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/ 391/2012-1, Zone-II, dated: 19-10-2012**

 Sub:- SUITS – O.A No.8947/2011 filed by Sri K.V Jagadeeshwara Rao, CTO and (2) others before the Hon’ble APAT - Interim orders – guidelines issued by Government – Placement shown those who are not found places in the Revised integrated seniority list of ACTOs for the panel year 1975-76 to 1991-92 of Zone-II – preparation of subsequent panel years from 1992-93 to 1999-2000 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.37295/CT.I (2)/2011, Rev(CT.I) Dept,dt.26-11-2011

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

 4. 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.

 5. Interim orders dt.15-02-2012 in O.A No.841 of 2012 filed by Sri

 K.Venkateswara Rao, CTO and (4) others.

 6. CCT’s Ref.No.D1/983/2011, dt.30-09-2011 delegation of subjects to

 Senior Officers O/o the CCT, A.P, Hyderabad.

 7. CCT’s Ref.No.DX2/391/2012, dt.29.05.2012.

 8. Revised show cause notice dt.29-05-2012 was published in the A.P

 Gazette.381/103 (Part No.II), dated.09-07-2012.

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

 10. Representation filed by Sri V.Chiranjeevi, DCTO (Retd.),Dt:26-06-2012.

 11. Representation filed by Sri G.Ananda Rao, CTO (Int.),Dt:09-06-12.

 12. Representation filed by Sri G.Sree Rama Rao, CTO, Dtt:08-06-2012.

 13. DC(CT), Vijayawada-II Rc.No:A1/28/2012, Dt:09-08-2012 along with

 representation of Sri A.V.Narsi Reddy, DCTO, Dt:02-08-2012.

 14. DC(CT), Vijayawada-I Rc.No:A2/22/2012, Dt:12-08-2012 along

with representation of Sri B.Praveen Kumar, DCTO, Dt:03-08-12.

 15. DC(CT), Vijayawada-II Rc.No:A1/28/2012, Dt:03-08-2012 along

 with representation of Sri G.Srinivas, DCTO, Dt:26-07-2012.

16. Representation of Sri K.Kedareswara Rao, DCTO, Dt:04-08-2012.

17. Representation of Sri M.V.Mutyala Rao, DCTO, Dt:02-08-2012.

18. Representation of Sri J.V.R.K.Srinivasa Rao, DCTO, Dt:03-08-12.

19. DC(CT), Kakinada Ref.No:P1/76/2006, Dt:21-08-2012 along with

 representations of Sri J.V.R.K.Srinivasa Rao, DCTO, Sri T.Veerabhadra

 Rao DCTO (Retd.) & Sri G.Venkateswara Rao, ACTO (Retd.)

20. DC(CT), Vijayawada-I Rc.No:A1/526/2010, Dt:18-06-2012 along

 with representation of Sri M.V.Ch.Acharyulu, DCTO, Dt:12-06-12.

21. DC(CT), Vijayawada-II Rc.No:A1/28/2012, Dt:23-07-2012 along

 with representation of Smt. K.Bhagyalakshmi, DCTO, Dt:07-07-12.

22. DC(CT), Vijayawada-I Rc.No:A1/526/2010, Dt:23-07-2012 along

 with representation of Smt. U.Indira Kumari, DCTO, Dt:07-07-12.

 23.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, dt.11-08-2009.

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 In O.A No.8947/2011 filed by Sri K.V.Jagadeeswara Rao, CTO and (2) 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 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-II (i.e. Kakinada and Vijayawada Nodal Divisions) prepared and published in the A.P.Gazette No.119,dated 24-3-2004, on the mentioned lines of Government Memo. No.263/CT.I (2)/2011, dated.29.06.2011 read with Govt.Memo No.39295/CT.I (2)/2011, Rev (CT.I) Dept, dt.26-11-2011 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 from1975-76 to 1991-92 published in A.P Gazette No.119, dated 25-03-2004 , as per the Rota-quota rule, below the Direct Recruit Candidates (including the applicants) who occupy their own slots. Consequently, certain RPs have not found placements / panel years those who are relegated earlier panel years, now their names are placed to the subsequent panel years as per available vacancies for the panel years from 1992-93 to 1999-2000 of Zone-II.

