhming Liana
26. Shri D. Raja
27. Shri Nand Kumar Sai
28. Shri Veer Singh
29. Smt. Wansuk Syiem
30. Shri Nandi Yellaiah

SECRETARIAT

- | | | | |
|----|---------------------|---|----------------------|
| 1. | Dr. R.K. Chadha | - | Additional Secretary |
| 2. | Shri D.R. Shekhar | - | Director |
| 3. | Shri S. Chatterjee | - | Additional Director |
| 4. | Ms. Pooja Kirthwalr | - | Committee Assistant |

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes having been authorised by the Committee to finalise and submit the report on their behalf, present this Thirty Second Report (Fifteenth Lok Sabha) pertaining to the Ministry of Finance (Department of Revenue) regarding Action Taken by the Government on the recommendations contained in the Twenty Fourth Report (Fifteenth Lok Sabha) on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)"

2. The draft Report was considered and adopted by the Committee on 18 October, 2013 (Appendix-J).

3. The Report has been divided into the following chapters:-

- I. Report
- II. Recommendations/observations which have been accepted by the Government.
- III. Recommendations/observations which the Committee do not desire to pursue in view of replies of the Government.
- IV. Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/observations in respect of which final replies of the Government have not been received.

4. An analysis of the Action Taken by the Government on the recommendations contained in the Twenty Fourth Report (Fifteenth Lok Sabha) of the Committee is given in Appendix-K. It would be observed therefrom that out of 17 recommendations made in the report, 2 recommendations i.e. 11.8 per cent have been accepted by the Government. The Committee do not desire to pursue 7 recommendations i.e. 41.2 per cent of the total recommendations in view of the replies of the Government. There are 5 recommendations i.e. 29.4 per cent in respect of which replies of the Government have not been accepted by the Committee and require further reiteration and 3 recommendations i.e. 17.6 per cent are those in respect of which final replies of the Government have not been received.

New Delhi;
9 December, 2013
18 Agrahanya, 1935 (Saka)

GOBINDA CHANDRA NASKAR,
Chairman,
Committee on the Welfare
of Scheduled Castes and
Scheduled Tribes.

CHAPTER – I

REPORT

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Twenty-fourth Report (Fifteenth Lok Sabha) on “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes”.

1.2 Twenty-fourth Report was presented to Lok Sabha and laid in Rajya Sabha on 26 November, 2012. It contained 17 recommendations/observations. Replies of the Government in respect of all these recommendations/observations have been examined and are categorised as under:-

- (i) Recommendations/Observations which have been accepted by the Government (Sl. No. 9 and 11).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 4, 6, 8, 12, 13, 16 and 17).
- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (Sl. Nos.1, 2, 3, 5 and 10)
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received (Sl. Nos. 7, 14 and 15).

1.3 The Committee will now deal with the Action Taken by the Government on those recommendations which need reiteration or comments.

Organisational Set-up

Recommendation (Sl. No. 1, Para No. 1.9)

1.4 The Committee are appalled to note that no officer hailing from SC/ST community has been appointed as Chairman or Member of the Board since 1987. Also information prior to 1987 is not available. No representation of SC/ST in the apex body of Income Tax department is of grave concern. The Committee note that for the past 25 years no member from SC/ST community has ever occupied the post of Chairman/Member of CBDT. The Committee vehemently quash the lame excuse of the Government that this scenario is a result of either non availability of eligible officers or that the available applicants do not meet comparative merit criteria. The Committee are of the view that the relevant Act for appointment of Chairman/Members of CBDT should be suitably amended to provide reservation to SCs/STs on the Board of Directors. Also relaxations/concessions should be provided to SC/ST candidates eligible for such positions. The Committee would like to be apprised of the reply of the Department of Revenue in the matter of selection of Members of Board of Directors of CBDT. The Committee strongly express their displeasure in the matter that the SCs/STs are being deprived of occupying higher posts in the CBDT. The Committee would like to assert that necessary steps should be taken by the Government in this regard for revising the procedure of selection for the posts of Chairman/Member in CBDT for candidates belonging to SC/ST category

Reply of the Government

1.5 In the year 2009, in connection with the recommendations of the Parliamentary Committee on Central Board of Excise and Customs, this department sought the

opinion of the Department of Personnel and Training (DoP&T) regarding relaxation of norms for selection of Members in CBEC belonging to the SC/ST community. The DoP&T asserted that there are no instructions for relaxing the norms for selection of Members etc. of the Board in favour of SC/ST candidates. Moreover, there is no reservation within Group 'A' posts "in case of promotion by selection" method. The acceptance of the recommendations of the Committee for revising the procedure of selection for the post of Chairperson/Members of Board has wide administrative implications to other Bodies, Corporations, Boards, Authorities etc. of other central Government Departments and the DoP&T is the nodal department for prescribing/changing the procedure of selection of Chairman and Members. Thus, the acceptance of this recommendation of the Committee is outside the purview of the CBDT.

Comments of the Committee

1.6 The Committee feel that Government is not serious to the observations and recommendations made by the Committee from time to time in regard to reviewing of policy on appointments to the Board/Management level posts in all PSUs including CBDT. Rather implementing this very important recommendation nodal department DoP&T has apprehended wide administrative implications to other Boards, Corporations, Authorities, etc in case relaxation is made for prescribing/ changing procedure of selection of Chairman and Members. During the course of examination of various PSUs over the years, the Committee have noted that SCs and STs have not been given opportunity to come up to the Board level positions. For this reason the Committee have consistently and continuously been pursuing the Government and Managements of

Undertakings/Enterprises/Banks to amend rules governing appointment to board level posts so as to include SC/ST members on the Board. The Committee feel that with a view to provide socio- economic equality as enshrined in Constitution, the Government should take affirmative action to accommodate representatives from the SCs/STs in the Board level appointments. To make it possible, the Government should relax the eligibility criteria by amending all rules/regulations governing appointments particularly when there is no reservation within Group 'A' posts in case of promotion by selection method. The Committee thus feel that if there is no transparency in selection of eligible SC/ST candidates, it is construed that consideration for appointment was not fair. The Committee would like to be apprised about the number of Scheduled Castes and Scheduled Tribes candidates who appeared for the interview of Board level positions of both official and non official directors in the past five years and the reasons for their non selection. The Committee, further reiterate that CBDT should pursue the matter with DoPT regarding the issue of review of policy on appointments to the Board/Management level posts. The Committee feel that rather than giving excuses to shun the entry of SC/ST candidates to Board level position, CBDT should take up the matter with the DoP&T and also make genuine efforts to ensure their representation in the same. If it is not possible to amend the rules/regulations or provide relaxation, attempts should be made to include a SC/ST member on board by means of rotation system for the posts of non official Directors at least. The Committee hope that appointment of SC/ST officers in the Board will wash away the lame apprehensions expressed by the Government.

Reservation and Recruitment Procedure

Recommendation (Sl. No. 2, Para No. 2.10)

1.7 The Committee are aghast to note that massive shortfall exists in both the direct recruitment and the promotion categories. It has been stated that the shortfall in direct recruitment majorly resulted from non-joining of a large number of nominated candidates and resigning from the posts by the candidates after appointment. The Committee note that the said backlog is primarily restricted to stenographer cadre in direct recruitment. The Committee recommends that the said shortfall should be cleared on priority basis and directs the Ministry to continually pursue the matter with Staff Selection Commission (SSC). CBDT in conjunction with the SSC should devise a detailed plan to overcome such shortfall. Firstly, SSC should be requested to maintain a wait list of candidates which should be made operative in case of nonjoining/resignation of the selected candidates since the fresh recruitments would be a time consuming task. The Committee also take note of the fact that Group 'D' posts have been redesignated as multitasking services and placed in Group 'C'. CBDT have further informed that their requirements for multitasking services are met through outsourcing. The Committee would thus like to recommend that outsourcing should be made in such a manner that adequate number of SC/ST candidates are engaged for multi-tasking services.

Reply of the Government

1.8 In each recruitment all the backlog vacancies in the cadre of stenographers in the category of SC and ST are reported to SSC for recommending the suitable candidates after conducting written examination. In spite of this there is still minimal backlog vacancies belonging to SC/ST category who are recommended by the SSC after

conducting the examination. A statement showing backlog vacancies in all the cadres of the CBDT is enclosed at **Appendix-A**. The sole reason for existence of minimal backlog vacancies is that the reserved category candidates do not either join or leave jobs after joining as they are eligible for relaxation in age, which enhances their better job prospects elsewhere. This minimal level of backlog vacancies shall remain as the Board can not force them to join the post or deny their leaving the job after joining duty.

1.9 DoP&T is in the process of preparing a Cabinet Note at the instance of PMO for evolving ways and means to clear the backlog vacancies in the SC/ST categories in all cadres of all Central Government Departments. They have convened a meeting with all the Departments to know the reasons of existence of backlog vacancies and to evolve means and ways to clear the backlog vacancies vide their letter No.36038/1/2008-Estt.(Res) dated 14/01/2013. The CBDT has sent all the backlog vacancies in all cadres to Department of Personnel and Training for their necessary action vide **Appendix 'B'**.

1.10 The suggestion of Committee for persuading SSC for preparing a waiting list in lieu of candidates who do not join/leave the job is not practicable to make operative as the candidates in the proposed waiting list may also not join or leave the job for better job prospects. The SC/ST candidates do not respond as to whether they are going to join the job after selection by the SSC. In the absence of their response it is not possible to prepare a separate waiting list for such candidates who do not join duties. This additional work by the SSC will hamper their main work of recruitment processing. Further bringing this suggestion in operation will have wider implications for recruitment of candidates in all other cadres of Central Government Departments. So, this is a policy issue and falls within the purview of the DoP&T.

1.11 The MTS at present are not outsourced but are recruited through the written examination conducted by SSC and hence the recommendation of the Committee on this point is not practicable to implement.

Comments of the Committee

1.12 The Committee have earlier been informed that Group 'D' posts were redesignated as multitasking services and placed in Group 'C' and that the requirements for multitasking services were met through outsourcing. However in their Action Taken replies CBDT have now informed that multitasking services are being recruited through written examination conducted by SSC. The Committee are appalled to note that CBDT has rather been flimsy in their replies regarding recruitment of multitasking services. The Committee would categorically like to know whether the multitasking services are being filled by examinations carried out by SSC or by outsourcing. In case the multitasking services are being recruited by SSC, Committee would like to know the number of vacancies of multitasking services being filled and lying vacant for the past three years. The Committee are alarmed to note that as per the data provided by CBDT in respect of Special Recruitment Drive 2008-2009 regarding SC/ST vacancies in Direct Promotion and Promotion quota, almost 50% of vacancies are yet to be filled. In Direct recruitment, against 56 identified SC vacancies only 38 have been filled and against 47 identified ST vacancies only 8 have been filled in stenographer grade III. The Backlog in the promotion category is much profound. In case of SC vacancies, against identified 92 Group B vacancies only 49 have been filled. Also against identified 691 Group C vacancies and 26 Group D vacancies only 390 and 3 vacancies have been filled respectively. The scenario is

equally dismal in case of ST promotional vacancies. Against identified 198 Group B vacancies only 100 have been filled and against identified 762 Group C vacancies and 121 Group D vacancies only 337 and 19 vacancies have been filled respectively. The Committee are surprised to note that CBDT have merely dismissed this as minimal backlog. Thus, the dedication of CBDT towards filling up backlog vacancies appears doubtful. The lame excuses put forth by CBDT that the selected candidates do not join or leave jobs after joining as the reasons for such backlog appear to be mere hoodwink to deprive SC and ST candidates of job opportunities. The Committee would, therefore, like to take a serious view of the persistent backlog in promotional vacancies and urge the Ministry to take concrete steps with regard to wiping the backlog.

1.13 The Committee are baffled to note that the CBDT in their replies have stated that making the waiting list is not practicable as the candidates in the proposed waiting list may also not join or leave the job for better job prospects. In the opinion of the Committee commencement of a fresh recruitment would further stymie the whole process. The Committee would also like to point out that maintaining of a waiting list is a common practice in almost all the recruitments in the country and thus unlikely to hamper the recruitment process of SSC.

Recommendation (Sl. No. 3, Para No. 2.15)

1.14 The Committee are constrained to note that the Ministry is putting forward lame excuses as non-availability of eligible officers in feeder cadre for shortfall in promotion. The nonchalant attitude of the Ministry is evident from the fact that despite conducting departmental examination meant for promotion to the post of Income Tax Inspector and Income Tax Officers, shortfall in promotion still persists. It is evident that every year a

good number of SC/ST candidates qualify the examination for promotion but only handful are promoted. This clearly exhibits the incoherent nature of the reply of the Ministry. The Committee are surprised to note that despite having SC/ST candidates who are eligible for promotion posts, the CBDT has been depriving these candidates of rightful promotion. The Committee would like to recommend that an enquiry should be initiated for such cases in various Directorates to determine the reasons for keeping promotion posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion. The Committee refute the contention of the Ministry that non-availability of eligible candidates is the major reason for backlog. The Committee also note with concern that departmental examinations for promotion are not held in certain Directorates and would like to know the reasons for the same. The Committee recommend that the departmental examinations should be held in all the Directorates to facilitate the SC/ST candidates in feeder cadre.

Reply of the Government

1.15 The perception of the Committee that the CBDT has been depriving SC/ST candidates who are eligible for promotional posts, from their right of promotion, is unfounded. This is a fact that there is shortage of eligible officials belonging to SC/ST category in the feeder cadres. So, the recommendation of the Committee that an enquiry should be initiated in various Directorates to determine the reasons for keeping promotional posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion, is irrelevant. The Officers posted in the Directorates (Group “A & B”) belong to the Income Tax Department and hence no separate examinations need to be conducted for the Directorates. The Group “C” staff (working as permanent staff in the Directorates), are promoted on the basis of vacancy

and seniority as per the existing recruitment rules. The Modified Assured Career Progression (MACP) Scheme is applicable to them. It is also pertinent to mention that the issue of promotion to staff working in the Directorates is being addressed in the Cadre Restructuring proposal, which is at advance stage of consideration of the Government. So the acceptance of recommendation of the Committee for holding examinations for promotion in all the Directorates to facilitate the SC/ST candidates in feeder cadres is not tenable.

Comments of the Committee

1.16 The Committee are flabbergasted at the vacillating nature of CBDT replies. The Committee are given to understand that departmental examinations are carried out at certain directorates to enhance promotional avenues for the employees. The Committee would like to know for which posts such examinations are held for. Also the Committee would like to be apprised about the number of SC/ST candidates qualified the departmental examination and are thus eligible for promotion to various posts during the last three years. Further, the Committee would like to be made aware of reasons as to why these candidates are not given promotions against the promotional backlog SC/ST vacancies. The Committee are dissatisfied by the usual plea of CBDT that there is shortage of SC/ST officers in feeder cadre. The Committee would also like to be clarified as to why massive shortfall exists in Group C and Group D promotional posts, if departmental examinations are being carried out. The Committee would also like to be apprised regarding the MACP scheme.

Staff Strength and Backlog

Recommendation (Sl. No. 5, Para No. 2.30)

1.17 The Committee take a serious note of the response of the Ministry with regard to filling up of backlog vacancies. As per the information furnished by the Ministry it appears that backlog persists in various posts including Tax Assistant, Senior Tax Assistant, Income Tax Inspector, Office Superintendent among other. Even multitasking services which have been merged in Group 'C' after abolition of Group 'D'posts, are suffering from backlog. The Committee recommend that the backlog in these post may be filled at the earliest by adopting liberal benchmarks. The Committee should be apprised of details in this regard. The Committee would also like to be apprised of the reasons as to why vacancies exist in posts other than stenographer cadre. The Committee find it highly preposterous that multitasking services are also marred by shortfall for which minimal qualifications are required. The Committee may also be informed about the number of SC/ST employees recruited to multitasking services through outsourcing. The Committee also urge the Ministry to make sure that contractors involved in outsourcing may be sensitized on this issue and direct them to give preference to SCs/STs candidates. The Committee also recommend that certain percentage of reservation for SCs/STs may be provided in the multitasking services.

