

Minutes of the 6th Meeting of the Advisory Committee under the Andhra Pradesh Reorganisation Act, 2014 held on the 30th June, 2014

The 6th meeting of the Advisory Committee for State Government employees was held at 4.30 P.M. on the 30th June, 2014 in the Cyber Ganga, L Block of the A P secretariat. 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 |

Principal Secretary PR & Rural Development Telangana Sri Raymond Peter IAS and Principal Secretary H M & FW, Govt of A.P. Sri L V Subrahmanyam, IAS attended as special invitees. Sri K. Ramakrishna Rao Secretary Finance & S R Telangana and Sri B. Venkateswara Rao Secretary Services Telangana were also present at the meeting.

The Committee took up further consideration of the draft allocation guidelines from paragraph 23 onwards relating to the principles and procedure for final allocation of employees up to which the draft Guidelines had been examined at the last meeting. Members suggested verbal changes at several places to make the intentions clearer and these were decided to be incorporated in the draft.

Detailed discussion ensued on some of the principles as set out below. First the following principle was taken up for consideration.

“The allotment process shall be taken up in order of seniority as available on the appointed day. Those who have opted, who are natives of the State to which they have opted, shall, in order of their seniority, be considered for allocation first. If allocable posts remain, those domiciled in the State to which one has opted may be considered for allocation. Next local candidates of the local areas falling within a State shall be considered followed by those who were members of the local cadres of the State to which one has opted. Thereafter, even though they have not opted to serve the State, others may be considered in reverse order of seniority by allotting the junior most in each of these categories against their preference in succession.”

The Chief Secretary A P was emphatic in his contention that the Presidential Order i.e., the Andhra Pradesh Public Employment Order, 1975 mandates local candidature as the basic criterion for employment in the Continuing State and the successor States and that local status as evidenced by the period of study specified in the Order in the local areas in relation to a State should alone be prescribed as the guiding principle on the basis of which allocation of employees may be done, to the exclusion of other criteria like nativity / domicile, which are in his opinion no longer relevant in the context of the Order

After deep consideration and in the light of the general acceptance of the broad Constitutional criterion of local status, the adoption of the same for Provisional Order to serve, the ready availability of certification of the local status in respect of all as stamped on the service register of every employee, the serious difficulties likely and inevitability of serious allegations of manipulation of domicile status and native district while eliciting options of employees etc it was decided to recommend the following principle for allocation of employees to the States.

“The allotment process shall be taken up in order of seniority as available on June 01, 2014. Those who have opted, who are local candidates relatable to the State to which they have opted, shall, in order of their seniority, be considered for allocation first. If allocable posts remain, others will be considered in reverse order of seniority by allotting the junior most.”

Committee noted that there are employees non local to all areas of the Continuing State and a suitable provision should be made for allocation of such persons. The committee decided that in such cases allocation should be based on the following basis.

“Employees who are not local in relation to both States will be allocated on the basis of nativity / domicile based on due verification and certification of nativity / domicile by the Head of the concerned Department.”

In order to ensure equitable sharing of opportunities and in order to obviate the anomalous situation of posts remaining vacant in a State with persons eligible for allocation to that State continuing to serve the other State, it was also decided to modify the following

- i. “Vacant posts allocated to a State shall not be used to allot a person unless there are more employees who are natives of /domiciled in or are local candidates in any local area or belonged earlier to a local cadre in that State “

as given below;-

“Vacant posts allocated to a State shall not be used to allot a person unless there are more employees who are local candidates of that State”.

In the context of exceptions to the main allocation principles as given above, Smt Varma wanted all of them grouped together at one place one after the other. This was agreed to. She conveyed the Central Government view that those who have attained the age of 55 and have up to three years left before retirement on the appointed day and single women in service be allocated to the State to which they have opted and wanted the same to be incorporated in the guidelines. In these draft guidelines it is proposed to allow such option to those who have only one year or less left to retire having regard to the special circumstances of the State. The intention behind allowing this was only to see that such a person does not face displacement from where he is serving on the eve of his retirement. So the exception should only be to avoid displacement. It was noted in this context that the Government of A P has raised the retirement age to 60 and hence the chances are that an overwhelming majority of those who are about to retire would wish to avail this and would opt to A P State. Such a situation has to be avoided. . It appears necessary in the circumstances to ensure that while option is given to such people about to retire to choose the State which they wish to serve, the unintended benefit of increase in retirement age is allowed only to those who would be eligible with reference to the normal allocation criteria. Moreover as Hyderabad will remain capital of the A P State for a few years State level HQ staff who are substantial in number will not have any special displacement by virtue of allocation. State wide services staff will place displacement. There are Andhra officers working in Telangana and vice versa. Telangana officers working in Andhra area are eager to return to their State after the appointed day. In the circumstances it was argued that that the facility may be provided only to those who have one year left for retirement. MP had stuck to one year.

But the A P C S was firm on accepting what the Government of India has suggested. In view of the serious apprehension of Telangana personnel that this exception will be very detrimental to their interests in that those personnel of Andhra in the higher categories who would get allotted to Telangana will deprive them of their aspirations of accelerated promotions and recruitment that too for a longer period. Further in their view the more the number of years of relaxation leading to their getting allocation solely on the basis of option the more will be the number of Andhra personnel and period of Andhra domination in the Telangana State services. But it was noted that the enhancement of retirement age by the A P government has made it an uneven playing field resulting in unintended results. It was decided that the specific view of the respective governments may in the matter be ascertained in a day or two.

