PROCEEDINGS OF THE ADDL.COMMISSIONER OF COMMERCIAL TAXES (LEGAL)

O/O THE COMMISSIONER (CT), ANDHRA PRADESH, HYDERABAD

PRESENT: SRI D.RAMACHANDRA REDDY, BSc, B.L, CAIIB, MBA.

**CCT’s Ref.No.DX2/ 392/2012-2, Zone-III, dated:11-10-2012**

Sub: SUITS – O.A No.8932/2011 filed by Sri K.Rama Rao and (5) others (DR ACTOs of Zone-III) before the Hon’ble APAT - Interim orders – guidelines issued by Government – Placement shown those who are not found places in the Showcause notice of Revised integrated seniority list of ACTOs for the panel year 1992-93 to 1999-2000 of Zone-III– preparation of seniority of subsequent panel years from 2000-01 to 2004-05 as per available vacancies - Notice issued - Objections called for- Examined – Orders passed – Reg.

Ref:-1. Integrated seniority list published in A.P Extraordinary Gazette No.119, dt.25-03-2004

2. Govt. Memo. No.39070/CT.I (2)/2011, Rev (CT.I) Dept, dt.20-12-2011

3. CCT’s Ref.No.DX2/942/2011Zone-III, dated 23-04-2012.

4. CCt’s Ref.No.DX2/394/2012 dated 29-05-201 (SCN)

5. Hon’ble High Court orders dt.09-04-2001 in W.P No.24335/1999 and 14538/2000 filed by Sri Y.R Sai Mohan Raj and others read with Govt.Memo No.39367/CT.I(1)/2011, Revenue (CT.I) Department, dated 20-09-2011,.

6. Interim orders dt.15-02-2012 in O.A No.841 of 2012 filed by Sri K.Venkateswara Rao, CTO and (4) others.

7. CCT’s Ref.No.D1/983/2011, dt.30-09-2011 delegation of subjects to Senior Officers O/o the CCT, A.P, Hyderabad.

8. Judgment of Hon’ble APAT dt.22-07-2003 in O.A No.6022 of 2001 and batch and as modified in OA.No.5058 of 2004 and batch, dated.11-08-2009.

9. CCT’s Ref.No.DX2/392/2012,Zone-III, dt.13-6-2012.

10. Revised show cause notice dt.29-05-2012 was published in the A.P Gazette.381/103

(Part No.II), dated.09-07-2012.

11.CCT’s Ref.No.DX2/390/2012, dt.17-8-2012.

12.Objections filed by Sri Y.Hari Krishna, DCTO, dt.Nil.

13. Objections filed by Sri N.V.Subba Rao, DCTO, dt.Nil.

14. Objections filed by Sri K.S.S.Prasad babu, DCTO, dt.Nil.

15. Objections filed by Sri R.Srinivas, DCTO, dt.Nil.

16. Objections filed by Sri Y.Sivaram Prasad, DCTO, dt.Nil.

17. Objections filed by Sri P.V.Rangaiah, DCTO, dt.Nil.

18. Objections filed by Sri K.Krishnaiah, DCTO, dt.27-6-2012.

19. Objections filed by Sri K.S.S.Prasad Babu, dt.28-6-2012.

20. DC(CT, Nellore Rc.No.316/2012/A2, dt.13-8-2012 along with objections

Of Sri Y.Sivaram Prasad, dt.29.6.2012.

21. Objections filed by Sri M.Venkateswarlu, DCTO, dt.6-7-2012.

22. Objections filed by Sri M.Venkateswarlu, DCTO, dt.24-8-2012.

23. Objections filed by Sri T.Peeter Babu, ACTO, dt.25-6-2012.

24. Objections filed by Sri G.Subba Royal, DCTO, dt.25-6-2012.

25. Objections filed by Sri S.V.Ratnam, ACTO, dt.7-9-2012.

26 Objections filed by Sri Ch.Nagendram, DCTO, dt.Nil.

27. DC(CT), Anantapur Procdgs. Rc.No.767/2009/A4, dt.20-1-12 and 1-2-2012.

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The Government has informed vide reference second cited, that in O.A No.8932/2011 filed by Sri K.Rama Rao, presently working as Commercial Tax Officer, Khairatabad and (5) others, the Hon’ble APAT, in its interim orders, dt.22.11.2011, has directed the 1st respondent (i.e. Principal Secretary, Revenue Dept.,) to consider and pass appropriate orders on the appeal dt.16.08.2010 pending before the 1st respondent (i.e. Govt.) in terms of Memo No.263/CT.I(2)/2011, dated.29.06.2011 of the 1st respondent issued in favour of Direct Recruit ACTOs of Zone-VI.

