**PROCEEDINGS OF COMMISSIONER OF COMMERCIAL TAXES TELANGANA STATE:: HYDERABAD.**

**PRESENT: SRI V. ANIL KUMAR, I.A.S.,**

**CCTs Ref. No. TS/DZ/1715/2016 Dated: 25-11-2016.**

Sub:- P.S. – C.T- Department – Zone-VI – Revision of Integrated Seniority list of ACTO (D.R) for the panel year 2000-01 to 2008-09 of Zone-VI finalized – Certain representations filed for revision of Seniority of DCTOs of Zone –VI, and as well as Revision of Integrated Seniority list of DCTOs finalized for the panel year 2007-08 to 2008-09 – Requested – Proposed Show Cause Notice – Issued – objection filed by Smt. R. Sharmila, DCTO, O/o the CTO Afzalgunj,- Examined – Final orders passed –Issued -Regarding.

Ref:-1) CCTs Ref. No. DX2/395/2012 dated 27-09-2012.

2) CCTs Ref. No. TS/DZ/1017 (2)/2015, dated 13-10-2015.

3) CCTs Ref. No. C(DX2)/937/2013, dated 23-02-2016.

4) Reprtn., of Sri A. Srinivasulu, DCTO Lad Bazar, dt.27-10-2016.

5) Reprtn., of Sri R. Venkataiah, DCTO Barkatpura, dt.27-10-2016.

6) Reprtn., of Sri K. Sathish, DCTO-II, Mehidipatnam, dt.27-10-2016.

7) CCTs Ref. No. TS/DZ/1715/2016, Dated: 08-11-2016.

8) Objection filed by Smt. R. Sharmila, DCTO, O/o the CTO Afzalgunj,

dt.17-11-2016.

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In the reference 1st cited, the Integrated Seniority list of ACTOs of Zone-VI, for the panel years 2000-01 to 2008-09, was finalized.

Basing on the above finalized seniority of ACTOs under the provisions of Rule 34,read with 36 (iii) of A.P. State and subordinate Service Rules, 1996, the State –wide Integrated Seniority list of DCTOs for the panel year 2007-08 & 2008-09 was finalized, vide this office reference 2nd cited.

In the reference 3rd cited, the Integrated Seniority list of ACTOs (D.R) of Zone-VI for the panel year 2000-01 to 2008-09 was revised and finalized in terms of the Hon’ble Tribunal orders dated 23-11-2012, in O.A No. 7985/2012 with M.A No. 3382/2012, and as per the provisions of Rule 33(b) read with rule 36(i) of A.P. State and Subordinate Service Rules, 1996, basing of the Merit ranking given by the APPSC.

In the reference 4th to 6th cited, the following DCTOs have filed representations for revision of Integrated Seniority of DCTOs of Zone –VI, finalized for the panel years 2007-08 to 2008-09, vide reference 2nd cited, in terms of the Revised Integrated Seniority list of ACTOs of Zone-VI (D.R) for the panel years 2000-01 to 2008-09 finalized in the reference 3rd cited.

1. Sri A. Srinivasulu, DCTO-I, O/o the CTO Lad Bazar Circle.
2. Sri R. Venkataiah, DCTO, O/o the CTO Barkatpura Circle,
3. Sri K. Satheesh, DCTO-II, O/o the CTO Mehidipatnam Circle.

In the reference 7th cited, a Show cause Notice was issued proposing revision of seniority in the cadre of DCTOs of Zone-VI, for the panel years2007-08 to 2008-09, in terms of the above revised final integrated seniority list of ACTOs and as per the provisions of Rule 34, read with 36 (iii) of A.P. State Subordinate Service Rules, 1996, and called for the objections, if any, from the affected DCTOs included in the above panel years within (07) days from the date of issue of the Show Cause Notice.

In response to the above Show Cause Notice, Smt. R. Sharmila, DCTO, O/o the CTO Afzalgunj Circle, in the reference 8th cited, (i.e., her name is not at all included in the said proposed seniority list) has filed her objections against the proposed Revision of Seniority in the cadre of DCTOs of Zone –VI, for the panel years 2007-08 to 2008-09, with a request to include her name in the proposed seniority list is as under;

**Objections filed by Smt R. Sharmila DCTO, O/o CTO. Afzalgunj circle, Hyderabad.**

1. The individual stated that she is Direct Recruit ACTO of 2001 batch and allotted to Secunderabad Nodal Division and joined as ACTO on 07-02.2001. She had passed all the Departmental Tests required for the post of ACTO within probation period except Local Fund Audit paper-IV, which test was passed on 23-01-2006.

