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**Minutes of the meeting of the Advisory Committee with Secretary (P) and
representatives of MHA and DoLA in Delhi on 23.4.2014**

Secretary (P) welcomed the members of the Advisory Committee and representatives of MHA and DoLA.

2. At the very outset, Joint Secretary, DoPT informed the members that the meeting has been convened in view of certain issues raised by the Chairperson and other members of the Advisory Committee in its meeting held on 11.4.2014 in Hyderabad. It was felt that these issues needed to be urgently discussed and resolved to finalise the Guidelines in order to meet the deadline to issue provisional orders to Serve in Telangana on or before the appointed day i.e 2nd June.

3. JS informed that the unresolved issues raised in the Advisory Committee meeting were regarding:

- (i) Delinking the principles of provisional Orders to Serve Guidelines from the Final Allocation guidelines and the work of the Advisory Committee.
- (ii) Reservation of the Chairperson and other members regarding implications of uploading the Guidelines by the State Government for seeking public opinion when the model code of conduct in respect of general election to the Lok Sabha and the A P Legislative Assembly is in operation.

4. In respect of (ii) above, the Chief Secretary, Andhra Pradesh informed that the Chief Electoral Officer of Andhra Pradesh has circulated a note wherein he has stated that "announcement of employee details to be divided at this point of time may have adverse impact on the conduct of elections. It may not be appropriate to disclose the result of division of employees till the completion of election process." However, he noted that 'the government may arrive at the statistics of employees to be distributed between the two States.' In this background, he advised that 'this item of task relating to allotment of All India Service Officers and State Service Officers may be postponed beyond 17.05.2014.

5. In this regard, Secretary, DOPT mentioned that the Government of India would seek the views of the Election Commission (EC) with regard to publication of

guidelines in the public domain once the Advisory Committee recommends the draft guidelines.

6. Drawing attention to the discussions and conclusions at the first meeting of the Advisory Committee Chairman, Advisory Committee proposed that as the model code is in operation, publication of the draft Guidelines for allocation of employees may affect the process and result of elections, and as it is essential to expeditiously take steps to issue provisional order to serve the State of Telangana before the 2nd June, the provisional allocation might be delinked from the final allocation given the practical reality at the ground level. Chairman justified his proposal by stating the provisional allocation is an ad-hoc arrangement under Section 77 (1) to facilitate the coming into being of the new State of Telangana.

7. The State representatives on the Committee were in agreement with the views of the Chairman that the guidelines relating to the order to serve provisionally the State of Telangana, need not be part of the final allocation guidelines. It was also felt that as the time is of essence it was not possible to publish the draft Guidelines for provisional order to serve in view of the C E O A P's advice. Such publication can only be after the 17th May when the election process will be completed in AP by which time it will be too late. Therefore it was considered that provisional process may be delinked from the final allocation process. He suggested that draft guidelines for final allocation may be published calling for suggestions before being finalised after the election process ends.

8. Secretary, DoPT reiterated the three issues under consideration, which were:-

- a) whether the guidelines should contain principles of provisional allocation as well as final allocation;
- b) whether these guidelines should be published in the public domain;
- c) whether the Advisory Committee would be responsible for laying down the principles / guidelines for both provisional allocation and final allocation process.

9. 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, 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 . The representative of Law was also of the view that Section 77 (i) the Act did not mandate allocation of personnel but only Orders to serve provisionally in the State of Telangana.

10. JS (DoPT) was of the view that principles to serve provisionally should also be based on certain objective and fair criterion.

11. Thereafter JS (DoPT) informed that two draft guidelines had been received on mail for discussion in the meeting. The first draft sent by the Chairperson included both principles of provisional Orders to Serve in Telangana and final allocation guidelines. The other draft received related to principles of provisional Orders to Serve in Telangana only. Dr Ramesh informed that the latter draft on provisional principles had been circulated to all members and discussed with Chairperson before sending to GoI.

12. After threadbare discussion, it was decided to delink the provisional Orders principles from the final allocation Guideline and finalise recommendations relating to principles of serving provisionally in the State of Telangana as mandated under Section 77(i) of the Act, based on the latter draft.