Accordingly, in the reference 3rd cited, since the details regarding the panel year wise numbers of vacancies in substantive/temporary posts are scrutinized, the panels of ACTOs of Zone-III (i.e. Guntur Nodal Division) prepared and published in the A.P Gazette No.119, dated 24-03-2004 on the mentioned lines of Government Memo. No.263/CT.I (2)/2011, dated.29.06.2011 read with Govt. Memo. No.39070/CT.I (2)/2011, Rev (CT.I) Dept, dt.20-12-2011 and rectified the defects therein duly pushing down the Rank Promotees, who are in excess of the quota allotted to them for the panel years from 1975-76 to 1991-92 published in A.P Gazette No.119, dated 24-03-2004, as per the Rota-quota rule, below the Direct Recruit Candidates (including the applicants) who occupied their own slots. Consequently, certain RPs has not found placements / panel years i.e. those who are relegated in earlier panel years, now their names are placed to the subsequent panel years as per available vacancies for the panel years from 2000-01 to 2004-05 of Zone-III

In the reference 4th cited, the Hon’ble High Court issued the following modified orders as under:-

1. Final seniority list in the posts of DCTOs be made on the basis of final seniority of ACTOs after interspersing them at Zonal Level.
2. By interspersing the seniority of DCTOs at State level, the final seniority list of CTO has to be prepared.
3. At each stage of ACTOs and DCTOs, it is Rule 33 (a) of the APS SS Rules which will govern the aspect of seniority and
4. While considering the final seniority list of CTOs and consequential promotions, it is the seniority based upon Rule 33(a) referred to above which will govern and not the temporary promotions in the said cadre of DCTOs.

In the reference 5th cited, Sri K.Venkateswara Rao, CTO has filed O.A No.841/2012 before the Hon’ble Tribunal and the Hon’ble APAT issued interim order dt.15-02-2012 to the effect that “Pending disposal of the OA, there shall be an interim direction to the respondents 1 and 2 to effect promotions to the post of Assistant Commissioner of Commercial Taxes on regular or incharge or adhoc basis on the basis of revised seniority list of DCTOs prepared subsequent to the revision of seniority list of ACTOs as per Government Memo No.263/CT.I(2)/2011, dated 29-06-2011 if already prepared and if not, to prepare the seniority list and then effect promotions.”

As per the guidelines mentioned in the reference 2nd and 3rd cited, the matter is re-examined in the case of Guntur nodal Division i.e. Zone-III for the panel years from 1992-93 to 1999-2000 and 2000-01 to 2004-05 and the vacancies are identified as per the guidelines of the reference 2nd and 3rd cited and in the integrated seniority list of ACTOs of Zone-III for the panel years 2000-01 to 2004-05 vide Dist.Gazette No.35, dt.30-04-2010 is being revised and this revised notice is being issued duly pushing down the Ranks Promotees who occupied in excess of the quota available to them as per the Rota-Quota Rules guidelines.

In the case of appointment to the post of Asst. Commercial Tax Officer, where recruitment to service is both by direct recruitment and transfer, the cycle meant for direct recruits/transferees should be arrived at on the following basis.

In the case of direct recruits appointed, they are entitled for appointment against 40% of substantive vacancies in the permanent cadre. After AP Commercial Tax Subordinate Service Rules’1990 came into force they are entitled for 4 vacancies in a cycle 10 vacancies which arises in the services vide G.O Ms No.81 Rev (CT.I) Department, dated 03-02-1990.