Reply of the Government

1.18 Beyond this level backlog vacancies can not be reduced as the Stenographers belonging to SC, ST and OBC who are recommended by SSC after conducting examination, do not join for following reasons:-

- (i) They are already working in other service at lower post but do not get the work place of their preference.

- (ii) They leave their job from CBDT after they are selected elsewhere.
- (iii) SC/ST categories candidates are eligible for relaxation in age. So they have better job prospects elsewhere.

This minimum level of backlog vacancies will remain as the Board cannot force them to join the post or deny their leaving the job after joining.

1.19 DoP&T is in the process of preparing a Cabinet Note at the instance of PMO for evolving ways and means to clear the backlog vacancies in the SC/ST categories in all cadres of all Central Government Departments. They have convened a meeting with all the Departments to know the reasons of existence of backlog vacancies and to evolve means and ways to clear the backlog vacancies vide their letter No.36038/1/2008-Estt.(Res) dated 14.1.2013. CBDT has sent all the backlog vacancies in all cadres to Department of Personal and Training for their necessary action.

1.20 The MTS at present are not outsourced but are recruited through the written examination conducted by SSC and hence the recommendations of the Committee on this point is not practicable to implement.

Comments of the Committee

1.21 The Committee are perplexed at the conceited reply of CBDT regarding wiping the backlog vacancies. The Committee are dismayed by shoddy replies of the Ministry that the SC, ST and OBC who are recommended by SSC after conducting examination, do not join as they are already working elsewhere or do not get the work place of their preference or they leave their job in CBDT after they are selected elsewhere or have better job prospects elsewhere. The Committee would like to reiterate that continuous and dedicated efforts may be made to get rid of the said backlog.

Rosters

Recommendation (Sl. No. 7, Para No. 2.37)

1.22 The Committee are flabbergasted at the complacent attitude of the Ministry regarding inspection of rosters. The inspection of rosters, it appears are not given much gravity in CBDT. The Committee would like to know whether strict schedules are followed with regard to inspection of rosters. The laxity of CBDT is evident from the fact that only after intervention of the Committee, it had instructed CCIT (Jaipur) for inspection of rosters. The Committee would like to be apprised of the progress in this regard. The Committee should also be informed regarding discrepancies, if any, detected in Mumbai region, DIT(PR, PP&OL), DIT(ITA) wherein rosters are placed before DPC and details thereof. The Committee strongly feels that CBDT has not been frank regarding discrepancies in rosters. The Committee desire to be informed regarding the discrepancies which were overruled in Guwahati region. The details of discrepancies sorted out in Hyderabad region may also be provided to the Committee.

Reply of the Government

1.23 CCIT (Jaipur) has confirmed that the rosters in the existing cadres are being maintained in Rajasthan region. Rosters as on 1.4.2012 in all the existing cadres have been inspected by the Liaison Officer. No discrepancies have been found or reported.

1.24 CCIT (Mumbai) has confirmed that in respect of Mumbai charge, the rosters have been prepared and are being regularly checked by a specially constituted SC/ST cell, which looks after verification of rosters. As such, no discrepancy has been detected in Mumbai region. Further, vacancy position of SC/ST category officials is verified by members of the SC/ST category, who are an integral part of the Department Promotion Committee. As regard the DIT(PR, PP & OL) and DIT(ITA) the reservation register/reservation roster/register maintained based on the format prescribed by the

DoP&T vide its Office Memorandum No.3611/1/2011-Estt.(Res.) dated 17.11.2011 and Shri K.C. Badhok, Addl. DIT(TDS) has been appointed as Liaison Officer of DGIT(Admn.) and all Directorates. A Special Recruitment Drive/2012-13/435 dated 2.11.2012 and Special Recruitment Drive/2012-13/225 dated 19.7.2012 have been set up.

1.25 CCIT (Guwahati) has forwarded a copy of the report submitted by Shri S.K. Sakia, IRS, Liaison Officer showing discrepancy in the maintenance of rosters. Discrepancy pointed out by the Liaison Officer has been rectified by interpreting that the clarification issued by the DoP&T vide its I.D. No.36028/11/2007-Estt.(Res.) dated 24.7.2007 cannot be interpreted as retrospective in nature while considering cases for promotion. Hence the promotion for the recruitment year 2008-09 was given without reviewing the select panel of the earlier years. Copies of the communications received from the CCIT, Guwahati are enclosed at **Appendix C**.

Comments of the Committee

1.26 The Committee would like to instruct the CBDT to strictly adhere to directions regarding inspection of rosters in future. The Committee has also sought for details of discrepancies in rosters in the Hyderabad region which is yet to be provided. The Committee may be informed of the same.

Recommendation (Sl. No. 9, Para No. 3.7)

1.27 The Committee are saddened by the fact that Liaison Officers apart from carrying out work related to SCs/STs have been assigned various other duties. The Committee are of view that the Liaison Officer is a key figure in an organisation and is responsible for ensuring implementation of reservation policies of the Government. The Committee feel that burdening the Liaison Officer with additional responsibilities may dilute the

whole purpose of his appointment as Liaison Officer. The Committee strongly recommend that since the Liaison Officer is appointed to ensure due compliance of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he should not be overburdened with other official work. The Committee are utterly dismayed by the fact that formal training to make Liaison Officer and officials working in SC/ST Cell well versed with reservation policies for SCs/STs is not provided by many Directorates. The Committee would like to point out that the Liaison Officer acts as a watchdog to safeguard the interests and welfare of the SCs and STs and should have sound knowledge of reservation policies/rules. The Committee would, therefore, like to impress upon the fact that formal training should be provided to Liaison Officer so that they can discharge their duties earnestly and effectively. The Committee have been informed by the Ministry of Finance that National Academy for Direct Taxes, Nagpur has been instructed to formulate and conduct training for Liaison Officers/officials. The Committee would like to be apprised of the schedule of such training and the Directorates providing training along with names of the Liaison Officers.

Reply of the Government

1.28 DG, National Academy Direct Taxes, Nagpur was requested vide this Department's letter No.14019/5/2012/III/Ad.VII dated 25.3.2013 (**Appendix D**) for taking concrete action in the recommendation of the Parliamentary Committee for imparting training to Liaison Officers of SC/ST Cells created in Offices of CCsIT and Directorates of Income Tax Department NADT vide their letter No.-NADT/P&R/course-(SC/ST) liaison off/2012-14 dated 26.4.2013 (**Appendix E**) has initiated action for imparting training to all Liaison Officers of SC/ST Cell created in Offices of CCsIT and the Directorates of Income Tax Department. It will be ensured that Liaison Officers are not

burdened with other work in a manner which affects their main work of being a watchdog to safeguard the interests of SCs/STs.

Comments of the Committee

1.29 The Committee are happy to note that CBDT have initiated necessary action for imparting training to all Liaison officers of SC/ST cell created in Offices of CCsIT and the Directorates of Income Tax Department. The Committee desire that Liaison Officers should be well conversant with Reservation Policies/Rules etc and would like to be apprised regarding the training schedule along with names of the Liaison Officers among various Directorates.

Special Recruitment Drive

Recommendation (Sl. No. 10, Para No. 3.12)

1.30 The Committee are perturbed to note that despite issuance of strict directives by DoP&T to all Ministries/Departments to fill the backlog reserved vacancies for SCs/STs by 31.03.2012, the backlog still persists in direct recruitment and promotion quotas. In direct recruitment quota, there were 47(110-63) backlog vacancies of SCs and 50 (105-55) backlog vacancies of STs as on 31.3.2012 out of which major backlog exists in stenographer cadre. However, the backlog appear to be dispersed among various categories of posts in promotion quota wherein a massive backlog of 460 (810-350) vacancies exists in SC category and that of 719 (1082-363) vacancies exists in ST category. There are 203 SC posts and 99 ST posts lying vacant in the stenographer grade. Apart from that, there are backlog vacancies existing in the posts of Private Secretary, Sr. Private Secretary, Administrative Officer, Officer Superintendent, Income Tax Inspector, Sr. Tax Assistant, Tax Assistant etc. Even the multitasking services, which are catered by outsourcing, are having mammoth backlog. The Committee are

exasperated at the lackadaisical approach of the Ministry regarding the Special Recruitment Drive. The Committee are baffled by the stereotyped replies of the Ministry of Finance regarding non clearance of backlog. The Committee recommend that the backlog in stenographer cadre in the direct recruitment quota may be filled by adopting relaxed standards so that SC/ST candidates do not suffer due to exceptionally high standards which even general category candidates are not able to meet. Keeping in mind the colossal backlog in promotion quota, the Committee would like to urge the CBDT to consider in house candidates who have qualified departmental examination for promotion. The Committee would like to impress upon the Ministry of Finance that, if they still are not able to find the eligible candidates in the feeder cadre, the promotion backlog vacancies may be diverted to the direct recruitment quota

Reply of the Government

1.31 There appears to be no need for relaxing further the standard for passing examination for SC/ST because of substantial reduction in backlog vacancies in the stenographer cadre and because of compromising the element of efficiency. Moreover, Department of Personnel and Training is the nodal Department for framing policy of recruitment uniformly applicable to all Central Government Departments. The Department of Personnel and Training is taking separate action to fill up promotional posts in all the Cadres as explained earlier.

Comments of the Committee

1.32 The Committee would like to be apprised regarding the statistics pertaining to reduction in backlog vacancies in the stenographer cadre along with latest SC/ST vacancy position in the stenographer cadre. However, if the backlog

persisting in the stenographer cadre is still notable, the Committee would like to reiterate that the standard for passing examination be relaxed.

Recommendation (Sl. No. 14, Para No. 4.4)

1.33 The Committee are pained to note that persons appointed on the basis of false caste certificates are still continuing in service and some of them have even retired while the cases are still going on. The Committee are dissatisfied that no severe action/criminal proceedings have been initiated against the guilty persons. A person found accused is merely dismissed from service. The Committee recommend that stringent action in this regard like lodging FIR against the guilty, should be taken in order to set an example for others and discourage them from resorting to such tactics. The Committee also take serious note of the fact that certain cases are sub-judice and although departmental proceedings have been initiated further action is being delayed. The Committee urge CBDT that it should implead as a party and actively pursue the matter for getting the stay vacated in disputed cases. The Committee would also like CBDT to rigorously pursue the cases and try to get an early hearing and decision. The Committee should be apprised of the status of false caste certificates cases lying pending within three months of presentation of this Report

Reply of the Government

1.34 In compliance with the recommendation of Committee to tackle the menace of false-caste-certificates and related pending litigation matters all the CCIT (CCA) have been instructed to pursue the matter for getting the stay vacated in disputed cases and to rigorously pursue the cases and try to get an early hearing and decision. The Committee desired the status of false-caste-certificates cases lying pending within three

months from the date of presentation of the Report. Vide this Department No.14019/5/2012-Ad.VII dated 25.3.2013 (**Appendix F**).

Comments of the Committee

1.35 The Committee would like to be apprised regarding the status of false caste certificate cases in various directorates namely, CCA (Bhopal), CCA (Delhi), CCA (Hyderabad) and CCA (Chennai) and also the action taken against the offenders. The Committee also recommended that FIRs should be registered against the guilty persons

Appointment on Compassionate Grounds

Recommendation (Sl. No. 15, Para No. 4.11)

1.36 The Committee observe that there are a large number of pending cases of appointments on compassionate grounds in various Directorates. The Committee are of view that due to the ceiling of 5% on the compassionate appointments in case of direct recruitment, has restricted the CBDT from disposing of the pending cases of compassionate appointments. However, the Committee are hopeful that the Ministry would deal with cases of compassionate appointments on priority within a specific timeframe so that dependents of the deceased SC/ST employees do not face hardship after the demise of their bread earners. The Committee would like to recommend that the Ministry should make sincere endeavours on humanitarian grounds to adjust the pending cases of compassionate appointments among vacancies available in multi tasking services. As admitted by Chairman, CBDT during evidence that the qualifications of the kin may be different from that of the deceased employees, efforts must be made to absorb the member of the deceased employee's family as a multi tasking service employee for which minimal qualifications are required. The Committee

also note that CBDT does not offer financial assistance in lieu of providing job on compassionate grounds

Reply of the Government

1.37 The Committee has observed that there were a large number of pending cases of appointments on compassionate grounds in various directorates. But name of any particular Directorate has not been specifically mentioned. In the absence of name of the Directorates/Charge it is not possible to direct the authorities concerned to expedite the process of appointment. The Board is alive to deal with the cases of compassionate appointment with priority on receipt of recommendations from the Chief Commissioners of Income Tax. Every effort is made to absorb the kin of the deceased, depending on his qualification, on compassionate appointment by the respective Chief Commissioner of Income Tax within the delegated powers or by this Board on their recommendation. Of late in the wake of judgment dated 05.04.2011 in Civil Appeal No.2206/2006 pronounced by the Apex Court in the matter of Local Administration Department vis M. selvanayagam @ Kumaravelu Department of Personnel Training has issued clarification vide their OM No.14014/3/2011-Estt.(D) dated 26.07.2012 **(Appendix G)** whereby cases of compassionate appointment can be considered even if the time limit of three years, prescribed earlier, has lapsed.

1.38 The Board has referred two cases to Department of Personnel and Training to issue clear-cut clarification on the Compassionate Appointment rather than case to case clarification by issuing Office Memorandum to facilitate the finalization of such cases without resorting to litigation.

Comments of the Committee

1.39 As per the information provided by CBDT, for the year 2011 a number of cases of compassionate appointments have been lying pending in various directorates, viz Ahmadabad, Bhubaneswar, Bhopal, Kolkata, Chandigarh, Chennai, Kochi, Delhi, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Mumbai, Nagpur, Patna, Mumbai, DG(Inv.), NADT, DIT(PRPP&OL) and DOMS. The Committee would like to be apprised about the status of such appointments. The Committee would like to reiterate that the Ministry should make sincere endeavours to adjust the pending cases of compassionate appointments among vacancies available.

CHAPTER – II

Recommendations/Observations which have been accepted by the Government

Liaison Officer in CBDT

Recommendation (Sl. No. 9, Para No. 3.7)

2.1 The Committee are saddened by the fact that Liaison Officers apart from carrying out work related to SCs/STs have been assigned various other duties. The Committee are of view that the Liaison Officer is a key figure in an organisation and is responsible for ensuring implementation of reservation policies of the Government. The Committee feel that burdening the Liaison Officer with additional responsibilities may dilute the whole purpose of his appointment as Liaison Officer. The Committee strongly recommend that since the Liaison Officer is appointed to ensure due compliance of orders and instructions pertaining to reservations of vacancies in favour of SCs/STs, he should not be overburdened with other official work. The Committee are utterly dismayed by the fact that formal training to make Liaison Officer and officials working in SC/ST Cell well versed with reservation policies for SCs/STs is not provided by many Directorates. The Committee would like to point out that the Liaison Officer acts as a watchdog to safeguard the interests and welfare of the SCs and STs and should have sound knowledge of reservation policies/rules. The Committee would, therefore, like to impress upon the fact that formal training should be provided to Liaison Officer so that they can discharge their duties earnestly and effectively. The Committee have been informed by the Ministry of Finance that National Academy for Direct Taxes, Nagpur has been instructed to formulate and conduct training for Liaison Officers/officials. The Committee would like to be apprised of the schedule of such training and the Directorates providing training along with names of the Liaison Officers.

