**Government of Telangana**

**Commercial Taxes Department**

Office of the

Joint Commissioner (ST)

Hyderabad Rural Division, Hyderabad

**Ref.No.E1/166/2020. D1 27-05-2024**

**Revised Show Cause Notice**

Sub:- Public Services- Commercial Taxes Department-Hyderabad Rural Nodal Division- ACTOS

 Recruited through Andhra Pradesh Public Service Commission Group-11 Notification No.

 10/1999- Revised list communicated by the APPSC Dt: 10-05-2018 as per the alignment of

 Hon’ble Supreme Court of India orders Dt: 18-02-2015 & 29-07-2016-Contempt petition (c) No.

 1700/2017 in Civil Appeal No. 5009/2006 DE 14-07-2021-Government instructions issued –

 SuPutta Venkata Ramana Joined as ACTO - Representation filed for revision of Seniority as per

 revised list communicated by the APPSC Certain instructions issued for revision of Seniority of

 ACTDs recruited under APPSC notification No. 10/1999 - Revised Show cause notice Issued-

 Objections called for - Regarding.

 Ref:-1) APPSC, Vijayawada letter No. 196/RS-238/2015, Dt: 10-05-2018 from the Secretary.

 APPSC Vijayawada along with enclosures.

 2) Hon'ble Supreme Court. Ordens in CP(C) No. 1700/2017 in Civil Appeal No. 5099

 Of 2006 on 18-02-2015 & 29-07-2016,

 3) Hon'ble Supreme Court Orders in CP(C) No. 1700/2017 in Civil Appeal No. 5099 Of 2006 on

 14-07-2021.

 4) Representation of Sri. Putta Venkata Ramana Dt: 24-08-2021.

 5) Government Memo No.7800/Ser.A/A1/2015,GA (Services.A) Dept., Dt: 26-11-2021.

 6) TS CCT's Ref. No. C(DX)/309/2017 Dt: 27-11-2021.

 7) U.O. Note No. 787/Ser.A/A1/2022, General Administration (Services-A) Department,

 Dt: 09-03-2022.

 8) Representation of Sri. Putta Venkata Ramana, ACTO, presently working in the O/o

 JC(ST), Adilabad Division Dt: 18-02-2022 & 09-10-2023.

 9) Government Memo No.21768/CT.1/2023, Revenue (CT.1) Department, Dt:08-09-2023 along

 with representation of the individual.

 10) TS CCT's Ref. No. C(DX)/309/2017 Dt: 09-02-2024.

 11) CCT's Ref. No: DX2/395/2011-Zone-VI Dt: 27-09-2012.

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The Andhra Pradesh Public Service Commission, Vijayawada has revised the selection of candidates for the Group-II posts issued vide Notification No. 10/1999 in compliance of the Hon'ble Supreme Court Judgement Dt: 18-02-2015 and 29-07-2016 in Civil Appeal No. 5099/2006 and in consonance with the Presidential order, 1975 and communicated a revised list in the reference 1st cited.

In the reference 4th cited, Sri. Putta Venkata Ramana, who was working as Enforcement Inspector, Ramasamudram Checkpost, Special Enforcement Buareau, Chittoor District, Excise Department, Andhra Pradesh has submitted his joining report as Assistant Commercial Tax Officer in the O/o Commissioner of Commercial Taxes, Telangana State, Hyderabad on 24-05- 2021 F.N.

The Government vide reference 5th cited Dt: 26-11-2021 have issued instructions to issue appointment orders to Sri. Putta Venkata Ramana and asked to join duty.

Accordingly, Sri. Putta Venkata Ramana was admitted to duty and alloted to Secunderabad Nodal Division as Assistant Commercial Tax Officer provisionally vide reference 6th cited, Since he was alloted to Zone-VI as ACTO in revised list of APPSC, so he was allocated to Secunderabad Nodal Division accordingly. As per the Zonal allocations vide G.O.Ms.No.317 GA(SPF) Dept Dt: 06-02-2021, and he was alloted to Zone-11 Basara and was posted in Adilabad Division.

Sri. Putta Venkataramana in the reference 8th cited Dt: 18-02-2022 & 09-10-2023 has submitted that he was selected to Group-II services through 10/1999 notification by APPSC in combined state of Andhra Pradesh and was initially selected as Probation Exise Sub Inspector to Zone IV of combined Andhra Pradesh and got promoted as Probation and Excise Inspector and completed 16 years of service. As per the Supreme Court orders, APPSC revised the 10/1999 list and he was selected as ACTO to Zone VI. As per the orders he has joined as ACTO in Zone-VI. But during the zonal allocations, based on the seniority, he was alloted to Zone-II Basara and posted in Adilabad JC Office which is not a part of erstwhile Zone VI and not even Multi Zone- II. Sri.Putta Venkata Ramana has requested the authority to considered his request to review his seniority from 2005 on par with his batchmates who were selected through 10/1999 notification and requested to retain him in Zone- VI(Charminar) till his interse seniority is decided as per the APPSC merit list along with his batchmates who have joined as ACTOS in 2005.