Statement showing the vacancies available to DR and RPs of Guntur-I of Zone-III

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Panel year | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004-05 | Total |
| Total ACTO Vacancies arosed | 11 | 7 | 11 | 16 | 47 | **92** |
| Total DR vacancies to be filled | 4 | 3 | 4 | 6 | 19 | **36** |
| Total RP vacancies to be filled | 7 | 4 | 7 | 8 | 24 | **50** |
| City List vacancies carry forwarded | 0 | 0 | 0 | 2 | 4 | **6** |

\*Note:-The Government had suspended City List quota vide Govt.Circular U.O Note.No.44232/SPF-A/2002, GAD (SPF-A) Department, dated 15-02-2003 in view of the judgment of Hon’ble Supreme Court of India in C.A.No.9643/9644 of 1995, dated.07-11-2001. Hence, the City List quota vacancies are kept vacant till the receipt of G.O Ms No.1758, dt.11-10-2011. The Government has amended G.O Ms No.81, dt.03-02-1990 and issued a fresh G.O Ms No.1758, dt.11-10-2011 and ordered that, in the 10 point cycle, the 10th vacancy has been allotted by transfer (Division). The vacancies meant for City List quota are not taken in the seniority list of ACTOs. Therefore, these carry forwarded vacancies will be considered for Rank Promotees in the panel year 2011-12 only and later in the respective panel years.

It is to inform that the total number of vacancies of ACTOs in Guntur Nodal Division of Zone-III for the period from 2000-01 to 2004-05 are (92) out of which (36) are meant to be filled with Direct Recruits, but filled (47) and (50) to be filled with Rank Promotees, but filled (51). While filling the vacancies meant for Rank Promotees, for the panel years from 2000-01 to 2004-05, the vacancies meant for SCs/STs are duly carried forward to the subsequent panel years, where qualified and eligible personnel were not available during the particular panel year and the same were filled as and when qualified personnel found and they are placed as per their date of joining as per provisions under Rule 33 (a) of APS&SS Rules. The Direct Recruits, inter-se, are placed in the year have joined in the same rank order communicated by the APPSC. While determining inter-se-seniority, between DRs and RPs, date of joining of DRs was taken into consideration duly following Rule 33 (a) mentioned above. The City List candidates are appropriately placed in the respective panel year in which they are appointed by transfer. Accordingly, the excess RP quota candidates, if any, are perforce to be relegated to subsequent panel years.

In view of the legal position this approach is adopted in a uniform manner. Wherever persons promoted in earlier years have been relegated to subsequent panel year for want of vacancies in the earlier years, they are placed in appropriate panel years now.

Seniority of a member of service has to be fixed in terms of Rule 33 of the APS&SS Rules, i.e. with reference to the date of appointment in accordance with the rules and not with reference to the date of confirmation (full membership) after taking action in terms of rules 25 and 29 of the APS&SS Rules by placing full members as a class above the approved probationers and probationers.

For counting seniority from the date of appointment, one should be appointed in accordance with the rules, for example – (a) he should have necessary qualifications and experience prescribed under the rules, (b) he should satisfy the rules of reservation if rule of reservation is applicable (c) he should have been appointed within the quota prescribed, if any, under rule and (d) the procedure prescribed, if any, for such appointment. If a person does not satisfy any of the conditions prescribed under the rules at the time of appointment his seniority has to be counted not from the date of such appointment but from the date on which he satisfied the requirement of the rules.

In case of transferees appointed, they are entitled for 60% of the vacancies in the permanent cadre and also all the vacancies that arise temporary posts. After the AP Commercial Tax Subordinate Service Rules, 1990 came into force, transferees would be entitled for 5 vacancies in a cycle of 10 (excluding vacancy meant for a city list candidates) which arise in the service.

The vacancies referred to above for the purpose of calculation of quota does not include stopgap or fortuitous or short time vacancies like leave vacancies etc., The names of individuals, who earlier might have been promoted as ACTO, but who retired before substantive vacancy arose for them in any particular panel year i.e who were no more in service at the time of arising of vacancy, do not find place in this proposed seniority list.

According to the APCT Subordinate Service Rules the method of appointment to the post of ACTO is (i) By Direct Recruitment (DR) and (ii) By appointment by transfer (R.P). The ratio (10 point cycle) between the DRs/RPs is 40:60, except for city list candidates from 15-02-2003..

