

Minutes of the 7th Meeting of the Advisory Committee under the Andhra Pradesh Reorganisation Act, 2014 held on the 25th July, 2014

The 7th meeting of the Advisory Committee for State Government Employees was held from 11.00 a.m. to 1.00 pm on the 25th July, 2014 in the Conference Room, North Block, New Delhi. The following members attended the meeting:

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| 1) Sri C.R. Kamalanathan | Chairperson |
| 2) Sri I Y R Krishna Rao I A S | Chief Secretary, Government of A P |
| 3) Dr. Rajiv Sharma I A S | Chief Secretary, Government of |
| 4) Smt. Archana Varma, I A S | Joint Secretary, D o P T |
| 5) Sri V. Nagi Reddy, I A S | Principal Secretary, Irrigation, Govt of Telangana |
| 6) Dr P.V. Ramesh, I A S | Principal Secretary Finance & Principal.Secy S R, GAD |

The following permanent invitees were also present at the meeting:

- 1) Sri L.V. Subrahmanyam, IAS, Prl Secretary, HM & FW Department, A.P.
- 2) Sri Raymond Peter, IAS, Prl Secretary, PR & RD Department, Telangana.

Dr. RJR Kasibatla, Legal Adviser, Dept of Legal Affairs, Govt of India was present on special invitation. In addition Sri Ajit Kumar Under Secretary, DoPT and Sri Manavendra Pratap Section Officer, DoPT attended the meeting.

The Committee was informed that, even though, in the last meeting held on the 30th June, 2014, the draft guidelines had been approved for publication, upon approval of the minutes and the draft guidelines by the members, it could not be done for the reasons explained in the note circulated at the meeting. The suggestions made, doubts expressed and modifications requested in the draft guidelines by the members have been explained in the note circulated at the meeting. This meeting is convened on the request of Chief Secretary, Telangana for a review of the guidelines and discussion on the issues relating to right to choose the State to persons about to retire and the need for and modalities of screening bogus claims of local candidature for purposes of allotment of employees.

The minutes of the 6th meeting was recorded together with the suggestions of Smt. Archana Varma, JS, DoPT, and the suggestions of the Chief Secretary Andhra Pradesh together with the clarification given by the Chairperson, and the views of the Govt of Andhra Pradesh in regard to right of option to persons about to retire in view of the implications of enhancement of the retirement age from 58 to 60 years in the State of Andhra Pradesh after the appointed day as conveyed in the D.O. letter No.2/CSP/2014, dated 7.7.2014.

The Committee was appraised of the details of the meeting the Chairperson had with the Chief Secretaries of Andhra Pradesh and Telangana on 24.7.2014 when the draft guidelines circulated on the 1st July was gone through clause by clause, to iron out doubts and differences and to evolve unanimous draft guidelines.

It was clarified that the draft guidelines circulated at the meeting incorporates the suggestions made by the JS DoPT and the conclusions that emerged in the course of discussions held by the Chairperson with the Chief Secretaries of Andhra Pradesh and Telangana including corrections made by the Chairperson to the earlier draft in the light of discussions at the 6th meeting.

A summary of the issues discussed at the meeting and the conclusions that emerged in the course of discussions are listed below.

1) The composition of the State Coordination Committee shall be as follows:

- Chief Secretary to Govt of Andhra Pradesh
- Chief Secretary to Govt of Telangana
- Prl Secretary (SR), GAD and Prl Secretary Finance, Govt. of A P Dr P.V. Ramesh, IAS
- Special Secretary, Finance and GAD SR Dept, Govt of Telangana Sri K. Ramakrishna Rao, IAS

(paragraph 4 of the draft guidelines circulated at the meeting)

2) The Chief Secretary, Telangana suggested and it was agreed that the final lists of allottees as determined by the Centre should be in consultation with the Govt of Telangana.

(paragraph 5 of the draft guidelines)

3) In addition to the list of Specified Gazetted categories of posts under the Presidential Order, it was agreed that the Committee should be supplied a complete list of all gazetted categories of posts, other than the specified gazetted posts, which are allocable between the two States.

(paragraph 6(ii) of the draft guidelines)

4) In paragraph 6(6) of the draft note it is clarified that the State Government of Andhra Pradesh that should furnish the list of territorial entities and State level entities to the Committee.

(paragraph 6(vi) of the draft guidelines)

5) In item ix of paragraph 6 it is clarified that it is to the Committee that all data should be furnished.