 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 interspeing sthe 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 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 rvised 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 Zone-II for the panel years from 1992-93 to 1999-2000 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-II for the panel years 1992-93 to 1999-2000 vide proceedings in DC (CT) Kakinada and Vijayawada-I is being revised and revised notice 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 is 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 Kakinada & Vijayawada Zone-II

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Panel year | 1992-93 | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 | 99-2000 | Total |
| Total ACTO Vacancies arosed | 18 | 81 | 29 | 30 | 17 | 23 | 7 | 11 | **216** |
| Converted more than 10 years vacancies) | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | **3** |
| Converted more than 10 years vacancies (DR 40%) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | **1** |
| Converted more than 10 years vacancies (RP 60%) | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | **2** |
| Total DR vacancies to be filled (40%) | 7 | 32 | 13 | 12 | 7 | 9 | 3 | 4 | **87** |
| Total RP vacancies to be filled (60%) | 11 | 50 | 18 | 18 | 10 | 14 | 4 | 7 | **132** |
| DRs already filled | 0 | 2 | 27 | 0 | 0 | 1 | 0 | 0 | **30** |
| RPs already filled | 11 | 57 | 14 | 18 | 9 | 11 | 5 | 9 | **134** |
|  | **Unfilled DRs Vacancies** |  | **Excess RPs filled** |  |
|  | Upto 1991-92 | 90 | From 92-93 to 99-00=57 |  | Upto 1991-92 | 68 | From 92-03 to 99-2000 (+2) |
|  | Total upto 1999-2000 | 147 |  |  | Total upto 99-2000 | 70 | To be relegated |

It is to inform that the total number of vacancies of ACTOs in Kakinada and Vijayawada-I Nodal Division of Zone-II for the period from 1992-93 to 1999-2000 are (97) out of which (40) are meant to be filled with Direct Recruits, but filled (12 ) and (57) to be filled with Rank Promotees, but filled (55). While filling the vacancies meant for Rank Promotees, for the panel years from 1992-93 to 1999-2000, 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 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. 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 in 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 n this proposed seniority.

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.

The revised integrated seniority list of ACTOs for the panel year 1992-93 to 1999-2000 of Zone-II finalized on 23-4-2012 and for the panel years from 1992-93 to 1999-2000 of Zone-II is also to be finalized respectively. As per the Govt. Memo. No.39295/CT.I (2)/2011, Rev (CT.I) Dept, dt.26-11-2011 duly following the Rota-Quota has been revised in CCT’s Ref.No.DX2/942/20110Zone-II dt.23-04-2012. However, for the Zone-II the earlier seniority list (which is being now revised) from the panel year 1992-93 to 1999-2000 of ACTOs required revision on the basis of the Government in Govt. Memo. No.39295/CT.I (2)/2011, Rev (CT.I) Dept, dt.26-11-2011 issued in case of Zone-II, read with the interim orders dt.22-11-2011 in O.A No.8947/2011 filed by Sri K.V.Jagadeeswara Rao, CTO and (2) others 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-II for the panel years 1992-93 to 1999-2000, as per the guidelines mentioned thereon after verification of records of CCT’s office and as per Dist.Gazettee No.12, dated 29-12-2004 and 7 dt.24-02-2006 of Krishna and Kakinada. 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 6th 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) is issuing this show cause notice for revision of seniority of ACTOs 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 1992-93 to 1999-2000 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 11 to 19 vide ref 8th cited.

 In the reference 9th 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 1992-93 to 1999-2000 of Zone-II.

 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 10th cited, Sri V.Chiranjeevi, DCTO (Retd.) has filed objections and stated that he was promoted as ACTO on 04-01-2006 and joined as ACTO on 06-01-2006. Prior to the Adhoc promotion, he was given Incharge ACTO on 25-01-1997. Finalized the seniority list of ACTOs of Zone-II for the period from 1992-93 to 1999-2000 and in the seniority list he was placed at Sl.No:138 against the panel year 1996-97.

It is submitted that, in the revised notice of seniority list of ACTOs of Zone-II, he was placed at Sl.No:102 and included in the panel year 2005-06. He submits that, he retired as DCTO on attaining the age of superannuation on 30-04-2011. In view of the change in panel year from 1996-97 to 2005-06 will forgo the notional seniority in the cadre of ACTO and put to great financial loss in terms of notional increment and restore him to the placement in the panel year 1996-97.

**Reply to the above objections**:-The objections raised by the individual have been examined. The placement of the individual is as per the Rota-quota Rule, as per the vacancies available in the concerned panel years for the Direct Recruits and Rank Promotes. This seniority list was being revised as per the directions of Hon’ble APAT in O.A No.9200/2010, dt.27-12-2010 read with Govt.Memo No.263/CT.I(2)/2011 Rev (CT.I) department, dated.29-06-2011. While finalizing the seniority list of Zone-II during the panel year 1975-76 to 1991-92, certain individuals i.e., 68 names were not found placement upto 1991-92 panel years, they were relegated to subsequent panel years. Due to accommodation of these relegated list to next subsequent panel years, the placement earlier given is changed now as per quota meant for Rank Promotees/ Direct Recruits. Further, it was not stated whether he was given any orders for notional seniority w.e.f.25-1-2006. Therefore, the objections of the individual are devoid of merits.

