

**MINUTES OF 14th MEETING OF ADVISORY COMMITTEE HELD AT 11.45 AM ON 10.09.2015
IN THE CHAMBERS OF CHIEF SECRETARY TO GOVT, ANDHRA PRADESH AT HYDERABAD.**

The 14th meeting of the Advisory Committee for State Government Employees was held on the 10th September, 2015 at Hyderabad.

The following members attended the meeting:

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| 1. Sri C.R. Kamalanathan, IAS(Retd) | Chairperson |
| 2. Sri I Y R Krishna Rao, I A S | Chief Secretary, Government of Andhra Pradesh |
| 3. Dr. Rajiv Sharma, I A S | Chief Secretary, Government of Telangana |
| 4. Smt. Kimbuong Kipgen | Director, D o P T, Gol |
| 5. Sri. K. Ramakrishna Rao, I A S | Secretary (SR) , GAD, Government of Telangana |
| 6. Sri.L.Premachandra Reddy,I.A.S. | Secretary, General Administration (SR) Department
A P & Member- Secretary |

AGENDA ITEMS

- 1. Recording of the Minutes of the 13th Meeting of the Advisory Committee held on the 06th August, 2015 at Hyderabad.**

The minutes of the 13th meeting of the Advisory Committee could not be placed for confirmation as it is still in circulation.

- 2. Approval/ ratification of Form II and Form IV A notifications made since the last meeting.**

Noted and ratified.

- 3. First revision of Form II and Form IV A from 06.08.2015 to 10.09.2015 in the light of the representations and suggestions received on provisional cadre strength of the following departments notified calling options :**

Approved

- 4. Approval of Tentative allocations notified**

Approved

- 5. Matter of allocation of the category of the post of Director, Animal Husbandry Department**

Deferred consideration to the next meeting

- 6. List of State level institutions and offices under the Presidential Order**

The final picture relating to the status of the institutions notified under the Presidential Order post bifurcation of the State as decided jointly by the two Governments in the light of the Guidelines issued by the G o l as reflected in the statements was noted and recorded.

- 7. Allocation principles, priorities and processes.**

Noted and approved and ratified

8. Allocation of higher level posts in the State Audit Department

In view of the difference of opinion between the two H o Ds after initially proposing agreed equitable distribution of top posts after the incumbent Director opted to A P though he is a local candidate of TS, it was decided that the default system allocation may be adopted duly allocating the post of Director to AP with ref to the option of the Incumbent Director. It was noted that TS will create posts at the higher level as needed.

9. Tentative allocation of following departments

Engineer –in- Chief, Public Health

Secretary SR TS apprised the Committee of the representations received from the State employees associations against the allocation of employees. Consideration of the subject was deferred to the next meeting.

10. Cadre strength bifurcation of Special Protection Force (SPF)

It was decided that the Chief secretaries to Government will have a meeting with the heads of Departments of those departments the cadre strength fixation and apportionment in respect of which are still pending for want of consensus

11. Creation of supernumerary posts for allocation of aggrieved persons where it is warranted to correct data error on the part of government

Approved

12. Decision on representation for change of tentative allocation to the State opted on the special grounds:

a. HOD -DIRECTOR GENERAL, ANTE CORRUPTION BUREAU.

Name: Karpuram Kalyan Chakravarty, Category: Special Branch Assistant.

It was decided to accept the representation of Sri K. Kalyan Chakravarthi, Special Branch Assistant O/o DG, ACB. , a compassionate appointee and native of TS but local to AP by virtue of Study in Sainik School, Vizianagaram Dist, AP who opted to TS and was tentatively allotted to AP for change of his allocation from AP to TS.

b. Preferential Claim for having Mentally Challenged/ retarded children

(i). HoD- Director of Civi Supplies

It was decided to accept the representations of Smt. Sundaraneedi Satya Sri, Senior Assistant, O/o Director of Civil Supplies, local to TS opted to AP and tentatively allocated to TS, for change of tentative allocation from TS to AP in the existing vacancy as a special case considering that she is having mentally retarded daughter certified by the Medical Board, King George Hospital, Visakhapatnam, under Para18(y).

