

MOST IMMEDIATE
Speed Post

No.27/13/2010-SR(S)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi,
Dated: 22 July, 2009

To

Shri R.M. Srivastava,
Principal Secretary,
U.P.Reorganisation Coord. Deptt.,
Vikas Bhawan, Janpath Market,
Lucknow.

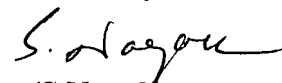
Shri Shatrughan Singh,
Principal Secretary,
Reorganisation,
Govt. of Uttarakhand,
Dehradun.

Subject: Minutes of the meeting held under the Chairmanship of Shri Rajeev Kapoor,
Joint Secretary, DOPT on 9/7/2010 at Lucknow.

Sir,

I am directed to forward herewith the minutes of the meeting held on 9/7/2010
under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary, Department of
Personnel & Training for information and necessary action. It is requested that the
minutes may kindly be circulated among the participant departments of your State.

Yours faithfully,


(S.Nayak)

Under Secretary to the Government of India

Copy to PS to JS(AT,A & CS)
PA to DS(SR)

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER THE CHAIRMANSHIP
OF JOINT SECRETARY(SR), HELD ON 09.07.2010 AT LUCKNOW

XIVth meeting of the Committee under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary, Department of Personnel & Training was held at 11.00 A.M. on 09.07.2010 at Lucknow. The list of participants is annexed. Initiating the discussion, the Chairman welcomed all the participants from the States of Uttar Pradesh and Uttarakhand. Thereafter, the agenda/issues were discussed and recommendations made as under:

1. Confirmation of the minutes of the meeting held on 24.02.2010

The minutes of the meeting held on 24.02.2010 were confirmed by the Committee. With regard to action taken on the recommendation as per the minutes, the Committee was informed that the recommendations have been accepted by the competent authority and compliance orders have been issued.

2. Compliance of Court Cases: As desired by the Chairman in the previous meeting, the representatives from the respective Administrative Departments of both the State Governments were called upon to appraise the Committee about the cases related to them.

(i) Home Department:

(a) The case of S/Shri Jagdish Chandra Dalkoti & Jeevan Chandra Pant (WP No.279/07) was considered in compliance of the directions dated 26.4.2007 of Hon'ble High Court of Uttarakhand. The representative of the Administrative Department informed that these two persons belong to Cooperative Department whereas the posts they are working on belong to CBCID. This statement is contrary to the statement made by the Deptt. in the last meeting. It was brought to the notice of the Committee that these two are yet to be allocated. The Committee recommended for referring the case to SAC for initiating the process of allocation through usual procedure. Before that the concerned Deptt. shall clarify the position in writing within 10 days.

(Action: UPRCD)

(b) In respect of directions of the Hon'ble Court in W.P. No.235/07 in various mutual transfer cases, the Committee was informed that no objection of both the State Governments have been made available to UPRCD. The Chairman asked UPRCD to send the proposals in the prescribed format as soon as possible so that the cases can be disposed of expeditiously.

(Action: UPRCD)

(c) Regarding the case of Shri Jagmohan Kashyap (WPNo.44507/2007), the Committee was informed that all the 4 juniors to Shri Jagmohan Kashyap are being finally allocated to Uttarakhand. This shall be confirmed by the Deptt. in writing. The Committee recommended to reject the representation subject to confirmation.

(Action: UPRCD/Home Department, UP)

(d) Regarding the case of Constable Armourer Yogendra Singh Rawat & Others (W.P. 253/08), the representative of the Administrative Department informed the Committee that the petitioners are domicile of Uttarakhand whereas the DIG(HQ), Dehradun has given in writing that he is also optee of Uttarakhand. The Chairman requested to clarify his position in seniority as domicile in writing by 19.07.2010

(Action: UPRCD/Home Department, UP)

(e) The case of Shri Ganesh Ram, WP No.1635/2007, was considered. The Committee recommended to allocate him on domicile basis to Uttarakhand.

(Action: DoPT)

(ii) Food & Supply: Regarding the case of Shri Mahipal Singh, the representative of the Administrative Department informed that Shri Mahipal Singh has already retired on 31.12.2009 from Saharanpur, Uttar Pradesh. This was confirmed in writing. Case to be closed.

