**PROCEEDINGS OF THE COMMISSIONER OF COMMERCIAL TAXES**

**TELANGANA STATE : HYDERABAD**

**Present: Smt. Neetu Prasad, I.A.S.,**

**TS CCTs Ref. No. D2/450/2020 Dated: 28-01-2021**

 Sub:- P.S. – C.T. Department – Integrated seniority list of DCTO’s of Zone-V &

 VI – Zonal seniority lists of DCTO’s of Zone-V & VI – Revised - Show

 Cause Notice issuance for revision of integrated seniority list of DCTO’s of

 Zone-V & VI for the period 2003-04 (part) to 2012-13 – Objections called

 for – Objections examined – Final orders passed - Regarding.

 Ref:- 1. CCTs Ref. No. DZ(2)/195/2014, dt. 03-06-2015

 2. CCTs Ref. No. DZ(2)/287/2014, dt. 03-06-2015.

 3. CCTs Ref. No. TS/DZ/682/2015, dt. 07-09-2015.

 4. CCT’s Ref. No. DZ/2167/2018, dt. 11-03-2019.

 5. CCT’s Ref. No. TS/DZ/1837/2016, dt. 14-12-2016.

 6. CCT’s Ref. No. DZ/448/2018, dt. 06-04-2018.

 7. CCT’s Ref. No. DZ/1198/2018, dt. 28-08-2018.

 8. CCT’s Ref. No. D2(DZ)/131/2019, dtd. 31-10-2019.

 9. CCT’s Ref. No. D2/953/2019, dtd. 25-11-2019.

 10. TS CCTs Ref. No. D2/450/2020, dtd. 09-10-2020.

 11. Sri K. Venkateswarlu, AC (ST), Begumpet Circle, dated : 23.10.2020

 12. Smt. Meena Kulakarni, AC(ST), General Bazar Circle, dated: 23.10.2020

 13. Sri P. Bheemla, AC (ST), Mahankali Street- R.P. Road Circle,

 dated : 16.10.2020

 14. Sri K. Murali Mohan, AC-1 (ST), EIU, dated: 21.10.2020

 15. Smt. GJS Praveena, AC (ST), Nacharam-1 Circle, dated: 20.10.2020

 16. Sri P. Venkatesham, AC (ST), Malkajgiri-2 Circle, dated: 20.10.2020

 17. Sri P. Sridhar Reddy, AC (ST), Saroornagar-2 Circle, dated: 22.10.2020

18. Sri M Dhananjay Naik, AC (ST), Retired, dated: 23.10.2020

19. Sri M Devender Reddy, AC (ST), Gowliguda- Osmangunj Circle,

 dated : 22.10.2020

20. Sri S.Madhusudana Chary, AC-1 (ST), Enforcement, dated: 19.10.2020

21. Sri A. Shiva Kumar, AC (ST), Vengalraonagar, dated: 20.10.2020.

 22. Sri G.N.M. Krishna Kumar, AC(ST) I/c, EIU., dtd.20.10.2020

 23. Sri N.Devender, AC(ST) I/c, EIU., dtd. 20.10.2020.

 24. Smt. N.Padmavathi, STO, Nalgonda Division, dtd. 22-10-2020.

 25. Sri M.Srinivasa Rao, DCTO, O/o/JC(ST) Abids Division.

 26. Sri M.Govind, CTO (I/c) Kamareddy Circle.

 27. CCTs Ref. No. D2/DZ/131/2019, dtd. 21-12-2020.

 28. TS CCT’s Ref.No. D2/450/2020, dtd. 16.01.2021.

 29. Personal hearing held on dtd. 18.01.2021.

 30. Objections of Sri M.Dhananjay Naik, AC(ST) Retired, dt.18.01.2021.

 31. Objections of Sri P.Bheemla, AC(ST), dt.18.01.2021.

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**O R D E R S:**

 In the reference 8th cited, the zonal seniority list of Zone-VI was revised for the period 2003-04 (part) to 2012-13, due to inclusion of certain individual and revision of lower category seniority list i.e., ACTO’s seniority list of Zone-VI as per APPSC merit rankings.

