**PROCEDINGS OF THE JOINT COMMISSIONER OF COMMERCIAL TAXES,**

**TELANGANA STATE :: HYDERABAD.**

**Present: B. Amrutha Lakshmi, M.Com., L.L.B.,**

**TS CCT’s Ref.No.C(DX)/197/2016 Dated: 29.09.2016**

Sub: P.S. – C.T. Department – Preparation of integrated seniority list of ACTOs of Zone VI i.e., Secunderabad and Hyderabad (Rural) Nodal Divisions for the panel years 2009-10 (part), 2010-2011 & 2011-12 - Show Cause notice issuance – Objections received – Examined – Final Orders – Passed – Regarding.

Ref: 1. CCTs Ref. No. DX2/1469/2011- Zone VI, dtd. 23-4-2015.

2. CCTs Ref. No. DX2/395/2011-Zone VI, dtd. 27-9-2012.

3. CCTs Ref. No. DX2/767/2013-Zone VI, dtd. 26-12-2013.

4. CCT’s Ref. No. C(DX)/434/2015, Dated 11-12-2015.

5. Representation of Sri B. Raja Vikram, ACTO and others,

Zone VI, dt. 29-01-2016.

6. Proceedings of DC(CT), Hyderabad (Rural) Nodal Division,

Proc. No. E1/166/2012, Dt: 01-04-2015.

7. Proceedings of DC(CT), Secunderabad Nodal Division,

Proc. No. A2/14/2012, dt. 14-5-2015.

8. Proceedings of DC(CT), Secunderabad Nodal Division,

Proc. No. A2/14/2012, dt. 23-6-2016.

9. CCT’s Ref. No. C(DX)/434/2015, Dated 22-08-2016.

10. TS CCT’s Ref. No. C(DX)/434/2015, dtd. 06-09-2016.

11. Representations of Sri G.S. Edwin Moses, DCTO, O/o CTO,

Ramgopalpet, Begumpet Division, dtd. 9-9-2016, etc.,

12. DC(CT), Secunderabad Division, Rc. No. A2/2512/2011,

dtd. 18-04-2016.

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|  | **ORDE ORDERS:** |

1. The integrated seniority lists of ACTOs of Zone VI for the years 1975-76 to 2008-09 were finalised vide references 1st to 3rd cited.

2. The further integrated seniority list of ACTOs of Zone VI i.e., Secunderabad and Hyderabad (Rural) Nodal Divisions for the panel years 2009-10 was finalised vide reference 4th cited.

3. In the reference 9th cited, the integrated seniority list of ACTO’s for the year 2009-2010 (part) was revised due to inclusion/revision of Sri K. Bheekya, ACTO in the panel year 2009-2010, due to shortage of ST point in the year 2008-2009.

4. In the reference 8th cited, the seniority list of DC(CT), Secunderabad Nodal Division list of ACTO’s for year 2009-2010, 2010-11 and 2011-12 was revised by the DC(CT), Secunderabad Division, to include the names of two ACTO’s i.e., Sri B. Poornachandra Rao and Sri P. Jagan Mohan Rao, ACTOs in the panel year 2009-10. Due to inclusion of above two (2) individuals, the names of Sri A. Umameheswar Rao and Sri Nehru Charan, ACTO were relegated to next panel year i.e., 2010-2011.

5. In the reference 5th cited, certain ACTOs of Zone VI have requested to prepare the integrated seniority list of ACTOs of Zone VI for the years 2010-11 & 2011-12.

6. In view of the above, it has been decided to issue show cause notice for revision of integrated seniority list of ACTOs of Zone VI for the year 2009-10 (part revision from the Sl. No. 75 in the reference 9th cited) and preparation of integrated seniority list of ACTOs of Zone VI for the years 2010-11 and 2011-12.

7. Accordingly, a show cause notice was issued vide reference 10th cited and affected persons were requested to file their written objections, if any, within fifteen (15) days from the date of publication in the C.T. Department portal [www.tgct.gov.in](http://www.tgct.gov.in).

8. Aggrieved by the above show cause notice, Sri G.S. Edwin Moses, DCTO, O/o CTO, Ramgopalpet, Begumpet Division has filed objections. The details are under.

**9. Objection of Sri G.S. Edwin Moses:**

The individual has stated that his name was placed at Sl. No. 83 in the proposed integrated seniority list i.e., show cause notice dtd. 6-9-2016. The individual has requested that his seniority is to be fixed at appropriate place as per physically handicapped (orthopedically handicapped) quota as per G.O. Ms. No. 99, GAD (Ser.D) Dept., dtd. 4-3-2013.

