**Proceedings of the Commissioner of State Tax,**

 **Telangana State: Hyderabad**

**Present: Sri V. Anil Kumar, I.A.S.,**

**TS CCT’s Procdgs.No: C(DX)/419/2019,** **Dated: 08-11-2019**

Sub: Pubic Services – Commercial Taxes Department – Secunderabad Nodal Division – Seniority list of ACTOs for the panel years 2012-13 and 2013-14 finalised – Appeals & representations filed – Examined – Show Cause Notice – Issued for revision of seniority - Objection filed – Examined – Final Orders – Passed - Regarding.

 Ref: 1) JC(ST), Secunderabad Division vide Prcdgs No.A2/16/2017-1,

 dtd. 20-4-2019.

 2) Appeal filed by Sri Vijay Kumar Tulshan, ACTO,

 Secunderabad Division, dtd. 05-05-2019.

 3) TS CCTs Ref. No. C(DX)/419/2019, dtd. 23-05-2019.

 4) JC(ST), Secunderabad Division vide Prcdgs No. A2/16/2017,

 dtd. 04-06-2019 & 02-07-2019.

 5) TS CCTs Ref. No. C(DX)/419/2019, dtd. 17-08-2019.

 6) JC(ST), Secunderabad Division, Rc. No. A2/16/2017,

 dtd. 23-09-2019.

 7) Representation of Sri Suraj Singh & (6) other ACTOs of

 Secunderabad Nodal Division, dtd. 01-10-2019.

 8) Show Cause Notice issued vide TS CCTs Ref. No.

 C(DX)/419/2019, dtd. 04-10-2019.

 9) Objection filed by Sri Vijay Kumar Tulshan, ACTO,

 Secunderabad Division, dtd. 16-10-2019.

 10) TS CCTs Ref. No. C(DX)/419/2019, dtd. 22-10-2019.

 11) JC(ST), Secunderabad Division, Rc. No. A2/16/2017,

 dtd. 31-10-2019.

 12) Representation of Smt T. Nagalaxmi, ACTO, O/o AC(ST),

 Agapura Circle, Abids Division, dtd. 2-11-2019.

 13) Representation of Smt Farha Fathima, ACTO, O/o AC(ST),

 Agapura Circle, Abids Division, dtd. 2-11-2019.

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**ORDER:**

1. The seniority list of ACTOs of Secunderabad Nodal Division for the years 2012-13 and 2013-14 was finalized vide reference 1st cited by Joint Commissioner (ST), Secunderabad Nodal Division.

2. Against the above seniority list, Sri Vijay Kumar Tulshan, ACTO of Secunderabad Division has filed appeal before Commissioner (ST), T.S., Hyderabad requesting that the vacancy arose due to retirement of Smt B. Shoba Rani, ACTO in April, 2013 was not taken into consideration while preparing above seniority list finalized vide reference 1st cited and also 10 point cycle are not assigned properly, due to which his name was not considered in the panel year 2013-14. The individual has requested to consider his name for inclusion in the seniority list.

3. The remarks of Joint Commissioner (ST), Secunderabad Nodal Division and after examining the matter with reference to available records, as per the powers vested as per Rule 24 (a) of Telangana State & Subordinate Service Rules, 1996, a Show Cause Notice vide reference 8th cited was issued proposing to revise the above seniority list of ACTOs of Secunderabad Nodal Division for the years 2012-13 and 2013-14 and invited objections, if any, from the affected persons.

4. In pursuance of the above show cause notice the following individuals filed objections/representations in the references 9th, 12th & 13th cited. The details are discussed as under:

 **i)** **Sri Vijay Kumar Tulshan, ACTO, Secunderabad Nodal Division** and presently working in O/o CST, TS, Hyderabad has filled objection against the show cause notice issued vide TS CCT’s Ref.No. C(DX)/419/2019, dtd: 04-10-2019 and requested to include his name in the panel year 2013-14 by considering 31 HH carry forwarded vacancy to next eligible ACTO.

 **Reply:** The above objection of the Sri Vijay Kumar Tulshan, ACTO was examined with reference to report of JC(ST), Secunderabad Nodal Division received vide reference 11th cited and records. The roster point No. 31 (HH) for RP ACTOs for the panel year 2012-13 was kept vacant due to non availability of eligible candidate. The same shall be filled with RP ACTO belongs to Hearing Handicapped only.