The show cause notice of revised integrated seniority list of ACTOs for the panel year 1992-93 to 1999-2000 of Zone III published on 29-5-2012 and for the panel years from 2000-01 to 2004-05 of Zone-III is also to be finalized respectively. As per the Govt. Memo. No.39070/CT.I (2)/2011, Rev (CT.I) Dept, dt.20-12-2011duly following the Rota-Quota Rules, the revised the integrated seniority list of ACTOs for the panel year 1975-76 to 1991-92 has been finalized vide CCT’s Ref.No.DX2/942/2011 Zone-III dt.23-04-2012. However, the earlier seniority list (which is being now revised) for the panel year 1992-93 to 1999-2000 and 2000-01 to 2004-05 of ACTOs of Zone-III required revision on the basis of the Government in Memo. Ref. No. 263/CT.I (2)/2011, Rev (CT.I) Department dated 29-6-2011 issued in case of Zone-VI, read with the interim orders dt.22-11-2011 in O.A No.8932/2011 by the Hon’ble APAT, Hyderabad. Accordingly, the matter is re-examined and the vacancies are calculated duly following the A.P CT SS rules 1990 as prescribed by the govt. in the said memo and prepared a show cause notice for revising integrated seniority list of ACTOs of Zone-III for the panel years 2000-01 to 2004-05, as per the guidelines mentioned thereon after verification of records of CCT’s office and as per Dist.Gazette No.35. Dated 16-04-2010. Accordingly, the vacancies available in the concerned panel years are taken and panels are drawn.

Rule 4(b) of APS & SS Rules’1996:-Direct Recruitment: where the normal method of recruitment to any service, class or category includes direct recruitment, the proportion in which the special rules may require vacancies to be filled by persons recruited direct shall be applicable to all substantive vacancies and direct recruitment shall be made only against the substantive vacancies.

Explanation:-(i) For the purpose of this rule, notwithstanding anything contained in these rules or special or adhoc rules, substantive vacancies shall mean all vacancies in the permanent cadre and all vacancies in the posts which have been in existence for more than 5 years.

In the reference 7th cited, the Commissioner (CT), A.P Hyderabad in his proceedings No.D1/983/2011, dt.30-9-2011 has ordered the allotment of service matter and disciplinary cases of ACTOs to the Addl. Commissioner (CT) Legal for quick and smooth administration of the related work. In view of the CCTs orders and subjects delegated to the undersigned, the Addl. CCT legal has issued the revised integrated show cause notice as per the orders of the Commissioner (CT), A.P Hyderabad.

Thus, the persons, shown in the annexure-A and B to this revised notice, may file their written objections if any within fifteen (15) days from the date of publication in the Departmental Web site (www.apct.gov.in), failing which, it will be construed that they have no objections to file and orders as deemed fit under law would be passed without any further notice in the matter.

Accordingly, the revised Show Cause Notice for the panel year 2000-01 to 2004-05 has been published in Departmental website. Further, the revised show cause notice is published in AP Gazette, Part-II Extraordinary No.381/103 dated 09-07-2012 from page 34 to 40 vide ref 10th cited.

In the reference 11th cited, the interested persons were allowed to peruse the records on 24-08-2012 in CCT’s conference Hall against the proposed to be revised integrated seniority list of ACTOs for the panel year from 2000 -01 to 2004-05 of Zone-III.

The objections of the Direct Recruit ACTOs, City list ACTOs, Rank promotee ACTOs and those under SC/ST category and the reply on their objections are discussed as under:-

In the reference 12th to 17th cited, certain DR ACTs have filed objections and stated that during the panel years 1975-76 to 2004-05 the following carryforward DR vacancies are not taken into account while preparing the seniority list. The brought down vacancies meant for DRs by the year 2000-2001 are 120 as stated bleow:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year | No.of vacancies arised | DR Quota | Vacancies filled | Carry forward vacancies |
| 1975-76 to 1991-92 | 217 | 85 | 30 | 55 |
| 1992-93 to 1999-2000 | 194 | 75 | 15 | 60 |
| 2000-01 to 2004-05 | 92 | 36 | 47 | -11 |

The remaining posts meant for DR which were unfilled during the 1st and 2nd spell were not carry forwarded to the subsequent seniority period that’s why they are placed in subsequent panel years. As per Group-II services recruitment in 10/99 issued by the APPSC on 29-12-1999 for the purpose of reckoning vacancies for this recruitment the vacancies arising during the recruitment year ending by 31-8-2000 will be taken into consideration. Hence, they selected against the vacancies arised during the years 1991-92 to 1999-2000 but plced in the panel years 2000-01 to 2004-05.