Reply of the Government

2.2 DG, National Academy Direct Taxes, Nagpur was requested vide this Department's letter No.14019/5/2012/III/Ad.VII dated 25.3.2013 **(Appendix D)** for taking concrete action in the recommendation of the Parliamentary Committee for imparting training to Liaison Officers of SC/ST Cells created in Offices of CCsIT and Directorates of Income Tax Department NADT vide their letter No.-NADT/P&R/course-(SC/ST) liaison off/2013-14 dated 26.4.2013 **(Appendix E)** has initiated action for imparting training to all Liaison Officers of SC/ST Cell created in Offices of CCsIT and the Directorates of Income Tax Department. It will be ensured that Liaison Officers are not burdened with other work in a manner which affects their main work of being a watchdog to safeguard the interests of SCs/STs.

Comments of the Committee

2.3 Please see Para No. 1.29 of Chapter I.

Grievances/Complaints

Recommendation (Sl. No. 11, Para No. 3.20)

2.4 The Committee express grave concern regarding the fact that no separate complaint register is maintained to record the complaints/grievances of SCs/STs at various Directorates. The Committee are of view that since most of these complaints/grievances are related to promotion, transfer, additional increments, pay fixation, grant of selection grade, seniority etc. these need to be recorded properly, clearly indicating the date of receipt of the complaint, nature of each case and its disposal. The Committee, therefore, recommend that a separate register be maintained at all Directorates. The Committee also urge that a senior official may be deputed at each Directorate for monitoring these registers periodically so as to ensure that all

complaints/grievances of SC/ST officers are redressed properly. The SC/ST officials who are not able to register their complaints because of the absence of any redressal machinery, are the ultimate sufferers. The Committee, therefore, recommend that the Ministry should issue pertinent directions to all cadre controlling authorities to maintain separate registers for complaints so that the grievances of the aggrieved SC/ST officials should not go unheard. The Committee should also be informed about the action taken in the matter within three months of presentation of this Report.

Reply of the Government

2.5 All the CCsIT(CCAs) and Directorates of Income Tax Department have been directed for maintaining a separate register in the SC/ST Cell for registering complaints/grievances of SC/ST employees for redressal. Further directions have been given to all Directorates for deputing a senior officer for monitoring the registers periodically so as to ensure that complaints/grievances of SC/ST employees are redressed properly. Vide Board's Letter No.14019/5/2012-Ad.VII dated 25.3.2013 **(Appendix H).**

CHAPTER – III

Recommendations/Observations which the Committee do not desire to pursue in view of the replies received from the Government

Relaxations/Concessions

Recommendation (Sl. No. 4 Para No. 2.19)

3.1 The Committee censure the inaction of CBDT regarding the denial of promotion to the Scheduled Castes and Scheduled Tribes officials who were senior than the general candidates in the zone of consideration for promotion and were otherwise eligible for promotion in the roster points meant for the general candidates due to the reason that they have qualified the departmental examination by getting 5% grace marks in the qualifying examination. The Committee are of firm view that the purpose of the qualifying examination is only to make the candidates eligible for consideration by the Departmental Promotion Committee for such promotion and hence, the marks obtained in the departmental examination are not required to be taken into account for any other purpose. The Committee, therefore, recommend that the Scheduled Castes and Scheduled Tribes candidates who have passed the departmental qualifying examination by availing the facility of 5% relaxation or grace marks, should not be debarred from promotion on their 'own merit' since they are already eligible for the promotion.

Reply of the Government

3.2 The recommendation of the Committee that SC/ST employees who have passed Departmental Examination by availing the facility of 5% relaxation or grace marks should not be debarred from promotion on the basis of "own merit" cannot be accepted because of the judgment dated 15/11/2009 of Hon'ble High Court of Punjab and Haryana in Civil Writ Petition No. 13218/2009 in the matter of Laxmi Narayan Gupta and

others vis Jarnail Singh and others. In this connection the Board wrote to the DoP&T as to how to proceed further in the matter vide this Department's letter No.A-41015/94/2010-ADVII, dated 28.09.2011 (**Appendix I**). The operative part of the judgment is reproduced below:-

“When the principles laid down in the case of M. Nagaraj (Supra) and Suraj Bhan Meena (Supra) are applied to the notifications impugned in the present proceedings, namely, 11.7.2002, 31.1.2005 (R-1 and R-2) and further notification dated 21.1.2009 and 10.8.2010, it becomes clear that no survey has been undertaken to find out inadequacy of representation in respect of members of the SC/ST in the services. The aforesaid fact has also been conceded by the respondent – Union of India in the communication dated 16.9.2010. In Para (iv) of the aforesaid communication, it has been stated that no exercise was carried out to assess the inadequacy of representation of SCs/STs in the service under the Government of India before issue of Instructions dated 31.1.2005. The aforementioned communication has been placed on record along with CM No.14865 of 2010. In the absence of any survey with regard to inadequacy as also concerning the overall requirement of efficiency of the administration where reservation is to be made along with backwardness of the class for which the reservation is required, it is not possible to sustain these notifications. Accordingly, it has to be held that these notification suffer from violation of the provisions of Articles 16(4A), 16(4B) read with Article 335 of the Constitution as interpreted by the Constitution Bench in M. Nagaraj's case (Supra) as well as in Suraj Bhan Meen's case (Supra).

The net result is that no reservation in promotion could be made in pursuance of OM dated 2.7.1997. We are not dealing with any other contentions raised by the Ld.

Counsel of the petitioners for the reason that the core issue going to the roots of the matter has been determined in their favour and such a necessity is obviated.

3.3 As a sequel to the above discussion, the judgment of the Tribunal is set aside. The instructions dated 31.1.2005(R-2) stand withdrawn on 10.8.2010 (P-10). Therefore, there is no order on the subject of reservation in promotion and the treatment of SC/ST candidates promoted on their own merit. Likewise, the instructions dated 10.8.2010 (P-16) are in direct conflict with the view taken by the Constitution Bench in M. Nagaraj's case (Supra) and Suraj Bhan Meena's case (Supra). It is further directed that the seniority and promotion of the Income Tax Inspectors shall be made without any element of reservation in promotion.

3.4 As could be seen from the above, the Hon'ble Court has observed that no reservation in promotion could be made in pursuance of the DoP&T's OM dated 2.7.1997. The Judgment has also noted that the instructions dated 31.1.2005 of DoP&T stand withdrawn on 10.8.2010 and the instructions dated 10.8.2010 have been quashed. Further, the Hon'ble Court has also directed that seniority and promotion of Income Tax Inspectors shall be made without any element of reservation in promotion. Against the judgment dated 15.11.2011 Shri Jarnail Singh and other has filed on SLP No.30621/2011 in the Apex Court.

3.5 In the above scenario of affairs, which are sub-judice in the Apex Court, the acceptance of the recommendations by the Government will amount to contempt of the said Court.

Staff Strength and Backlog

Recommendation (Sl. No. 6, Para No. 2.31)

3.6 The Committee excoriate the Ministry for the persisting backlog in Group A, B and C vacancies. It has been informed that the backlog/shortfall is regularly reported to SSC, however, there seems to be no improvement in the situation. The Chairman, CBDT during evidence stated that major backlog exists in stenographer cadre belonging to Group 'C'. It is apparent that relaxing the criteria to 80 percent accuracy has not fetched enough stenographers to fill the backlog. Thus the Committee would like to recommend that CBDT should further lower the criteria for stenographer cadre since the backlog persist both in the General and SC/ST vacancies. The Committee further recommend that the SC/ST candidates appointed on relaxed standards must be provided post recruitment training to bring them upto the required standards. The Committee should be apprised of the progress in the matter.

Reply of the Government

3.7 The recommendation of the Committee for further relaxing the criteria to 80% accuracy in the Stenographers cadre for filling the backlog vacancies is in the purview of SSC/DoP&T. So any further relaxation in this regard has to be done by them. The SC/ST candidates appointed on relaxed standard are already being provided post – recruitment training in many charges.

SC/ST Cell & Liaison Officer in CBDT

Recommendation (Sl. No. 8, Para No. 3.6)

3.8 The Committee take serious note of the fact that separate SC/ST Cells are not in existence in various regional offices. The Committee are concerned that in the absence of SC/ST Cells, the aggrieved SC/ST officials have no means of redressal. The laxity of

Ministry in this regard is deplorable. The Ministry had impressed upon the cadre controlling authorities to set up a separate SC/ST Cell only upon being prodded by the Committee. The Committee are distressed to note that no alternate arrangement has been made in past for addressing the grievances of SC/ST officials. The Committee after taking into consideration the given facts feel that the Ministry have been indifferent towards the welfare of SC/ST officials in CBDT. The Committee strongly emphasize that the SC/ST Cell should be made operative in all the Directorates/Regions and that the Committee should be apprised regarding details thereof.

Reply of the Government

3.9 All the 18 CCsIT(CCA) and 6 Directorates under the functional control of the CBDT have confirmed in writing that SC/ST Cells have been created in their offices and the Cell are operative under the control of the Liaison Officers for addressing the grievances of SC/ST officials.

Training

Recommendation (Sl. No. 12, Para No. 3.30)

3.10 The Committee are happy to note that a fair percentage of SC/ST candidates have been provided training. However, the Committee would like to be apprised of the criteria adopted for sponsoring the candidates for foreign training. The Committee are of the firm opinion that getting trained abroad will not only enable the SC and ST officers to acquire skills and aptitude but will widen their horizon and also provide an impetus to their careers. The Committee, therefore, recommend that the Ministry should draw out a list of eligible SC/ST candidates for training abroad. The Committee would like to be informed regarding development in this regard.

Reply of the Government

3.11 National Academy of Direct Taxes reported that each year SC/ST category employees are part of the group receiving foreign training every year. During the year 2010, 2011, 2012 in the trainers programme held at Civil Service Collage, Singapore out of the officers nominated till date five (5) SC/ST candidates have been training under this training programme. Besides, the officer-trainees undergoing 16 month Induction Training Programmes at NADT also go abroad for international training from 2006-07 onwards till date, 121 SC-ST officer-trainees have undergone foreign training under this programme.

3.12 Whenever the Board received/receives any foreign training circular from DoP&T and Department of Economic Affairs, the same is circulated among all the Chief Commissioners of Income Tax (Cadre Controlling Authorities) for inviting application from amongst the eligible officers and to send the eligible officer's name along with proforma to the Board. The application of the eligible officer is forwarded to the Department of Economic Affairs/DoP&T/Ministries etc. with the approval of competent authority. The final selection is made by the respective Ministries/Departments and not by the Board. The Board at any point of time has never discriminated against any officer on the ground of SC/ST in respect of nomination for foreign training. Due care is taken for considering the SC/ST candidates subject to their qualification and eligibility criteria for the specific training. Further, keeping in view the Committee's observation, Board has already directed all the Chief Commissioners of Income Tax (Cadre Controlling Authorities) to consider the cases of SC/ST employees in this light while forwarding the names of officers for specialized training aboard.

Appointment on the basis of false caste certificate

Recommendation (Sl. No. 13, Para No. 4.3)

3.13 The Committee are perturbed by the tardy progress relating to false caste certificate cases. The Committee are of the view that CBDT should act in a proactive manner and display extra vigilance at the time of initial appointment by resorting to compulsory verification of all caste certificates at entry level itself to curb the menace of false caste certificates. The Committee are disturbed to note that cases of false caste certificates are pending at various levels for verification. It is once again stressed that getting employment on the basis of false caste certificates is the gravest form of injustice to SCs/STs persons. Such form of fraudulent act deprives the genuine SCs/STs candidates of the rights bestowed upon them by the Constitution of India. Pending of false caste certificate cases at the level of Screening Committees and Collectors for verification is just delaying justice to SC/ST candidates who have been deprived of their jobs. The Committee recommend that CBDT should direct its Income Tax Commissioners in various Directorates, to personally involve themselves in expeditious disposal of such cases and pursue the District Collectors/Competent Authorities of the region in this regard.

Reply of the Government

3.14 In compliance with the recommendation of Committee to tackle the menace of false-caste-certificates and related pending litigation matters all the CCsIT (CCAs) have been instructed to personally involve themselves in expeditious disposal of such cases and pursue the District Collectors/Competent Authorities of the region in this regard.

Vide this Department No.14019/5/2012-Ad.VII dated 25.3.2013 (**Appendix F**).

Housing facilities

Recommendation (Sl. No. 16, Para No. 4.15)

3.15 The Committee are of the firm view that the caste prejudice against SCs/STs has often posed numerous hurdles in securing housing facilities for them and their families. The Committee had earlier pointed out that reservation in housing allotment is not available in certain Directorates. Although the Ministry have assured that cadre controlling authorities have been instructed to follow Government instructions, the Committee recommend that mandatory reservation in residential accommodation should be made for SC/ST employees in those Directorates which are currently not making any reservation so that the SC/ST employees do not have to worry about residence in places of their posting. In view of pending cases of housing accommodation i.e., 7 in Bhubaneswar, 8 in Chandigarh, 4 in Delhi, 4 in Guwahati, 1 in Jaipur and 30 in Mumbai, the Committee would urge the Ministry to provide accommodation to such officials at the earliest.

Reply of the Government

3.16 In terms of the GOI, MUD, Directorate of Estates OM No.12035(10)/84-Pol.II dated 25.11.1985, reservation of 10% in Types A and B and 5% in Types C and D is to be provided to SC/ST employees in Delhi and other stations where General Pool accommodation is available or is being constructed in future. Moreover, the Directorate of Estates has also issued instructions vide OM dated 7.4.1986 for maintaining the roster in order to have uniformity in the matter of reservation of accommodation to SC/ST employees in Delhi and other stations. The Departmental instructions on allotment of departmental pool accommodation to SC/ST employees of Income Tax Department cannot be at variance with the reservation policy for Government

accommodation to Government employees of SC/ST category as laid down in the MUD, Directorate of Estates OM stated above.

3.17 All the Cadre Controlling Authorities have already been instructed by the Board to ensure that existing instruction in the matter of reservation of Departmental pool residential accommodation to the SC/ST employees are strictly followed.

3.18 Taking note of the recommendation of the Committee the status of accommodations to the employees of SC/ST category in the region of Chief Commissioners of Income Tax of Bhubaneswar, Chandigarh, Delhi, Guwahati, Jaipur and Mumbai has improved as given below:-

- (i) In the Bhubaneswar charge the percentage of accommodation to SC/ST employees is 11.45 and 13.45, which is more than the limit of reservation prescribed.
- (ii) In the Chandigarh range no application for Government residential recommendation is pending.
- (iii) In the Delhi charge out of the 4, 3 SC/ST employees have already been accorded accommodation from the Government pool.
- (iv) In the Jaipur region 1 application of SC candidate is pending for want of accommodation.
- (v) The Mumbai region has replied that they are following the rules dated 8.9.1964 and position of allotment of accommodation to SC/ST in all categories is above the laid down % of SC/ST employees as detailed below:-

Sl. No.	Type of accommodation	Total No. of available accommodation	Total No. of accommodation on allotted	Total no. allotted to General category out of Col. 3	Total allotted to SC category out of Col. 3	Total No. allotted to ST category out of col. 3	% of allotment to SC/ST category	Vacant
	1	2	3	4	5	6	7	8
1	Type I(A)	484	241	193	46	2	19.91%	243
2	Type II(B)	612	409	326	77	6	20.29%	203
3	Type III(C)	527	398	352	32	14	11.55%	129
4	Type IV(D)	140	135	123	6	6	8.88%	140
Total for type – I, II, III, IV		1763	1183	994	161	28	15.97%	

Note:- As per column No.8, large No. of flats are shown vacant as these flats are under repairs and renovation and allotment would be done once repairs and renovation work is over.

3.19 This level of allotment to SC/ST employees will improve after renovation and repair of large number of flats is over.

3.20 The Mumbai Charge has moved a proposal to CBDT to amend to supplement rules on accommodation to align with the policy of reservation in the allotment of accommodation formulated by Ministry of Urban Development.