(Action: DoPT)

(iii) Medical & Health Department: (a) The case of Shri Manmohan Khandwal (WP No. 358/2007) was considered. The representative of the administrative department clarified that Shri Manmohan Khandwal has not retired although in the previous meeting they had stated to the contrary. However, the committee was

S. Rajeev

informed that the post was not included in the Notification as no such post was in existence. Case was recommended for rejection on this basis.

(Action: DoPT)

(b) Regarding the case of Shri Sushil Chandra (WP No.65270/09), the Committee informally learnt that his wife, Smt. Rachna Doval was appointed into service after 09.11.2000. The committee recommended for rejection of the representation subject to confirmation of the date by Uttarakhand.

(Action: UKCRD)

(iv) Finance (Ayurvedic & Unani Services Directorate): The case of Shri Ashok Kumar, Finance Controller was considered. It was informed that Shri Ashok Kumar was domicile of UP. The Committee recommended for his allocation to UP, being a member of SC community in terms of circular dt. 29.07.2008 read with clarification dt. 24.06.2010.

(Action: DoPT)

(v) Garhwal Jal Sansthan: The Chairman stated that the Garhwal Jal Sansthan being out of purview of the Reorganization Act, the Committee has no role to play in the matter. He suggested that the State Govts. Are free to take suitable action in the matter.

(Action: UPRCD/UKRCD)

(vi) Geology & Mining: The cases of Shri Pratap Singh and Surinder Pratap Singh (WP No.1505/06) were considered & deferred. Chairman directed the concerned Deptt. To clarify whether gradation lists were available for plain and hill cadres. Alternatively he suggested Uttarakhand to explore the possibility of absorbing them.

(Action: State Government of Uttarakhand/Uttar Pradesh)

(vii) Forest Department: The Case of Shri Ghanshyam Singh, (WP No.1715/2006) was considered. The representatives of the Administrative Department stated that contrary to claim of Govt. of India of non-receipt of his representation by them, he has personally handed over these. The Committee recommended to defer the matter as the Government of India has already filed an SLP in the case of Shri R.K. Singh and interim stay has been granted in favour of the Government of India with direction to issue notice to the Respondents to file counters, if any, by the Hon'ble Apex Court.

(viii) Irrigation: The compliance case of Sudhanshu Manohar Singh and Shri Pramod Kumar (WP No.1035(S/B)/09) was taken up by the Committee for discussion. The Committee was informed that the SAC is seized of the matter. It was therefore, decided to exclude it.

(Action: DOPT /UPRCD)

(ix) Rural Engineering Service: The cases of Shri K.S. Bisht (WP No.423/06(S/B), Shri Shamshad Mohammed Khan (WP No.422/06(S/B)) and Shri Jagmohan Singh Bisht (W.P. No.424/06(S/B)) were considered. Shri Arvind Singh Hayanki, Reorganization Commissioner Uttarakhand clarified that S/Shri. K.S. Bisht and Jagmohan Singh Bisht were holding the post of store-keeper on the appointed day. This might be the reason for their non-allocation to Uttarakhand. They were promoted as JEs later. These people are to be considered for allocation as store-keepers. He, however, added that Shri Shamshad Mohammed Khan was JE on the appointed day and his claim is to be considered. The Deptt. was asked to clarify within one week.

(Action: State Government of Uttarakhand/Uttar Pradesh)

(x) Home Deptt.(Sub-Inspector): The cases of S/Shri Satyavir Singh (WP No.943/09(S/S), Guru Prasad (WP No.5835/09(S/S), Parasnath Singh & others namely, Jai Prakash Singh, Anirudh Singh, Prem Narain Dubey, Heera Singh, Anirudh Yadav, Devi Lal Chauhan, Ghulam Shabber Farooqui and Harpal Singh (WP No.7238/09(S/S), were considered. All these persons have moved court against their allocation as Head-Constables, although they have now been promoted as Sub-Inspectors. The Chairman observed that since this involves modification of an existing policy, this matter is to be referred to the SAC for consideration as the present committee is not competent to take a decision in the matter.

(Action: UPRCD/SAC)

S. Hayanki

(xi) PWD: (i) Regarding the case of WP No.147/SS/09 Virendra Pratap Singh, Chairman directed to exclude the item from the agenda as the State Advisory Committee is already considering the matter.

(Action: DoPT)

(ii) The WP No. 35(S/B)/2010 involving S/Shri Tara Dutt Pant and Amrish Kumar Kapoor, Junior Engineers (Tech.), was considered. The Committee was informed that SAC has already disposed off the matter. The Chairman directed to link up.

