**PROCEEDINGS OF COMMISSIONER OF STATE TAX**

**TELANGANA STATE :: HYDERABAD.**

**PRESENT: SMT NEETU PRASAD, I.A.S.,**

**CCTs Ref. No. D2(DZ)/745/2016 Dated: 08.09.2022**

Sub:- P.S. – C.T-Department – Zone-V – Seniority list of DCTOs finalized upto the panel year 2012-13 - Seniority list of ACTOs of Zone-V revised/ finalized from the years 2005-06 to 2016-17 – Show Cause Notice issued for revision of seniority list of DCTOs of Zone-V for the period 2010-11 to 2012-13 – Objections received – Examined– Final Orders passed – Regarding.

 Ref:- 1) CCT’s Ref.No. TS/DZ/745/2016, dtd:13.11.2017.

 2) Procdgs. on TS CCT’s Ref.No. C(DX)/1169/2015, dtd. 16.01.2021.

3) Representation of Smt. P.Jyothi, DCTO (U/s), O/o AC(ST) Jangaon

 Circle, Warangal Division, dtd. 29.01.2021.

 4) CCT’s Ref.No. D2(DZ)/745/2016, dtd. 04.03.2021.

5) Objections of Smt. P.Jyothi, DCTO, O/o AC(ST) Jangaon Circle,

 Warangal, dtd. 15.03.2021 & 20.03.2021.

 6) Objection filed by Sri N.Devender, AC(ST) I/c, EIU, O/o. CCT, TS,

 Hyderabad, dtd. 13.03.2021.

 7) Objection filed by Sri G.N.M. Krishna Kumar, AC(ST) I/c, EIU,

 O/o. CCT, TS, Hyderabad, dtd. 13.03.2021.

 8) JC(ST) Warangal Division Rc.No. A1/240/2013, dtd.20.03.2021 along

 with objections of Smt. Asia Sultana and Smt. G.Pushpalatha, DCTOs,

 dtd. 17.03.2021 & 10.03.2021 respectively.

 9) Objection filed by Sri P. Tirupathi, AC(ST) I/c, Nizamabad Circle,

 dtd. 23-03-2021.

 10) Objection filed by Sri B.Eshwar, ACTO, O/o AC(ST) Asifabad Circle,

 Adilabad Division, dtd. 18-03-2021.

 11) JC(ST) FAC, Adilabad Division Rc.No. A1/31/2011, dtd.20.03.2021

 along with objection of Sri K.Ashok, AC(ST) I/c, Asifabad Circle,

 Adilabad, dtd. 17.03.2021.

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**ORDER**:-

In the reference 1st cited, the Seniority list of DCTOs of Warangal Nodal Division i.e., Zone-V, was finalised for the panel years 2009-10 to 2012-13.

In the reference 2nd cited, the seniority list of ACTOs of Warangal Nodal Division i.e., Zone-V was revised/ finalised for the panel years 2005-06 to 2016-17.

As per the revision of above seniority list of ACTOs of Zone-V, it is proposed to revise the zonal seniority list of DCTOs of Zone-V for the period from 2010-11 to 2012-13 and accordingly a show cause notice was issued vide reference 4th cited for revision of seniority list of DCTOs of Zone-V for the extent of the panel years 2010-11 to 2012-13 calling objections if any in the matter.

Aggrieved by the above show cause notice the following individuals filed objections ;

1. Smt. P.Jyothi, DCTO
2. Sri N.Devender, AC(ST) I/c
3. Sri G.N.M. Krishna Kumar, AC(ST) I/c
4. Smt. Asia Sultana, DCTO
5. Smt. G.Pushpalatha, DCTO
6. Sri P. Tirupathi, AC(ST) I/c
7. Sri B.Eshwar, ACTO
8. Sri K.Ashok, AC(ST) I/c

The above objections are examined and disposed as follows;

**Common objections of Smt. P.Jyothi-STO, Sri N.Devender-AC(ST) I/c, Sri G.N.M.Krishna Kumar-AC(ST) I/c, Smt. Asia Sultana-DCTO & Smt. G.Pushpalatha-DCTO, Sri P.Thirupathi-AC(ST) I/c, Sri K.Ashok, DCTO & Sri B.Eshwar, ACTO:-**

The individuals have stated that the name of Sri G.Ravi Chandra Kumar is placed in the panel year 2010-11 at Sl.No. 4 who expired on 08.01.2006 in the cadre of ACTO and requested to remove his name from the panel year 2010-11.