 In the reference 9th cited, the zonal seniority list of Zone-V was revised for the period 2003-04 (part), due to revision of lower category seniority list i.e., ACTO’s seniority list of Zone-V as per APPSC merit rankings.

 Accordingly, in the reference 10th cited, a show cause notice was issued for revision of integrated seniority list of DCTO’s of Zone V & VI for the period from 2003-04 (part) to 2012-13.

 Aggrieved by the above show cause notice, the certain individuals have filed objections in the matter.

 Further, the individuals have also given personal hearing on 18-01-2021. Sri P. Bheemla and Sri M.Dhanunjay Naik, Assistant Commissioners (ST) have submitted their written objections dtd. 18.01.2021 during personal hearing.

 The objections and replies are as follows:

**Objections of Sri K. Venkateswarlu, Smt. Meena Kulakarni, Smt. G.J.S. Praveena, Sri P.Venkatesham, Sri P. Sridhar Reddy, Sri K. Murali Mohan and Sri M. Devender Reddy, Sri N. Madhusudhana Chary, Sri A. Shiva Kumar, Assistant Commissioners (ST) I/c and Sri M.Dhanunjay Naik and Sri P. Bheemla, Assistant Commissioners (ST):**

The officials filed their written objections. The main contentions of the individuals are mostly similar. They are summarised as under.

 The individuals requested to furnish the orders for present exercise of revision of DCTO Integrated seniority list. They stated that promotion to the post of DCTO's is by way of appointment by transfer of SO's/ASO's/Superintendent etc., working in Secretariat and Head office to executive cadre posts localized under presidential order were stopped as per the instructions received from Government. Accordingly (16) DCTO posts were kept vacant for the city list candidates in Zone VI from 2002-03 as per the Government Memo No. 44232/GAD (SPF-A)/2002, dated 15.02.2003 and G.O.Ms.No. 1759 Revenue dept dated 11.10.2011. These vacancies were not allocated to the ACTO's of Zone VI from the panel year 2002-03 to 2012-13. The individual relied on the verdict of Hon'ble Supreme Court in V.Jagannada Rao and ors vs State of A.P and ors., (2001) 10 SCC 401. They requested to fill these vacant (16) DCTO posts with the eligible ACTO's of Zone VI from the panel year 2002-03 by revising the seniority of DCTO's of Zone VI before finalising the integration of seniority of DCTO's of Zone-V and VI. If the same is considered they will find place at earlier panel years of DCTO and consequently will benefit in the CTO seniority.

 The individuals have requested to consider their promotion as DCTO from the Vacancies kept vacant for city candidates list based on the orders of the government issued vide Govt Memo No 44232/GAD (SPF-A)/2002, dated 15.02.2003 on based on the Hon'ble Supreme Court orders in the case of Mr.V.Janardhan Rao Vs State of A.P. and ors, (2001) 10 SCC 401.

 Further, the individuals requested to fix the seniority in the integrated seniority as per rule 33(a) of APSSS Rule duly taking the date of appointment to the post is criteria to fix the seniority instead of date of arising of vacancy as per orders of Government of A.P. in Memo No. 34022/105/2017-CT-I, dtd. 19.03.2020 in which the Government of A.P. have issued directions to CCT A.P. on the integrated seniority list of

DCTO’s for the panel year 2003-04 & 2004-05 based on the Appeal Petitions of certain individuals.

 In this regard, the main contentions of the objections of the above individuals are as follows;

1. Taking (16) city list vacancies arosed from the panel year 2002-03.
2. Implementation of Rule of Reservation from the panel years 2003-04 to 2012-13.
3. Following of Rule 33(a) of TSSS Rules by allotting the seniority based on the date of appointment in the cadre of DCTO as issued by Government of A.P. in Memo No. 34022/105/2017-CT-I, dtd. 19.03.2020.

 Further, Sri M.Dhananjay Naik & Sri P.Bheemla, AC’s(ST) have filed following objections dtd. 18.01.2021, while personal hearing.