(paragraph 6(ix) of the draft guidelines)

6) On the principles guiding allocations listed at paragraph 18 the following changes/additions were proposed and agreed to:

- In 18 (f) the words “in that category” may be added in the last sentence after the word “remain” to read as follows “if allocable posts remain *in that category* others will be considered in reverse order of seniority by allotting the junior most.
- Regarding 18(g) relating to non locals in relation to the both States Chief Secretary Telangana suggested that such candidates should be allotted to Andhra Pradesh. It was clarified and noted that non local candidates to all local areas could be Andhra or Telangana personnel or personnel from other States, and as such the principle as drafted may remain.
- In regard to allocation of SCs and STs Chief Secretary Telangana wanted allocation of these groups based on domicile may be done only of employees of those communities not existing in one of the two States. It was clarified by the Chairperson that the present wording of 18 (h) has been proposed in the light of Govt of India’s instructions having regard to the fact that the children of SCs and STs will be reckoned as such only if they are domiciled in the State in which the community is listed as SC or ST as the case may be. This position was confirmed by Sri Raymond peter who was till recently Principal Secretary SC/ ST Welfare.
- 18(l)(ii) shall be modified as “handicapped persons of more than 40% disability may be allocated on the basis of option, subject to the procedure prescribed by the State Government” for determining eligible claimants.
- The provision for allowing the right of option to persons about to retire suggested in 18(l)(iv) reads as follows:- “The employees who on the appointed day had only one year left for service will not be shifted from the station they are presently working till their retirement. Their age of retirement shall, however depend on the law or rules governing retirement in the State to which they stand allotted following the guideline (f) above.” The Chief Secretary, Andhra Pradesh conveyed the view of the State Government that, due to the enhancement of retirement age to 60 and the likelihood of large number of persons of Telangana opting to Andhra Pradesh in order to avail the higher retirement age, the State government is against giving option to those about to retire the right to choose the State in which they wish to serve. The CS Telangana did not have any specific views in this regard and he was agreeable to go along with the A P CS in this matter. The Chairperson clarified that the draft provides for retention of the employee who is to retire within one year from the appointed day to stay at the station where he is working till the date of retirement i.e. upon attaining 58 years of age in order to avoid spatial dislocation, and requiring those who are about to retire also to give their option as any other employee without the right to choose the State, and consequently that the benefit of higher retirement would depend on his allotment in the usual course, in accordance with the established principles applicable

to others. Here it was noted that Smt Archana Varma has been firm in her view that those who have 3 years or less to retire should be given the State of their choice.

- Paragraph 18(n) should read as follows: Local candidature shall be as defined under the Andhra Pradesh Public Employment Order 1975 and determined with strict reference to school records or residence certificate as the case may be
- The Chief Secretary Telangana emphasized that in view of the large scale complaints regarding the entry of local candidature made in the SR in the past being bogus, local candidature should be determined afresh strictly with reference to school records or where no educational qualifications is prescribed with reference to residence as prescribed in the Presidential Order and that the Government of Telangana should have the right to verify the local candidature of employees being allotted for which the service registers of the persons proposed to be allotted to Telangana should be made available to them. In order to ensure this it was concluded that Study Certificates or Residence Certificates should be obtained along with the Option Form in order to establish the local candidature of the employee. It was also noted that the option forms will be filled on line by the employees and hard copy submitted by them along with the certificates required to prove local candidature for verification and certification thereon. The Option Forms will be accessible to both the Governments. Further it was noted that tentative allocation list will be circulated for calling for objections when it would be open to question the allocation of an individual with reference to local candidature or otherwise. The CS Telangana wanted that the SRs of the employees proposed to be allocated to Telangana should be made available to the Telangana Government.

The Committee examined the draft guidelines circulated at the meeting clause by clause, in the light of the foregoing discussions and conclusions. It was decided to endorse the conclusions mentioned above and to approve the changes made in the draft guidelines circulated for consideration at the meeting.

In addition the Committee also discussed and decided the following:

(a) Sri Nagi Reddy drew attention to item v of paragraph 6 and mentioned that in so far as the Presidential Order has not been followed in respect of the new Departments that have come into existence after the issue of the Presidential Order, the course of action that should be followed in respect of these Departments should be in conformity with the Presidential Order. It was clarified that the intention was precisely the same. However, to clarify this point it was decided that in the last sentence the words "in accordance with the specified principles" should be modified as "in accordance with the principles specified in paragraph 18".

(b) The Chairperson clarified that it is no longer necessary to include the following in the guidelines as originally done at para 20 (h) "the proof of an employee having been the member of local cadre shall be based on the service record" as 20(f) has been modified and no reference to local cadre is necessary any longer. It was therefore decided to delete this clause.

(c) The Chairperson mentioned that the category of drivers of light vehicles has also been added in 18(i) and that reference to domicile has been changed as local candidature which reads as follows: "Class IV employees and drivers of light vehicles shall be allocated on the basis of option or local candidature, as far as possible."

(d) In 18 (l)(iii) the following words may be added at the end "subject to strict proof and verification as per the procedure prescribed by the State Government".