Recommendation (Sl. No. 17, Para No. 4.19)

3.21 The Committee strongly criticize CBDT for not recognizing the Associations/Federations formed by the Scheduled Castes and Scheduled Tribes officers and officials as 'service associations' by alleging them as caste based associations. The Committee are of view that the so called recognized service associations are mostly headed by the general/forward class who are usually apathetic towards the issues beneficial to the Scheduled Castes and Scheduled Tribes. Thus in order to safeguard the interest of the officials/officers belonging to Scheduled Castes and Scheduled Tribes, the Committee recommend that the Associations/Federations

constituted by the Scheduled Castes and Scheduled Tribes officials/officers should be recognized as service association by the CBDT

Reply of the Government

3.22 Central Board of Direct Tax has sent a proposal to the DoP&T who is the Nodal Department in the matter of grant of recognition under the CCS(RSA) Rules, 1993, for grant of recognition to the All India Income Tax SC/ST Employees Welfare Federation (ITSEWA Federation) as “Service Association” in relaxation of rule. But the DoP&T has not agreed to their proposal observing that:-

“For recognition of a Service Association under the existing Rules, the association which claims recognition should have been formed for the “Common Service Interest” of “Distinct Category of Government Servants” and the “Distinct Category” for the purpose of Rules relate to cadre structure of posts denoting either Class IV, Class II or Class I, or individual categories within these classes, viz., LDC/UDC, Stenographers Accountants, as may be defined by the respective Departments. Categorization has to be with reference to commonality of interest and functioning of the association as a homogenous group with reference to function of posts and not with reference to any caste or group of caste like SC/ST employees. Therefore, SC/ST cannot be taken as distinct category which is prescribed under Rule 5(f) of these Rules. Also Recognition of Associations exclusively for a particular caste or a conglomeration of castes/tribes is not in the interest of a unified Civil Service.

In view of the above, the proposal for relaxation is not amendable to acceptance.

3.23 The un-recognized All India Income Tax SC/ST Employees Welfare Association has been informed accordingly for not accepting their proposal.

Vide Board’s Letter No.12020/2/2013-Ad.VII dated 18.03.2013 **(Appendix H)**.

CHAPTER – IV

Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration

Organisational Set-up

Recommendation (Sl. No. 1, Para No. 1.9)

4.1 The Committee are appalled to note that no officer hailing from SC/ST community has been appointed as Chairman or Member of the Board since 1987. Also information prior to 1987 is not available. No representation of SC/ST in the apex body of Income Tax department is of grave concern. The Committee note that for the past 25 years no member from SC/ST community has ever occupied the post of Chairman/Member of CBDT. The Committee vehemently quash the lame excuse of the Government that this scenario is a result of either non availability of eligible officers or that the available applicants do not meet comparative merit criteria. The Committee are of the view that the relevant Act for appointment of Chairman/Members of CBDT should be suitably amended to provide reservation to SCs/STs on the Board of Directors. Also relaxations/concessions should be provided to SC/ST candidates eligible for such positions. The Committee would like to be apprised of the reply of the Department of Revenue in the matter of selection of Members of Board of Directors of CBDT. The Committee strongly express their displeasure in the matter that the SCs/STs are being deprived of occupying higher posts in the CBDT. The Committee would like to assert that necessary steps should be taken by the Government in this regard for revising the procedure of selection for the posts of Chairman/Member in CBDT for candidates belonging to SC/ST category

Reply of the Government

4.2 In the year 2009, in connection with the recommendations of the Parliamentary Committee on Central Board of Excise and Customs, this department sought the opinion of the Department of Personnel and Training (DoP&T) regarding relaxation of norms for selection of Members in CBEC belonging to the SC/ST community. The DoP&T asserted that there are no instructions for relaxing the norms for selection of Members etc. of the Board in favour of SC/ST candidates. Moreover, there is no reservation within Group 'A' posts "in case of promotion by selection" method. The acceptance of the recommendations of the Committee for revising the procedure of selection for the post of Chairperson/Members of Board has wide administrative implications to other Bodies, Corporations, Boards, Authorities etc. of other central Government Department and the DoP&T is the nodal department for prescribing/changing the procedure of selection of Chairman and Members. Thus the acceptance of this recommendation of the Committee is outside the purview of the CBDT.

Comments of the Committee

4.3 Please see Para No. 1.6 of Chapter I.

Reservation and Recruitment Procedure

Recommendation (Sl. No. 2, Para No. 2.10)

4.4 The Committee are aghast to note that massive shortfall exists in both the direct recruitment and the promotion categories. It has been stated that the shortfall in direct recruitment majorly resulted from non-joining of a large number of nominated candidates and resigning from the posts by the candidates after appointment. The Committee note that the said backlog is primarily restricted to stenographer cadre in

direct recruitment. The Committee recommends that the said shortfall should be cleared on priority basis and directs the Ministry to continually pursue the matter with Staff Selection Commission (SSC). CBDT in conjunction with the SSC should devise a detailed plan to overcome such shortfall. Firstly, SSC should be requested to maintain a wait list of candidates which should be made operative in case of nonjoining/resignation of the selected candidates since the fresh recruitments would be a time consuming task. The Committee also take note of the fact that Group 'D' posts have been redesignated as multitasking services and placed in Group 'C'. CBDT have further informed that their requirements for multitasking services are met through outsourcing. The Committee would thus like to recommend that outsourcing should be made in such a manner that adequate number of SC/ST candidates are engaged for multi-tasking services.

Reply of the Government

4.5 In each recruitment all the backlog vacancies in the cadre of stenographers in the category of SC and ST are reported to SSC for recommending the suitable candidates after conducting written examination. In spite of this there is still minimal backlog vacancies belonging to SC/ST category who are recommended by the SSC after conducting the examination. A statement showing backlog vacancies in all the cadres of the CBDT is enclosed at **Appendix-A**. The sole reason for existence of minimal backlog vacancies is that the reserved category candidates do not either join or leave jobs after joining as they are eligible for relaxation in age, which enhances their better job prospects elsewhere. This minimal level or backlog vacancies shall remain as the Board can not force them to join the post or deny their leaving the job after joining duty.

4.6 DoP&T is in the process of preparing a Cabinet Note at the instance of PMO for evolving ways and means to clear the backlog vacancies in the SC/ST categories in all

cadres of all Central Government Departments. They have convened a meeting with all the Departments to know the reasons of existence of backlog vacancies and to evolve means and ways to clear the backlog vacancies vide their letter No.36038/1/2008-Estt.(Res) dated 14/01/2013. The CBDT has sent all the backlog vacancies in all cadres to Department of Personnel and Training for their necessary action vide **Appendix 'B'**.

4.7 The suggestion of Committee for persuading SSC for preparing a waiting list in lieu of candidates who do not join/leave the job is not practicable to make operative as the candidates in the proposed waiting list may also not join or leave the job for better job prospects. The SC/ST candidates do not respond as to whether they are going to join the job after selection by the SSC. In the absence of their response it is not possible to prepare a separate waiting list for such candidates who do not join duties. This additional work by the SSC will hamper their main work of recruitment processing. Further bringing this suggestion in operation will have wider implications for recruitment of candidates in all other cadres of Central Government Departments. So, this is a policy issue and falls within the purview of the DoP&T.

4.8 The MTS at present are not outsourced but are recruited through the written examination conducted by SSC and hence the recommendation of the Committee on this point is not practicable to implement.

Comments of the Committee

4.9 Please see Para No. 1.12 and 1.13 of Chapter I.

Recommendation (Sl. No. 3, Para No. 2.15)

4.10 The Committee are constrained to note that the Ministry is putting forward lame excuses as non-availability of eligible officers in feeder cadre for shortfall in promotion.

The nonchalant attitude of the Ministry is evident from the fact that despite conducting departmental examination meant for promotion to the post of Income Tax Inspector and Income Tax Officers, shortfall in promotion still persists. It is evident that every year a good number of SC/ST candidates qualify the examination for promotion but only handful are promoted. This clearly exhibits the incoherent nature of the reply of the Ministry. The Committee are surprised to note that despite having SC/ST candidates who are eligible for promotion posts, the CBDT has been depriving these candidates of rightful promotion. The Committee would like to recommend that an enquiry should be initiated for such cases in various Directorates to determine the reasons for keeping promotion posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion. The Committee refute the contention of the Ministry that non-availability of eligible candidates is the major reason for backlog. The Committee also note with concern that departmental examinations for promotion are not held in certain Directorates and would like to know the reasons for the same. The Committee recommend that the departmental examinations should be held in all the Directorates to facilitate the SC/ST candidates in feeder cadre.

Reply of the Government

4.11 The perception of the Committee that the CBDT has been depriving SC/ST candidates who are eligible for promotional posts, from their right of promotion, is unfounded. This is a fact that there is shortage of eligible officials belonging to SC/ST category in the feeder cadres. So the recommendation of the Committee that an enquiry should be initiated in various Directorates to determine the reasons for keeping promotional posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion, is irrelevant. The Officers posted in the

Directorates (Group “A & B”) belong to the Income Tax Department and hence no separate examinations need be conducted for the Directorates. The Group “C” staff (working as permanent staff in the Directorates), are promoted on the basis of vacancy and seniority as per the existing recruitment rules. The Modified Assured Career Progression (MACP) Scheme is applicable to them. It is also pertinent to mention that the issue of promotion to staff working in the Directorates is being addressed in the Cadre Restructuring proposal, which is at advance stage of consideration of the Government. So the acceptance of recommendation of the Committee for holding examinations for promotion in all the Directorates to facilitate the SC/ST candidates in feeder cadres is not tenable.

Comments of the Committee

4.12 Please see Para No. 1.16 of Chapter I.

Staff Strength and Backlog

Recommendation (Sl. No. 5, Para No. 2.30)

4.13 The Committee take a serious note of the response of the Ministry with regard to filling up of backlog vacancies. As per the information furnished by the Ministry (M), it appears that backlog persists in various posts including Tax Assistant, Senior Tax Assistant, Income Tax Inspector, Office Superintendent among other. Even multitasking services which have been merged in Group ‘C’ after abolition of Group ‘D’posts, are suffering from backlog. The Committee recommend that the backlog in these post may be filled at the earliest by adopting liberal benchmarks. The Committee should be apprised of details in this regard. The Committee would also like to be apprised of the reasons as to why vacancies exist in posts other than stenographer cadre. The Committee find it highly preposterous that multitasking services are also marred by

shortfall for which minimal qualifications are required. The Committee may also be informed about the number of SC/ST employees recruited to multitasking services through outsourcing. The Committee also urge the Ministry to make sure that contractors involved in outsourcing may be sensitized on this issue and direct them to give preference to SCs/STs candidates. The Committee also recommend that certain percentage of reservation for SCs/STs may be provided in the multitasking services.

Reply of the Government

4.14 Beyond this level backlog vacancies can not be reduced as the Stenographers belonging to SC, ST and OBC who are recommended by SSC after conducting examination, do not join for following reasons:-

- (i) They are already working in other service at lower post but do not get the work place of their preference.
- (ii) They leave their job from CBDT after they are selected elsewhere.
- (iii) SC/ST categories candidates are eligible for relaxation in age. So they have better job prospects elsewhere.

This minimum level of backlog vacancies will remain as the Board cannot force them to join the post or deny their leaving the job after joining.

4.15 DoP&T is in the process of preparing a Cabinet Note at the instance of PMO for evolving ways and means to clear the backlog vacancies in the SC/ST categories in all cadres of all Central Government Departments. They have convened a meeting with all the Departments to know the reasons of existence of backlog vacancies and to evolve means and ways to clear the backlog vacancies vide their letter No.36038/1/2008-Estt.(Res) dated 14.1.2013. CBDT has sent all the backlog vacancies in all cadres to Department of Personal and Training for their necessary action.

4.16 The MTS at present are not outsourced but are recruited through the written examination conducted by SSC and hence the recommendations of the Committee on this point is not practicable to implement.

Comments of the Committee

4.17 Please see Para No. 1.21 of Chapter I.

Special Recruitment Drive

Recommendation (Sl. No. 10, Para No. 3.12)

4.18 The Committee are perturbed to note that despite issuance of strict directives by DoP&T to all Ministries/Departments to fill the backlog reserved vacancies for SCs/STs by 31.03.2012, the backlog still persists in direct recruitment and promotion quotas. In direct recruitment quota, there were 47(110-63) backlog vacancies of SCs and 50 (105-55) backlog vacancies of STs as on 31.3.2012 out of which major backlog exists in stenographer cadre. However, the backlog appear to be dispersed among various categories of posts in promotion quota wherein a massive backlog of 460 (810-350) vacancies exists in SC category and that of 719 (1082-363) vacancies exists in ST category. There are 203 SC posts and 99 ST posts lying vacant in the stenographer grade. Apart from that, there are backlog vacancies existing in the posts of Private Secretary, Sr. Private Secretary, Administrative Officer, Officer Superintendent, Income Tax Inspector, Sr. Tax Assistant, Tax Assistant etc. Even the multitasking services, which are catered by outsourcing, are having mammoth backlog. The Committee are exasperated at the lackadaisical approach of the Ministry regarding the Special Recruitment Drive. The Committee are baffled by the stereotyped replies of the Ministry of Finance regarding non clearance of backlog. The Committee recommend that the backlog in stenographer cadre in the direct recruitment quota may be filled by adopting

relaxed standards so that SC/ST candidates do not suffer due to exceptionally high standards which even general category candidates are not able to meet. Keeping in mind the colossal backlog in promotion quota, the Committee would like to urge the CBDT to consider in house candidates who have qualified departmental examination for promotion. The Committee would like to impress upon the Ministry of Finance that, if they still are not able to find the eligible candidates in the feeder cadre, the promotion backlog vacancies may be diverted to the direct recruitment quota

Reply of the Government

4.19 There appears to be no need for relaxing further the standard for passing examination for SC/ST because of substantial reduction in backlog vacancies in the stenographer cadre and because of compromising the element of efficiency. Moreover, Department of Personnel and Training is the nodal Department for framing policy of recruitment uniformly applicable to all Central Government Departments.

4.20 The Department of Personnel and Training is taking separate action to fill up promotional posts in all the Cadres as explained earlier.

Comments of the Committee

4.21 Please see Para No. 1.32 of Chapter I.

CHAPTER – V

Recommendations/Observations in respect of which final replies of the Government have not been received

Rosters

Recommendation (Sl. No. 7, Para No. 2.37)

5.1 The Committee are flabbergasted at the complacent attitude of the Ministry regarding inspection of rosters. The inspection of rosters, it appears are not given much gravity in CBDT. The Committee would like to know whether strict schedules are followed with regard to inspection of rosters. The laxity of CBDT is evident from the fact that only after intervention of the Committee, it had instructed CCIT (Jaipur) for inspection of rosters. The Committee would like to be apprised of the progress in this regard. The Committee should also be informed regarding discrepancies, if any, detected in Mumbai region, DIT(PR, PP&OL), DIT(ITA) wherein rosters are placed before DPC and details thereof. The Committee strongly feels that CBDT has not been frank regarding discrepancies in rosters. The Committee desire to be informed regarding the discrepancies which were overruled in Guwahati region. The details of discrepancies sorted out in Hyderabad region may also be provided to the Committee.

Reply of the Government

5.2 CCIT (Jaipur) has confirmed that the rosters in the existing cadres are being maintained in Rajasthan region. Rosters as on 1.4.2012 in all the existing cadres have been inspected by the Liaison Officer. No discrepancies have been found or reported.

5.3 CCIT (Mumbai) has confirmed that in respect of Mumbai charge, the rosters have been prepared and are being regularly checked by a specially constituted SC/ST cell, which looks after verification of rosters. As such, no discrepancy has been detected in Mumbai region. Further, vacancy position of SC/ST category officials is verified by members of the SC/ST category, who are an integral part of the Department Promotion

Committee. As regard the DIT(PR, PP & OL) and DIT(ITA) the reservation register/reservation roster/register maintained based on the format prescribed by the DoP&T vide its Office Memorandum No.3611/1/2011-Estt.(Res.) dated 17.11.2011 and Shri K.C. Badhok, Addl. DIT(TDS) has been appointed as Liaison Officer of DGIT(Admn.) and all Directorates. A Special Recruitment Drive/2012-13/435 dated 2.11.2012 and Special Recruitment Drive/2012-13/225 dated 19.7.2012 have been set up.