Hence, they requested to include them in the panel year 1999-2000 since the advertisement also issued in 1999 specifically stated that the recruitment is for the vacancies that arise up to 31-8-2000.

2. They requested to implement the judgments of Hon’ble High Court and APAT merit list in seniority list.

3.They requested to include their batch names in the 2nd spell of seniority list and issue the revised show cause notice.

4. Breakup for City list vacancies were not mentioned but placed 3 city list candidates together actually city list quota is 1 post for every 10 posts.

**Reply to the above objections:-** The objections of the individuals have been examined with reference to Rule 33(a) of APS & SS Rules 1996. Accordingly, the seniority of DR ACTO has been placed in the year they have joined in the same rank order communicated by the APPSC. While determining inter-se-seniority, between DRs and RPs, date of joining of DRs was taken into consideration duly following Rule 33 (a) mentioned above. Hence, the requests of the individuals are considered, as per their dates of joining - if joined earlier than RPs in that panel year then placed earlier, otherwise later.

As per Hon’ble APAT Orders in O.A.No.3044/2009, merit list as per marks obtained from APPSC is followed in finalization of seniority list of Zone-III for panel year 2004-05, because the petitioners therein belongs to the recruitment in 2004-05. The City List candidates are appropriately placed in the respective panel year in which they are appointed by transfer

In the reference 12th to 21th cited, certain DR ACTOs have filed objections and requested to implement the merit list and consider the ranking assigned by the APPSC in respect of Direct Recruits for the panel year 2004-05 as per the direction of the Hon’ble APAT in the Judgment in O.A.No.3044/2009 with M.A.No.4173/2009, dt.26-12-2011.

**Reply to the above objections:-**  The objections filed by the individuals are examined. As per orders Hon’ble APAT in O.A.No.3044/2009 with M.A.No.4173/ 2009, dt.26-12-2011 ranking given by the APPSC and also as per the provisions contained in Rule-33(b) and 36 of APS & SS Rules, merit list as per marks obtained from APPSC is followed in respect of DR ACTOs of Zone-III for the panel year 2004-05.

In the reference 21th cited, Sri M.Venkateswarlu, DCTO has filed objections and stated that his date of birth is mentioned as 01-07-1977 instead of 01-07-1972 and enclosed attested Xerox copy of SSC certificate and requested to correct the date of birth and also requested to implement the merit list /ranking assigned by the APPSC in the seniority list.

**Reply to the above objections:-**  The objections filed by the individual are examined and corrected the date of birth as 01-07-1972. The individual is not a petitioner, nor belongs to 2004-05 batch of DR ACTOs in whose cases only the judgment of Hon’ble APAT in O.A.No.3044/2009 with M.A.No.4173/ 2009, dt.26-12-2011 will apply. Hence his request in terms of O.A.No.3044/09 is not applicable.

In the reference 22nd cited Sri M.Venkateswarlu, DCTO (another individual with same name and designation) has filed objections and stated that he belongs to ST category and not to disturb his name in the seniority list of ACTO published in Guntur district Gazette No.35, dt.16-4-2010 and placed at Sl.NO.214 in the panel lyear 2004-05. The revision of the seniority list of the panel years 2000-01 to 2004-05 onwards will hamper his promotion to the post of CTO. Placing his name in the Annexure-B at Sl.no.11 of relegated list is not correct.

**Reply to objections: -** The objections raised by the individual are examined. As per the orders of the Hon’ble High Court dt.09-04-2001 in W.P No.24335/99 & 14538/2000 read with Hon’ble APAT orders dt.22-07-2003 in O.A No.6022/2001 and batch cases and also the clarificatory orders dt.15-12-2009 in O.A No.5054/2009 and batch of others and also as per statutory provisions of General Rules, the vacancies meant for SCs/STs have been calculated as per the vacancies available in the concerned panel years as per the Rota-quota rule, where qualified and eligible personnel were found they are placed as per their date of joining under Rule 33(a) of APS & SS Rules’1996 and where vacancies are not available they are relegated to subsequent panel years in comparison with others subject to the orders of inclusions issued by the Government assigning notional dates in the particular panel years wherever applicable. Hence, his name was placed in the relegated list for want of vacancies.

