



CPB

ABSTRACT

Public Services - Commercial Taxes Department - Regular panel of Additional Commissioners (Commercial Taxes) for the year 2014 - Orders - Issued.

COMMERCIAL TAXES AND REGISTRATION (E2) DEPARTMENT

G.O. (Ms.) No.89

37690

Dated : 08.12.2014.

Jaya, Karthigai 22,
Thiruvalluvar Aandu 2045

Read:

G.O. (Ms.) No.70, Commercial Taxes and Registration (E2) Department, dated 19.06.2013.

2) From the Principal Secretary/Commissioner of Commercial Taxes letter No. CP3/4233/2014, dated 06.02.2014, 30.05.2014 and 08.10.2014.

ORDER:

In the Commercial Taxes Department from the year 1968 to 1980, the seniority list of Assistant Commercial Tax Officers was prepared separately for the four composite divisions of Chennai, Coimbatore, Trichy and Madurai. In G.O. (Ms) No.679, Commercial Taxes and Religious Endowments Department, dated 29.7.1980, "One unit System" for the State as a whole was adopted, for the purpose of fixing seniority in the cadre of Assistant Commercial Tax Officer and Deputy Commercial Tax Officer and accordingly inter-se-seniority list was drawn by the Commissioner of Commercial Taxes. Certain direct recruit Assistant Commercial Tax Officers filed Writ Petition No.12786 of 1985 before the High Court of Madras contending that the transferee Assistant Commercial Tax Officers were placed above them in the seniority list of Assistant Commercial Tax Officers arbitrarily and contrary to rules. The Hon'ble High Court of Madras had set aside the seniority list and directed to draw revised seniority list on the basis that inter-se-seniority should be fixed by taking each year as an unit and that the commencement of probation is the proper criterion for fixing the seniority. The High Court of Madras had also held that the transferees in the impugned seniority list can be placed above the direct recruits in inter-se-seniority list only if they had held the post substantively within the permanent cadre strength. Against the above stand of the High Court of Madras, the Department filed SLP before the Supreme Court of India in C.A. No.1454/1987 and the Supreme Court of India in its order dated 10.2.1999 had upheld the stand of the High Court of Madras and ruled that only in relation to the permanents post in the cadre, seniority has to be fixed. After many rounds of litigations, both in the High Court and in the Supreme Court, the matter finally came to an end by view of

the direction of the Supreme Court of India in contempt petition No.263 of 2007, dated 4.3.2009 to draw the seniority list as per the earlier directions in the year 1999, while disposing of certain petitions filed for delay in implementing the orders of the Supreme Court of India. Only temporary lists were prepared for each year and regular lists could not be drawn from the year 1982 in view of pendency of litigations. As per the orders of the Hon'ble Supreme Court dated 4.3.2009 in C.P.No.263 of 2007 in C.A No.1454/1987 filed by some of the direct recruit Assistant Commercial Tax Officers, the inter-se-seniority list of Assistant Commercial Tax Officers for the period from 1968 to 2006 were drawn by Principal Secretary/Commissioner of Commercial Taxes in Proc.P1/58439/2007 dated 4.5.2009. Against this revised list, some of the direct recruits as well as transferees have filed W.P.Nos.11438 of 2009, 11618/2009, 18847 to 18853/2009, 21448 to 21455 of 2009 etc. These Writ Petitions were subsequently dismissed by Hon'ble High Court of Madras on 6.4.2011 and Hon'ble High Court of Madras also confirmed the seniority list of Assistant Commercial Tax Officers drawn by the Principal Secretary/Commissioner of Commercial Taxes on 4.5.2009. Based on the revised list of Assistant Commercial Tax Officers (now Deputy Commercial Tax Officer) for the period from 1968 to 2006, the Deputy Commercial Tax Officer list (now Commercial Tax Officer) from 1981 to 2010 was also drawn by the Commissioner of Commercial Taxes on 18.8.2011. Consequent on the revised seniority list of Deputy Commercial Tax Officers, the Government have fixed the inter-se-seniority between the direct recruits and recruitment by transfer in the regular list of Assistant Commissioner (Commercial Taxes) (formerly Commercial Tax Officer) for the years from 1984 to 2010 in G.O. (Ms.) No.116, Commercial Taxes and Registration (E1) Department, dated 24.8.2012. Consequential revision of regular list of Deputy Commissioners (Commercial Taxes) for the year 1987 to 2011 has also been made in G.O. (Ms.) No.139, Commercial Taxes and Registration (E2) Department, dated 2.11.2012. Also, regular panel of Deputy Commissioners fit for appointment as Joints Commissioners for the years from 1988 to 2013 has been drawn in G.O. (Ms.) No.16, Commercial Taxes and Registration (E2) Department, dated 27.2.2013 based on the vacancies that existed in the permanent cadre strength. Regular panel of Additional Commissioner (Commercial Taxes) upto the year 2013 has been drawn in G.O. (Ms.) No.70, Commercial Taxes and Registration (E2) Department, dated 19.6.2013. Therefore, at present, regular panels are drawn in the categories of Assistant Commissioner/Deputy Commissioner/Joint Commissioner and Additional Commissioner only for the vacancies that arise in the permanent cadre strength of the respective posts.

2. In the letter second read above, the Principal Secretary/Commissioner of Commercial Taxes has proposed for the drawal of regular panel of Additional Commissioners (Commercial Taxes) for the year 2014 for the One vacancy that has arisen in the permanent cadre strength of Additional Commissioner (Commercial

Taxes) and suggested Thiru.T.Sekar, who is already acting as temporary Additional Commissioner (Commercial Taxes) may be included in the panel for the post of Additional Commissioner (Commercial Taxes) for the year 2014. He has also furnished a certificate that no disciplinary cases/Vigilance cases are pending in respect of the above said individual who is to be included in the regular panel of Additional Commissioner (Commercial Taxes) for the year 2014.

3. The Government after careful consideration of the proposal of the Principal Secretary/Commissioner of Commercial Taxes, hereby direct the inclusion of the name of Thiru.T.Sekar, Additional Commissioner (Commercial Taxes), in the regular panel of Additional Commissioner (Commercial Taxes) for the year 2014.

4. The Principal Secretary/Commissioner of Commercial Taxes is requested to communicate the regular list of Additional Commissioners for the year 2014 to the person concerned as ordered in G.O. (Ms.) No.707, Personnel and Administrative Reforms Department, dated 3.7.1981.

(BY ORDER OF THE GOVERNOR)

S.K.PRABAKAR

PRINCIPAL SECRETARY TO GOVERNMENT

To

Thiru.T.Sekar, Departmental Member/Additional Commissioner (Commercial Taxes),
Office of the Sales Tax Appellate Tribunal, Chennai-104.

Through the Principal Secretary/Commissioner of Commercial Taxes, Chennai-5.

✓ The Principal Secretary/Commissioner of Commercial Taxes, Chennai -5.

The Chairman, Sales Tax Appellate Tribunal, Chennai-104

The Accountant General (A&E), Chennai - 18.

The Pay and Accounts Officer concerned.

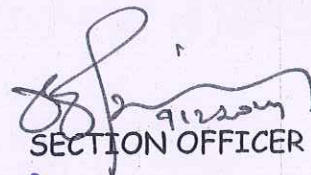
Through the Principal Secretary/Commissioner of Commercial Taxes, Chennai-5.

Copy to:

The Senior Personal Assistant to Minister (Commercial Taxes and Registration)
Chennai-9.

SF/SC.

// FORWARDED / BY ORDER //


SECTION OFFICER

09/12