(e) In view of the special circumstances that have arisen as a consequence of enhancement of retirement age from 58 to 60 after the appointed date in the State of AP and the fact that a person who is about to retire on attaining age of 58 will cease to be a person about to retire if he is given mandatory right to choose his State and he chooses AP. In circumstances it was decided that it would not be desirable to give the right to choose the State to this category of persons. The intention is that those who are about to retire also should be allocated as in the case of the rest of the employees. If vacancies are available if the person is senior and he is a local candidate of AP he will be allotted to AP and not otherwise. It is noted that already there are instructions not to shift a person about to retire from the station where he is working. Smt Archana Varma's insistence on allowing those who have three years or less left for retirement the right to choose the State where they will serve was noted.

(f) Paragraph 18 (o) will be modified as "Cadre composition with reference to direct recruits / promotees and recruitment by transfer, and reserved categories of persons as on the appointed day (observed percentage of reservations for different groups) may, as far as practicable, be kept in view while allotting personnel to the two cadres".

(g) In so far as there was no provisional allocation in AP it was decided that the word 'final' occurring in first of paragraph 19 may be omitted.

(h) The time frame indicated in the draft for allocation of employees has to be changed in view of the delay that has occurred and that this may be omitted from the draft for publication. The time table will now be indicated in consultation with the State Governments and incorporated in the draft guidelines before sending it to the Central Government for approval.

(i) It was decided that paragraph 21 relating to deputation of personnel may be omitted in so far as the Act itself provides for the same.

(j) It was agreed that it would be open to the Government of Telangana to verify the local candidature of the candidates allotted to Telangana to facilitate which the SRs of concerned employees will be made available to them. In this context Dr Ramesh clarified that instructions already exist to transfer SRs of employees provisionally ordered to serve the Telangana Govt. It was considered that in the same way other SRs could also be made available.

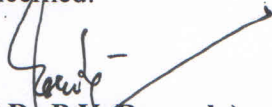
(l) In regard to paragraph 18 (l)(i) Smt. Archana Varma, JS DoPT wanted not married women employees also to be given right to choose their State. It was clarified that unlike in many other States, Andhra Pradesh has been having 30% reservation in employment in Government right from the mid 1980s and that in view of this the percentage of women employees in the State will be substantial and providing for right to choose the State to them will be strongly resisted. In this view the Committee considered that the provision may be retained as it is restricting to widowed, legally separated and divorced women.

(m) It was decided to include Sri K Ramakrishna Rao I A S Special Secretary Finance and GAD (S R) Government of Telangana also as a permanent invitee to the meetings of the Committee in order to ensure coordinated action in respect of all SR matters.


In the light of the foregoing, the draft guidelines as circulated at the meeting was amended in the meeting itself. The Committee approved the draft guidelines as revised and authorized its publication calling for suggestions from the public. A copy of the same is appended. On the question whether the guidelines should at this stage not be submitted to the Government of India for consideration before publication calling for suggestions it was clarified by Smt Archana Varma that this was not mandated and that as per the terms of reference the principles of allocation determined by the Committee were to be first placed in the public domain for comments along with cadre strength and thereafter the final recommendations were to be sent to GoI for examination and approval. In view of this it was decided that these draft Guidelines will be sent to the State Governments of A P and Telangana to be published on the net in the web sites of AP and Telangana States calling for suggestions from the public within 10 days from the date of publication on the net. The copies of the draft will also be sent to the Registrar General of the High Court at Hyderabad and the Secretaries of the Legislatures of A P and Telangana.

The next meeting of the Committee will be held on the thirteenth August, 2014 at Hyderabad, when the suggestions and remarks received up to the 5th of August, on the draft guidelines published on the net calling for suggestions, will be analyzed, and the Guidelines will be finalized, in the light of suggestions received, for submission to the Government of India for consideration, approval and issue.

The Committee also decided that expeditious action may be taken to determine the cadre strength of different categories of posts in the various Services of the continuing State of A P, and to propose division of the cadre strength in respect of each category of posts in every Service in the continuing State of A P State between the successor States of AP and Telangana, after publication of the same in the web sites of the two States calling for remarks and suggestions of the concerned.

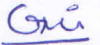

(Dr P.V. Ramesh)


(Archana Varma)

I also request to submit to contentions of for V. Nagi Reddy.

(Dr Rajiv Sharma)


(I.Y.R. Krishna Rao)

- ① My request for deletion of the clause 2 (iv) of para 18 was agreed and hence be implemented/recorded.
- ② The modification for para 6(c) may be read as "in accordance with the presidential (V. Nagi Reddy) order and not in accordance with the principles specified in paragraph 18.




(C.R. Kamalanathan)