(ii). Office of the Commissioner/Dirctor, Municipal Administration

It was decided to accept the representation of Sri N. Pradeep Kumar, District Project Officer, O/o Commissioner Municipal Administration, local of TS, opted to AP and is tentatively allotted to TS, for change of tentative allocation from TS to AP in the existing vacancy as a special case considering that he is having two mentally retarded children under Para18(y).

ii. Preferential Claim of Physically Challenged with 60% disability.- HO - PRINCIPAL CHIEF CONSERVATOR OF FORESTS

It was decided to accept the representation of of Smt. D Sulochana, Superintendent, O/o Principal Chief Conservator of Forests, local to TS and opted to TS and was allotted to AP, for change of tentative allocation to TS considering that she is a physically disabled with 60% disability as the State Governments of A.P and Telangana have agreed to consider those with handicap certified as 60% eligible. However as there no vacancy is reported to be available, the CS to Govt, Telangana State agreed to her request and for creation of Supernumerary post in the category of Superintendent. Accordingly her representation of change of allocation from AP to TS is agreed with the recommendation for creation of supernumerary post in Telangana State.

13. Tentative allocation in the category of DIG R & S in I G Registration and Stamps

a. Sri. V.Subba Raju, Deputy Inspector General (DoB 19-08-1956 and Seniority No. 17)

Sri.V.Subba Raju, filed option form on 28-02-2015 without any claim for preferential allotment in terms of 18(m) of guidelines. On 13-03-2015 the HOD acknowledged the option form by inputting bar code. The Form-III list of employees submitted first on 13-03-2015 which was verified and certified by HOD and did not specify any preferential claim. But on 22-04-15 the officer filed an application in Annexure-III claiming preferential allotment on the ground that his wife Smt.V.Vijaya Bharati is suffering from Heart problem and underwent open heart surgery on 09-01-1998.This was certified by Cardiologist of Heart Cure Centre, Vijayawada on 20-03-15 (There is a correction of date) and attested by Asst Professor of Cardiology. GGH/GMC on 23-03-15.This was accepted by HOD and Form-III was revised and uploaded.

Complaints were received alleging undue favour and that Sri V.Subbaraju's wife did not undergo open heart surgery etc. The case was referred to Medical Board which stated that "Smt.V.Vijayabharati, F/54 years, W/o Sri.V.Subbaraju, Deputy Inspector General of Registration and Stamps, Vijayawada, post operative ASD closure status (surgical midline sternotomy on

9th Jan.1998) at Care Hospital Hyderabad Post Radio frequency ablation for arterial flutter(2:1 condition) on 23rd Jan 2015” and she needs continuous cardiologist care. (Copy of the medical board report attached)

The Sub Committee has gone through the records. As per guideline 19 (vi) option once exercised cannot be changed under any circumstance. In the present case the employee did not chose to claim preferential allocation in the first instance. He sought it subsequently. The Medical board stated that she underwent Midline Sternotomy only for ASD closure. The medical certification does not reveal that the employee’s wife under-went open heart / bypass surgery, which entitles the officer for preferential claim. Guideline 18 (m) does not include this condition for eligibility for preferential claim.

Since his belated, contested, doubtful claim for preferential allotment infringes the rights of his seniors in the matter of allotment and as the wife of the employee did not undergo open heart surgery or Bypass surgery as specified for preferential allotment as per the guidelines, the subcommittee was not inclined to allow the claim. However the matter was placed before the State Advisory Committee for final decision.

Sri V.Subba Raju also approached the Hon’ble APAT through OA.No.4904 of 2015 and got directions on 01.09.2015 that *“Pending disposal of O.A., the respondents are directed to consider the claim of the applicant under para 18(m) of the guidelines, by taking into account the information furnished by him with regard to medical condition of the applicant’s wife and also reconsideration of Medical Board and tentatively allocate him to the state of Andhra Pradesh and pass appropriate orders”.*

The State Advisory Committee discussed at length the claims of Sri.V.Subba Raju, Deputy Inspector General, in the light of the material available on record and the directions of the Hon’ble APAT and decided not to accept his claim for preferential allocation.

However for the sake of clarity on the interim orders, the file is marked to Law department for its opinion.

b). Sri M.Balaprakash, Deputy Inspector General (Seniority list no.18)

Sri Balaprakash filed his preferential allotment option claim in terms of 18(m) of the guidelines on time stating that his wife is suffering from Cancer and also underwent open heart surgery during 2012. He filed Annexure IV Medical Certificate for Cancer Patients. This certificate was issued by a private consultant Surgical Oncologist and certified by Professor and HOD of Surgery RR Medical College Kakinada and but not by a Specialist Oncologist Govt. Doctor as stipulated in the instructions issued by GA(SR) Department in Cir.Memo.No.19184/SR1/A1/2014-4 Dt.13-01-2015 at Para (6)(ii).