5.4 CCIT (Guwahati) has forwarded a copy of the report submitted by Shri S.K. Sakia, IRS, Liaison Officer showing discrepancy in the maintenance of rosters. Discrepancy pointed out by the Liaison Officer has been rectified by interpreting that the clarification issued by the DoP&T vide its I.D. No.36028/11/2007-Estt.(Res.) dated 24.7.2007 cannot be interpreted as retrospective in nature while considering cases for promotion. Hence the promotion for the recruitment year 2008-09 was given without reviewing the select panel of the earlier years. Copies of the communications received from the CCIT, Guwahati are enclosed at **Appendix C).**

Comments of the Committee

5.5 Please see Para No. 1.26 of Chapter I.

Appointment on the basis of false caste certificate

Recommendation (Sl. No. 14, Para No. 4.4)

5.6 The Committee are pained to note that persons appointed on the basis of false caste certificates are still continuing in service and some of them have even retired while the cases are still going on. The Committee are dissatisfied that no severe action/criminal proceedings have been initiated against the guilty persons. A person found accused is merely dismissed from service. The Committee recommend that

stringent action in this regard like lodging FIR against the guilty, should be taken in order to set an example for others and discourage them from resorting to such tactics. The Committee also take serious note of the fact that certain cases are sub-judice and although departmental proceedings have been initiated further action is being delayed. The Committee urge CBDT that it should implead as a party and actively pursue the matter for getting the stay vacated in disputed cases. The Committee would also like CBDT to rigorously pursue the cases and try to get an early hearing and decision. The Committee should be apprised of the status of false caste certificates cases lying pending within three months of presentation of this Report

Reply of the Government

5.7 In compliance with the recommendation of Committee to tackle the menace of false-caste-certificates and related pending litigation matters all the CCIT (CCA) have been instructed to pursue the matter for getting the say vacated in disputed cases and to rigorously pursue the cases and try to get an early hearing and decision. The Committee desired the status of false-caste-certificates cases lying pending within three months from the date of presentation of the Report. Vide this Department No.14019/5/2012-Ad.VII dated 25.3.2013 **(Appendix F)**.

Comments of the Committee

5.8 Please see Para No. 1.35 of Chapter I.

Appointment on Compassionate Grounds

Recommendation (Sl. No. 15, Para No. 4.11)

5.9 The Committee observe that there are a large number of pending cases of appointments on compassionate grounds in various Directorates. The Committee are of view that due to the ceiling of 5% on the compassionate appointments in case of direct

recruitment, has restricted the CBDT from disposing of the pending cases of compassionate appointments. However, the Committee are hopeful that the Ministry would deal with cases of compassionate appointments on priority within a specific timeframe so that dependents of the deceased SC/ST employees do not face hardship after the demise of their bread earners. The Committee would like to recommend that the Ministry should make sincere endeavours on humanitarian grounds to adjust the pending cases of compassionate appointments among vacancies available in multi tasking services. As admitted by Chairman, CBDT during evidence that the qualifications of the kin may be different from that of the deceased employees, efforts must be made to absorb the member of the deceased employee's family as a multi tasking service employee for which minimal qualifications are required. The Committee also note that CBDT does not offer financial assistance in lieu of providing job on compassionate grounds

Reply of the Government

5.10 The Committee has observed that there were a large number of pending cases of appointments on compassionate grounds in various directorates. But name of any particular Directorate has not been specifically mentioned. In the absence of name of the Directorates/Charge it is not possible to direct the authorities concerned to expedite the process of appointment. The Board is alive to deal with the cases of compassionate appointment with priority on receipt of recommendations from the Chief Commissioners of Income Tax. Every effort is made to absorb the kin of the deceased, depending on his qualification, on compassionate appointment by the respective Chief Commissioner of Income Tax within the delegated powers or by this Board on their recommendation. Of late in the wake of judgment dated 05.04.2011 in Civil Appeal No.2206/2006

pronounced by the Apex Court in the matter of Local Administration Department vis M. selvanayagam @ Kumaravelu Department of Personnel Training has issued clarification vide their OM No.14014/3/2011-Estt.(D) dated 26.07.2012 (**Appendix G**) whereby cases of compassionate appointment can be considered even if the time limit of three years, prescribed earlier, has lapsed.

5.11 The Board has referred two cases to Department of Personnel and Training to issue clear-cut clarification on the Compassionate Appointment rather than case to case clarification by issuing Office Memorandum to facilitate the finalization of such cases without resorting to litigation.

Comments of the Committee

5.12 Please see Para No. 1.39 of Chapter I.

ANNEXURE - A

SPECIAL RECRUITMENT DRIVE 2008-09 IN Direct Recruitment QUOTA

Charge/Office	SC										ST										OBC									
	ITI		TA		Steno III		Others		Group D		ITI		TA		Steno III		Others		Group D		ITI		TA		Steno III		Others		Group D	
	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F
Ahmedabad			8	8	21	10			2	2			4	4	10	0			6	5			18	18	35	22				
Bangalore					1	1	1	0							6															
Bhopal					2	2																								
Bhubwar	1	1	1	1	3	0							1	1	1	1			1	1	1	1	3	3	5	1				
Chandigarh	2	2	4	4	0	0							9	9	0	0			0	0										
Chennai											4	4			1	0														
Delhi			8	8	2	2	3	0	5	5			4	4	5	5	2	1	3	0			5	5	22	22	1	1	15	0
Guwahati																														
Hyderabad	1	1	5	5							1	1	1	1									1	1						
Jaipur																														
Kanpur			2	2							1	1	1	1																
Kochi	1	1	1	1	6	6							7	7	2	0					1	1								
Kolkata					7	7			4	4					16	1					1	1	4	4	7	2				
Lucknow																							2	2						
Mumbai																														
Nagpur																														
Patna			2	2									1	1					1	1			2	2						
Pune			3	3	14	13							9	9	6	0							19	19	27	26				
DG(Admin)					1	0											1	1												
DG(Insp)																			1	0										
TOTAL	5	5	34	34	56	35	4	0	11	11	6	6	37	37	47	8	3	2			3	3	54	54	103	78	2	1	41	19

Note:- Chandigarh charge has revised the identified vacancies in Steno Gr.III & Gr. IV

Status Ahmedabad Charge Steno Gr. III 55 dossiers have been received out of which 3 dossiers pertain to UR.

I - Identified

F - Filled

PROGRESS OF SPECIAL RECRUITMENT DRIVE 2008-08 IN PROMOTION QUOTA IN SC CATEGORY

Charge/Dte	GROUP 'B'										GROUP 'C'										GROUP 'D'											
	SPSPS		ITO		AO III		OS		STENO I		DPA		TOTAL SPSP		ITA		STENO II		STA		ITI		NS		DR I		LOCAL DC		TOTAL GP 'C'		GP D	
	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F	I	F
Ahmedabad	7	2	1	1	1	1	6	0	14	3			14	3			28	28	23	0			3	3	1	1	55	32				
Bangalore	2	2	2	2			5	0	9	4			9	4			14	14	12	0	1	1					27	15				
Bhopal	4	1	2	2			2	0	8	3			8	3	3	3	27	27	10	5	16	0					56	35				
Bhub'war									0	0	3	3	2	2	2	2											7	7				
Chandigarh			2	2			2	2	4	4			4	4			12	0	15	6							27	6	11	0		
Chennai									0	0			0	0			20	0									20	0				
Delhi							1	1	1	1	2	2	5	5	45	45	21	6									71	56				
Guwahati							7	7					7	7	1	1	4										18	5				
Hyderabad									0	0			0	0			32	31	11	0							43	31				
Jaipur	4	1					2	0	6	1			6	1			17	12	9	1							26	13				
Kanpur							4	0	4	0			4	0	2	2			11	0							13	2				
Kochi			1	1			1	0	2	1			2	1	3	3	19	5	6	0							28	8				
Kolkata									0	0			0	0	2	2											2	2	12	0		
Lucknow									0	0			0	0			12	12	4	4	1	3	3				20	20	2	2		
Mumbai	8	8							8	8			8	8			137	116	54	0							191	116	1	1		
Nagpur									0	0			0	0													0	0				
Patna									2	0			2	0	11	8	10	10	2	3	2						34	22				
Pune	3	3	10	10					13	3			26	16	12	12	36	6	0	0							48	18				
DIT (PROPPOL)													0	0													5	2	5	2		
DIT (ITA)																																
Total	28	17	11	11	7	7	7	7	36	6	1	1	92	49	48	39	390	312	205	20	36	10	6	6	1	1	5	2	691	390	26	3

Note:- Lucknow charge has revised the identified vacancies in PS/Sr.PS, ITO, OS, ITI & Sr.TA.

I- Identified

F- Filled

PROGRESS OF SPECIAL RECRUITMENT DRIVE 2008-09 IN PROMOTION QUOTA IN ST CATEGORY

[illegible]

Note:- 1. Chandigarh charge has filled up the ST quota vacancies from Non ST candidates from the combined seniority list.

2. Lucknow charge has revised the identifies vacancies in PS/Sr.PS, ITO, AO-III, ITI & Sr.TA

I- Identified
F- Filled

ANNEXURE - B

Most Immediate
Meeting Notice

P. No. 36038/1/2008-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
dated 14th January, 2013

OFFICE MEMORANDUM

Subject: Filling up of Backlog vacancies reserved for SC/ST/OBC and PWD; institutionalizing of a mechanism for employability-reg.

The undersigned is directed to say that while considering the progress of the Special Recruitment Drive, inter alia, the Cabinet directed that pro-active measures may be initiated to institutionalize a mechanism for enhancing the employability of Scheduled Castes, Scheduled Tribe, Other Backward Classes and differently abled persons.

2. JS (AT &A), DOPT will chair a meeting to discuss the aforesaid issue, which is scheduled on 16.01.2013 at 4:00 P.M. in Room No. 190, North Block.

3. It is requested to kindly make it convenient to attend the meeting and may also bring the following details:

1. Post(s) where backlog still exists in Direct Recruitment
2. Qualification(s) for the post
3. Possible reasons for not getting candidates to fill up the post(s)

G. Srinivasan
(G. Srinivasan)
Deputy Secretary to the Government of India
Tel: 2309 3074

23092110

To
The Director (Admin.) (As per list attached)

Shard
Srinivasan
UI

SECRET

No.36038/1/2008-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
dated 7th February, 2013

OFFICE MEMORANDUM

Subject: Special Recruitment Drive to fill up the backlog vacancies reserved for SCs/STs/OBCs - Draft Cabinet Note.

The undersigned is directed to refer to this Department O.M. of even number dated 20th November, 2012 whereby a draft Cabinet Note about the achievement of the Special Recruitment Drive to fill up the backlog vacancies reserved for SCs/STs/OBCs launched in 2008 and concluded on 31.03.2012 was circulated for comments. The Cabinet Note was submitted to the PMO for approval. The PMO has directed that the Draft Cabinet Note on the subject be circulated to elicit comments of the Ministries/Departments.

The comments may specifically cover the measures suggested in the note regarding institutionalization of mechanism for enhancing the employability of SCs, STs, OBCs and differently abled persons.

3. It is requested that the comments on the Cabinet Note may kindly be furnished at the earliest and latest by 21st February, 2013.

(Sharad Kumar Srivastava)
Under Secretary to the Govt. of India
Telefax : 2309 2110

To
The Secretaries of Ministries/Departments as per list attached.

DDO Revenue
North Block.

CABINET NOTE
IMMEDIATE
SECRET

No.12/72/2008-Coord.
Government of India
Ministry of Finance
Department of Revenue

Room No. 252-C, North Block,
New Delhi the 14TH February, 2013

OFFICE MEMORANDUM

Subject: Special Recruitment Drive to fill up the backlog vacancies reserved for SCs/STs/OBCs - Draft Cabinet Note - regarding

The undersigned is directed to forward DOP&Ts O.M. No. 36038/1/2008-
Esti.(Res.) dated 07.01.2013 on the above mentioned subject and to say that the comments on the
Cabinet Note, pertaining to your Division, may kindly be furnished to Coord. Section latest by
19.02.2013, so that the suitable reply could be sent to DOP&T.

This may be treated as most urgent.

Encl: As above.

(NIRANJAN CHOUDHARY)
Under Secretary (TC/Coord.)
Telefax: 23095484
Fax: 23095540

1. Chairman, CBEC
2. Chairman, CBDT
3. Director (Enforcement)
4. Director (FIU)
5. Director (CEIB)
6. Director (Headquarter), Department of Revenue
7. Deputy Secretary (Admin.) Department of Revenue

Copy for to:

DS(Ad.II), CBEC for Gr. A posts
DS(Ad.IV) CBEC, for Gr. B.C & D posts.
Director (Ad.VII/IX), CBDT for Gr. BV.C & D posts.
DS(Ad.VI) for Group "A" posts

Copy to: Directorate General of Income Tax (HRD), New Delhi.

ANNEXURE - C

F.No. A-41015/94/2010-Ad.VII
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF DIRECT TAXES

Room No. 469, Hotel Samrat, Chanakyapuri - 110 021
New Delhi, dated the September 28, 2011

OFFICE MEMORANDUM

**Subject : Reservation in promotion – Treatment of SC/ST
Candidates promoted on their own merit –**

The undersigned is directed to refer to the DOP&T's OM No. 36012/45/2005-Estt.(Res.) dated 10/08/2010 on the above mentioned subject. In the ibid OM, DOP&T while withdrawing their OM No. 36028/17/2001-Estt.(Res.) dated 31/01/2005, has clarified that SC/ST Candidates appointed by promotion on their Own Merit and Seniority and not owing to reservation or relaxation of qualifications would be adjusted against unreserved points of reservation roster, irrespective of the fact whether the promotion is made by selection method or non-selection method. The orders was to take effect from 2/07/1997, the date on which post based reservation was introduced.

2. Based on above, all the Cadre Controlling Authorities under the Central Board of Direct Taxes was directed to implement the above orders. However, it is now seen that the issue of reservation in promotion in pursuance of the DOP&T's OM dated 2/7/1997, 11/7/2002, 31/3/2005 and 10/8/2010 have been challenged in Civil Writ Petition No. 13218 of 2009 before the Hon'ble High Court of Punjab and Haryana at Chandigarh (Laxmi Narayan Gupta & Ors vs. Jamail Singh & Ors). A copy of the decision dated 15/7/2011 of the Hon'ble High Court of Chandigarh is enclosed.

3. It is seen from the judgment that the Hon'ble High Court has ruled as under :

"When the principles laid down in the case of M.Nagaraj (supra) and Suraj Bhan Meena (supra) are applied to the notifications impugned in the present proceedings, namely, 11/7/2002, 31/1/2005 (R-1 and R-2) and further notification dated 21/1/2009 and 10/8/2010, it becomes clear that no survey has been undertaken to find out inadequacy of representation in respect of members of the SC/ST in the services. The aforesaid fact has also been conceded by the respondent-Union of India in the communication dated 15/9/2010. In Para (iv) of the aforesaid communication, it has been stated that no exercise was carried out to assess the inadequacy of representation of SC/STs in the services under the Government of India before issue of Instructions dated 31/1/2005. The aforementioned communication has been placed on record along with CM No. 14865 of 2010. In the absence of any survey with regard to inadequacy as also concerning the overall requirement of efficiency of the administration where reservation is to be made along with backwardness of the class for which the reservation is required, it is not

possible to sustain these notifications. Accordingly, it has to be held that these notifications suffers from violation of the provisions of Articles 16(4A), 16(4B) read with Article 335 of the Constitution as interpreted by the Constitution Bench in *M.Nagarej's case (supra)* as well as in *Suraj Bhan Meena's case (supra)*.

