



सत्यमेव जयते

भारत सरकार

GOVERNMENT OF INDIA

प्रधान मुख्य आयकर आयुक्त कार्यालय, पश्चिम बंगाल और सिक्किम
O/o. THE PRINCIPAL CHIEF COMMISSIONER OF INCOME TAX, WEST BENGAL & SIKKIM
AAYAKAR BHAWAN, P - 7, CHOWRINGHEE SQUARE, KOLKATA - 700 069

Ph. No. : (033) 2213 6529, Fax No.: (033) 2213 6609

F. No. : 4 E / 5 / 2014 - 15 / Seniority / UDC / 16371

Dated: 04.02.2016

CIRCULAR

Sub: Circulation of Final Seniority List of the cadre of UDCs in the regions of West Bengal and Sikkim -- Matters regarding.

In view of the Hon'ble Apex Court's judgment in the case of N.R. Parmar vs. Union of India and Ors, (Civil Appeal Nos. 7514-7515 of 2005) and in pursuance of the DOPT's OM No/20011/1/2012-Estt. (D) dated 04.03.2014, as forwarded and directed by the CBDT vide instructions in F. No. HRD/CM/220/14/2013-14/153/2014-Ad-VII dated 13.03.2014, and CBDT's guidelines dated 29.09.2014, 07.11.2014, & 16.01.2015, the gradation list of UDCs for the Vacancy Year: 1986 - 1987 to 2000 - 2001, in the region of West Bengal and Sikkim, is revised, and the Final Seniority List is hereby published in accordance with the principles as follows:

1. The Seniority List has been prepared in accordance with the rotation of vacancies between direct recruits and promotees based on the quota of vacancies earmarked for direct recruitment and promotion respectively in the relevant recruitment rules (1 : 1 in case of Upper Division Clerk).
2. The term availability, as used in the DoPT's circular dated 07.02.1986 & 03.07.1986, has been interpreted in terms of the directions contained in the DoPT's circular (cited supra) dated 04.03.2014. In brief, for Direct Recruits to the grade of UDCs, the Recruitment year has been interpreted to be the financial year in which the requisition for filling up of vacancies were sent to the recruiting agencies, and in respect of promotees, the Recruitment Year has been interpreted as the financial year in which proposals for holding DPC meetings for promotion to the grade of UDCs were placed before to DPC.

3. In accordance with the above, the data as per following schedule has been utilized.

SL. No.	In case of Direct Recruittees: Date of Requisition Letter to Recruiting Agencies (SSC)	Year of Auditors / Jr. Accountants / UDCs Examination	Recruitment Year	Interspaced with promotees who got promotion vide DPC meetings held on / DPC meetings held in the year
1	22.09.1986 & 17.02.1987	1982, 1984, & 1986	1986 – 1987	11.06.1986
2	07.01.1988	1988	1987 – 1988	1987-88 (No DPC meeting held)
3	-----	No nomination by SSC	1988 – 1989	22.07.1988
4	07.06.1989	1989	1989 – 1990	27.10.1989
5	-----	No nomination by SSC	1990 – 1991	18.12.1990
6	22.08.1991	1990	1991 – 1992	20.12.1991
7	30.07.1992	1991	1992 – 1993	05.11.1992
8	16.11.1993	1992	1993 – 1994	14.12.1993
9	13.02.1995	1993	1994 – 1995	28.10.1994
10	15.09.1995	1994	1995 – 1996	05.12.1995
11	-----	No nomination by SSC	1996 – 1997	16.12.1996
12	30.07.1997	1995	1997 – 1998	30.07.1997
13	-----	No nomination by SSC	1998 – 1999	26.03.1999
14	-----	No nomination by SSC	1999 – 2000	16.02.2000
15	-----	No nomination by SSC	2000 – 2001	28.03.2001

While finalizing the list, various representations received after publication of tentative list in this regard raising certain objections, are disposed of as follows:

Objection No. 1: Persons selected for appointment from UDCs examination for the year: 1995, conducted by SSC should be interspaced with the promotees of the Recruitment Year: 1996 – 97, instead of the Recruitment Year: 1997 – 98.

Reply No. 1: The Staff Selection Commission (recruiting agency) vide its letter bearing Serial No. A 014353 in File No. 5 / 13 / 96 – Nom. (WB) Vol. I dated 27.10.1997, and various subsequent letters, recommended appointment of candidates from the Div. Actt. / Jr. Acctt. / Auditor / UDC Examination 1995, against the requisition letter of the department bearing No. E / 6713 / C C / 5 E / 18 / 94 – 95 dt. 30.07.1997. It indicates all other requisitions sent by the department for recommendation of appointment from the UDCs examination for the year: 1995, did not result in actual selection of candidates. The Recruitment Year is determined as 1997 – 98, on the basis of the date of requisition against which actual recommendation was made by the SSC. The same rule has been followed in preparing the list of seniority for the grade of Upper Division Clerk against other Recruitment Years also.

Objection No. 2: Para 2.4.4 of DoP & T's O. M. 03.07.1986 has not been followed while preparing the revised seniority list.

Reply No. 2: The Board's advisory dated 07.11.2014, clarifies that Para 2.4.4 of the DoP & T's O. M. dated 03.07.1986, was not the subject matter of the Hon'ble Supreme Court judgement, and hence, it is not required to be dealt with here. The said clarification has been adopted while preparing the revised seniority list for the cadre of UDCs.

Objection No. 3: Inter – se seniority of direct recruitees should be fixed in the chronological order of receipt of panels from the recruiting agency (SSC).

Reply No. 3: Inter – se seniority of direct recruitees in revised seniority list for the cadre of UDCs has been fixed in accordance with the rank of the candidates in the merit list as intimated by the Staff Selection Commission in its various letters for nomination of such candidates. The procedure adopted is fully in consonance with the provision of DoP & T in this regard, vide its O. M. dated 03.07.1986.

Objection No. 4: Seniority should be fixed on the basis of date of advertisement in case of meritorious sports persons.

Reply No. 4: Separate instruction has been issued by the Government of India regarding fixation of seniority of meritorious sports persons vide O. M. No. 14015 / 1 / 76 – Estt. D dated 04.08.1980. That O. M. has been followed while fixing the seniority of meritorious sports persons in the revised seniority list of UDCs.

All other amendments regarding the spelling of names, category, date (s) of births, date (s) of joining, etc., have been made in accordance to various representations, after tallying with the available office records.

All the representations received in this office of the undersigned after publication of the tentative seniority list in the matter pertaining to the Recruitment Years: 1986 – 1987 to 2000 – 2001, stand disposed of with the publication of the final seniority list as appended hereto.

The Final Seniority List of Upper Division Clerk for the Recruitment Years: 1986 – 1987 to 2000 – 2001, is published with the approval of the Principal CCIT, WB & Sikkim.



(SANAT KUMAR RAHA)

DY. Commissioner of Income Tax, Hqrs. (Pers. & Estt.), Kolkata
For Principal Chief Commissioner of Income Tax, WB & Sikkim