Complaints have been received stating that preferential claim cannot be allowed as the certificate was not issued by a Specialist Govt. doctor and that there is no continuous treatment warranting preferential claim. The case was referred to a Medical Board. (Copy of the report is attached.) They have stated that “She was suffering with Cardiac Problem since 2012.CABG was done on 4th July 2012.Incidentally she was found

to have left side ovarian cystic mass. She was diagnosed as suffering with Ovarian Mass and was operated on 21st March 2013 when the ovaries on both sides and also Uterus were removed. The Biopsy of left ovary was papillary serous cystadenocarcinoma of ovary Stage-1-A for which she was getting treatment Chemotherapy at Surya Global Hospitals, Kakinada. The first Chemotherapy Cycle started on 20th April 2013 and the last cycle on 24th June 2013. At present Smt.M.Swarnakumari is suffering with Incisional Hernia/Vertical Hernia of 4 Cm to 5 Cm defect in the midline sub-umbilical area" This shows that she was suffering with cancer.

Para 6(ii) of the guidelines issued by the GA(SR)department in Cir.Memo.No.19184/SR1/A1/2014-4 Dt.13-01-2015 stipulates that medical certificate has to be Certified/counter signed by a Specialist Government Doctor viz Cancer specialist concerned for Cancer etc. In the present case there is procedural irregularity as the Medical Certificate was not certified by a Cancer specialist Government Doctor. The application was returned twice as "Medical certificate is not attested by a competent Govt. Medical Authority" on 16th and also on 24th April with the following endorsement "Medical certificate is not attested by a competent Govt. Medical Authority. However no action was taken to get proper certification done.

Even though there are complaints against his preferential allotment for procedural reasons but as the medical Board has certified cancer, Subcommittee is inclined to agree to the preferential claim.

However the subcommittee decided that a final decision in the matter of preferential claim of may be referred to the Advisory Committee for a decision along with the case of Sri V. Subba Raju

The State Advisory Committee discussed at length the claims of Sri M.Balaprakash, Deputy Inspector General in the light of the material available on record and decided to endorse the recommendations of the subcommittee and advice to allow the preferential claim.

14. Representation of a Dy Comm. CT non local to both part of State for allocation - Smt. Usha Rani Reddy, Deputy Commissioner (CT)

Deferred

15. Note on O.As pending in A.P Administrative Tribunal on tentative/final allocation

It was noted that the Apex Court has ruled that there should be no interference in the allocation process ordinarily, that it is imperative that all stays are got vacated in view of the need to expeditiously complete the process of allocations, that immediate action will be taken by the governments to engage the AG in all these cases, that the Central government has to be invariably parties in such cases and not merely the member secretary of the Committee and GA SR, that the central government should be requested to engage the Additional solicitor general in these cases, and that the departments concerned should also

take expeditious action to get the stays vacated and cases dismissed apart from the GA SR AP .

16. Status note on allocation

Noted.

17. Final list of departments in which geographic concentration is followed for division of HQ posts.

Noted

18. Any other subject with the approval of Chair.

A) Representation of Smt Kavita Rao AC CT and interim order of the High Court at Hyderabad there on :

Mrs P.Kavita Rao, Commercial Tax Officer, who is No.18 in the seniority list and non-local to both states, opted to AP was allotted to TS in tentative allocation. The tentative allocation was published on 01.06.2015. She filed a representation online on 13.06.2015 against her allocation stating that *"As per GO.Ms.No.312, dated 30.10.2014 and Notification No.GA(SR)/2014/07/Guidelines, dated 25.07.2014 (employees who are not local to both States)shall be allocated on the basis of nativity/domicile. Home District is defined against Point 13 of User Guide V.1.0. I was selected to Group I Services by APPSC. For antecedents verification also I have furnished my birth place as BITIVADA. My father birth place is Berhampur Ganjam District included in Srikakulam in erstwhile Madras Presidency. My Place of Birth is BITIVADA, SRIKAKULAM DISTRICT. In the option form inadvertently mentioned birth place as Raigarh, Chattisgarh District and stored without saving. Immediately after submission errata submitted along with Self declaration about place of birth on 23.03.2015. COPIES OF ALL CERTIFICATES SUBMITTED TO H.O.D. ALONG WITH DETAILED SIGNED REPRESENTATION. REQUEST FOR ALLOTMENT TO STATE OF ANDHRA PRADESH WHERE LARGE NUMBER OF VACANCIES IN THE CADRE OF CTO ARE AVAILABLE"*.