In the reference 23rd cited, Sri T.Peeter Babu, ACTO has filed objections for not included his name in the panel year from 2000-2001 to 2004-2005. The individual has stated that as per orders of the Hon’ble APAT in O.A.No.8141/ 2005 with MA No.1116/2007, the Government had allowed notional promotion / notional appointment with all consequential benefits such as seniority, pay fixation etc vide Govt.Memo.No.60532/CT-1/2/07, dt.25-08-2009. The individual has stated that he was approved as ACTO appointment by transfer w.e.f. 19-03-2001. Hence, the individual has requested to include his name in the appropriate place in the panel years from 2000-2001 to 2004-2005.

**Reply to objections-** The objections filed by the individuals has been examined with reference to show cause notice . His name did not find place either in the show cause notice or in the relegated list of the panel year 2000-01 to 2004-05. Objections are invited only from those persons whose names are shown in the show cause notice and they alone would be examined. In the present place Sri T.Peeter Babu is claiming seniority in the cadre of ACTO with reference to his notional promotion in the cadre of ACTO from 19-3-2001. Notional promotion could be against temporary posts or substantive post. But preparation of seniority list is always with reference to substantive vacancies. Therefore, the turn of Sri T.Peeter Babu for inclusion in the panel years 2000-01 to 2004-05 has not come up. His case may be considered at appropriate time, as a reference was made to the Government in CCT’s Ref.No.DX1/377/2001, dt.17-03-2012.

In the reference 24th cited .G.Subba Royal has filed her objection and stated that her date of birth was figured in the show cause notice as 04-10-1951 instead of 06-12-1956 (Attested copy of service register enclosed) and in remarks column, it was mentioned as Retired. Hence, the individual has requested to correct the particulars.

**Reply to objections:-** The objections of the individuals are examined with reference to the records available in this office and corrected the date of birth of the individual as 06-12-1956 and in remarks column the word “Retired” is deleted.

In the reference 25th cited Sri S.V.Ratnam, ACTO has filed objections and stated that his juniors Sri Ch.Chintaiah and Smt.K.Kumari were promoted as ACTO. At the time of their promotion his name was not considered due to involvement of ACB case. The said disciplinary action again him was dropped as the charges were not proved vide Govt. Memo.No.56404/Vig.I (2)/2007-2, Revenue (Vig.I) Department dt.1-4-2008. In pursuance to the Hon’ble Tribunal’s order he was promoted as ACTO vide Spl.CCT ProcdgsNo.DX1/417/2008, dt.23-5-2008. After promotion he made representation to the authorities concerned to consider his case for notional promotion on par with his juniors. He further submit that for not considering his case for notional promotion to the category of ACTO on par with his junior he filed O.A.No.10997 of 2008. The Hon’ble APAT was please to pass the following orders “Now that the respondents have issued a show cause notice on 3-9-2011 to the affected persons, the respondents are directed to pass appropriate orders with regard to assigning notional promotion to the applicant in the category of ACTO w.e.f. 22-3-2001 and accord all consequential benefits arising thereof”. Therefore, the individual has requested to include his name in the revised integrated seniority list for the panel lyear 2004-05 over and above his Junior Sri Ch.Chintaiah who stood at Sl.No.50.

**Reply to objections-** The objections filed by the individuals has been examined with reference to show cause notice. His name did not find place either in the show cause notice or in the relegated list of the panel year 2000-01 to 2004-05. Objections are invited only from those persons whose names are shown in the show cause notice and they alone would be examined. In the present place Sri S.V.Ratnam is claiming seniority in the cadre of ACTO with reference to his notional promotion in the cadre of ACTO from 22-3-2001. Notional promotion could be against temporary posts or substantive post. However, it is not stated by the individual as to by which authority his notational promotion w.e.f.21-3-2001 has ordered. In Govt. Memo.53884/CT.I(2)/2008, Revenue (CT.I) Department, dt.30-12-2011, the Government stated that “ the question of fixation of his notional seniority by relaxing General Rules 33(a) on par with his junior can be considered only after finalization of seniority list since his junior Sri K.Jayapaul, SC(C) was not included in the seniority list of ACTOs of Zone-III finalized for the panel year 2000-01 to 2004-05”. Hence, this issue will be examined after the Government issues appropriate orders. But preparation of seniority list is always with reference to substantive vacancies. Therefore, the turn of Sri S.V.Ratnam for inclusion in the panel years 2000-01 to 2004-05 has not come up. His case may be considered at appropriate time.

