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**MINUTES OF THE FIRST MEETING OF THE ADVISORY COMMITTEE UNDER THE  
ANDHRA PRADESH REORGANIZATION ACT, 2014 HELD ON 11<sup>th</sup> April 2014 AT HYDERABAD**

The first meeting of the Advisory Committee for State Government Employees other than All India Services set up in exercise of the powers conferred on the Central Government under section 80 of the Andhra Pradesh State Reorganisation was held at 10.30 a.m. on 11.04.2014 in the State Secretariat, Hyderabad.

The following members attended the meeting

1. Sri C.R. Kamalanathan, Chairman
2. Dr. P.K. Mohanty, Chief Secretary, Govt. of Andhra Pradesh
3. Smt Archana Varma, Joint Secretary, DoPT, Gol
4. Sri V Nagi Reddy
5. Dr. P V Ramesh
6. Sri Jayesh Ranjan, Member Secretary

Sri Rajiv Sharma, Additional Secretary, Ministry of Home Affairs, Govt. of India and Special representative of the Govt. of India to the Governor attended as a special invitee.

Chairman welcomed the members and the Special Representative of the Government of India to the Governor to the first meeting of the Committee. The Committee took note of the terms of reference of the Committee set out in the order of the Government of India in F.No.27/13/2013-SR(S) dated 29<sup>th</sup> March, 2014 and the fact that the Allocation Guidelines Committee to frame guidelines for allocation of State Services personnel has been wound up by the Government of India. The task of framing criteria for the allocation/distribution of personnel now devolves on this Committee along with determination of cadre strength of categories of posts in state services, recommending individual allocation/ distribution of State Government employees and consideration of representations by employees affected by such allocation.

It was noted that the work already done by the Allocation Guidelines Committee in the matter of framing guidelines including the inputs received from the large number of representatives of over sixty staff associations now forms part of this Committee's work.

The draft Allocation Guidelines relating to State Services circulated to the members by the Chairman on the 8<sup>th</sup> April formed the agenda for the meeting.

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### Publication of Draft guidelines

Joint Secretary, DoPT, Smt. Varma drew attention of the Committee to the need to urgently finalise the guidelines, after publishing the draft guidelines calling for comments and representations thereon and considering the issues raised by the stakeholders. She suggested finalisation of the guidelines by the 14<sup>th</sup> April and uploading the draft on the web site of the State government on the 15<sup>th</sup> April for a week up to the 22<sup>nd</sup> April and submission of the final proposal to the DoPT on the 25<sup>th</sup> April so as to enable the GoI to issue the Guidelines by the 30<sup>th</sup> April.

The Committee noted that elections to the Parliament and the Assembly will be held on the 30<sup>th</sup> April and the 7<sup>th</sup> May in the Telangana area and that the Andhra area respectively and that the timing of the draft publication and issue of the final guidelines by the Government of India should be done with the concurrence of the Election Commission of India. JS, DoPT, Smt. Varma indicated that by virtue of the orders issued on the 29<sup>th</sup> March 2014 the draft publication is to be done at the State level and that the State government may address the Election Commission for permission to publish the draft Guidelines.

Question arose about the possible implications of draft publication of the guidelines for public opinion on the process of general election. Apprehension was aired of possible discontent and consequent chances of attempt at disruption of the conduct of polls as the state government employees form the bulk of polling and presiding staff. The possibility of charge of attempt at influencing election results through the Draft Guidelines also could not be ruled out. There was also the possibility of the EC clearance being held up till after the holding of polls. It was also noted that new governments which will be in place any time after mid May could have definite views on the criteria for allocation and cadre strength fixation. Chairman was of the view that attempt at possible disruption of election by the employees and the charge of attempt at influencing the outcome of the election are serious matters which should be given due consideration by both the central and the State governments before the EC is addressed.

Chairman suggested that nothing should be allowed to come in the way of the State government sending proposals for provisional allocation of staff for the new State of Telangana to the Government of India to enable it to issue 'orders to serve' under section 77 of the Act before the 'appointed day', i.e., the 2<sup>nd</sup> June. In his view this makes it necessary to delink the temporary deployment of the employees to serve the State of Telangana on and with effect from the 'appointed day' from the framing of criteria for allocation, determination of cadre strength, and final allocation of personnel.

The Chief Secretary agreed to consider and obtain orders on the suggestion to address the Election Commission of India to permit immediate publication of the draft guidelines on the state Government web site calling for suggestions, remarks, and representations on the same.

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It was decided to finalise the guidelines in the light of the discussions in the meetings of the defunct Allocation Committee, the discussions with the employee representatives, the views expressed by the members of the Apex committee constituted by the State Government and the deliberations in this meeting of the Advisory Committee.

After the general discussions the committee took up the draft guidelines for detailed examination section by section. Subject to the remarks, suggestions, and changes suggested below the draft guidelines was approved for draft publication.