**Reply**:-

The seniority list of DCTOs of Zone-V for the panel year 2010-11 to 2012-13 was finalised vide CCT’s Ref.No. D2(DZ)/745/2016, dtd. 13.11.2017, the name of Sri G.Ravi Chandra Kumar was placed at Sl.No. 7 of 2010-11 panel year.

While issuing show cause notice and also finalising the above seniority list dated. 13.11.2017, the above 5 individuals have not filed any objection against the placement of Sri G.Ravi Chandra Kumar. Accordingly, the list was finalised and the above 5 individuals have not filed any appeal against the placement of Sri G.Ravi Chandra Kumar. After lapse of more than 3 years, they objected placement of Sri G.Ravi Chandra Kumar. Further, the individual was expired on 08-01-2006.

In view of the above, the above objections now filed have not valid. Therefore, the objections are herby disposed off.

Further, Smt. P.Jyothi has filed another objection stating that as per the communal roster points mentioned in the annexure, she came to know that the communal roster point 58 belongs to Scheduled Tribe women is arose in the panel year 2008-09. As there were no women in the category of Scheduled Tribe other than her, she have to be placed in the communal roster point 58-ST(W) which was arose in the panel year 2008-09. Therefore, the individual requested to place her at communal roster 58-ST(W) which was arose in the panel year 2008-09 instead of 2010-11.

**Reply**:-

The roster point No. 58-ST(W) for the panel year 2008-09 was filled with open category since adequacy is met in ST category. Therefore, the objection is hereby rejected and disposed off.

**Common objections of Smt. G.Pushpalatha-DCTO, Smt. Asia Sultana-DCTO, Sri P. Thirupathi-AC(ST) I/c, Sri K.Ashok-DCTO and Sri B.Eshwar-ACTO;**

The individuals have stated that Smt. K.S.Tulasi, DCTO, EIU wing, was appointed into service in zone-IV of united A.P. and on bifurcation of State, she opted interstate transfer on spouse / mutual grounds to Zone-V and joined in the Telangana Commercial Taxes Department vide G.O.Ms.No.37 Revenue (CT-I) Department, dtd. 14.02.2017 and joined on 30.03.2017 on a condition that she should not claim seniority and shall take last rank in their respective seniority lists in the respective zones, which is general rule applicable to all transferees who opted transfer on mutual basis.

The individuals opposing the proposed seniority of Smt. K.S.Tulasi, in the seniority list of DCTOs of Zone-V.

Further, the individuals have stated that as per Rule 35 of Telangana State and Subordinate Service Rules, the seniority of a member of a service, class or category, transferred from one unit of appointment to another unit of appointment, on administrative grounds, shall be determined with reference to the date of seniority of such member in the former unit.

The above individuals have requested to consider their objections and reckon the placements of effected persons in appropriate placements to avoid personal loss in seniorities and also to place Smt. K.S.Tulasi, DCTO in the panel year 2017-18 by relegating.

**Reply:**

The seniority of Smt. K.S.Tulasi, DCTO at Zonal level of Zone-V was already finalised as per the orders of Government vide G.O.Ms.No.37, Revenue (CT) Department, dtd. 14.02.2017 by issuing show cause notice dtd. 22.05.2017 by issuing show cause notice dtd. 22.05.2017 and finalised vide CCT’s Ref.No. TS/DZ/745/2016, dtd. 13.11.2017. The inclusion of name of Smt K.S.Tuasi, DCTO in the seniority list of DCTOs of Zone-V was finalised. The objections of the individuals were already examined and rejected while finalising the seniority list of DCTOs of Zone-V vide reference 1st cited. And opportunity of personal hearing was also given to the certain individuals. The objections were rejected as follows.

