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F. No. 14/6/2016-SR(S)
 Government of India
 Ministry of Personnel, Public Grievances & Pensions
 (Department of Personnel & Training)

3rd Floor, Lok Nayak Bhawan,
 Khan Market, New Delhi-110003,
 Dated: 28th March, 2019

To

✓ The Additional Chief Secretary,
 Department of General Administration,
 Govt. of M.P., Vallabh Bhawan,
 Mantralaya, Bhopal-462004 (M.P.)

The Secretary,
 Department of General Administration,
 Govt. of Chhattisgarh, Mantralaya,
 New Raipur-492101 (Chhattisgarh)

Subject: -Minutes of 28th meeting of the Advisory Committee, M.P.

Sir/Madam,

I am directed to forward herewith the minutes of 28th meeting of the Advisory Committee, M.P. held on 06.03.2019 at Vallabh Bhawan, Bhopal, M.P. to consider the representations of State Government employees in compliance of Court's directions/received direct from the employees of erstwhile state of M.P. and other policy issues relating to allocation.

2. Kindly acknowledge receipt of the minutes. The orders for acceptance/rejection of representations would be issued separately by the Central Govt.

3. The minutes can also be downloaded from the website of this Department i.e. dopt.gov.in → About us → Wings/Divisions in DOPT → State Re-organization → Minutes (M.P./Chhattisgarh)

Yours faithfully,

Encls.: As above

कार्मिक एवं प्रशिक्षण विभाग, लोक न्यायक भवन
 Dept. of Personnel & Trg., L. N. Bhawan
 प्राप्ति और निर्गम अनुभाग
 Receipt & Issued Section

28 MAR 2019

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जारी किया / ISSUED

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Minutes of the 28th meeting of the Advisory Committee, M.P. to consider the representations of the employees of the successor States of Madhya Pradesh and Chhattisgarh held on 06.03.2019 at 1200 hrs at Vallabh Bhavan, Bhopal, M.P.

The 28th meeting of the Advisory Committee, M.P. was held on 06.03.2019 at 1200 hrs under the Chairmanship of Shri G.D. Tripathi, Joint Secretary, DoPT, Govt. of India at Vallabh Bhavan, Bhopal, M.P. to discuss the representations of the employees of the successor States of Madhya Pradesh and Chhattisgarh carved out of the erstwhile State of Madhya Pradesh. List of participants is annexed. At the outset, the Chair welcomed the participants. After a brief introduction, the agenda points as detailed hereinafter, were discussed in the meeting.

Agenda Item No. 1: Whether the employees retiring within two years with effect from 31.03.2018 (the cut-off date kept earlier for retention) may be retained in the State where they had been serving as on 31.03.2018 in view of enhancement in the age of retirement from 60 to 62 years by the State Government of Madhya Pradesh.

The chair requested the members of the Committee, particularly the members from the States, to express their opinion on the issue. All the members supported the proposal. It was informed that at least 4 employees would be benefitted by this decision. Accordingly, it was decided that the officers/officials retiring within two years from the cut-off date of 31.03.2018 may be retained in the States where they were serving, as on 31.03.2018.

Agenda Item No. 2

Consideration and disposal of representations received from six SC/ST employees for revision of allocation after the cut off date, i.e., 6.10.2016

The members were informed that the cut off date for receipt of representations from the officers/staff belonging to the SC/ST community was 06.10.2016, i.e., the date of the last meeting. However, even after the cut-off date, six representations have been received for decision. All the members were in favour of taking decisions, on merit, on these representations. Hence, the Committee considered all the cases and decided as follows:

Case 1: The request of Shri Shankar Rao Dhoke (SC), Assistant Grade – II (now posted as Asstt. Grade-I), Department of Technical Education, may be acceded to as the same is covered by the policy guidelines contained in letter No. 27/26/2006-SR(S) dated 24.06.2010. It was also informed that he was allocated to State of Chhattisgarh as per his own option. The State Government of M.P., however, informed that they were willing to take him back to the State of Madhya Pradesh provided he comes back on the same post on which the officials of equivalent seniority are placed. The State Government of Chhattisgarh did not raise any objection to this proposal. The Committee agreed to allocate him to the State of M.P. against equivalent post as mentioned above. An undertaking of this effect should be taken from applicant.

