**GOVERNMENT OF TELANGANA**

 **COMMERCIAL TAXES DEPARTMENT**

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|  **Proceedings of the Joint Commissioner(ST), Secunderabad Division, Hyd.** |
|  **Present Smt. Vasavi Jagannatham.** |

**Rc.No: A2/32/2021 Dated: 24-05-2024.**

Sub:- Public Services– Commercial Taxes Department – Secunderabad Nodal Division- ACTOs

 recruited through Andhra Pradesh Public Service Commission- Group-II Notification No.

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

 of Hon’ble Supreme Court of India orders Dt: 14-07-2021 in contempt petition (c) No.

 1700/2017 in Civil Appeal No. 5009/2006- Government instructions issued- Sri.Putta

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

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

 Seniority of ACTOs recruited under APPSC notification No. 10/1999 for panel years from

 2000-2001 to 2005-2006- Show cause notice- Issued- Objections called for- Objections

 filed- Examined and Finalized- Regarding.

Ref:-1) APPSC, Vijayawada letter No. 196/RS-23B/2015, Dt: 10-05-2018 from the Secretary,

 APPSC Vijayawada along with enclosures.

 2) Hon’ble Supreme Court Orders 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.I/2023, Revenue(CT.I) 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.

 12) JC(ST), Secunderabad Division RC.No: A2/32/2021 Dt: 18-03-2024.

 13) Objection received from R.Srinivas, DCTO, O/o AC(St), Khammam-III Circle, Warangal

 Division Dt: 01-04-2024.

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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 Dtd: 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 24-08-2021 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 admit to 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.

 Sri.Putta Venkata Ramana has reported to duty in this department on 24-08-2021 and was alloted to Secunderabad Nodal Division. As per the Zonal allocations vide G.O.Ms.No. 317 GA(SPF) Dept Dt: 06-02-2021, he was alloted to Zone-II 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 Pradeshand wasinitially selected as Probation Excise 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 him 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 consider 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 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 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 exercied 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-II 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 logicl 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 comtempt petetions 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 Secunderabad Nodal Division is finalised upto 2018-19 in the reference A2/28/2019 Dated: 09-04-2021.

 Accordingly, the seniority of 2nd round appointees is arrived, in accordance with the rules, depending on the merit ranking obtained by them as below:

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| **SL.NO** | **ROSTER ID** | **COMMUNITY ID** | **CANDIDATE IRL** | **MARKS (INCLUDING INTERVIEW)** | **REGISTER NO** | **CANDIDATE NAME** | **DATE OF BIRTH** | **DATE OF APPOINTMENT AS TEMPORARY ACTO** |
| 1 | 11/100 | OC | 100 | 404.978 | 27013232 | Kishore Kumar Kattawar | 16-05-1973 | 28-02-2005 |
| 2 | 13/100 | OC | 114 | 403.716 | 27003520 | Srinivasulu Alampally | 10-06-1969 | 04-03-2005 |
| 3 | 26/100 | OC | 159 | 400.351 | 32201622 | Satheesh Kodati | 14-04-1970 | 26-02-2005 |
| 4 | 24/100 | BC-B | 193 | 398.522 | 27001722 | Nagaraju Gattoji | 17/7/1977 | 05-03-2005 |
| 5 | 97/100 | SC |  | 396.311 | 27002395 | M Rama Chandrudu | 08-10-1974 | 22-03-2005 |
| 6 | 29/100 | BC-A | 292 | 393.176 | 27004223 | Putta Venkata Ramana | 18-02-1971 | Now alloted. Joined in CT Department on 24-08-2021 |
| 7 | 7/100 | SC | 312 | 392.351 | 27003774 | Suresh Vipparthi | 09-06-1968 | 28-02-2005 |
| 8 | 20/100 | BC-A |  | 388-743 | 27021712 | Sailu Tatapuram | 10-07-1973 | 05-03-2005 |
| 9 | 16/100 | SC |  | 388.622 | 27002240 | Raja Kumar Pathakala | 07-04-1974 | 04-03-2005 |
| 10 | 12/100 | OC | 901 | 369.554 | 27014581 | Raju Mesal | 27-07-1974 | 01-03-2005 |
| 11 | 10/100 | BC-B | 1112 | 362.581 | 10002315 | Madhavi Jallepalli | 11-04-1974 | 02-03-2005 |
| 12 | 22/100 | SC | 1714 | 342.73 | 27001872 | Neeraja Nidanakavi | 26-02-1977 | 11-03-2005 |
| 13 | 8/100 | ST | 2032 | 326.892 | 18200023 | Padmavathi Namburi | 15-04-1967 | 24-03-2005 |

In the reference 12th cited, a revised Show Cause Notice was issued for revision of the seniority of ACTOs of 2nd round appointees, calling for objections against the above revision of Seniority.