(Action: DoPT)

3. The pending representations of the Deptt. of Printing & Stationery received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered and the following recommendations were made:-

Sl. No.	Name & Designation S/Shri	Grounds for request	Decision taken	Reason(s)	Action to be taken by
1.	Pankaj Kumar Awasthi, Asstt. Binder	Domicile of U.P. Mother aged. Petitioner is a patient of Haemophilea .Old mother.	Deferred	In the previous meeting the matter was recommended for referring to Medical Board. The committee recommended to refer the matter to SAC, as it is considering medical hardship cases.	UPRCD/ SAC
2.	Kailash Chandra Joshi, Asstt. Binder	Domicile of U.P. Petitioner is suffering from psychiatric problems and is taking treatment in Lucknow. UP accepted inn CA that he is domicile of U.P. (para 13)	Deferred	-do-	UPRCD/ SAC
3.	Tribhuvan Nath, Editor and Key-Board Operator	Domicile of U.P. The petitioner is the only son to his parents. UP accepted in its CA that he is domicile of UP and not juniormost(Para 11)	Recommended for acceptance	Committee was informed that he belonged to SC community. Representation recommended for acceptance under SC/ST policy subject to verification.	DoPT
4.	Kamal Kumar Sonkar, Asstt. Binder	Domicile of U.P. Aged parents suffering with frequent health problems and are being treated in Lucknow. UP accepted in CA that he is domicile of U.P. and not juniormost (Para 12)	Recommended for acceptance	-do-	DoPT
5.	Govind Prasad Chaudhary, Draftsman	Domicile of U.P. Holding property in U.P. Petitioner's wife is suffering from psychiatric Problems and is taking treatment in Lucknow. UP accepted in CA that he is domicile of UP but not juniormost in draftsman cadre.	Recommended for acceptance	-do-	DoPT

S. Singh

4. The pending representations of the Deptt. of PMT Workshop received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered and the following recommendations were made:-

Sl. No.	Name & Designation S/Shri	Grounds for request	Decision taken	Reason(s)	Action to be taken by
A.	V.K. Sundaram, Constable(T)	Optee of U.P.	Deferred	The Deptt. Intimated that he was allocated on juniority basis. To clarify in writing.	UPRCD
B.	Bajnath Sachan, Head Constable(T)	Domicile of U.P. Having psychiatric problem and is undergoing treatment in Kanpur.	Deferred	In the previous meeting the matter was recommended for referring to Medical Board. The committee recommended to leave the matter to SAC as it is considering medical hardship cases.	UPRCD/ SAC

5. The pending representations of the Deptt. of Police Radio received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered and the following recommendations were made:-

Sl. No.	Name & Designation S/Shri	Grounds for Request	Decision taken	Reason(s)	Action to be taken by
1.	Sohan Lal Kala, Radio Station Officer	Optee of U.P. wife suffering from mental illness. Son living in Bangalore. 5 years for retirement	Deferred	In the previous meeting the matter was recommended for referring to Medical Board. The committee recommended to refer the matter to SAC as it is considering medical hardship cases.	UPRCD/ SAC
2.	Gangadhar Pant, Head Operator	Optee of U.P. Possessing landed property in U.P. Also the petitioner has Psychiatric health problem related tp old age.	Deferred	In the previous meeting the matter was recommended for referring to Medical Board. The committee recommended to leave the matter to SAC as it is considering medical hardship cases.	UPRCD/ SAC
3.	Girish Ram, Chief Operator	Optee. Domicile of U.P. Wife suffering with Saitika Alergy disease. Petitioner also has breathing problem. Mother under medication from SGPGI, Lucknow for brain hemorrhage since September 2004. Not junior most. Almost 300 SC personnel junior to him. Seniority list not prepared by Deptt.	Recommended for rejection	Deptt. clarified that he indeed is juniormost and there is no one junior to him. To clarify in writing.	UPRCD

S. Singh

6. One pending representation of the Tribal Welfare Deptt., received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 was considered and the following is the position:-

Sl. No.	Name & Designation S/Shri	Grounds for Request	Decision taken	Reason(s)	Action to be taken by
	Hari Shankar Kuril, Asstt. Teacher (CT) WP No. 6696/05	Retiring within 2 1/2 years	Infructuous	Deptt. Informed that he has already retired. To confirm in writing.	UPRC