Case 2, 3 & 6: The requests of Shri Jagdish Singh, Head Constable, D/o Home, Shri Rajesh Tigga, Constable, D/o Home and Shri Kamlesh Kumar Thakur, Inspector, were found out of the jurisdiction of the Committee as they belong to Non-State level Cadre. The Committee recommended that their representations may be decided by the State Governments in mutual consultation.

Case 4: The Committee found that Smt Jaishri Meshram, a non State Cadre employee, has since retired on 31.03.2018, on attaining the age of superannuation. Hence, as per guidelines she stood deemed allocated. Accordingly, the Committee dropped the case.

Case 5: Smt Rekha Chhavai (ST), Dy. S.P. Department of Home joined post of Dy. S.P. in the Department of Home of the successor State of Madhya Pradesh on 12.03.2001, i.e., after the date of bifurcation of State. Hence, the case does not fall within the purview of the Advisory Committee. The State Governments were requested to decide the same in mutual consultation.

Agenda Item No. 3

(I) Counter Affidavits have not been filed in 11 cases for want of information from the State Governments

The representatives of the concerned Departments were requested to hand over their comments/replies in respect of all the eleven cases to the DoPT officers during the meeting itself. The same was fruitfully complied with.

(II) Status of 105 Writ Petitions/Appeals in which Counter Affidavits have been filed

The Committee examined all the 105 Writ Petitions/Appeals, etc and suggested that each concerned Department should appoint a nodal officer to take care of the legal matters pertaining to it. Further, the Committee impressed upon the State Governments that they should depute their Counsel/Advocates and official representatives in all the hearings so that the interest of the government is well protected and the cases are disposed off expeditiously.

Agenda Item No. 4: Cases Requiring Attention of and Decision from the Committee

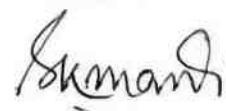
5 (i) Seventeen cases wherein employees have already retired but the cases are still pending in the Court.

The Committee desired that in all such cases, miscellaneous applications may be filed by the respondents in concerned Courts clearly indicating therein that the employee (s) has / have already retired and deemed to have been allocated to the State where they served the last in terms of the guidelines issued vide letter no. 14/17/2007-SRS (Pt.-II) dated 1/8/2008. Accordingly, the respective Courts may be requested to dispose of the Writ Petitions / Appeals.

5 (ii) Seven cases in which Court has given directions for consideration of their individuals representations – compliance is yet to be done.

Case 1 - Dr. Ramesh Kumar Neema, Medical Specialist, Department of Public Health and Family Welfare

Since Dr. Ramesh Kumar Neema, Specialist, Department of Public Health and Welfare is going to retire on 31.7.2019, he is covered under the decision taken by the Committee on Agenda Point No. 1 above. Hence, it was decided that he will be retained in successor State of M.P. till the date of his retirement.



Case 2 - Shri Rajendra Singh Bhadoriya, Sub-Engineer, Department of Public Health and Engineering

The State Government of Madhya Pradesh informed that the contentions of Shri Rajendra Singh Bhadoriya that his juniors have been given preference over him in allocation to the State of M.P. are not tenable. As informed by the Government of M.P., he had been given ACP in the pay scale of 8000-13500 and thus he entered into a separate category of Sub-Engineers. In this category he became one of the junior-most and got allocated to the State of Chhattisgarh under the principle of juniority. On the other hand, his juniors continued to remain in the pay scale of 6500-10500 where they were senior enough in that scale. As such, the allocation of Shri Rajendra Singh Bhadoriya to the State of Chhattisgarh is as per guidelines.