In the reference 1st cited, the Andhra Pradesh Public Service Commission, Vijayawada has furnished the revised selection of candidates for the Group-II posts issued vide Notification No.10/1999 in compliance of the Hon'ble Supreme Court Judgement Dt: 18-02-2015 and 29-07- 2016 in Civil Appeal No. 5099/2006 etc. The Hon'ble Supreme Court of India in it's judgement in the reference 3rd cited upheld the above revised list of APPSC.

The copy of the above revised list of APPSC vide reference 1st cited is communicated to the Joint Commissioner(ST), Secunderabad, Hyderabad (Rural) & warangal Division by the Commissioner(CT) and requested to revise the provisional seniority list of ACTOs of Zone V &VI (united A.P) by issuing show cause notice to the effected candidates and also to take necessary action as per rules and report compliance, subject to the outcome of W.P’s, SLPs, O.As, appeals, etc., pending if any, before the respective appellate forums, authorities, courts, etc.,

In Compliance of the Hon'ble Supreme Court Judgement dated: 18-02-2015 and 29-07-2016 in Civil Appeal No. 5099/2006, the Commission has revised the selections in consonance with the Presidential order, 1975. In the process, 1st spell of 104 (Executive posts) selections already made during 2000-2001 are not disturbed. Further, as per the clarificatory orders of the Apex court dated 25-09-2006 in I.A Nos. 5 & 6 in Civil Appeal No 6758/2000, the earlier selections of 7 candidates under SC categorisation are not disturbed. The first spell candidates continue to retain their seniority in the list.

Further, as per the directions of the Hon'ble Supreme Court in I.A. No, 56023/2018 in CP No: 820 & 1950/2017 in C.A. No: 5099/2006, Options exercised by Candidates who are selected for Executive post now but selected in earlier spell to Non- Executive post were considered while preparing the selection list. Further as per the Rule- 07 of Commission's Regulations and Rules of procedure all relinquishments and known death cases are excluded for selection.

The list of 68 candidates who exercised option to remain in Non-Executive posts (who were not disturbed in present selection) continue in their previous allotment, is enclosed.

After considering the above, the Commission revised the selections provisionally for Executive posts and Non-Executive posts under Group-11 Services (General Recruitment) Notification No. 10/1999 and forwarded the Unit List of Provisionally selected candidates.

The Supreme Court of India in Civil Appeal No 5099 of 2006 in case of M.Surender Reddy Vs Government of Andhra Pradesh Dt: 18-02-2015 decided and directed the respondents to fill up the rest of the posts including the posts of Muncipal Commissioners Grade-III, Assistant Commercial Tax Officers, Assistant Labour Officers in executive cadre and Assistant Section Officers in non-executive cadre, which are vacant, as per Presidential Order, 1975 and the Government orders in consonance with the Presidential Order which was prevailing in the year 1999 when the Advertisement was issued. “The inter se seniority between the persons appointed in the 1st round and the persons appointed afterwards in the same cadre, if any, shall be decided by the appropriate authority, in accordance with the rules, depending on the merit obtained by them”, and directed the authority to complete the process of selection.

Further in contempt case seeking implementation of findings in Surrender Reddy case, the Apex Court in Nalgonda Srinivasa Rao Vs Dr.B. Kishore on 4th July, 2021, in CIVIL APPEAL NO. 5099/2006 held:

“In view of the foregoing discussions, we direct the respondents to fill up the rest of the posts including the posts of Muncipal Commissioners Grade III, Assistant Commercial Tax Officers, Assistant Labour Officers in executive cadre and Assistant Section Officers in non-executive cadre, which are vacant, as per the Presidential Order, 1975 and the government orders in consonance with the Presidential Order which were prevailing in the year 1999 when the advertisement was issued. “The inter se seniority between the persons appointed in the first round and the persons appointed afterwards in the same cadre, if any, shall be decided by the appropriate authority in accordance with the rules, depending on the merit ranking obtained by them”. Paragraph 28 sets out the principle that the State Government could not pass any order amending the procedural law regarding reservation in the selection to posts, once the procedure of selection had started. This is a clear indication that the process which was started or initiated prior in point of time would not be governed by the principles of reservation stipulated in 2002 GO. The observation in paragraph 29 clearly holds the applicability of 2002 GO to be prospective and the same tought is again made clear in paragraph 31 according to which even the rest of the posts or the posts that were lying vacant from the selection process initiated before 2002 GO came into force, were required to be filled up in consonance with what was prevailing in the year 1999 when the advertisement was issued.

These paragraphs. in our view, are quite clear that everything that was initiated pursuant to the advertisement issued before or prior to 2002 GO, must be taken to the logical.conclusion..in consonance with the then prevailing rules or regime when the advertisement was issued...This Logic would apply even with respect to filling up of vacant or remaining posts from that selection. In other words, the principles emanating from said 2002 GO are not to be applied to such selection.