7. Head Constables : The Deptt. Informed that all the six Head-Constables have moved court subsequent to the order dt. 12.12.2007 of the Lucknow High Court, challenging their allocation on a lower post when all of them have been promoted as Sub-Inspectors. This is to be checked by DoPT and if found true, these cases are to be referred to SAC for consideration. (Action: DoPT)

8. The pending representations of the Jail Department received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered and the following recommendations were made:-

Sl. No.	Name & Designation S/Shri	Grounds for Request	Decision taken	Reason(s)	Action to be taken by
1.	WP No. 8566(S/S)/05 Sampurnanand Mishra, Jr. Clerk/Typist	Not junior-most, wife suffering from high blood pressure, requested for reconsideration of earlier representation	Recommended for rejection	His earlier representation has already been considered by SAC and rejected. The grounds given now in the fresh representation, do not make him eligible for change in allocation.	DoPT
2.	WP No. 8566(S/S)/05 Rajeev Agnihotri, Jr. Clerk/Typist	Not junior-most, mother suffering from high blood pressure, requested for reconsideration of earlier representation and also requested for cancellation of allocation to Uttarakhand.	Recommended for rejection	His earlier representation has already been considered by SAC and rejected. The grounds given now in the fresh representation, do not make him eligible for change in allocation.	DoPT
3.	WP No. 3897(S/S)/05 Bhoopesh Kumar Singh, Dy. Jailor	Optee and domicile of Uttarakhand, no seniority list, old age and ailing parents	Recommended for acceptance	Committee was informed that he belonged to SC community. Representation recommended for acceptance under SC/ST policy subject to verification.	DoPT
4.	WP No. 436(S/S)/06 Anoop Kumar Chaudhari, Varishta Samparikshak	Father 80 years old, frequently falling ill, small children, youger brother handicapped, cancellation of allocation on the basis of	Recommended for acceptance	Committee was informed that he belonged to SC community. Representation recommended for acceptance under SC/ST policy subject to verification.	DoPT

S. S. Sanyal

		provision of Rule 5(2) of Asstt. Accounts Officers' Service Rules 1985.			
5.	WP No. 8539(S/S)/05 O.P. Srivastava, Jr. Clerk/Typist	Appointed on compassionate ground, only child of parents, mother suffering from high blood pressure, diabetes, breathing problem and kidney ailment	Deferred	Referred to SAC for consideration being a medical hardship case	UPRC D/SAC
6.	WP No. 3870(S/S)/05 Chhotey Lal, Bandirakshak	Difficulty in climbing and descending hills due to fracture in backbone during an accident in 2003	Deferred	Referred to SAC to consider being a medical hardship case	UPRC D/SAC
7.	WP No. 3966 (S/S)/05 Anil Kumar Dubey, Chakki Mistry	Not juniormost, difficulty in children's studies, operation in wife's stomach, aged parents	Recommended for rejection	Juniormost official in the cadre, no other official is junior to him. Position is to be verified from the State Govts.	DoPT
8.	WP No. 566 (S/S)/05 Kamal Kumar Kanojiya, Jr. Clerk/Typist	No representation submitted in terms of court order dt. 12.12.2007	Recommended for acceptance	Committee was informed that he belonged to SC community. Representation recommended for acceptance under SC/ST policy subject to verification.	DoPT
9.	WP No. 188(S/S)/06 Shiv Dulare, Asstt. Accountant	Domicile of UP. No option given for Uttarakhand, Old father suffering from low-eyesight, breathing problem and lung disease, wife suffering from heart disease, stomach and bone ailments	Recommended for acceptance	Committee was informed that he belonged to SC community. Representation recommended for acceptance under SC/ST policy subject to verification.	DoPT

9. The pending representation of the Jail Department received in compliance of the High Court of Allahabad, order dated 19.11.2009 in 150 bunched cases were considered and the following recommendations were made:-

Sl. No.	Name	Grounds for request	Decision taken	Reason(s)	Action to be taken by
	WP No. 49431/05 Dadhi Ram, Jail Supdt.	Seniority not yet decided, juniority on batch-wise pro-rata basis not followed, Reservation policy not followed, Domicile of UP, mother suffering from Gathia and old age,	Recommended for rejection	Earlier representation considered by SAC and rejected. Grounds mentioned in the new representation do not make him eligible for change in allocation.	DoPT

S. D. Singh

10. The pending representation of the Panchayat Raj Department received in compliance of the High Court of Allahabad, order dated 19.11.2009 in 150 bunched cases were considered. The Deptt. Intimated that it is not aware about the court judgment. The Chairman directed DoPT to see whether representations have been forwarded to UPRCD. This is to be confirmed and if not forwarded, same needs to be sent immediately.