Case 3 - Shri Manish Kumar Wallabhdas, Scientific Officer, Department of Home

The State Government of M.P. informed that his request for allocation to M.P. could not be accommodated because he was the junior-most officer in the pay scale of 8000-13500. Further, the representatives of the State Government also informed that he does not live with his ailing / physically handicapped aunty, as claimed by him in his application. Hence, his request can not be acceded to.

Case 4 – Shri Anand Kumar Mishra, Sub-Engineer, Department of Public Works

It was informed that his request for allocation to the State of M.P. is being acceptable in view of the fact that his seniority has been revised and that after revision of his seniority, he has become senior enough to be eligible for retention with the Government of M.P. The State Government of Chhattisgarh did not raise any objection to the proposed action on the part of the Government of M.P. The Committee accepted his case for retention in M.P. subject to the condition that the Government of M.P. confirms in writing that after revision of the seniority list he becomes eligible for retention/allocation in the State of M.P.

Case 5 – Dr. Rajesh Joshi, AMO, Department of Ayush

It was informed by the representatives of Government of M.P. that he has not been relieved of his duties to join the Government of Chhattisgarh in view of acute shortage of doctors with the State Government of M.P. He also requested that he may be retained with the State Government of M.P. in public interest. The representative of State Government of Chhattisgarh did not raise any objection to the request of the Government of M.P.; rather, he supported it. Hence, the Committee recommended that the request of Dr. Joshi for retention in M.P. may be acceded to in public interest.

Case 6 – Shri Ram Sharan Singh, Sub-Engineer, Department of Public Health Engineering.

It was informed by the representative of the State Government that he has since retired on 31.3.2017 on attaining the age of superannuation. The Committee decided that he may be deemed to have been allocated to the State Government of M.P. in accordance with the laid down guidelines.



Case 7 – Shri Narendra Kumar Gupta, Asstt. Engineer, Department of Water Resources

It was informed by the representative of the State Government of M.P. that no injustice has been done with Shri Narendra Kumar Gupta by allocating him to the State Government of Chhatigarh. Shri Gupta had referred names of four persons purportedly junior to him. It was informed that the two Asstt. Engineers junior to him (Shri Janki Lal Patidar and Shri Prabhat Chandra Chaturvedi) have been allocated to the State Government of Chhattisgarh, whereas one Asstt. Engineer, drawing pay scale of 8000-13500 and senior to him, pay-scale-wise, has been allocated in M.P. as Sub-Engineer. It was further informed that the name of the Shri Sonawane, purported to be junior to Shri Gupta, did not figure in the final allocation list. Shri Gupta had indicated that Shri Sonawane, being junior to him, should not have been retained with the State Government of Madhya Pradesh. The Committee advised that the allocation of Shri Sonawane (junior to Shri Gupta) may be decided in the first instance, and, thereafter, the allocation of Shri Gupta be reviewed and decided.

5 (iii) Representations of six SC/ST category employees for revision of allocation in consonance with the guidelines issued by DoP&T for dealing with their requests.

Case 1 – Shri Mukesh Setankar (SC), Sub-Inspector, Department of Home

Shri Mukesh Satankar had requested for change of allocation from Chhattisgarh to M.P. It was further informed that he had been relieved by the State Government of Madhya Pradesh on 27.2.2004. However, he has not joined the State Govt of Chhattisgarh so far. The Committee advised the representative of the State Government of M.P. to: (a) first of all find out the whereabouts of Shri Satankar; (b) take a decision/action with regard to his period of long absence and; (c) thereafter, if he remains in service, decide his request as per guidelines.

Case No. 2 – Shri Narendra Singh (ST), Assistant Grade-III, Department of Medical Education, Chhattisgarh/ Department of Commerce and Industry/Micro, Small and Medium Enterprises, Madhya Pradesh

The Committee was informed that he belongs to ST category and that his home district is in the State of M.P. It was also informed that he was allocated to State of Chhattisgarh as per his own option. The State Government of M.P., however, informed that they were willing to take him back to the State of Madhya Pradesh provided he comes back on the same post on which the officials of equivalent seniority are placed. The State Government of Chhattisgarh did not raise any objection to this proposal. The Committee agreed to allocate him to the State of M.P. against equivalent post as mentioned above. An undertaking of this effect should be taken from applicant.