In the case of single women it was noted that reservation in favour of women to the extent of 30% has been prevailing in AP since the mid 80's, that their number is substantial and therefore that the benefit should be restricted to only those single women who are divorced or widowed or deserted.

Further Smt varma desired that the lessons learnt from the experience of the States of MP, UP and Bihar in the matter of States reorganisation in the course of the visit of the Government of India team to these States as conveyed by her at the meeting should guide the Committee in framing the guidelines. In the context it was noted that a team of officers of the State had visited the States of MP and Chhattisgarh to study and benefit from the experience of these States and the lessons learnt from the visits of the G O I and State government teams have been kept in view while framing guidelines.

The committee noted that there is strong demand from the Telangana personnel to send back the Andhra origin employees to A P State in both local cadres and state cadres and similarly to bring back Telangana employees to Te!angana and not to allot any non Telangana native to the State. While the Telangana service associations demand that only natives should be allotted to that state, there is a counter demand from the Andhra employees that all employees including those in the local cadres should be given option. The crux of the matter is whether only natives of the State of Telangana should be allotted to that State, and the non local employees selected on merit in the local cadres should be allowed to go back to the State of their origin, and whether all those employees including those who belong to the local cadres hailing from Andhra area should work only in the Successor State of Andhra and vice versa. Before one considers this request it will be necessary to keep in mind the inherent regional imbalance in the allocable categories of state cadre employees themselves and its implications in so far as it relates to allocation of these employees to either of the States. The Telangana employees associations are vehement in their argument that only those who are natives of Telangana should be allocated to that State and that the surplus of Andhra personnel should be adjusted against supernumerary posts in the Andhra Pradesh State. The Andhra employees representatives insist on wanting options for all employees to choose their State. The Act does not envisage creation of any supernumerary post to correct the imbalance in the cadre composition based on nativity Therefore the committee will be forced to recommend allocation of state cadre personnel belonging to both the regions to either state depending on the cadre composition. The Committee will be able to ensure only that natives will be preferred while allocating employees. Inherent imbalance in the cadres will have to be adjusted against available posts in either of the states irrespective of nativity.

The committee also noted that there is strong demand from class four employees and drivers to be allotted to their native State. Strong resentment exists among Telangana personnel in being required to serve the State of A P. In this context the committee noted the statistical data which showed that Telangana personnel are surplus in the lower categories while Andhra personnel dominate the higher echelons of State service.

A view was expressed that the committee may recommend creation of supernumerary posts to the extent needed to accommodate the surplus personnel of each region within that region. But it was considered that it is not correct on the part of the committee to go beyond its brief of

allocating people in accordance with criteria that are approved. It is for the Governments of Telangana and A P to go into the triple demands to repatriate those Andhra personnel in the Telangana area appointed in contravention of the Presidential order to the A P State, to exchange the non local candidates selected in local cadres both the States on merit who wish to return to their State from both the regions, and to accommodate surplus State Cadre personnel of one region within their State in supernumerary posts. In this context the committee also noted that estimation of the number of surplus personnel and financial costs the creation of supernumerary posts would entail will depend on the definition adopted for judging local status. While the first two categories of personnel are outside the purview of the Committee the committee will be concerned with the third category of surplus State cadre personnel. Precise estimation of this number and the financial costs of creation of supernumerary posts to accommodate the surplus will have to wait till the tentative allocation of personnel. In this view the committee felt it reasonable to make a provision that in the event the State governments decide to create supernumerary posts such posts may be reckoned at the stage of final allocation of personnel. The following formulation was agreed to.

“Posts created subsequent to the appointed day by either State Governments will be reckoned for the purposes of final allotment of state services employees”.

Subject to the above recommendations the Committee decided to approve the draft Guidelines for allocation of State cadre personnel and decided that the draft guidelines amended in the light of the above observations may be circulated along with the minutes of the meeting for approval of the members. Once the minutes and the guidelines are approved in circulation in the next two days the guidelines in draft form will be widely publicized calling for suggestions and remarks of all the stakeholders within ten days. The guidelines will be sent to the two States to be uploaded on the web sites of the States calling for suggestions and remarks of the employees, their associations, the general public, academics, the media and the governments. Copies of the Guidelines draft will also be sent to the Registrar General of the High Court, and the Secretaries of Legislature.

The suggestions and remarks received will be analysed and the committee will revise the draft to the extent necessary in the light of the suggestions, criticism and remarks made and forward the Final Guidelines draft to the Central Government for legal scrutiny and approval.

It was decided to convene the next meeting in Delhi in view of the impending Monsoon session of Parliament. Tentatively the meeting may be called early in the fourth week of July so that the Guidelines as endorsed by the Committee can go to the Government of India and the Government of India could convey approval in the first week of August.


Pending the finalization of the Guidelines as above advance action will be taken by the G A (S R) department of A P to determine the cadre strength of different categories of posts in the Continuing State and to bifurcate the cadre strength between the two States in accordance with the principles and procedure as laid down in these guidelines.


(Dr P.V. Ramesh)


(Archana Varma)


(V. Nagi Reddy)


(Dr Rajiv Sharma)


(I.Y.R. Krishna Rao)
4-7-2014


(C.R. Kamalanathan)