AP HOD offered remarks as follows

"No proof of Nativity is submitted by the officer at the time of filing the options due to her absence in India. She is in toto non-local to both the States and as per guidelines she was allotted to a State where there are filled posts. Hence the allotment is as per guidelines. She now claiming that her home State is Andhra Pradesh since her birth place is BITIVADA, Srikakulam District in A.P. Relevant documentary evidence is also filed herewith. The Advisory committee may take appropriate decision on this matter".

She also approached the Hon'ble High Court of Andhra Pradesh through WPNo.19853 of 2015 and obtained orders in WPMP.No.25618 of 2015 Dated 07-07-2015 that "There shall be interim direction to the respondents to consider the representation dt: 13.06.2015 submitted by the petitioner before making final allotment and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order". The order copy was received on 21.07.2015.

She further submitted on 20.08.2015 that she met with an accident along with her husband and baby in USA on June 1st 2014 and she is undergoing treatment and therapy and that she is unable to attend to her own personal needs and requires assistants from her parents.

The State Advisory Committee discussed at length the claims of Mrs.P.Kavita Rao in the light of the material available on record and the directions of the Hon'ble High Court of Andhra Pradesh and the following recommendation is made.

Smt P.Kavita Rao CTO, submitted her option for AP indicating her place of birth as Raigarh, Chandigarh. Her entire studies are outside the state during the relevant period immediately prior to matriculation. As such she is a non-local candidate for both the states of AP and TS. She has subsequent to the submission of option claimed nativity by virtue of birth at Bitivada of Srikakulam District. Still, she remains a non-local to both the states. If she treated as a native of AP or domiciled in AP .She is entitled to be considered under para 18(h) of guidelines. Such employees are eligible to be considered in terms of Paragraph 18(h) of the guidelines subject to the availability of vacancies within the number of filled posts allotted to the relevant State.

Total number of posts allotted to AP to which she has sought allotment is 155 of which 69 are "filled" posts as on 01.06.2014. The remaining vacancies are meant for local optees of the state concerned only. Total local optees of AP are 92 hence she is not eligible as the number of local optees have exceeded the number of filled posts allotted to AP as the first priority is for regular local candidate as defined by the Presidential Order. The Joint circular of the two Governments in Circular Memo No.19184/SR1/A1/2014-7 Dt: 25.02.2015 of GA(SR) Dept indicates the prioritization among the various categories of employees based on preferential claim, local candidature and option. A non-local to both the states get a last priority compare to a non local candidate opting to a state being local to the other state. She does not come in this category

In view of the facts and circumstances of the case and the guidelines which guide the allocation of employees between the states it is decided to recommend to GOI to reject the claims of Mrs.P.Kavita Rao,CTO and to allot her to the state of Telangana.

B. Delegation for submitting proposals to GoI

As the GoI is pressing for proposals finalised by the Committee and in view of the timelines set by the GoI and avoid the delay, the Member Secretary requested to authorise him to send the proposal of Cadre Strength division and final allocation of State cadre employees of departments to GoI after approval by Secretaries to Govt (SR) of both the States of A.P and Telangana and to place before the Advisory Committee for ratification.. The Committee, after discussion and in view of urgency to send proposals to GoI, decided that in supersession of the decision that **“the recommendations will be thereafter forwarded to the Central Government after circulation of the same to the Chief Secretaries and the Chairperson”** taken in its previous 13th meeting ,the Committee authorised the Member- Secretary to send the proposal of Recommended final Cadre Strength division and Recommended final allocation of State cadre employees of departments as proposed by the subcommittee to DoPT, MoP,PG&P,GoI for their consideration and final orders, after approval by both Secretaries to Govt (SR) of both the States of A.P and Telangana and to place proposals so submitted to Central Government before the Advisory Committee for information.


(L.Premachandra Reddy)


(K.Ramakrishna Rao)


(Kimbuong Kipgen)


(I.Y.R.Krishna Rao)


(Dr. Rajeev Sharma)


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