Case No. 3 – Shri Ved Prakash Lahre (SC), Principal;

Case No. 4 – Smt. Pushpa Saratiya (ST), Principal;

Case No. 5 – Shri Anand Ram Kavar (ST), Principal; and

Case No. 6 – Shri Ajay Kumar Raj Khalko (Cat. Not clear), Shikshakarmi

Their cases were not found fit for consideration being from Non-State Cadre and it was recommended that their cases may be decided by the successor State Govts. in mutual consultation.

5 (iv) Representation from Shri Ashok Kumar Mishra, Head Constable for re-allocation to the State of M.P. on medical and extreme compassionate grounds.

Shri Ashok Kumar Mishra has requested for change of his cadre from Chhattisgarh to M.P. on extreme compassionate grounds, as his son is suffering from mental retardation and is physically handicapped to the extent of 80%. The Committee observed that it is a case of extreme compassionate/medical grounds and deserve sympathetic consideration. Further, the case is covered by the guidelines. Hence, the Committee recommended that the request of Shri Ashok Kumar Mishra may be acceded to.

5 (v) Court cases in which the Government is yet to file appeal.

Case No. 1 – Dr. Pramod Kumar Dubey, Medical Officer

Case No. 2 – Dr. Ashok Kumar Dixit, Medical Specialist

Case No. 3 – Dr. Krishna Kumar Bhargav, Child Specialist

Case No. 4 – Dr. R.P. Srivastava, Medical Specialist

It was brought to the notice of the Committee that all of them are specialists / medical officers in Department of Public Health and Family Welfare, and have been allocated to the State of Chhattisgarh. The State Government of M.P. informed that it was in the public interest that they were not relieved to join the State Government of Chhattisgarh; the State having dearth of doctors. In addition, as informed, these doctors have already brought orders from the Court in their favour. It was requested that all the four doctors may be allocated to the State Government of M.P. in public interest. Further, all of them are retiring within a period of about two and a half year. The representative of the State Government of Chhattisgarh informed that they had no objection if the Committee accedes to the request of the State Government of M.P. All the members of the Committee were unanimous that these doctors may be allocated to the State Government of M.P. in view of the foregoing discussions.

5 (vi) Court cases in which the appeal filed by the State Government of M.P. have been dismissed by Hon'ble High Court

Case No. 1 – Shri Atar Singh Rajput, RHEO, Department of Horticulture

Case No. 2 – Shri Chandra Shekhar Rajput, RHEO, Department of Horticulture

These officers wanted retention with the State Government of M.P. but allocated to the State Government of Chhattisgarh against their option. The Government of M.P. lost the case in Hon'ble High Court and petition for review has been turned down by Review Court.

The Committee felt that they have not moved out of the Government of M.P. so far, i.e., even after lapse of about 19 years. Further, they have already got order from Hon'ble High Court in their favour and even the Review Petition has been dismissed. All the members of the Committee were unanimous that they may be allocated to M.P. Hence, the Committee decided that they may be permitted to remain with the State Government of M.P.

5 (vii) Writ Petition filed by Shri Shivram Masram, Peon in the High Court for cancellation of orders of allocation made on his own request

The Committee was informed that Shri Shivram Masram was allocated to the State of Chhattisgarh in the capacity of Peon. He requested for change to the State of Madhya Pradesh which was acceded to by both the State Governments. However, before he was relieved of his duties from the State of Chhattisgarh, he got promoted as AG-II in the State of Chhattisgarh. The State Government of Madhya Pradesh is willing to accept him in the capacity of Peon only, as the Peons senior to him in the erstwhile common cadre and belonging to his own category (SC) are still working as Peons in the State Government of M.P. If the Government of M.P. permits him to join as AG-II, a number of Court Cases will spring up. The Committee decided that he may be given option either to join Peon with the State Government of M.P. or continue with State of Chhattisgarh against promoted post.

