



JOINT COUNCIL OF ACTION
INCOME TAX EMPLOYEES FEDERATION &
INCOME TAX GAZETTED OFFICERS' ASSOCIATION
A-2/95, Manishinath Bhawan, Rajouri Garden, New Delhi-110 027



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No.N-1/JCA/2016-17

Dated, 27th March, 2017

To
The Member (P & V),
Central Board of Direct Taxes,
North Block, New Delhi.

Madam,

Sub: Entitlement of pay of Casual Labours to 1/30th of pay in relevant pay scale
from 1st January, 2006 – Request reg.

Ref: Board's Letter in F. No.C-30014/41/2015 – V & L dated 16/10/2015 & 23.11.2015

We write this with reference to the Boards above cited letters addressed to all Pr.CCsIT on the subject of filing of further appeals and method of payments to Casual Labours. The Board in the reference cited above in paragraph 3.3. has rightly pointed out that its instructions dated 04.-07.2011 and 13.05.2013 directing the CCsIT/DGsIT to stop payments to the Casual labours had lead to plethora of litigations in Tribunals and Courts and the same instructions were quashed/set aside by Hon'ble CAT (Principal) and other benches. It was also communicated that no further appeal in any higher courts be filed against these orders. But it was not communicated that the said instruction especially the one issued on 13.05.2013 is withdrawn and status quo ante with regard to the engagement and payment to them to be maintained.

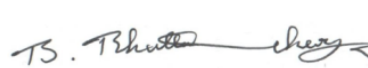
Prior to issuance of the said instructions to the CCsIT/DGsIT, the payments to the casual labours were made directly to them from the budget allocation to the respective DDOs uniformly in all CCsIT/DGsIT charges. Since a clear communication withdrawing the quashed instructions has not been made; only a few charges where specific observations have been made by the Hon'ble court the procedure followed for payment and engagement of such casual labours were restored. Many references and reminders to the Board were made by various Chief Commissioners for seeking clarity on the issue. The Board, as in the case of the instructions dated 13.05.2013, no general instructions have been issued resulting in non-payment/lesser payment/contractor payment etc. in many charges and making the casual labours to suffer. We therefore, request your goodself to issue necessary communication to all CCsIT/DGsIT withdrawing the said instructions and restore the system of engagement and payments to them which was in vogue prior to 13.05.2015.

Further, both the 6th Pay Commission and 7th Pay Commission have in their recommendations laid down the quantum of payments to be made to the casual labours (other than Temporary Status) and accordingly the Govt. of India vide instructions issued by the DoPT also laid down the norms viz. 1/30th of the minimum pay per day to these labours. Accordingly the revised payment on that basis was to be paid from 1.1.2006 (on the revision of 6th Pay Commission) and from 1.1.2016 (on the revision of 7th Pay Commission). Though the Department has granted the payment on the above method after 6th Pay Commission vide F.No. C-30014/41/2015 V&L dated 16.10.2015 & 23.11.2015, it was inadvertently made effective from 01.07.2008 instead of 01.01.2006. Since the instructions issued by the DoP&T was to give effect from 01.01.2006, it is beyond our comprehension what sacrosanct has the date 01.07.2008. We have requested your goodself vide our letter of even No. dated 20th December, 2016 to extend the benefit from the rightful date viz. 01.01.2006. Likewise the revised wages, as per recommendations of the 7th Pay Commission is to be paid to these casual labours from 01.01.2016 as per the DoP&T instruction. The said benefit is also to be extended to these casual labours for which an instruction is also to be issued by the Board, which may kindly be expedited.

This is for your kind consideration and necessary action.

Thanking You,

Yours sincerely,



(Bhaskar Bhattacharya)



(Rupak Sarkar)

Joint Convenors