“Reply to the objection;

 The objection filed by the individual is carefully examined with reference to relevant Rules and records. Smt. K.S.Tulasi, was initially appointed as ACTO under Direct Recruit quota in Zone –IV by selection of A.P.P.S.C, in the panel year 2005-06, in the combined erstwhile State of Andhra Pradesh, and got promotion to the post of DCTO in the month December’ 2010, in Zone IV. She has been transferred to the State of Telangana on mutual grounds in place of Smt. Ayesha Siddiqua, who has been selected as ACTO under Direct Recruitment quota on selection of A.P.P.S.C, in the panel year 2006-07, in the combined erstwhile State of Andhra Pradesh, and who has been promoted as DCTO in the month of June’2011, subject to condition that they should not claim seniority and take last rank in their respective seniority lists in the respective Zones.

 It is also submitted that, the name of Smt. K.S.Tulasi, DCTO has been shown at Serial No. (19) in the proposed Seniority list of DCTOs of Zone-V, for the panel year 2009-10 to 2012-13, i.e., below the name of Sri GNM Krishna Kumar and other (4) individuals and above the name of Sri P Thirupathi, who are initially appointed as ACTOs under DR Quota in the panel year 2006-07, i.e., in the original place of Smt. Ayesha Siddiqua, who has been transferred on mutual grounds, even though she is senior to all the individuals who are initially appointed as ACTOs under DR Quota in the panel year 2006-07, on the grounds that their seniority cannot be effected as per the rule stipulated in the Special Rules or Sub-Rules (a) and (b) of Rule 33, of the order of merit or order of preference indicated in the list of selected candidates prepared by the Public Service Commission and as well as the condition stipulated by the Govt. while they are transferred on mutual basis was by both Governments in G.O.Ms.37 Revenue (Commercial Taxes) Department dt.14-02-2017 and in G.O.Ms.No.100, Revenue (C.T.-I) Department dated 07-03-2017.

 In view of the above, the objections of the individuals are devoid of merits. Hence, rejected.”

Further, no appeals filed before competent authority against the final orders issued vide CCT’s Ref.No. TS/DZ/745/2016, dtd.13.11.2017 for finalisation of seniority list of DCTOs of Zone-V for the period from 2009-10 to 2012-13.

In the present show cause notice dtd. 04.03.2021, the name of Sri B.Eshwar was not placed. Sri B.Eshwar was recently promoted as DCTO and he may not affected candidate in the present revision.

Therefore, the objections of the individuals are hereby rejected and disposed off.

Accordingly, the revised seniority list of DCTOs of Zone-V for the panel years 2010-11 to 2012-13 is hereby finalized and confirmed as shown in the Annexure.

The above seniority list will be subject to the outcome of SLP/W.Ps/O.As/appeals pending if any, before the various Courts / Appellate Forums / Government etc.

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.gov.in](http://www.tgct.gov.in).

Encl:- Annexure.

 Sd/- Neetu Prasad

 Commissioner of State Tax

To

The Individuals concerned through Joint Commissioners (ST) Warangal, Adilabad,

 Karimnagar & other Divisions concerned for taking necessary action.

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

 for taking necessary action.

Copy to all Joint Commissioners (ST) in the State for taking necessary action.

Copy to all Appellate Joint Commissioners (ST) in the State for taking necessary action.

Copy to the DG, Vigilance & Enforcement Dept., Hyderabad for taking necessary action.

Copy to the Additional Commissioner(ST) CCW & EIU, O/o the Commissioner(CT) with a

 request place the above orders in Official portal of CT Department.

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