In the reference 11th cited, Sri G.Ananda Rao, CTO has filed objections and stated that he has been selected by the APPSC under Group-II A and belongs to 1989 batch, due to administrative delay he had been given posting in the year 1994 as ACTO in Vijayawada-I Division. As per the existing rules his seniority shall be reckoned along with his 1989 batch ACTOs and his place shall be fixed duly assigning last rank of his batch mates for the panel year 1988-89 that shall be figured at just below Sri P.Suryanarayana Raju at Sl.No:216 in the Annexure-B and above Sri N.Nageswara Rao whose seniority was shown at Al.No:217 of the order as was done in the case of Sri N.V.Ramanaiah whose Sl.No:166 Annexure-B in Zone-IV. He requested to kindly arrange to fix-up his seniority as ACTO for the panel year 1989 in Zone-II at the appropriate place i.e., assigning the last rank of his batch.

**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 individual is not considered for 1989 batch, but as per their dates of joining - if joined earlier than RPs in that panel year then placed earlier, otherwise later.

In the reference 12th cited, Sri G.Sree Rama Rao, CTO, has filed objections and stated that his appointment and including in the panel / seniority list of ACTOs of 1992-93 was against DR vacancy, he was even appointed as DCTO on 13-03-2005 and further promoted as CTO on 01-08-2009. In the revised show cause notice intimating that his earlier appointment as ACTO and including with panel of ACTO of the year 1992-93 was against the DR vacancy and therefore proposed to relegate his name from the ACTO panel year 1992-93 and to include in the panel year 1995-96 of Zone-II.

Further, he stated that during the yar 1992-93, 18 new vacancies arose and all these 18 vacancies would become substantive only in the year 1997-98 so as to earmark quota/share to DRs at the rate of 40% of the above vacancies in the light of the above rule. Therefore, these vacancies should go to the RPs only. Even assuming but not conceding that all the 18 vacancies were continuously in existence for 5 years or more during the panel lyear 1992-93, then 11 vacancies of ACTOs at the rate of 60% of 18 vacancies should be for RPs, and therefore his name was rightly placed in the panel year 1992-93 of Zone-II. Hence, he requested to drop further action pursuant to the show cause notice dt.29-5-2012.

**Reply to the above objections:-** The objections raised by the individual have been examined with regard to vacancies arose during the panel years. The Government in Memo.No.263/CT.I (2)/2011, Rev (CT.I) Department, dated 29-06-2011 has clearly mentioned to scrutinize the panels of ACTOs and to rectify the defects pointed out, as per guidelines issued Govt.Memo.No.263/CT.I (2)/2011 Rev (CT.I) Department, dated 29-06-2011 duly pushing down the Rank Promottes, if any who are in excess of the quota allotted to them, as per the quota-Rota rule, below the Direct Recruit Candidates, including the appellants who occupy their own slots. Accordingly, the matter is re-examined and the vacancies are calculated duly following the Rota-Quota Rules as prescribed by the govt. in the said memo and prepared a show cause notice for revising integrated seniority list of ACTOs for the panel years 1975-76 to 1991-92 and 1992-93 to 1999-2000, as per the judgment of Hon’ble APAT in O.A No.6022/2001, dated 02-7-2003 and as further explained by the Hon’ble APAT in O.A No.2678/2008 and 5058/2004 (and batch) dt.11-08-2009 ( 15-12-2009). While finalizing the seniority list of Zone-II during the panel year 1975-76 to 1991-92, certain individuals i.e., 68 names were not found placement upto 1991-92 panel years, they were relegated to subsequent panel years. Due to accommodation of these relegated list to next subsequent panel years, the placement earlier given is changed now as per quota meant for Rank Promotees/ Direct Recruits.

 Further, it is inform that though the 18 newly sanctioned posts aroused during the years from 1992-93, at that time they were temporary, but now after lapse of 19 years all these vacancies have been substantive, hence apportioned to DRs also according to their quota. Even assuming that all temporary vacancies have to be filled with RPs initially, they shall not be entitled to count for seniority from that panel year without any substantive vacancy meant for RPs. Hence the objection is devoid of merits.

In the reference 13th to 19th cited, Sri A.V.Narsi Reddy and others have submitted that they were appointed as Direct Recruitment ACTOs of 1995 batch and allotted to Zone-II. In the panel year 1994-95 all the ACTO posts in Zone-II arosed after the joining of DR ACTOs. All the DR ACTOs of 1995 batch joined in the month of May & June, 1995 and all are placed in the panel year 1994-95 against the carried forwarded vacancies meant for DRs before that date of joining of DR ACTOs in the panel year 1994-95, there is no vacancy available for Rank Promotees. Hence, placing the names of the DR ACTOs below the Rank Promotees is contrary to Rules in force. They submit that in the final Integrated Seniority list of ACTO of Zone-II dt:27-02-2006 the DR ACTOs were placed at the top of the panel year 1994-95 as they have joined in the carry forward vacancies and there are no vacancies available to the rank promotees before the date of joining as DR ACTOs.