### **Functions of State Reorganisation Cell (SRC)**

Noting the continuance of the provisions of Article 371 D in relation to the States of Telangana and the State of Andhra Pradesh for providing equitable opportunities for people belonging to different parts of the States it was advised that the State Government may furnish up to date lists of

- (1) all exempted institutions under paragraph 14 of the A P Public Employment (Organisation of Local cadres and Regulation of Direct Recruitment Order, 1975)
- (2) all Specified gazette categories included in Schedule 3 of the Order
- (3) all categories of posts for which multi zonal cadres have been organised which will now transcend the new states boundaries, and
- (4) all categories of non gazette posts in the departments which have been exempted from the requirement of having to be organised into local cadres

The Committee however advised that it shall not be necessary to obtain the approval of the Government of India for the list of entities that will be treated as territorial entities and those that will be treated as state level entities for the purposes of the Act, in view of the difficulties expressed By JS, DoPT, Smt. Varma.

On the proposal made on schedule X institutions it was noted that there have been omissions, duplication etc necessitating additions to and deletions from the schedule, that the State government are actively dealing with the issues and that this may be omitted from the draft for the time being and taken up if need be at a later date.

### **Criteria for allocation of sharable posts**

JS, DoPT during discussion on the principles of allocation drew the attention of the Committee members to the fact that the ratio of allocation of posts for the Headquarter in the previous allocations of States in 2000 had been distributed in the ratio of districts and therefore the same should be adopted. It was also informed that the same principles was being used for the

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AIS. However, the State Government representatives had serious reservation for using district as a criterion. Shri P.V. Ramesh was of the view that while drafting the AP guidelines the principles adopted for the other States cannot be transposed as principles for Andhra and Telangana as the principles have to be based on the ground situation and the unique context of the State. He stated that for the AIS officers, ratio of districts was more relevant as in AIS each district required a certain category of officers whereas historically in AP the creation of HoD and Secretariat posts had never followed district ratio. He also stated that the population criteria was for the first time made part of the AP Reorganisation Act and was being used for division of other resources also. Shri Nagi Reddy also stated that he agreed with the views of Shri P.V. Ramesh. It was also stated that the difference between the two ratios was not very significant and hardly 1%. Shri Jayesh Ranjan, Member Secretary also pointed out that in the last meeting with the various Employees Unions, by and large there was consensus for population as a criterion. Division on ratio of district may lead to a lot of opposition by many of the Unions. Shri P.V. Ramesh assured that this principle was in consonance with the Act. After much deliberation, it was decided to retain the principles of population and intensity of activity as criteria for basis of allocation of State wide and state level posts having regard to the fact that population is the criteria specified for several purposes under the Act. Noting that there are departments with concentration of work in parts of the states it was decided to recommend in cases of deserving department to consider a ratio reflecting the geographic intensity of the activities of the department validated by verifiable empirical data as the criterion for allocation posts between the two states. However, it was felt that it shall not be necessary for the State Government to obtain approval for the Government of India for the rationale, principle and ratio for allocation in respect of each department as suggested in the draft.

#### **Criteria for allocation of personnel**

On the discussion on criteria for final allocation, JS DoPT informed that in the other States the broad principles for allocation inter alia included first option, then domicile (Home district as determined from service records. ) and then reverse order of seniority with some exceptions like SC/ST, women, retirees, Class IV, medical hardships, spouse etc. The draft circulated by the Chairperson proposed that for AP the order could be (i) optees who are natives of the State of option (ii) domiciled in the State of option (iii) member of a local cadre forming part of successor state (iv) other optees (v) allotment of juniors in reverse order of seniority with the exceptions of reservations, serving couples, differently abled, medical hardship etc. Nativity, (place of birth) was to be determined on basis of entry in service register, available or as declared by employee and approved by the Government. Domicile was to be decided with reference to the home district of the employee.

In the context of guidelines for provisional allocation State government members were of the view that the Presidential Order on Public Employment which defined a local candidate would

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be an appropriate criterion as it was also part of the service register of the employee. Most members from the State were of the view that hometown as declared by the employee cannot be the sole criterion in ascertaining domicile as it was used for LTC purposes by the employee and not a very authentic record. Shri P.V. Ramesh informed that the service records in AP even of State Wide cadres, in view of the Presidential Order contained details on the local status of the employees. A few samples were placed before the Committee. In view of this it was agreed that the local status of the employee as ascertained from the Service record should be used for provisional allocation subject to administrative exigencies.

#### **Order to Serve under section 77 (Provisional allocation of personnel)**

Shri Rajiv Sharma, Special Secretary IS, MHA, informed that during the GoM deliberations it was felt that as allocation of personnel would take time and allocation may not be possible before the appointed day i.e. 2nd June 2014, therefore, provision had been provided for in Section 77(i) to allow the Centre, by general or specific order, to issue orders to serve provisionally in connection with the affairs of the Telangana for a year. The Chairman was of the view that to enable Government of India to issue 'orders to serve' under section 77 of the Act before the 'appointed day', i.e., the 2<sup>nd</sup> June, it was necessary to delink the temporary deployment of the employees to serve the state of Telangana on and with effect from the 'appointed day' from the framing of criteria for allocation, determination of cadre strength, and final allocation of personnel and the Advisory Committee process. Orders to Serve List (provisional allocation list), before the appointed day could be issued by the Centre on the List prepared by the State. He also felt that it was not mandated in the Terms of Reference in the AC, where the mandate was only for delineating objective criterion for allocation of posts and personnel. However the JS, DOPT was of the view that the terms of reference mandated objective and transparent criterion for **distribution of personnel** and would therefore cover Orders to Serve in Telangana too. It was also stated that AC mandated that all criterions should be objective, fair and transparent and should be uploaded on website for consultation.