The net result is that no reservation in promotion could be made in pursuance of OM dated 2/7/1997. We are not dealing with many other contentions raised by the Ld. Counsel for the petitioners for the reason that the core issue going to the roots of the matter has been determined in their favour and such a necessity is obviated.

As a sequel to the above discussion, the judgment of the Tribunal is set aside. The instructions dated 31/1/2005 (R-2) stands withdrawn on 10/8/2010 (P-10). Therefore, no order is given with the subject of reservation in promotion and the treatment of SC/ST candidates promoted on their own merit. Likewise, the instructions dated 10/8/2010 (P-16) are hereby quashed because they are in direct conflict with the view taken by the Constitution Bench in *M.Nagarej's case (supra)* and *Suraj Bhan Meena's case (supra)*. It is further directed that the seniority and promotion of the Income Tax Inspectors shall be made without any element of reservation in promotion".

4. As could be seen from the above, the Hon'ble Court has observed that no reservation in promotion could be made in pursuance of the DOP&T's OM dated 2/7/1997. The judgment has also noted that the instructions dated 31/1/2005 of DOP&T stands withdrawn on 10/8/2010 and the instructions dated 10/8/2010 have been quashed. Further, the Hon'ble Court has also directed that seniority and promotion of Income Tax Inspectors shall be made without any element of reservation in promotion.

5. In the backdrop of the position explained above, DOP&T is requested to advise this Department about the implementation or otherwise of the direction given in their OM dated 10/08/2010, which has since been quashed by the Hon'ble High Court of Punjab & Haryana, Chandigarh.

End. As above

(P. NARAYANAN)
DIRECTOR (Ad.VII)
Telefax : 2412 2765

Joint Secretary (Reservation)
(Shri K.G. Verma)
Department of Personnel & Training
North Block
NEW DELHI

2
Issued
G
25/6/11

ANNEXURE - D

GOVERNMENT OF INDIA
OFFICE OF THE
CHIEF COMMISSIONER OF INCOME TAX (CCA), NER, GUWAHATI
"AAYAKAR BHAWAN"
1ST FLOOR, CHRISTIAN BASTI, C.S. ROAD, GUWAHATI-781005

F. No. E-207/R & R(SC/ST)/CCIT/GHY/2012-13/16942

Dated: 04.01.2013

To
The Under Secretary, (Ad. -VII)
Central Board of Direct Taxes,
Room No. 460, Hotel Samrat,
Chankyapuri,
New Delhi - 110 021.

Sub: Action Taken by the Government on the recommendation contained in the Twenty Fourt Report(15th Lok Sabha) of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes(CBDT)". - regarding -

Ref: Letter from F. No.A-14019/5/2012-Ad.VII dated 11.12.2012

Sir,

Kindly refer to the above.

I am directed to submit the "Action taken Report" on para related to this charge as below:

✓ Para 2.10

A chart showing present position of backlog is enclosed which shows that only backlog lying at present is regarding seven posts of STAs reserved for SCs. In this respect, it is further submitted that:

A. As per existing policy, the SC candidates who passed in the interim years with marks as needed for passing by general candidates were promoted on "own merit". As such they occupied posts of UR quota, leaving "backlog vacancies" unchanged. Hence, continuation of backlog vacancy does not necessarily mean that candidates of Reserved quota are not being promoted.

The post of SrTA is filled up 100% by promotion. For promotion to the post of SrTA from TA, eligibility includes both passing of Ministerial Examination and Service of 3 years in the post of TA. At present, there is no SC candidates who fulfill such criteria. Hence, no action can be taken to fill up such backlog post till candidates with such qualification (and who pass the examination using his/her facility of lower passing marks) become available.

-:2:-

Para 2.15

As already informed above, the eligibility for promotion not only includes passing of the examination but also a minimum year of service in the post where from promotion is to be made. Also, candidates passing in examination of one year (say, 2010) will normally be considered for promotion in the DPC of next year only (i.e. 2011). As such, number of SC/ST candidate passing examination may not tally with the number of SC/ST candidates promoted.

Para 2.37

Photocopies of the objection made by the Liaison officer, note put up in this regard in which the CCT(CCA) directed to continue holding of DPC and minutes of meeting of the Review Departmental Promotional Committee on which such noting was based, all of which are self-explanatory, are enclosed.

Para 3.6

Committee already exists.

Yours faithfully,



(Raja Ghosh)

Deputy Commissioner of Income tax, Hqrs.
O/o Chief Commissioner of Income tax(CCA), NER,
Guwahati

Encl: As stated.

Handwritten notes:
2/10/2010
2/10/2010
2/10/2010

No. L-1/LO/Vig/CCIT/GHY/07-08/ 1662

dated 18.09.2008

To
The Chairman
Departmental Promotion Committee for Group-B
O/o the Chief Commissioner of Income Tax
Guwahati.

Sir,

Sub:- Holding of Regular DPC for the post of
ITO, Gr-B for the R.Y.2008-09-reg.-

Kindly refer to the above.

With reference to the above mentioned subject I am directed to convey the decision of the CCIT(CCA) as under:-

- i) The Regular DPC for promotion to the post of ITO, Group-B may be held as per the revised vacancy position determined by the Review Departmental Promotion Committee in its meeting held on 16.09.2008.
- ii) While considering cases for promotion, the clarification issued by the DOPT vide its I.D. No. 36028/11/2007-Estt (Res) dated 24.07.2007 can NOT be interpreted as "retrospective" in nature hence the promotion for the Recruitment Year 2008-09 may be held without reviewing the Select Panel of the earlier years.

In view of the above, I am further directed to request you to kindly take into account the above decision of the CCIT(CCA), Guwahati while considering the cases for promotion to the post of ITO, Group-B for the Recruitment Year 2008-09.

Yours faithfully,


(J. Jamir)

Jt. Commissioner of Income Tax, Vig.,
For Chief Commissioner of Income Tax, (CCA),
Guwahati

**MINUTES OF THE MEETING OF THE REVIEW DEPARTMENTAL PROMOTION
COMMITTEE HELD ON 16.08.2008 AT GUWAHATI FOR PROMOTION TO THE CADRE
OF INCOME-TAX OFFICER (GAZETTED::GROUP-B) FOR THE REGION OF CHIEF
COMMISSIONER OF INCOME-TAX, (CCAGUWAHATI)**

Present:

- | | | |
|-----|--|---------------|
| 01. | Shri A.K. Sinha
Commissioner of Income-tax, (TDS)
Guwahati | : Chairperson |
| 02. | Shri L. Jambir
Joint Commissioner of Income-tax, Hqrs.,
O/o the CCIT, Guwahati | : Member |
| 03. | Shri A. Madhavan
Joint Commissioner of Customs(P),
NER, Shillong | : Member |

A Review Departmental Promotion Committee Meeting was held on 16.08.2008 for recasting/reviewing the vacancy position in the cadre of Income Tax Officer (Group-B Gazetted) The said review has become imperative in view of the clarification in the the DOPT's circular LD No.36028/11/2007-Estt.(Res) dated 24-07-2007, as regard the term "Own merit", as under:-

" The O.M dated 11.07.2002 inter-alia clarified that SC/ST candidates falling in the consideration zone cannot be denied promotion on the plea that no post is reserved for them. When no post is reserved, SC/ST candidates falling in the consideration zone should be considered for promotion along with other candidates treating them, as if they belong to general category. If any of them is selected, he should be appointed to the post and should be adjusted against unreserved point. Candidates so promoted are treated as promoted on their "own merit". To determine whether an SC/ST candidate in the consideration zone can be promoted or not when there are no reserved posts, it should be seen whether the candidate would have been promoted if he did not belong to SC or ST category. If yes, he should get promotion, otherwise not".

The earlier Departmental Promotion Committees considered and recommended Select Panel on the basis of Seniority-cum-Fitness from amongst the qualified candidates i.e. Inspector of Income Tax irrespective of the fact that whether qualified on relaxed condition or otherwise. All the earlier DPCs, since the introduction of the Post based Roster w.e.f 02.07.1997 till the Recruitment Year 2006-07 had followed the same principle and considered the senior SC/ST candidates within the normal zone of consideration in the feeder grade for promotion even if the posts were not reserved. The Review Departmental Promotion Committee further observed that though the DPC held on 07.09.2007 had recommended the Select Panel for the Recruitment Year 2007-08 in pursuance to the DOPT's LD No.36028/11/2007-Estt (Res) dated 24-07-2007, but did not revise the vacancy position.

The Para (ii) of the DOPT's O.M. No. 36028/17/2001-Estt.(Res.) dated 11.7.2002 also clarified that

Contd...Pg-2

" If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point."

Further DOPT vide O.M. No. 36028/17/2001-Estt.(Res.) dated 31.01.2005 clarified that the O.M. dated 11.07.2002 takes effect from the date of issue, i.e. with effect from 11.07.2002 and where the promotions were made on the basis of Seniority-cum-fitness and the concept of merit is not involved in such promotion the O.M. dated 11.07.2002 does not apply.

The earlier Departmental Promotion Committees till the Recruitment Year 2006-07 considered all SC/ST candidates within normal zone of consideration in the feeder grade and recommended their names for promotion against UR vacancies even though there were no vacancies available in the SC/ST quota. The SC/ST candidates so promoted were adjusted subsequently against their respective quota for determining vacancies in the subsequent years, resulting in excess representation. The said fact were also reflected in the Roster Registers of the Income Tax officer i.e. all the SC/ST candidates were shown against their respective reserved quotas irrespective of the fact that whether promoted on "own merit" or not. In the Recruitment Year 2007-08 the Departmental Promotion Committee though recommended the Select Panel in pursuance of DOPT's I.D. No. 36028/11/2007-Estt.(Res) dated 24-07-2007 but did not revise the vacancy position.

The explanatory note at Para 11 of Annexure-I of O.M. No. 36012/2/96-Estt.(Res.) dated 02.07.1997 stated that

" While operating the roster, persons belonging to communities for whom reservation has been made, but who were appointed on merit and not owing to reservation, should not be shown against reserved points. They will occupy the unreserved points."

The Review Departmental Promotion Committee observed that to get promotion to the grade of Income Tax Officer the primary condition is to qualify in the departmental examination and hence the element of "own merit" shall apply in the cadre. The Review Departmental Promotion Committee further observed that in view of the clarification issued by the DOPT vide I.D. No.36028/11/2007-Estt.(Res) dated 24-07-2007, minutes of the earlier DPCs and the above explanatory note, it is now necessary to adjust those SC/ST candidates already promoted and who qualified in the Departmental examination of ITO, Group-B as UR category i.e. on "own merit" against the UR vacancies in order to determine correct vacancies as well as preparation of roster register.

The Review Departmental Promotion Committee found that the working strength of the SC/ST candidates in the cadre of ITO as on 01.04.2008 alongwith marks obtained in the Departmental examination as as under :-

29/08/08
9.08

10/9/08
44

10/9/08

Contd...Pg.

S.No of Roster of 2008	Year of Passing	Name	SC/ ST	LAW -1	LAW -2	OT	BE	OP	L.TS ST	% of Mark s	Reten tion availa ble	Y or
1	1993	BUDHESWAR DOLY	ST	50	45	57	59	65	99	54.6	Yes	1
				1993	1993	1993	1993	1993	1993			
2	1994	B.C. MEDHI	SC	52	51	74	60	60	95	53.8	Yes	1
				1994	1994	1994	1994	1994	1994			
3	1993	ANANTA KUMAR BORO	ST	46	44	68	71	60	88	58	Yes	1
				1993	1993	1993	1993	1993	1993			
4	1997	TARUN CHANDRA DAS	SC	55	51	56	67	55	88	57.2	Yes	1
				1997	1997	1997	1997	1997	1997			
5	1993	SUMITRA LEPLANG PAUL	ST	53	50	58	63	55	114	57	Yes	1
				1993	1993	1993	1993	1993	1993			
6	1997	THANGHLEIN HMAR	ST	73	79	64	50	56	104	63.7	Yes	1
				1997	1997	1997	1997	1997	1997			
7	1995	M.J. SINGH	SC	46	69	58	57	60	94	59	Yes	1
				1994	1994	1994	1994	1994	1994			
8	1996	H.L. SUKLABADYA	SC	50	53	59	53	53	87	55	Yes	1
				1996	1996	1996	1996	1996	1996			
9	1998	MUKUN LOKHO	ST	70	50	80	60	61	93	63.05	No	
				1997	1997	1997	1997	1997	1997			
10	1995	PURNO SAKIA	ST	46	69	58	76	71	85	62	Yes	1
				1994	1994	1994	1994	1994	1994			
11	1993	SUBHASH CHANDRA DAS	SC	46	62	58	57	61	87	56.6	Yes	1
				1993	1993	1993	1993	1993	1993			
12	1995	PREMANANDA DAS	SC	44	66	66	55	62	82	58	Yes	1
				1995	1995	1995	1995	1995	1995			
13	2000	NIMAI SUTRADHAR	SC	74	45	68	55	60	92	60.8	No	
				1999	1999	1999	2000	1999	1999			
14	1996	R.N. RAHIDAS	SC	42	48	70	92	50	94	61.5	Yes	1
				1996	1996	1996	1996	1996	1996			
15	2002	S.J.K. GANGTE	ST	50	50	65	53	63	98	57.7	Yes	1
				2002	2002	2002	2002	2002	2002			
16	2002	DILSING TISSO	ST	64	58	60	63	56	100	60.5	Yes	1
				2002	2002	2002	2002	2002	2002			
17	1997	TULENDRA NATH SADIA	ST	58	81	74	55	64	112	65.2	Yes	1
				1997	1997	1997	1997	1997	1997			
18	1997	KHAGESH DAS	SC	48	63	55	61	57	86	56.9	Yes	1
				1997	1997	1997	1997	1997	1997			
19	1996	HARGOVINDA RAVA	ST	57	51	62	51	67	90	55.4	Yes	1
				1996	1996	1996	1996	1996	1996			

Contd.