The instant contempt petitions are filed seeking enforcement of the directions issued by this Court in its judgement in M.Surender Reddy vs. State of Andhra Pradesh. Instead of getting into individual grievences highlighted in some of the Contempt petitions or Interim applications, in our view, a clarification issued herein above would serve the purpose.”

" The above observations of the Courts may be summarized, relevant to present issue on

hand, as below:

1. For the entire selection by notification 10/1999, G.O.Ms. No. 763 will only be applicable but not

 G.O.Ms. No. 124.

 2. The appointments made in the 1st phase, i.e., 2000-2001 shall not be disturbed.

3. The inter se seniority between the persons appointed in the first round and the persons

 appointed afterwards in the same cadre, if any, shall be decided by the appropriate authority in

 accordance with the rules, depending on the merit ranking obtained by them.

The seniority list of ACTOs of Hyderabad Rural Nodal Division was finalised upto 2017-18 & 2018-19 Panel years in the reference No. E1/166/2020 Dated: 20-01-2021.

 Further, in Consonance with the Hon’ble Supreme Court Orders on the APPSC Notification No. 10/1999 for recruitment of DR ACTOs, No Candidate has been allotted to Hyderabad Rural Nodal Division as ACTO, in the proceedings of the Commissioner(CT) as per the Revised Selection List Communicated by the APPSC. Therefore, the Seniority List of ACTO’s finalized earlier up to the Panel years 2017-18 and 2018-19 remains same. The following is the list of DR ACTO’s who were allotted and joined as ACTO’s in the year 2005 in Hyderabad Rural Division as under:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SL.NO** | **COMMUNITY ID** | **CANDIDATE NAME** | **DATE OF BIRTH** | **DATE OF APPOINTMENT AS TEMPORARY ACTO** |
| 1 | BC-B | S. Venkata Narasimha | 05-05-1972 | 03-03-2005 |
| 2 | OC | Ram Prasad Malyala | 05-06-1975 | 02-03-2005 |
| 3 | SC | Venkataiah R | 14-06-1973 | 26-02-2005 |
| 4 | BC-D | Chitteshwar Police Patlola | 08-01-1973 | 26-02-2005 |
| 5 | BC-B | Srinivasa chary Vuppala | 01-08-1974 | 26-02-2005 |
| 6 | OC | Narsi Reddy Heerani | 12-03-1972 | 26-02-2005 |
| 7 | BC-A | Buggappa Vadde | 03-04-1975 | 26-02-2005 |
| 8 | OC | Sasin Thayyabu Begum | 24-08-1972 | 26-02-2005 |
| 9 | OC | Nageswaramma Pasham | 18-04-1977 | 26-02-2005 |
| 10 | BC-D | Pavani Gajjeti | 23-07-1976 | 11-03-2005 |
| 11 | ST | R. vinod Nayak | 01-05-1974 | 02-03-2005 |
| 12 | SC | Usha Rani Nanyam | 26-12-1968 | 26-02-2005 |

However, if there are any objections to the above revised show cause notice, they may file their written objections, if any, within fifteen days from the date of issue of this notice, (This notice is being kept in the Departmental portal (www.tgct.gov.in) also), failing which, it will be construed that they have no objections to file against the proposals made herein and orders, as deemed fit, would be passed, without any further notice in the matter.

The Revised Show Cause Notice shall be subject to the outcome of SLPs/OAs/ WPs pending, if any, before the respective Appellate Forums, Authorities etc.

The Joint Commissioners (ST) Saroornagar, Nalgonda and Nizamabad divisions, the Appellate Joint Commissioners(ST) Hyderabad Rural Division and Additional Commissioner (CT) Enforcement wing and the AC(ST)s of all the circles in Hyderabad Rural Nodal Division, are requested to communicate the Revised show cause notice of Assistant Commercial Tax officers of Hyderabad Rural Nodal Division, Hyderabad among the Assistant Commercial Tax officers of their division/ circle/ office and to display the said notice on their office notice board without fail. Further, they are requested to forward the objections filed, if any to this office.

Encl: As above.

Sd/-XXX

Joint Commissioner(ST)

Hyderabad Rural Division,

Hyderabad.

To

The Individuals concerned.

All the ACTOs through the Controlling Officers concerned.

The Joint Commissioners (ST), Saroornagar, Nalgonda, Nizamabad Divisions.

The Joint Commissioners (ST), Madhapur, Hyderabad Rural, Malkajgiri, Saroornagar Divns.

The Joint Commissioner (ST), Adilabad Division.

The Appellate Joint Commissioners (ST), Hyderabad Rural Division.

The Spl Commissioner(ST), Enforcement wing, Hyd.

The Commissioner(CT), Telangana State, Hyd.

All the Assistant Commissioner (ST) of Hyderabad Rural Division.

The Additional Commissioner (ST), Computers, O/o CCT, Hyd.

The Additional Commissioner (ST) III, 0/0 CCT, Hyd.