In response to the revision of seniority, Sri.R.Srinivas, DCTO, O/o Assistant Commissioner(ST), Khammam-III, Warangal Division has submitted his objection as under and the objection has been examined with the following findings.

**Objection:**

Sri.R.Srinivas, DCTO stated that he was appointed as ACTO through APPSC Notification No. 10/99 in Zone-III in combined state of Andhra Pradesh, and got promoted as DCTO and has been transferred to Telangana State on formation on Mutual Transfer basis on 15-02-2018. He has joined as DCTO in the O/o AC(ST),Warangal Urban-III Circle on 16-03-2018.

He has further stated that the APPSC has revised the selection of candidates for Group-II services issued vide Notification No: 10/99 in compliance to the Honble Supreme Court orders in Civil Appeal No. 5099/2006 in consonance with presidential orders 1975. In the revised list of APPSC, the candidates pertaining to Zone-VI of Telangana State ACTOs were alloted to Secunderabad Nodal Division for further postings, but no orders were issued to him, as he himself is one of the candidate appearing in Revised list of Zone-VI.

He has stated that he got 400.77 marks but not figured below Sri.A.Srinivasulu and above Satheesh Kodati.

Morever he has stated that as per the Hoble Supreme Court orders, the inter seniority has to be decided by the Head of the Department as per the APPSC merit list.

He has further stated that he had already represented to the Commissioner(CT), Telangana State, Hyderabad to re-appoint him as DCTO in erstwhile Zone-VI and assign inter seniority in the cadre of DCTO, give promotions and all consequential benefits.

**FINDINGS:**

The individual was selected as ACTO through Group-II services as per APPSC Notification No. 10/99.

Initially appointed as ACTO and alloted to Zone-II in the Combined state of Andhra Pradesh.

He was promoted as DCTO on April 2010.

After formation of Telangana State, the individual got transferred from Andhra Pradesh to Telangana State on Mutual Grounds as per G.O.Rt No. 88 Rev (C) Dept Dt: 15-02-2018.

He joined as DCTO/ STO in the O/o AC(ST), Warangal Urban-II Circle on 16-03-2018 from a different stream ie., mutual transfer and not as per APPSC Revised list.

He has neither joined as ACTO as per Supreme Court Judgement nor alloted to Secunderabad nodal Division.

The present revision of Seniority List is confined to the ACTOs who have joined in Erstwhile Secunderabad Nodal Division with the inclusion of Sri.Putta Venkata Ramana, ACTO who had reported in Commercial Taxes Department on 24-08-2021, got releived from his former department (Prohibition and Excise Department) as per Superme Court orders.

The Commissioner(CT), Hyderabad has communicated the revised list of APPSC to the Joint Commissioners of Secunderabad Nodal Division and Hyderabad Rural and Warangal Nodal Divisions and requested the preperation of Revised provisional seniority list of ACTOs in Zone-V and Zone-VI (United AP) while also communicating the representation of Sri.Putta Venkata Ramana, ACTO.

In view of the above, the objection of Sri.R.Srinivas, DCTO are hereby rejected.

Regarding his representation to the Commissioner(CT) for re-appointment as DCTO, promotion and consequential benefits, it is not the subject matter of Joint Commissioner(ST), Secunderabad Nodal Division. Hence rejected.

Hence, the seniority of ACTOs of 2nd round appointees is finalised, in accordance with the rules, depending on the merit ranking obtained by them as below:

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| **SL.NO** | **ROSTER ID** | **COMMUNITY ID** | **CANDIDATE IRL** | **MARKS (INCLUDING INTERVIEW)** | **REGISTER NO** | **CANDIDATE NAME** | **DATE OF BIRTH** | **DATE OF APPOINTMENT AS TEMPORARY ACTO** |
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| 3 | 26/100 | OC | 159 | 400.351 | 32201622 | Satheesh Kodati | 14-04-1970 | 26-02-2005 |
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| 13 | 8/100 | ST | 2032 | 326.892 | 18200023 | Padmavathi Namburi | 15-04-1967 | 24-03-2005 |

The above Revised Seniority list shall be subject to the outcome of SLPs/ O.As/ WPs pending, if any, before the respective Appellate Forums, Authorities 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).

 Sd/-

 Joint Commissioner(ST)

 Secunderabad Division, Hyd.

To

The individual

All the ACTOs through the Controlling Officers concerned.

The Joint Commissioners (ST), Abids, Begumpet, Charminar, Punjagutta Division, Hyd

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

The Joint Commissioner(ST), Adilabad and Warangal Division.

The Appellate Joint Commissioners (ST), Secunderabad / Punjagutta Division.

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

The Commissioner(CT), Telangana State, Hyd.

All the Assistant Commissioner(ST) of Secunderabad Division.

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

The Additional Commssioner(ST) III, O/o CCT, Hyd.

 //t.c.f.b.o//

 Manager