Agenda Item No. 5 – Winding up of the Advisory Committee

The Committee observed that the bifurcation of the erstwhile State of M.P. took place 18 years ago and that the final allocation had been made almost 16 years ago. Further, the objectives for which the Committee was constituted, have been achieved. The representatives of both the State Governments also felt that the Advisory Committee has completed its mandate and no fruitful purpose will be served by continuing it any further. Accordingly, it was recommended that the Advisory Committee may be wound up. It was further recommended that to deal with the representations/Court Orders, if any, in future, the following mechanism shall be followed:

- i- The representations of aggrieved employees will be considered by the Central Govt./State Governments on case to case basis in compliance of Court's directions, if the Hon'ble Courts pass specific directions to this effect
- ii- If any issue regarding allocation of employees of erstwhile of State of M.P. arises in future, it will be considered by the Central Govt. in consultation with both the State Governments.

It was also recommended that sometimes, if the Hon'ble Courts pass directions that the representations of aggrieved employees need to be considered by the Committee set up for this purpose, the factum of winding up of the Advisory Committee may be brought to the notice of the Hon'ble High Court.

The meeting ended with a vote of thanks to the Chair.

List of Participants

1. Sh. S.P. Pant, Deputy Secretary, SR, DoP&T, Govt. of India
2. Sh. Amitabh Mishra, Secretary, D/o Water Resources, Govt of MP
3. Sh. K.R. Mishra, Addl. Secretary, D/o General Administration, Govt of Chhattisgarh
4. Sh. Tarun Rathi, Deputy Secretary D/o Public Works, , Govt of MP
5. Sh. D.K. Jain, Deputy Secretary, D/o General Administration, Govt. of MP
6. Sh. S.K. Jain, Controller, D/o Weight and Measurement, Govt of MP
7. Sh. Dr. Subodh Mishra, Deputy Director, D/o Medical Education
8. Sh. Parvat Singh, Deputy Secretary, D/o MSME, Govt of MP
9. Sh. Rajesh Ogrey, Deputy Secretary, D/o Forest, Govt of MP
10. Smt. Sanjana Jain, Deputy Secretary, D/o Horticulture, Govt of MP
11. Sh. Shailendra Singh Chauhan, Asstt Director, D/o Industry
12. Smt. Pushpa Kulesh, Deputy Secretary, D/o Cooperative, Govt of MP
13. Sh. S.S. Kumre, Deputy Secretary, Govt of MP
14. Sh. B.R. Sumhare, Deputy Secretary, D/o Health, Govt of MP
15. Sh. Pankaj Sharma, Deputy Secretary, D/o Technical Education, Govt of MP
16. Sh. Inderbhan Patel, Deputy Director, D/o Horticulture, Govt of MP
17. Sh. H.L. Chaudhary, Additional Director. D/o Public Relations, Govt of MP
18. Sh. K.R. Choukikar, Under Secretary, D/o Food, Govt of MP
19. Sh. Purushotam Sharma, Under Secretary, D/o Cottage & Rural Industries, Govt of MP
20. Smt. Kalista, Under Secretary, D/o Animal Husbandry, Govt of MP
21. Sh. C.L. Mukati, Under Secretary, D/o Law, Govt of MP
22. Sh. Mahesh Gulati, D/o Handlooms, Govt of MP
23. Smt. Sushma Sharma, D/o Tribal Welfare, Govt of MP
24. Sh. M.S. Momy, D/o Panchayat & Rural Development, Govt of MP
25. Sh. Ram Narayan Sharma, D/o School Education, Govt of MP
26. Sh. Subhash Kumar Dwivedi, D/o Public Health Engineering, Govt of MP
27. Sh. Rajesh Dube, D/o Public Health Engineering, Govt of MP
28. Sh. P.K. Makhija, Under Secretary, D/o Agriculture, Govt of MP
29. Dr. B.D. Khare, D/o Public Health & Family Welfare, , Govt of MP