13. At the very outset, Secretary (P) suggested that the title of the Draft Guideline should be changed from "Provisional order to serve the State of Telangana" to "Guidelines relating to principles for serving provisionally in the State of Telangana as mandated under Sub-section (1) of Section 77 of the Andhra Pradesh Reorganization Act 2014".

14. Thereafter, the members discussed the draft clause-by-clause.

- a. Clauses 1 to 9 were unanimously adopted.
- b. In respect of Clause 10 - the word 'only' was to be replaced with 'All' and the word 'regular' was to be deleted. It was also decided to add a line that,


- "Sanctioned posts include regular civil service posts and do not include posts sanctioned to be filled on contract and outsourcing basis".
- c. In respect of clause 11 – as suggested by Mr. Nagi Reddy, the members agreed to amend line 9 to read as "Order that would form and serve the Telangana State exclusively".
 - d. Mr. Nagi Reddy suggested that Clause - 12 of the draft principles for provisional allocation may be amended to provide for division of organised state wide cadres based on population ratio as described in para-8 of the draft. Same guidelines that are proposed to be used for division of state level employees could also be used for this division. Dr. P.V. Ramesh mentioned that even in the case of Madhya Pradesh, allocation of only Secretariat and HoD posts was made at the time of provisional allocation and those State level employees working in field level posts were retained on "as is where is basis". Dr Ramesh also mentioned that the posts to be allocated in Secretariat is about 4061 and HoDs is around 10,200, whereas the total number of state level posts is almost 76,000 and persons currently working are nearly 56,000. Therefore, allocating 42,000 in a short period of 40 days might pose a problem. In this regard, Secretary, DOPT was also of the view that the provisional principles should ensure that the successor states are not administratively inconvenienced on the appointed day. He was of the view that it may not be advisable to divide the Cadre without following a more rigorous process of allocation. He however stated that the views of Mr. Reddy should be noted. Thereafter, it was decided to retain Clause 12 as such.
 - e. In respect of clause 13 (ii) it was decided to add 'vacancies should be distributed on pro-rata basis' at the end of the clause (ii).
 - f. In respect of clause 13(iii), to delete the word "regular".
 - g. In respect of clause 13(iv), the Chief Secretary has suggested that while issuing the order to serve provisionally, the excess and deficiency of employee will be treated on the basis of order of seniority in each of the category. To clarify this point, the Chief Secretary visualised a scenario in which the number of persons belonging to a State may be in excess of the posts after deducting the vacancies, in which case, he suggested that the most junior person must be ordered to provisionally serve the other state.


- h. Therefore in view of CS's opinion, for clarity, it was decided to amend Clause 13 (iv) to read as, "While issuing orders to serve provisionally, priority will be given to those recorded as 'local' to the State of Telangana in the Service Register (SR) in order of seniority in each cadre".
- i. It was decided to delete the clause 13 (v) – (a) to (f). In view of CS's opinion for clarity, amended 13 (v) was to read as "The remaining posts, if any, will be filled by employees who are in excess of posts provisionally allocated to the State of Andhra Pradesh after deducting the vacancies prorata, in the reverse order of seniority in each category".
- j. In respect of clause 14, it was decided to delete the last sentence "All last grade employees local to Telangana State would be asked to serve in that State unless they expressed preference to serve the State of Andhra Pradesh". However although implied in the Act as opined by Law representative, it was decided to add that, "The condition of service of the employee, however, shall not be varied to the employee's disadvantage".
- k. The Committee accepted the clause 15.

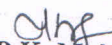
15. The draft modifications in the guideline, as recommended by the members of the Advisory Committee in consultation with the representatives of DOPT/DOLA and MHA, was made and attached as Annexure.

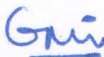
16. Thereafter, Secretary (P) directed the SR Division to process the file immediately for seeking the views of the Election Commission of India on the aforesaid draft guideline.

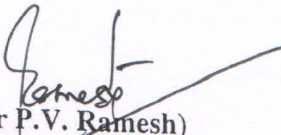
The meeting ended with vote of thanks from and to the Chair.

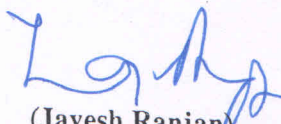

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Joint Secretary to
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(Dr P.K. Mohanty)
Chief Secretary to
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(V. Nagi Reddy)
Member


(Dr P.V. Ramesh)
Member


(Jayesh Ranjan)
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