1. Revision of seniority settled in 2014 by the CCT’s of A.P and T.S. cannot be revised without the permission of the Government.
2. The integrated seniority list of Zone-V & VI, shall not be finalised until the final outcome of their petition before Telangana State Commission for SCs & STs.
3. Finalisation of the proposed integrated seniority list of DCTOs without disposal of their Appeals filed before the Government tantamount to contempt of Judgement issued by the Hon’ble High Court for the State of Telangana in W.P.No. 17088 of 2020, dtd. 30.09.2020.
4. The proposed list of inter se seniority of DCTOs of Zone-V & VI is not prepared as per the Rule 33 (a) of TSSSR and the procedure laid down in Government of A.P. in Memo No. 34022/105/2017-CT-I, dt.19.03.2020 is not adopted and not sustainable under Law.

 Finally, they requested to not to finalise the present integrated seniority list until their Appeals disposed by Government in accordance with W.P.No. 17088 of 2020, dtd. 30.09.2020.

 The contention of the officials is verified in respect of City List vacancies & Rule of Reservations and found that they are no way related to the present subject matter on which revision show cause notice is issued for integration of already finalised/revised zonal seniority lists of Zone-V & VI. The present revision is warranted due to revision of seniority list in the lower cadre i.e., ACTOs cadre whose names are included/ revised in the panel years from 2003-04 (part) to 2012-13 basing on the merit list given by the APPSC/Court directions in O.A.No. 3960 of 2012, dtd.15.11.2012 filed by Smt. N.Aruna, & Smt. D.Shailaja (DR ACTO’s). The present revision of integration in the cadre of DCTO is consequential action to the ACTO and DCTO seniority list at zonal level. Therefore, it is not open to them to raise the same issue now at the time finalisation of integrated seniority list of DCTOs.

The contention of the individuals for following Rule 33(a) of TS & SS Rules, is being relating to State of A.P. and there is no specific orders from State of Telangana. The State of Telangana having Zone-V & VI only. The integration is to made accordingly.

Therefore, the objections at (a), (b), (c), (i) and (iv) are hereby rejected.

 With regard to objections mentioned above at point No. (ii) of Sri M.Dhananjay Naik & Sri P.Bheemla, it is submitted that there is no such orders not to finalize the integrated seniority list of DCTOs from the Telangana SC & ST Commission, Hyderabad.

 With regard to objections mentioned above at point No. (iii) of Sri M.Dhananjay Naik & Sri P.Bheemla, it is submitted the Hon’ble High Court in W.P.No. 17088 of 2020 filed by Sri M.Dhananjay Naik & Sri P.Bheemla, AC’s(ST) have issued orders. The operating portion is as follows;

 “*Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the appellate authority to dispose of the appeals preferred by the petitioners on 18.02.2020, 29.07.2020 and 05.09.2020 and pass appropriate orders thereon, within a period of eight weeks from the date of receipt of a copy of this order.*

 *Accordingly, the Writ Petition is disposed of. No costs.*

 *Miscellaneous petitions, if any, pending shall stand closed.”*

 As per the above orders, there is no stay on the seniority list of DCTOs. Therefore, if the Government disposes the appeal of the petitioners, appropriate action will be taken accordingly as per the orders of the Government.

Therefore, the objections are hereby rejected.

**Objection of Sri N. Devendhar and Sri G.N.M. Krishna Kumar Assistant Commissioners (ST) I /C:**

 The officials requested to provide the following details in the proposed show cause notice so as to enable them to file the objections.

1. Date of arising of DCTO vacancy.
2. Date of appointment of the candidates.
3. ROR position of zone.
4. Criteria for integration (Rule position)

**Reply to the objection:**

 The above contentions are examined in detail and submitted that while finalising the zonal seniority list of DCTOs of respective zones the requested information was already available in the show cause notice given and after examining the same the said seniority lists were finalised accordingly for the panel year 2003-04 (part) to 2012-13. The zonal wise show cause notices and finalised orders are placed in the departmental portal for their perusal. If they had any objection on zonal seniority, they must have filed objection at the time of preparation / finalisation of zonal seniority list only. The present show cause notice is issued for integration of zonal lists only.

 Therefore, the objections of the officials are hereby rejected.