 As per G.O.Ms.No. 42, DWCD & SC (DW) Department, dtd; 19-10-2011, the Government have ordered as follows:

 “if required number of disabled employees is not available in the feeder category, the vacancies earmarked for disabled employees according to the roster will be carried forward as per orders issued from time to time as in case of Rule of reservation in promotion for SC/ST persons.”

The Government vide G.O. Ms.No.2, SW (SW.ROR.1) Department, dtd: 09-01-2004 at para 13, the Government have ordered that:

 “*Carry forward vacancies: Regarding carry forward of vacancies, if no qualified candidates are available, the following procedure shall be followed.*

 *In case qualified Scheduled Caste / Scheduled Tribe candidates are not available for a particular panel year the vacancy shall be carried forward to the subsequent year. In the second year if Scheduled Caste / Scheduled Tribe candidates are not available, the vacancies or points meant for Scheduled Caste / Scheduled Tribe candidates may be filled up by candidates from the feeder category based on merit and seniority. The number of such vacancies meant for Scheduled Caste / Scheduled Tribe should be carried forward and filled up first in the immediate subsequent year with Scheduled Caste / Scheduled Tribe candidates.”*

As per the above guidelines, the roster point No. 31-HH (2012-13) is carry forward to next panel year i.e., 2013-14 and in the panel year 2013-14, no eligible candidate belongs to HH quota is available. Therefore, the roster point No 31-HH to be filled with merit and eligibility. Accordingly, the roster point No. 31-HH was filled with next candidate as per merit and eligibility. The name of Sri Vijay Kumar Tulshan, ACTO who is first candidate in provisional list for the year 2014-15 was included in the panel year 2013-14.

Therefore, his objections are considered.

 **ii)** **Representation of Smt. T. Nagalaxmi, ACTO, O/o AC(ST), Agapura Circle, Abids Division:** The individual has stated that as per Service Register, her name was Smt T. Nagalaxmi. But, in the show cause notice issued vide 8th cited, her name was shown as Smt T. Nagalakshmi. The individual has requested to correct her name as T. Nagalaxmi.

 **Reply:** The above representation was examined and verified with documents filed by the individual and considered accordingly.

 **iii)** **Representation of Smt Farha Fathima, ACTO, O/o AC(ST), Agapura Circle, Abids Division:** The individual has stated that as per Service Register and 10th Class Memo, her name was Smt Farha Fathima and Date of Birth is 06-04-1984. But, in the show cause notice issued vide 8th cited, her name was shown as Smt Farah Fatima and date of birth as 06-09-1984. The individual has requested to correct the same.

 **Reply:** The above representation was examined and verified with documents filed by the individual and considered accordingly.

5. Accordingly, orders are passed revising and finalizing the seniority list of ACTO’s of Secunderabad Nodal Division for years 2012-13 and 2013-14 as per the Annexures appended to this order.

6. The finalization of above integrated seniority list is subject to the outcome of SLPs/WPs/OAs pending if any, before the Hon’ble Courts and disposal of appeals/ revisions pending before the competent authority, as per rules.

7. A copy of this order is available on the internet and can be accessed at the address [www.tgct.gov.in](http://www.tgct.gov.in).

Encl : Annexure (2 sheets)

 (2012-13 & 2013-14)

 Sd/-V. AnilKumar Commissioner of State Tax,

 Telangana State::Hyderabad

To

All the individuals through the Joint Commissioners (ST), concerned

Copy to the Joint Commissioner (ST), Secunderabad Nodal Division

 for taking necessary action.

Copy to the Joint Commissioners (ST), Punjagutta, Abids, Charminar

 and Begumpet Divisions.

Copy to the Special Commissioner (ST), Enforcement wing, O/o CST, T.S.,

 Hyderabad for taking necessary action.

Copy to the Appellate Joint Commissioners (ST), Secunderabad and Punjagutta

 Divisions for taking necessary action.

Copy to the Additional Commissioner (ST), Central Computer Wing,

 O/o CCT, TS, Hyderabad with a request to place the above orders in the

 portal of C T Department.

Stock file/Spare.

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

Superintendent Grade-I (Gazetted)