3/2/08
16-9-08

16/1/2008

16/1/08

	54	2000	DIGENDRA CHANDRA DAS	SC	45	42	61	79	49	96	57.1	Yes	2006
					1000	2000	2000	2000	1000	2000			
21	55	1997	LANKESWAR DAS	SC	69	61	63	59	58	83	60.5	Yes	2006
					1997	1997	1996	1996	1996	1996			
22	56	2000	RACHAL CHANDRA SARKAR	SC	33	71	56	73	68	98	59.2	Yes	2006
					2000	2000	2000	2000	2000	2000			
23	63	2003	DANIEL SHELINAM CLEMENT	ST	50	40	45	62	82	114	57.1	Yes	2006
					2003	2003	2003	2002	2002	2002			
24	64	1998	KSH LOKENDRA SINGH	SC	60	81	84	63	69	117	69.1	No	2006
					1998	1998	1998	1998	1998	1998			
25	65	1998	KALIANMANG	ST	61	60	64	54	57	112	59.7	No	2006
					1997	1997	1997	1998	1998	1998			
26	69	2000	RAJIB DAS	SC	39	63	64	61	53	97	57.2	Yes	2007
					2000	2000	1998	2000	2000	1998			
27	70	2002	PROMOD KUMAR DAS	SC	60	58	67	48	55	91	57.4	Yes	2007
					2001	2001	2001	2002	2000	1997			
28	71	1998	PRAMILA BISWA GHATANI	SC	50	72	61	52	64	113	60.2	No	2007
					1997	1997	1997	1998	1997	1997			
29	72	2002	PULAK DAS	SC	69	41	69	66	63	133	61.5	No	2007
					2002	2002	2002	1999	1999	2001			
30	73	1998	TAPESH DAS	SC	60	67	74	50	50	105	61.7	No	2007
					1998	1998	1998	1998	1998	1998			
31	87	1999	BAPI DAS	SC	41	65	68	62	68	98	61.8	No	2007
					1999	1999	1998	1999	1999	1999			

The Review Departmental Promotion Committee also found that out of total 19 nos. of SC ITOs, the following 13 nos. of SC candidates qualified the departmental examination in the relaxed condition

01. Bhabendra Chandra Medhi, (SC)
02. Tarun Chandra Das, (SC)
03. Hiralal Suklabaidya, (SC)
04. M. Joychandra Singh, (SC)
05. Subhash Chandra Das, (SC)
06. Premananda Das, (SC)
07. Ram Narayan Rabidas, (SC)
08. Khagesh Das, (SC)
09. Digendra Chandra Das, (SC)
10. Lankeswar Das, (SC)
11. Rachal Chandra Sarkar, (SC)
12. Rajib Das, (SC)
13. Pramod Kumar Das, (SC)

Contd...Pg. 5

3/9/08
16.9.08

16/9/2008

16/9/08

(5):-

and the following 6 nos. SC candidates qualified in the Departmental examination without relax condition i.e. on "own merit"

01. Nimai Sutradhar, (SC)
02. Ksh Lokendra Singh, (SC)
03. Smt. Pramila Biswa Ghatani, (SC)
04. Pulak Das, (SC)
05. Tapesh Das, (SC)
06. Bapi Das, (SC)

Similarly the Review Departmental Promotion Committee also found that out of total 12 nos. of ST ITOs, the following 11 nos. of ST candidates qualified the departmental examination in the relax condition

01. Bhudeashwar Doley, (ST)
02. Ananta Kumar Baro, (ST)
03. Smt Sumitra Leifang Paul, (ST)
04. Thanghlun Hmar, (ST)
05. Pukini Lokho, (ST) *
06. Purna Saikia, (ST)
07. S. John K. Gangte, (ST)
08. Dilsing Tisso, (ST)
09. Tulendra Nath Saikia, (ST)
10. Hargovinda Rabha, (ST)
11. Daniel Clement Sielham, (ST)

and the following lone ST candidate qualified in the Departmental examination without relaxed condition i.e. on "own merit"

01. Kaliyamang, (ST)

The Review Departmental Promotion Committee further observed that Shri Pukini Lokho (ST) at Sl.05 above qualified the departmental examination on "own merit", but since he got promotion prior to issuance of

O.M. No. 36028/17/2001-Ext.(Res.) dated 11.7.2002 hence his case was not reopened as the said O.M takes effect from 11.07.2002.

The Review Departmental Promotion Committee now decides that the above SC/ST candidates (promoted earlier) and qualified in the Departmental examination without relax condition i.e. qualified on "own merit", should not be shown against reserved points. They will occupy the unreserved points.

SCHEDULED CASTE CANDIDATES

01. Nimai Sutradhar, (SC)

Contd. Pg. 6

-(6)-

02. Ksh Lokendra Singh, (SC)
03. Smt. Pramila Biswa Ghataal, (SC)
04. Pulak Das, (SC)
05. Tapesha Das, (SC)
06. Bapi Das, (SC)

SCHEDULED TRIBE CANDIDATES

01. Katiang, (ST)

Accordingly the revise vacancy position in the cadre of Income Tax Officer as on 01.04.2008 will stand as under :-

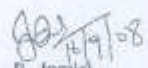
	UR	SC	ST	Total
Sanctioned Strength as on 01.04.2008	78	15	07	100
Working Strength	74	13	11	98
Vacancy	(-) 04	(-) 02	(+) 04	(-) 02

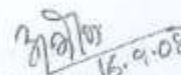
The Review Departmental Promotion Committee further observed that Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes vide its letter dated 01.08.2007 in F.No. A-41015/26/2007-Ad VII stated that clarification contained in the DOPT's LD No 36028/11/2007-Estt (Res) dated 24-07-2007 regarding "own merit" may be taken into account by the Departmental Promotion Committees constituted under the various charges while considering promotion. The Review Departmental Promotion Committee also found that there were 4(four) excess representation of ST candidates in the cadre of Income Tax Officer.

Accordingly The Review Departmental Promotion Committee now decided to recommend/suggest

- (i) to effect future promotion in the grade of Income Tax Officer on the basis of revised vacancy position as above and to recast the Roster register accordingly.
- (ii) that the excess representation in the ST category may be adjusted from the future promotion/appointment to the grade, as deem fit.
- (iii) the CCIT(CCA) that the regular DPC for the Recruitment Year 2008-09 may be held only after the decision of the CCIT(CCA) regarding date of effect of DOPT's LD. No. 36028/11/2007-Estt.(Res) dated 24-07-2007.


[A. Madhavani]
Joint Commissioner, Customs(P)
N.E.R. Shillong
[Member]


[T. Jamir]
Joint Commissioner of Income-tax, Hqrs.
Guwahati
[Member]


[A.K. Sinha]
Commissioner of Income-tax,(TDS)
Guwahati.
[Chairperson]

Minutes of the Review Departmental Promotion Committee meeting dated 16.09.2008 may kindly be seen.

The Review Departmental Promotion Committee vide above minutes recommended/suggested to the CCIT(CCA) as under:-

- (i) To effect future promotion in the grade of Income Tax Officer on the basis of revised vacancy position as per Review Departmental Promotion Committee meeting's minute dated 16.09.2008 and to recast the Roster register accordingly.
- (ii) The excess representation in the ST category may be adjusted from the future promotion/appointment to the grade, as deemed fit.
- (iii) That the regular DPC for the Recruitment Year 2008-09 may be held only after the decision of the CCIT(CCA) regarding date of effect of DOPT's I.D. No. : 36028/11/2007-Ext. (Res) dated 24-07-2007.

It may be mentioned here that to give effect to the DOPT's O.M. No. : 36028/11/2007-Ext.(Res) dated 24-07-2007 and to ensure proper & correct representation of all categories, it was necessary to review the vacancy position. Thus, the Review Departmental Promotion Committee has correctly reviewed the vacancy position and if the Review Departmental Promotion Committee's recommendation in (i) above is accepted, then proper representation of all categories will be ensured without disturbing the present incumbents. Hence, the recommendation of the Review Departmental Promotion Committee as regards revised vacancy position may be accepted.

The excess representation as mentioned in (ii) above may be adjusted as per Review Departmental Promotion Committee's recommendation by adjustment against future vacancies as under :-

- (a) Two ST Officers retiring during this financial year i.e 2008-09,
- (b) One is likely to be promoted to the cadre of ACIT for which DPC has already been held; and
- (c) One more ST may be adjusted during the Recruitment Year 2009-10.

So the recommendation of the Review Departmental Promotion Committee may be implemented without demoting the four numbers of excess ST incumbents.

The Board while forwarding the DOPT's clarification, stated vide para 2 as under :-

"It is requested that while considering promotion to the various cadres, for example, Income Tax Officers etc., the clarification given by DOPT may be taken into account by the DPC's constituted under various charges"

It is, therefore, clear from above the clarification issued by the DOPT has no implication of retrospective nature. Therefore, it can be inferred that the clarification is effective from

the date of issue of the clarification i.e. 01-06-2007. It may also be mentioned here that the DPC for the Recruitment Year 2007-08 has already been held on 07-04-2007 taking into consideration of the said DOP's clarification. Accordingly, the regular DPC for the promotion to the post of ITO, Group-B for the recruitment year 2008-09 may be held as per the revised vacancy position suggested by the Review Departmental Promotion Committee without reviewing the select panel of earlier years.

In this connection the Inspection Report of the Liaison Officer for SC & ST officers for CCITVCCA, NEA regarding Roster Registers for ITOs as on 01.04.2002, 01.04.2003, 01.04.2004, 01.04.2005, 01.04.2006, 01.04.2007 & 01.04.2008 received on 16.09.2008 may also kindly be perused. It may be mentioned here that the observation/findings of the L.O have already been taken care of by the Review Departmental Promotion Committee meeting held on 16.09.2008. If the suggestion/recommendation of the Review Departmental Promotion Committee at prepage are accepted then the same will take care of the findings of the L.O. also.

Put up through JCIT (Hqrs.) for CCIT's kind perusal and approval. If approved, the date of the DPC may kindly be decided.

*h/t P. Subh
ACIT/Vig 16/9/08*

*Jc/T (Hqrs) If the suggestion/recommendation of the review committee above are accepted, the DPC may be held as proposed.
Put up for kind perusal and approval of the CCIT, Guwahati.*

16/09/2008.

CCIT

Here. I have gone through the detailed notes dt 16/09/08 on pages (14) & (15) of the order-sheet above by Shri P.T. Bhutia ACIT(Vig) along as well as the recommendation of Shri Jamb, JCIT (Hqrs) Co. As done in earlier years also I do agree with Review DPC findings dt 16/9/08 especially that Clarification issued by DOP can NOT be interpreted as retrospective in nature, hence as narrated in detail no harm shall be caused to any officer by holding DPC as suggested above. Hence I Approve Review DPC's Substans/recommendations dt 16/09/08. They should go ahead.

as on 15.12.2015

PROFORMA

Special Recruitment Drive for filling up the back-log reserved vacancies of SCs, STs and OBCs

Promotion

Sl. No.	Name of Post	Vacancies identified as on 01.11.2008			Vacancies filled			Reason for not filling
		SC	ST	OBC	SC	ST	OBC	
1	Sr. Private Secretary	NIL	NIL	--	NIL	NIL	--	
2	Income Tax Officer	02	NIL	--	02	NIL	--	
3	Private Secretary	01	NIL	--	01	NIL	--	
4	Administrative Officer, Gr-II	NIL	NIL	--	NIL	NIL	--	
5	Administrative Officer, Gr-III	NIL	NIL	--	NIL	NIL	--	
6	Inspector	00	NIL	--	00	NIL	--	
7	OS	07	NIL	--	07	NIL	--	
8	Steno Gr-I	NIL	NIL	--	NIL	NIL	--	
9	Steno Gr-II	NIL	NIL	--	NIL	NIL	--	
10	Sr. TA	11	NIL	--	04	NIL	--	No more eligible candidates
11	TA	NIL	NIL	--	NIL	NIL	--	
12	LDC	NIL	NIL	--	NIL	NIL	--	
13	Notice Server	NIL	NIL	--	NIL	NIL	--	
14	SCD, Gr-I	NIL	NIL	--	NIL	NIL	--	
15	SCD, Gr-II	NIL	NIL	--	NIL	NIL	--	
16	Duftry	NIL	NIL	--	NIL	NIL	--	
17	Peon	NIL	NIL	--	NIL	NIL	--	
18	Others, if any	NIL	NIL	--	NIL	NIL	--	

(Raja Ghosh)

Asst. Commissioner of Income Tax (Vig),
O/o Chief Commissioner of Income Tax (CCA), Guwahati

I find from the rosters for 1/4/2003, 1/4/2004, 1/4/2005, 1/4/2006, 1/4/2007 and 1/4/2008 that clause (b) was given precedence over clause (a) and SC/ST candidates were routinely promoted against unreserved points.

This matter has now been clarified by DOPPT's L.O. No. 26026/11/2007-(Genl/Res), dated 24/7/2007. The said communication has given a detail interpretation of the term "own merit". Consistent to the said communication of DOPPT, it is now clear that SC/ST candidates appointed by promotion on owing to reservation or relaxation of qualifications will be adjusted against the reserved points of the reservation master only and that they will be not adjusted against unreserved points.

It may be mentioned here again that DOPPT OM No. 35428/17/2003-Genl/Res dated 31/1/2005 has clearly stated that the OM dated 31/07/2002 is effective from the date of its issue. Therefore, promotions affected after 11/07/2002 in violation of the said OM and 11/7/2002 need to be reviewed.

The wrong promotion of "non own merit" candidates against unreserved points does not adversely affect the SC/ST candidates considered as a group. But it does adversely affect individual candidates belonging to SC/ST category. Therefore, it is necessary to remove the irregularities.



(S.K. Sakia, I.R.S.)

Liaison Officer



भारत सरकार

वित्त मंत्रालय, राजस्व विभाग
मुख्य आयकर आयुक्त कार्यालय, पूर्वोत्तर क्षेत्र
प्रथम तल, आयकर भवन, क्रिश्चियन बस्ती, जी. एस. रोड, गुवाहाटी-७८१००५
GOVERNMENT OF INDIA

Ministry of Finance : Department of Revenue
OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX, GUWAHATI
1st Floor, Aayakar Bhawan, Christian Basti, G. S. Road, Guwahati - 781 005
Ph. 0361 -2345116, Fax : 0361- 2345118, 2345123

F.No. L-1/LO/Vig/CCIT/GHY/07-08/ 1013

dated 22.09.2008

To
The Chairman
Departmental Promotion Committee for
Promotion to the post of IIT
Guwahati.

Sir,

Sub:- Holding of Review DPC for the post of
IIT for the R.Y.2008-09-reg.

Kindly refer to the above.

With reference to the above mentioned subject I am directed to convey that the CCIT(CCA) has decided that while considering cases for promotion, the clarification issued by the DOPT vide its L.D. No. 36028/11/2007-Est.(Res) dated 24.07.2007 can NOT be interpreted as "retrospective" in nature hence the promotion for the Recruitment Year 2008-09 may be held without reviewing the Select Panel of the earlier years. However, a Review of the vacancy position as on 01.04.2008 may be undertaken to treat those SC/ST candidates as UR who qualified the Deptt. Examination without availing relaxed condition i.e. on "own merit" and not considered from respective quota.

In view of the above, I am further directed to request you to kindly take into account the above decision of the CCIT(CCA), Guwahati while considering the cases for promotion to the post of IIT for the Recruitment Year 2008-09.

Yours faithfully,


(J. Jamir)

Jt. Commissioner of Income Tax, Vig.,
For Chief Commissioner of Income Tax(CCA),
Guwahati

Inspection report of LO in respect of the rosters for ITK's

I have inspected the rosters for ITK's as on for 1/4/2003, 1/4/2004, 1/4/2005, 1/4/2006, 1/4/2007 and 1/4/2008.

My comments are as under:

Roster as on 1/4/2003:

Some reserved candidates were promoted against unreserved roster points even though they were not 'own merit' candidates. However since GOVT OM No. 340824/2004- Estt.(Res) dated 31/1/2005 has clearly stated that the OM dated 11.07.2002 is effective from the date of its issue, and the DPC took place prior to that date, no amendment necessary in my view.

Rosters as on 1/4/2003, 1/4/2004, 1/4/2005, 1/4/2006, 1/4/2007 and 1/4/2008.

Some reserved candidates were promoted against unreserved roster points even though they were not 'own merit' candidates.

The OM dated 11.07.2002 clarified that:

- (a) *The SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.*
- (b) *If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to the general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point.*
- (c) *SC/ST candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get the benefit of reservation in future / further promotions, if any.*

Clause (a) states that the SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster and that they will be adjusted against unreserved points. This implies that SC/ST candidates appointed by promotion on owing to reservation or relaxation of qualifications will be adjusted against the reserved points of the reservation roster and that they will be not adjusted against unreserved points. However, this implication contradicts the contents of clause (b).

Guzahati
15/09/2008

The Deputy Commissioner of Income-tax (Wing),
c/o the Chief Commissioner of Income-tax, (Guzahati),
Anykar Bhawan, G.S. Road, Guwahati.

Sub: Roster for ITOs - reg.

Ref: Your F. No. L-110/449/CCIT/383/17408/20-4th. 12/8/2008

Please refer to the above.

I am returning herewith the rosters for ITOs for 1/4/2002, 1/4/2003, 1/4/2004,
1/4/2005, 1/4/2006, 1/4/2007 and 1/4/2008. My signature is as also enclosed.

Encl.
as above.


(S.K. Saha)

L.O. for SC & ST Officials for CCIT (CCA), WBR


16/09/08
ccx gh

ANNEXURE-E

Most Immediate
Time-Saving
Parliamentary Committee Matter
Speed Post

F.No.14019/5/2012/III-Ad.VII
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

469, Hotel Samarat, Chanakyapuri-110021
New Delhi, dated 15 March, 2013

To

The Director General,
National Academy of Direct Taxes,
Chhindwara Road,
Nagpur- Maharashtra- 440030.