**Objection of Smt. N. Padmavathi, S.T.O, O/o JC (ST), Nalgonda:**

The individual objected that her name was shown at Sl.No. 209 assigning seniority for the panel year 2009-10 instead of 2008-09. As per the seniority list of DCTOs concluded for Zone-VI for the panel years 2007-08 and 2008-09, her name is shown at sl.no.27 against panel year 2008-09 vide CCT’s Ref.No.TS/DZ/1017(2)/2015, published in Gazette No. 267 dated 16-10-2015. The individual requested to correct the panel year 2008-09 against her name in the present proposed integrated seniority list.

**Reply to the objection:**

 It is submitted that the name of the individual was placed in the panel year 2008-09 in seniority list finalized vide CCT’s Ref.No. TS/DZ/1017(2)/2015, dtd. 13.10.2015 and published in Gazette No. 267 dated.16-10-2015. Later, due to revision of seniority list of DR ACTO’s of Zone-V (merit rankings) vide CCT’s Ref.No. C(DX2)/937/2013, dtd. 23.02.2016, the seniority list of DCTO’s of Zone-VI dtd. 13.10.2015 was also revised and finalised vide CCT’s Ref.No. TS/DZ/1715/2016, dtd. 25.11.2016. In the said list the name of the individual is placed at Sl.No.40 of 2008-09 panel year as last person in 2008-09 panel year. Due to revision, her name was relegated to next panel year i.e.,2009-10 in Zonal seniority list of DCTOs of Zone\_VI.

 Further, it is submitted that the objection is relating to zonal seniority list of DCTO’s of Zone-VI. As per the said zonal list, the name of the individual placed in 2009-10 panel year. Accordingly, her name shown at 2009-10 panel year in proposed integrated seniority list of DCTOs of Zone-V &VI. Therefore, if any objection in the matter, the same objected while issuing Shoe cause notice at zonal level.

 In view of the above, the objection of the individual is hereby rejected.

**Objection of Sri M. Srinivasa Rao, DCTO O/o JC (ST), Abids:**

 The official submitted that the date of birth was shown as 06-01-1970 instead of 01-06-1970 and he requested to rectify the same.

**Reply to the objection:**

 The contention of the individual is verified and the date is rectified as 01-06-1970. Therefore, the request of the individual is considered.

**Objection of Sri M. Govind, CTO (I/c), Kamareddy:**

 The official submitted that the date of birth and date of retirement were shown as 12-06-1962, 30-06-2020 respectively and in the remarks column it was mentioned as ‘Retired’. The actual date of birth is 06-12-1962 and he is going to retire on 31-12-2020, and he requested to rectify the same.

**Reply to the objection:**

 The contention of the individual is verified and rectified.

 In view of the above, the revision of proposed integrated seniority list of DCTOs of Zone V& VI for the period from 2003-04 (part) to 2012-13 is hereby finalised.

 The finalisation of above integrated seniority list of DCTO’s of Zone V and VI is subject to the outcome of SLPs/W.Ps/O.As/C.As, appeals, revisions, etc, pending, if any, before the respective appellate forums, authorities, etc.,

 A copy of this final orders is also available on the Commercial Taxes Department portal and can be accessed at the web address [www.tgct.gov.in](http://www.tgct.gov.in).

Encl : Annexure

 Sd/- Neetu Prasad

 Commissioner of State Tax

To

All the individuals through the Joint Commissioner’s (ST), concerned.

Copy to the Joint Commissioner’s (ST), Secunderabad, Hyderabad (Rural) and

 Warangal Nodal Divisions for taking necessary action and wide publicity

 in their controlling / subordinate offices.

Copy to Special Commissioner(ST), Enforcement Wing, O/o CCT, TS, Hyderabad,

 Joint Commissioners (ST), Abids, Begumpet, Charminar, Punjagutta,

 Nizamabad, Saroornagar, Nalgonda, Karimnagar and Adilabad Divisions for

 taking necessary action and wide publicity in their controlling /subordinate offices.

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

 Hyderabad with request to place the above show cause notice in the portal of C T

 Department and also taking necessary action for wide publicity.

Copy to the Appellate Joint Commissioners (ST), Secunderabad, Hyderabad (Rural)

 and Punjagutta Divisions for taking necessary action.

Stock file / Spare.