2. She submitted that while finalizing integrated seniority list of ACTOs for the periods 2000-01 to 2004-05 of Zone-VI in the CCT’s Ref.No.DX2/473/2008, dt: 09-12-2010, her name was placed at Sl.No.33 against the panel year 2003-04, purported to be relying on rule 16 (h) of the APS&SS Rules 1996 Basing on the above seniority list, she was even appointed as DCTO on adhoc basis on 25-05-2010

3. Vide CCT’s Ref.No.DX2/395/2011-Zone-VI, dt: 27-09-2012., the seniority list of ACTOs of Zone-VI for the periods (i) 1975-76 to 1991-92, (ii) 1993-94 to 1999-2000 and (iii) 2000-01 to 2008-09 was revised in the light of the orders in OA No.9200/2010 of the Hon’ble APAT, Hyderabad obtained by one Sri J.Subba Reddy and others. In this seniority list she is at Sl.No.110 there by violating the principle of Natural Justice. The order obtained by J.Subba Reddy from the Hon’ble Tribunal in the above OA relating to fixation on inter-se-seniority between the Direct Recruit and Rank Promotee ACTOs and not between the Direct Recruities itself appointed in various recruitment years. Therefore, her name cannot be pushed down from Sl.No.33 to 110 in the panel year 2003-04.

4. She further submit that her seniority in the cadre of ACTO in the panel year 2003-04, the rule 33(A) envisages reduction in seniority only in the circumstances when government servant inflicted with major punishment of reduction in the rank of seniority. Rule 16 or Rule 17 of APS&SS rules 1996 or rule 24 of the fundamental rules does not provide for change of seniority in the category in which she appointed. Further inter-se seniority of direct recruits of her batch should be with reference to merit based on marks secured in group II competitive examination as per rule 33(b) read with rule 36 of APS&SS rule 1996. She scored 371.824 with hall ticket No.32201671. Hence, she is entitled to be included in the ACTO panel year 2000-2001 along with her batch mates as per the merit order, taking into consideration of her date of regularisation of services which was declared to be w.e.f 24-01-2004.

In this connection it is informed that, the objection of the individual were already examined, while finalizing the Revised Integrated Seniority list of ACTOs of Zone-VI (D.R) for the panel years 2000-01 to 2008-09, and rejected the plea of the individual vide CCTs Ref. No. C(DX2)/937/2013, dated 23-02-2016, for the reasons stated therein.

In view of the above, it is informed that, the proposed revision of seniority of DCTOs of Zone-VI for the panel years 2007-08 to 2008-09 is only basing on the final revised Integrated Seniority list of ACTO (D.R) for the panel year 2000-01 to 2008-09 of Zone-VI, finalized by this office Ref in CCTs No. C(DX2)/937/2013, dated 23-02-2016, i.e., only basing on merit ranking given by APPSC in respect of DR ACTOs batch of 2001, 2005 and 2007. Hence, her objection is overruled, and rejected.

Accordingly, the revised seniority list of DCTOs for the panel years 2007-08 to 2008-09 of Zone-VI, is hereby finalized and confirmed as shown in the Annexure-I 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.

A Copy of the above order is available on the portal of the Commercial Taxes Department and can be accessed at the address: [www.tgct.go.in](http://www.tgct.go.in)

Encl : Annexure Sd/-V. Anil Kumar

Commissioner of Commercial Taxes

To

All the individuals concerned through Deputy Commissioners ( CT) Concerned.

All the Deputy Commissioners ( CT), in the State.

All the Appellate Deputy Commissioners ( CT), in the State.

The Director General, Vigilance & Enforcement Department, Telangana, Hyderabad with a request to send the copy of orders to the Offices of R.V. & E.Os.

Copy to the Commissioner, Printing & Stationery, Chanchalguda, Hyderabad with a request to publish in Telangana Extra ordinary Gazette and furnish (50) copies to this office at an early date.

Copy to the Joint Commissioner(CT) (CCW) O/o the Commissioner(CT) with a request to put up the orders on the Official portal of CT Dept.

Copy to Notice Board of CCT’s office, Hyderabad.

Copy to Stock file/Spare.

//f.b.o//

Assistant Commissioner (CT) (Vig&Ser)