The Committee after detailed deliberation decided that the "provisional allocation of personnel" proposed in the draft should be renamed as "Orders to Serve the State of Telangana Provisionally", prescribing objective criterion in addition to administrative exigency for "Orders to Serve" List. It was felt by most members of the State that the local status available in service records was the most fair criterion for the purpose of this Order and the Orders to Serve for Telangana should be based on dual principles of administrative exigency and for officers whose local status and residence is from Telangana as determined from service record. This would enable the State Government, in consultation with the Advisory Committee, to send the Orders to Serve List, to Gol for approval and issue before the appointed day so that administrative work does not come to a standstill.

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Chairman was of the view that 'Orders to serve' or provisional allocation is only an interim arrangement intended to ensure that the two states come into being on the appointed day pending final distribution of posts, determination of cadre strength and allotment. Therefore the same may be issued, in view of the urgency of the matter, and in the absence of options of employees, on the basis of readily available local status of employees recorded in the service registers of all employees, and administrative requirements and exigencies of administration, with due regard to the provisions of section 77. The State Government may send proposals via email to the D o P T. In view of the ad hoc interim nature of the arrangement and to avoid delay it would not be feasible to route the proposals in this regard through the Advisory Committee.

### **Principles and procedure for allocation**

It was noted that

1. there are no substantive holders of posts in the State as confirmation of an employee in posts occupied by him is no longer prevalent in the State and that therefore state government is evolving an alternative criterion for the purpose.
2. seniority lists in many departments are only provisional, and promotions as a consequence in such categories and departments are also temporary and therefore allocations have to be done taking into account these limitations as the chances of these disputes being resolved in the near future.

Allotment of Judicial department personnel in the categories of Judges and administrative officers will have to be done in the light of the provisions of Article 235 on the advice of the Hon. High Court.

Similar action will be called for in the case of Legislature secretariat on the advice of the Hon Presiding officers

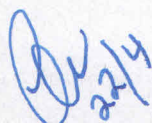
Medical hardship cases will be subjected to strict scrutiny and will be limited to serious cases as specified.

Single mothers will be similarly given their choice of State

Special consideration on the basis of option to Spouses will be limited to State government and related institution employees.

### **Option form**

State government will propose suitable modifications which will be cleared by members before approving the minutes of the meeting.

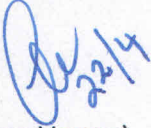
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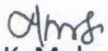
**Time table** In view of the fact that the Orders to Serve has to be issued preferably before the appointed day so as to allow the successor states to carry on their administrative functions, the JS DoPT had proposed the following timelines leading upto the Appointed day , for consideration before the Committee :


Sl No	Activity	Timeline
1	Finalisation of Draft Guideline for distribution and allocation by the AC	14th April
2	Putting up on Website for comments	15th April
3	Last date for seeking comments(one week)	22nd April
4	Finalisation of guideline by AC and submission to Gol	25th April
5	Obtaining the <b>approval of competent authority</b> and issue of Guidelines by the Centre	5th May
6	Submission of Orders to Serve recommendation by the State through Advisory Committee to Gol through mail	15th May
7	Issue of Orders to Serve by Central Government after <b>approval of competent authority</b>	30th May

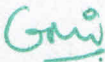
The JS, DoPT highlighted the concern that as Orders to Serve were also part of the Guidelines, the whole process may get delayed due to non finalisation of Guidelines. But the chairman and the state government representatives were of the view that while there may be no issues about addressing the Election commission, it will not at all be desirable to publish the provisional guidelines calling for suggestions and remarks before the 8<sup>th</sup> May i.e., the day after elections in A P. that therefore it is essential to delink provisional allocation from the final allotment of personnel to make consultation on the guidelines with all stakeholders including the new states

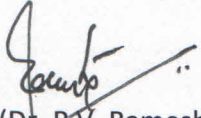
As desired by the Hon Chief Justice of the High Court it was decided to call on the Hon C J and the Hon'ble judges constituting the High Court Committee on State Reorganisation at 3 P.M.

  
(Archana Varma)  
Joint Secretary to  
Govt of India

  
(P.K. Mohanty)  
Chief Secretary to  
Govt of Andhra Pradesh

  
(C.R. Kamalanathan)  
Chairperson

  
(Sr V. Nagi Reddy)  
Member

  
(Dr. P.V. Ramesh)  
Member

  
(Sr Jayesh Ranjan)  
Member Secretary