In the reference 26th cited, Sri Ch.Nagendram, DCTO filed objections and stated that he belongs to ST category and requested not to disturb her name in the seniority list of ACTOs which was published in the Guntur District Gazettee No.35, dt.16-04-2010 and placed at S.No.108 in the panel year 1197-98 and was considered for promotion to the post of DCTO . As per Gazette NO.119, dt.25-3-2004 the seniority list for the panel year 1992-93 to 2004-05 in terms of G.O.Ms.NO.81 At present in the panel year 1992-93 to 2004-05 placing his name in the panel year 2001-02 at Sl.No.15 is not correct. The individual requested to save him from the relegation from the panel years 1997-98 to 2001-02.

**Reply to objections: -** The objections raised by the individual are examined. As per the orders of the Hon’ble High Court dt.09-04-2001 in W.P No.24335/99 & 14538/2000 read with Hon’ble APAT orders dt.22-07-2003 in O.A No.6022/2001 and batch cases and also the clarificatory orders dt.15-12-2009 in O.A No.5054/2009 and batch of others and also as per statutory provisions of General Rules, the vacancies meant for SCs/STs have been calculated as per the vacancies available in the concerned panel years as per the Rota-quota rule, where qualified and eligible personnel were found they are placed as per their date of joining under Rule 33(a) of APS & SS Rules’1996 and where vacancies are not available they are relegated to subsequent panel years in comparison with others subject to the orders of inclusions issued by the Government assigning notional dates in the particular panel years wherever applicable. Hence, his name was placed in the appropriate panel years as per the availability of vacancies.

In the reference 27th cited, the Deputy Commissioner (CT), Guntur nodal division has declared the probation of the following DR ACTOs of 2005 batch in pursuance of Government orders in G.O.Rt.No.22, Revenue (CT.I) Dept., dt.4-1-2012 and G.O.Rt.No.101, Revenue (CT.I) Department, dt.17-01-2012 under Rule 16(h) of APS & SS Rules 1996 and in partial relaxation of provisions in favaour of the following DR ACTOs of Zone.III by invoking the powers of relaxation conferred under Rule-31 of APS & SS rules 1996. The details of date of joining , passing of last departmental test and declaration of probation

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Name of the individual | Date of joining | Deemed date of passing last departmental test | Date of regularization | Deemed date of declaration of probation U/r 16(h) of APS &SS Rules 1996 | Govt., Orders |
| (1) | (2) | (3) | (4) | (5) | (6) |
| P.Abraham Lincon | 09.03.2005 | 28.01.2010 | 29.01.2008 | 28.01.2010 | G.O.Rt.101 |
| M.Mural Babu | 03.03.2005 | 31.07.2008 | 01.08.2006 | 31.07.2008 | G.O.Rt.22 |
| B.Prasanna Lakshmi | 11.03.2005 | 31.07.2008 | 01.08.2006 | 31.07.2008 | G.O.Rt.22 |
| K.Penchala Prameela | 11.03.2005 | 28.01.2010 | 29.01.2008 | 28.01.2010 | G.O.Rt.22 |
| E.Srinivasaulu | 01.03.2005 | 28.01.2010 | 29.01.2008 | 28.01.2010 | G.O.Rt.22 |

In view of the above Government Orders the date of regularization of the above DR ACTOs have been extended as stated in Col.No.4. Hence, the names of the above DR ACTOs are deleted in the panel year 2004-05 of Integrated seniority list of Zone-III and relegated to for placement in subsequent appropriate panel years.

The revised Integrated Seniority List shall be subject to outcome of SLP’s/ WP’s/ OA’s/ C.As pending, if any, before the respective Appellate forums.

A copy of this revised seniority list is also available on the internet and can be accessed at the web address: [www.apct.gov.in](http://www.apct.gov.in) .

Encl: Annexure-A and B

Sd/-D.Ramachandra Reddy,

Addl. Commissioner (CT) Legal

To

All the affected candidates as shown in Annexure-A & B above through the Deputy Commissioner (CT), Guntur-I Nodal division.

Copy to the Deputy Commissioner (CT), Guntur-I Division

Copy to Departmental Web Site O/o the CCT, A.P Hyderabad as noted above.