Sub: Action Taken by the Government on the recommendations contained in the Twenty Fourth Report (15th Lok Sabha) on the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes- "Reservation for the employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)".

Sir,

1. I am directed to refer to your letter No. NADT/AD(ADMN-II)/Parliament Committee/SC-ST/2011-12/3408 dated 17.01.2013 on the above mentioned subject and to say that the academy has not taken any concrete action on the recommendations made by the Parliamentary Committee in para 3.30 and 3.7 (copies enclosed) of its report. In the letter under reference you have informed about the future programme on training of the Academy. In para 3.30 and 3.7 of the report the Committee has asked about criteria adopted for sponsoring the candidates for foreign training and it recommended to draw out a list of eligible SC/ST candidates for training abroad. The reply given by the Academy on both the paragraphs is silent about the action taken on the recommendations of the Committee for nominating SC/ST candidates for training abroad.

2. In para 3.7 of the report the Committee impressed on the fact that formal training should be provided to Liaison Officers so that they can discharge their duties earnestly and effectively. The Committee are to be apprised of the schedule of such training and the names of Directorates providing training along with names of the Liaison Officers. In the reply to this recommendation of the Committee NADT has not formulated any schedule of training for the Liaison Officers nor given the names of the Liaison Officers to be trained.

3. This Committee earlier also recommended for adequate representation of SC/ST employees in the employees sponsored for specialized training abroad. A copy of reply given to this recommendation is enclosed for facilitating preparation of ATN by the Academy.

Cont.../-

-2-

4. The academy is again requested to take concrete action in respect of Para 3.7 of the report of the Committee after obtaining approval of the competent authority and thereafter send the detailed Action Taken Note on the two paragraphs by 12th March, 2013 positively. A sample Performa for preparing ATNs is enclosed.

Encl : as mentioned above.

Yours faithfully,



(C.K. Basu)

Under Secretary to the Govt. of India

Telefax-24122759

DL
25/3/13

Issued
26/3/13

Original



राष्ट्रीय प्रत्यक्ष कर अकादमी
NATIONAL ACADEMY OF DIRECT TAXES
 विपिनवास रोड, नागपुर - 440 030
Chhindwara Road, Nagpur - 440 030
 दूरभाष : 0712 - 2582671/ फ़ैक्स : 0712 - 2583317
 Phone Nos. 0712-2582671 Fax 0712-2583317 email: rdtg@nadt.gov.in

F.No.NADT/P&R/Course-(SC/ST) liaison off/2013-14
 April 26, 2013

To
 DGIT (Admin), CBDT & Allied Directorates
All the CC&IT (CCA)

Madam/Sir,

Sub: Training programme, for Liaison Officers in charge of SC/ST cells, at NADT, Nagpur on 21st & 22nd May, 2013 - regarding nomination.

Kindly refer to the above.

The Parliamentary committee (15th Lok Sabha) on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in CBDT", in their twenty fourth report has categorically noted that, majority of Liaison Officers working in these cells were not imparted formal training regarding reservation policies. The committee pointed out that the Liaison Officer being key figure in such a cell, is responsible for ensuring implementation of reservation policies of the Government and he also acts as a watchdog to safeguard the interests and welfare of SCs & ST candidates.

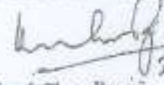
Having the mandate, in complying with the recommendations of the Parliamentary Committee, NADT is conducting a two day course on 21st & 22nd May, 2013, at Nagpur, for the Liaison Officers working in SC/ST cells. The course aims at,

- i) Developing awareness about duties and responsibilities of Liaison Officers in charge of SC/ST cells.
- ii) Disseminating information about Privileges of the Liaison Officers in safeguarding the interests of the SC/ST candidates and their span of control.
- iii) Analyzing human resource management aspects in our department.
- iv) Inviting Best practices that the nominees like to share with fellow participants as well as discussing new initiatives in the given context.

One Liaison Officer of the rank of AC/DC/ JC/ Addl.CIT along with another officer working in the SC/ST cell, from your Charge may kindly be nominated for the noted course.

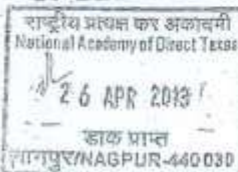
The nominated officers may kindly be advised to send their tour programmes by email at adprnadt@gmail.com to the Associate Course Coordinator Dr. Ksumudi Patil, Deputy Director (Planning and Research), NADT, by 14th May, 2013, so as to enable us to make necessary arrangements towards stay, food and transport. Her contact number is 0712-2581251. Nominated officers may kindly be requested to visit our website www.nadt.gov.in to know about further details related to arrangements made at NADT for the course.

Yours faithfully,


(Ujjwal Choudhary)
Director General (Trg.)
NADT, Nagpur

26/4/13

स्पीड पोस्ट
SPEED POST



ANNEXURE - G

Most Immediate

Time-Bound

Parliamentary Committee Matter

Speed Post

F. No. A-14019/5/2012/TV-Ad VII

Government of India

Ministry of Finance

Department of Revenue

Central Board of Direct Taxes

469, Hotel Samrat, Chanakyaपुरी- 110021

New Delhi, dated 25th March, 2013

To

All the Chief Commissioners of Income Tax (CCAs)

All the Directors General of Income Tax (CCAs)

All the Directors of Income Tax (CCAs)

(By Name)

Subject:- Action Taken by the Government on the recommendations contained in the Twenty Fourth Report (15th Lok Sabha) of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)".

Sir/Madam,

I am directed to refer to the above mentioned subject and to say that the Parliamentary Committee in its report recommended in para 4.3, 4.4, 4.11 and 3.20 (copy enclosed) that:-

- (i) CBDT should direct its Income Tax Commissioners in various Directorates, to personally involve themselves in expeditious disposal of false-caste-certificate cases and pursue the District Collectors/Competent Authorities of the region in this regard.
- (ii) CBDT should implead as a party and actively pursue the matter for getting the stay vacated in disputed cases and to rigorously pursue the cases and try to get an early hearing and decision. The Committee desired of the status of false-caste- certificates cases lying pending within three months from the date of presentation of the Report.
- (iii) Ministry should make sincere endeavours on humanitarian grounds to adjust the pending cases of compassionate appointments among vacancies available in Multi-Tasking Staff and efforts must be made to absorb the member of the deceased employee's family as a multi tasking service employee for which minimal qualifications are required.
- (iv) Ministry should issue pertinent directions to all cadre controlling authorities to maintain separate registers for complaints so that the

- (iv) grievances of the aggrieved SC/ST officials should not go unheard. The Committee should also be informed about the action taken in the matter within three months of presentation of this Report.

2. All the addressees are hereby directed to take action in the matter of false-caste-certificate cases as per the recommendations of the Parliamentary Committee and submit a report within a week's time on the status in such cases lying pending with them.

3. All the addressees are hereby also directed :-

- (i) to maintain separate register in the SC/ST Cell for registering complaints of SC/ST employees for redressing their grievances relating to service matters. A senior may be deputed for each directorate for monitoring the registers periodically so that all grievances of SC/ST employees are redressed properly.
- (ii) to make sincere endeavour on humanitarian grounds to adjust the pending cases of compassionate appointment among vacancy available in Multi Tasking Staff and efforts must be made to absorb the member of the family of the deceased employees for which minimum qualification is required.
- (iii) To personally involve themselves in expeditious disposal of false caste certificate cases and pursue matter with the District Collectors/Competent Authorities.
- (iv) To pursue the matter in the court cases relating to false-caste-certificates for getting the stay vacated, pursue rigorously with Courts to get an early hearing/decision and submit the status of false-caste-certificates cases lying pending, within 10 days.
- (v) To maintain a separate register at all Directorates/Commissionerate and depute a senior officer for monitoring these registers periodically so as to ensure that all complaints/grievances of SC/ST officers are redressed properly.

Yours faithfully,

Encl. As mentioned above.

Mohinder Singh
(M.S.Sharma)
Deputy Secretary to the Govt. of India
Telefax: - 011-24122765/59/63

c/c .

Issued
20/3/13
61 *ajja*

ANNEXURE - H

P.No.14014/3/2011-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 26th July, 2012

OFFICE MEMORANDUM

Subject:- Review of three years time limit for making
compassionate appointment.

The primary objective of scheme for compassionate appointment circulated vide O.M. No. 14014/6/94-Estt(D) dated 09.10.1998 is to provide immediate assistance to relieve the dependent family of the deceased or medically retired Government servant from financial destitution i.e. penurious condition. The Hon'ble Supreme Court in its judgment dated 05.04.2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvasayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind".

2. This Department's O.M. No. 14014/6/1994-Estt. (D) dated 09.10.1998 provided that Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five years or so. While considering such belated requests it was, however, to be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases was to be taken only at the level of the Secretary of the Department/Ministry concerned.

3. Subsequently vide this Department's O.M. No. 14014/19/2002-Estt. (D) dated 5th May, 2003 a time limit of three years time was prescribed for considering cases of compassionate appointment. Keeping in view the Hon'ble High Court Allahabad judgment dated 07.05.2010 in Civil Misc. Writ Petition No. 13102 of 2010, the issue has been re-examined in consultation with Ministry of Law. It has been decided to withdraw the instructions contained in the O.M. dated 05.05.2003.

4. The cases of compassionate appointment may be regulated in terms of instructions issued vide O.M. dated 09.10.1998 as amended from time to time. The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment.



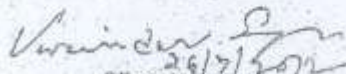
(Mukta Goel)
Director (E-I)
Tel. No. 2309 2479

To

All Ministries/Departments of the Government of India.

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (200 copies)



26/7/2012
(Virender Singh)
Under Secretary

ANNEXURE - I

No.B-12020/2/2013-Ad IV
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Direct Taxes)

4th Floor, R.No.456, Hotel Samrat,
New Delhi, the 18th March, 2013.

To

Shri Anil P. Chaware, President,
All India Income Tax SC/ST Employees'
Welfare Federation (ITSEWA Federation),
16, Gr. Floor, Aayakar Bhawan,
M.K. Road, Mumbai-400020.

Subject: Recognition of the All India Income Tax SC/ST Employees' Welfare Federation (ITSEWA Federation) as "service association" under the Central Civil Services (Recognition of Service Association) Rules, 1993 - Regarding.

Sir,

I am directed to refer to your letter No. ITSEWA(f)/Recognition/2012-13/ dated 1st March, 2013 on the subject mentioned above and to say that in pursuance of the recommendations of the Parliamentary Committee on the Welfare of SC/ST, the CBDT had forwarded a proposal to the Department of Personnel & Training for grant of recognition to the All India Income Tax SC/ST Employees' Welfare Federation as "service association" in relaxation of rule 5(f) of the Central Civil Services (Recognition of Service Association) Rules, 1993. However, the Department of Personnel & Training has not agreed to the proposal. A copy of the comments/observations of the Department of Personnel & Training is enclosed herewith for your guidance in the interest of a unified Civil Service.

2. This issues with the approval of Chairman, CBDT.

Yours faithfully,

Encl. As Above.

(B. GINKHAN MANG)
Under Secretary to the Govt. of India.
Telefax: 011-24122761.

O/c

issued
64

MINUTES

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES

AND SCHEDULED TRIBES

(2013-2014)

(FIFTEENTH LOK SABHA)

SEVENTH SITTING

(18.10.2013)

The Committee sat from 1100 to 1345 hrs. in Committee Room No. 'A', Ground Floor,
Parliament House Annexe, New Delhi

PRESENT

Shri Gobinda Chandra Naskar - Chairman

MEMBERS

LOK SABHA

2. Shri M. Anandan
3. Shri Bhudeo Choudhary
4. Smt. Jyoti Dhurve
5. Dr. Manda Jagannath
6. Shri Mohan Jena
7. Shri Mithilesh Kumar
8. Shri Arjun Meghwal
9. Shri Kishanbhai V. Patel
10. Shri Bajju Ban Riyan
11. Smt. Rajesh Nandini Singh

RAJYA SABHA

12. Dr. Pradeep Kumar Balmuchu
13. Shri Shashi Bhusan Behera
14. Shri Thaawar Chand Gehlot
15. Shri Faggan Singh Kulaste
16. Shri D. Raja
17. Shri Veer Singh

SECRETARIAT

1. Dr. R.K. Chadha, Additional Secretary
2. Shri D.R. Shekhar, Director
3. Shri S. Chatterjee, Additional Director

WITNESSES

MINISTRY OF HEALTH AND FAMILY WELFARE

1. Shri Keshav Desiraju - Secretary
2. Shri C.K. Mishra - Additional Secretary

ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AIIMS)

1. Dr. M.C. Mishra - Director
2. Shri R.S. Shukla - Deputy Director

MINISTRY OF COMMERCE AND INDUSTRY (DEPARTMENT OF INDUSTRIAL POLICY PROMOTION)

1. Shri Saurabh Chandra - Secretary
2. Shri Atul Chaturvedi - Joint Secretary

OFFICIALS OF CONTROLLER GENERAL OF PATENTS, DESIGNS AND TRADE MARKS

1. Shri Chaitnaya Prasad - Controller General of Patents, Designs and Trade Marks
2. Shri K.S. Kardan - Joint Controller of Patents and Designs

At the outset, Hon'ble Chairman welcomed the officials of the Ministry of Health and Family Welfare and representatives of All India Institute of Medical Sciences (AIIMS).

2. The Committee then took evidence of the officials of the Ministry of Health and Family Welfare and representatives of All India Institute of Medical Sciences (AIIMS) regarding violation of reservation policy for SCs/STs and their grievances in All India

Institute of Medical Sciences (AIIMS). Hon'ble Members raised certain issues and sought clarifications thereon which were responded to by the officials of Ministry of Health and Family Welfare and representatives of All India Institute of Medical Sciences (AIIMS). On certain points on which information was not readily available, the Committee requested the officials of Ministry of Health and Family Welfare and All India Institute of Medical Sciences (AIIMS) to furnish the same within 15 days.

(The witnesses then withdrew)

3. Thereafter, the representatives of Ministry of Commerce & Industry (Department of Industrial Policy Promotion) & officials of Controller General of Patents, Designs and Trade Marks were called in. The Committee then took evidence regarding violation of reservation policy for Scheduled Castes and Scheduled Tribes and their grievances in office of the Controller General of Patents, Designs and Trade Marks. The Members raised certain queries which were clarified by the officials of Ministry of Commerce & Industry (Department of Industrial Policy Promotion) & officials of Controller General of Patents, Designs and Trade Marks. The Committee requested the representatives of Ministry of Commerce & Industry (Department of Industrial Policy Promotion) & officials of Controller General of Patents, Designs and Trade Marks to send replies on the points on which information is not readily available to this Secretariat within 15 days.

4. The evidence was completed.

(The witnesses then withdrew)

5. A verbatim record of the proceedings was kept.

6. The Committee then considered and adopted the draft Action Taken Report on the subject "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)" without any modifications.

The Committee then adjourned.

APPENDIX - K
(Vide Para 4 of Introduction)

Analysis of action taken by the Government on the recommendations contained in the Twenty Fourth Report (Fifteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of recommendations	17
2.	Recommendations/observations which have been accepted by the Government (<u>vide</u> recommendations at Sl. No.9 and 11).	
	Number	2
	Percentage to the total	11.8%
3.	Recommendations/observation which the Committee do not desire to pursue in view of the Government replies (<u>vide</u> recommendations at Sl. Nos. 4, 6, 8, 12, 13, 16 and 17)	
	Number	7
	Percentage to the total	41.2%
4.	Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration (<u>vide</u> recommendations at Sl. Nos. 1, 2, 3, 5 and 10)	
	Number	5
	Percentage to the total	29.4%
5.	Recommendations/observations in respect of which final replies of the Government have not been received (<u>vide</u> recommendations at Sl. Nos. 7, 14 and 15)	
	Number	3
	Percentage to the total	17.6%