**Reply:**

The Government vide G.O. Ms. No. 99, GAD (Ser.D) Dept., dtd. 4-3-2013 have issued amendment to Rule 22 of A.P. State and Subordinate Service Rules, 1996 with regard to rotation of points among the (3) categories of Physically Handicapped candidates i.e., Blindness or Low Vision, Hearing impaired and Locomotor Disability or Cerebral Palsy.

The above Rule 22 is a general rule and applicable to Direct Recruitment appointments. Further, as per special rules for the cadre of ACTO issued by G.O. Ms. No. 81, Revenue (CT-I) Department, dtd. 3-2-1990 and amended vide G.O.Ms. No. 204, Revenue (CT.I) Department, dtd. 10-03-2010, the reservations for Physically Handicapped persons to the cadre of ACTO is effected from 10-03-2010 only.

10. It is submitted that the present show cause notice was issued for integration of Nodal Division seniority lists of Secunderabad and Hyderabad (Rural) Divisions. The seniority of the individual was already fixed by the DC(CT), Secunderabad Division as per rules.

11. Further, it is submitted that while finalizing the Nodal Division seniority list by DC(CT), Secunderabad Division, the individual has filed similar objection, The DC(CT), Secunderabad Nodal Division disposed off the objection with the following reply:

It is to state that Rule of Reservation in the Physically Handicapped Quota has been scrupulously followed duly issuing revised show cause notice dtd: 16/04/2015 as per G.O.Ms.No.204 dt: 10-03-2010.

Regarding non placing of persons with disability in the proceeding of CCT’s Ref:No.DX2/767/2013-VI dated 26-12-2013, it is to state that the said objection cannot be discussed here since the integrated seniority list of Zone VI up to panel year 2008-09 has been already completed by the Commissioner of Commercial Taxes. The roster point for the panel year 2009-10 commenced from S.No. 32 which belongs to OC. The earlier roster point 31 for Physically disabled candidate arose in the panel year 2008-09 during which period there was no orders of the Government providing Rule of Reservation for Physically Handicapped persons even in promotion also. For the first time G.o.Ms.No.210 Revenue (CT-I)Dept dt:10-3-2010 came to be issued providing Rule of Reservation for Physically handicapped candidates in promotions. After the issue of this G.O, the next roster point is 56, but however, he is now finding place at roster point 49 (OC) in the panel year 2009-10 with reference to his general seniority in the feeder category. As such, he is in a better footing, notwithstanding Rule of Reservation for Physically handicapped candidates.

It is to state that the category of the disabledness of the ACTO as PH (Orthopedically Handicapped), is now considered and mentioned against his name. Accordingly, his objection is disposed of.

12. Further, it is submitted that in similar representation of the individual, the DC DC(CT), Secunderabad Division, Rc. No. A2/2512/2011, dtd. 18-04-2016 has submitted detailed report in the matter. The DC has stated as follows:

“The individual was finding place at roster point 49(OC) in the panel year 2009-10 with reference to his general seniority in the feeder category. While disposing of his objections, the category of the disabledness of the ACTO(Orthopedically Handicapped) was considered and mentioned against his name and since he is in better footing, not withstanding the rule of reservation for physically handicapped persons, he was placed at roster point 49 in the year 2009-10. This is the subject matter of the seniority list, in question for the year 2009-10 only”.

13. In view of the above, it is observed that the name of Sri G.S. Edwin Moses is placed against the roster point No. 49 as per seniority in the cadre of ACTO and the roster point No. 56 meant for orthopedically handicapped comes after him.

14. With the above findings the objections of Sri G.S. Edwin Moses, DCTO are found to be devoid of merits and hereby rejected.

15. In view of the above, the proposed revision of integrated seniority list of ACTOs of Zone VI for the year 2009-10 (part revision from the Sl. No. 75 in the reference 9th cited) and preparation of integrated seniority list of ACTOs of Zone VI for the years 2010-11 and 2011-12. issued vide reference 10th cited is hereby confirmed as shown in the Annexure which is subject to outcome of SLP’s/W.P’s/O.A’s/C.A’s pending, if any, before the respective Appellate forums.

16. A copy of this order is available in the portal [www.tgct.gov.in](http://www.tgct.gov.in)

Encl: Annexure

Sd/- B. Amrutha Lakshmi Joint Commissioner of Commercial Taxes-III

To

All the individuals through the Deputy Commissioner’s (CT), concerned.

Copy to the Deputy Commissioner’s (CT), Secunderaband and Hyderabad

(Rural) Nodal Divisions.

Copy to the Joint Commissioner (CT), Central Computer Wing, O/o CCT, TS,

Hyderabad with request to place the above final orders in the portal of

C T Department.

Copy to the Superintendent, D Section, O/o Commissioner (CT), Telangana State,

Hyderabad.

Stock file/Spare