They submit that their names were placed down below the names of Rank Promotees without valid reasons or grounds. Further they requested that to place the DR ACTOs of 1995 batch above the names of Rank Promotee ACTOs placed at Sl.No.64 to 77 in the panel year 1994-95.

**Reply to the above objections**:- The objections filed by certain DR ACTOs vide reference 13th to 19th cited have been examined with reference to this office records and noticed that there is One vacancy each for RPs in the name of Vijayawada nodal division and Kakinada nodal division were arised prior to date of joining of DR ACTOs 1995 batch of Zone-II. . Hence, 2 vacancies are placed with rank promotes above DRs and the remaining Rank promotes are relegated below the names of DRs in the panel year 1994-95.

In the reference 20th cited, Sri M.V.Ch.Acharyulu, DCTO has submitted that he had been selected by appointment by transfer to the post of ACTO to be filled by the City List (CCT unit) and allotted to Vijayawada-I Division dt:24-05-1999. He submits that his seniority has already been finalized by the kind Commissioner (CT) in the light of Govt. orders on the top of panel year for 1996-97. In the revised show cause notice dt:29-05-2012 his seniority at Sl.No:153 in the panel year 1998-99. He requested that for inclusion in the Revised Integrated seniority list of ACTOs of Zone-II and requested to place him on the top of the panel year 1996-97 at Sl.No:127-A above the name of Sri S.Satyanarayana (S.No:128) and below the name of Sri K.Satyanarayana (Sl.No:127).

**Reply to the above objections**:-The objections raised by the individuals are examined. As per the vacancies available as per Rota-Quota Rule and for City List quota, his objections are examined and his name is placed against City List vacancies available in the panel year 1996-97 at appropriate places, as the then Commissioner (CT) vide CCT’s Procds. Ref.No.DX1/307/2006, dt.29-8-2006 has issued orders proposing his name in the panel year 1996-97 and published in the A.P.Gazette NO.116, dt.6-3-2006. The present placing is in accordance with it.

In the reference 21st cited, Smt. K.Bhagyalakshmi, has submitted that she was considered for appointment by transfer in one of the carried forward /backlog vacancies of ACTOs meant for ST rank promotes in the year 1994, her name was also included in the integrated seniority list of ACTOs of Zone-II of the year 1993-94 and she was appointment as DCTO in the year 2005. She submit that originally she was included in the panel year 1993-94 against ST carried forward vacancy of the year 1993-94 at roster point No.33. Even after reduction of vacancies for rank promotees, still a ST vacancy at roster point 33 would arise in the panel year 1993-94. This vacancy was filled with her in the year 1993-94, since she was qualified. So at any rate her name can not be pushed down from the present placement in the panel year 1993-94. Thus, proposing her name in the panel year 1997-98 is totally unwarranted and uncalled for and this amount to unsettling the settled seniority without any jurisdiction.

**Reply to the above objections**:- The objections raised by the individual have been examined. The seniority list of ACTOs is prepared basing on the number of vacancies available from 1992-93 to 1999-2000. Now while preparing panels for the said period, the SC/STs and also the other Rank Promotes have been placed in the Roster points as per their feeder category seniority basing on the availability of vacancies meant for their respective slots. Therefore, the individual’s request is examined as per availability of back log vacancy for RPs and placed her at appropriate place in the panel year 1993-94 against ST carry forward vacancy.

In the reference 22nd cited, Smt. U.Indira Kumari, has submitted that she was considered for appointment by transfer in one of the carried forward /backlog vacancies of ACTOs meant for SC rank promotes in the year 1994, her name was also included in the integrated seniority list of ACTOs of Zone-II of the year 1994-95 and she was appointment as DCTO in the year 2005. She submit that originally she was included in the panel year 1994-95 against SC carried forward vacancy of the year 1994-95 at Sl.No.73. Even after reduction of vacancies for rank promotees, still SC vacancy arises in the panel year 1994-95. So at any rate her name can not be pushed down from the present placement in the panel year 1994-95. Thus, proposing her name in the panel year 1999-2000 at Sl.No.158 is totally unwarranted and uncalled for and this amount to unsettling the settled seniority without any jurisdiction.

**Reply to the above 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.11-8-2009/15-12-2009 in O.A No.5054/2009 and batch of others and also as per statutory provisions of General Rules, the vacancies meant for SCs 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, her name was correctly placed in the appropriate panel years as per the availability of vacancies. As there is no availability of SC vacancy during the years in which the individual requested placement. Hence the objection is devoid of merits.

 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 above through the Deputy Commissioner (CT), Kakinada and Vijayawada Nodal division.

Copy to the Deputy Commissioner (CT), Kakinada and Vijayawada Division

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