(Action: DoPT)

11. The pending representation of the Tehseeldar Cadre received in compliance of the High Court of Allahabad, order dated 19.11.2009 in 150 bunched cases were considered. The Deptt. Intimated that it is not aware about the court judgment. The Chairman directed DoPT to confirm whether representations have been forwarded to UPRCD. This is to be confirmed and if not forwarded, same needs to be sent immediately.

(Action: DoPT)

12. The pending representation of the Food & Civil Supplies Department received in compliance of the High Court of Allahabad, order dated 19.11.2009 in 150 bunched cases were considered and the following recommendations were made:-

Sl. No.	Name	Grounds for request	Decision taken	Reason(s)	Action to be taken by
1.	Ali Asgar Fatmi, District Supply Officer Gr.1	No representation recd. Copy of court order forwarded by Deptt.	Infructuous	Deptt. Informed that he has already retired. To confirm in writing.	Govt. of UP/UK
2.	Dilip Kumar, Regional Food Inspector	No representation recd. Copy of court order forwarded by Deptt.	Deferred	Representation already considered by SAC and rejected. Deptt. To give report quickly.	UPRCD

13. The proposal of Agricultural Directorate of Uttarakhand Government for allocation of 10 Class-IV employees to Uttar Pradesh, as per their option, which was considered in the last meeting and was deferred with request to Uttarakhand to find out whether these employees are willing to be allocated to UP at present, was considered again by the committee. Deptt. Informed that except one working in Uttarakhand, all others are posted in UP. The Committee recommended to allocate all the 10 Class-IV employees namely, S/Shri Ajit Kumar Gupta, Pramod Kumar Singh, Mahendra Pratap Yadav, Ranjeev Kumar Singh, Chandra Sekhar, Suresh Prasad, Vishram Prasad, Adha Prasad Shukla, Sanjay Kumar and Awadhesh Narayan Tripathi, to Uttar Pradesh, as per their option, as per the revised guidelines dt. 02.11.2007.

(Action: DoPT)

14. Mutual Transfer cases forwarded by UPRCD for consideration of Central Deptt. were considered by the committee and the mutual transfer were accepted since both the States have given no objection and all other conditions are satisfied :-

S. No.	Name & Designation & Deptt. S/Shri	Date of Appointment	Name & Designation & Deptt. S/Shri	Date of Appointment	Action to be taken by
1.	Pankaj Sharma, Jr. Clerk, Commercial Taxes Deptt.	24.03.1993	Brijpal Satpuri, Jr. Clerk, Commercial Taxes Deptt.	18.06.1993	DoPT
2.	Ram Krishna Dubey, Sr. Clerk, O/o Jt. Commissioner	28.11.1979	Jarif Ahmad, Sr. Clerk, O/o Dy. Commissioner(Admn.)	12.08.1977	DoPT
3.	Anish Ahmad, Asstt. Teacher (LT), Rajkiya Inter College	05.12.1988	Kum Kamlesh Shah, Asstt. Teacher (LT), Dr. Sushil Tiwari Rajkiya Kanya Sec.	20.08.1988	DoPT

S. Narayan

			School		
4.	Pradeep Kumar Dikshit, Sr. Assistant	18.01.1978	Smt. Rita Juyal, Sr. Assistant	30.06.198 2	DoPT

The dates of appointment in two mutual transfer cases of S/Shri Pankaj Sharma, Jr. Clerk, Commercial Taxes Deptt. with Brijpal Satpuri and that of Ram Krishna Dubey, Sr. Clerk with Jarif Ahmad, were intimated by the Deptt. in the meeting.

15. The Committee considered the representations received from the following personnel belonging to reserved category employees of PWD Department. Confirmation regarding SC/ST status have been received from the Government of Uttar Pradesh and Government of Uttarakhand vide Letter No. 2232 EAD/Uttaranchal/08 dated 21.6.2009 and 2416/111 (1)/08-125 (PWD)/2002 TC-2 dated 21.10.2008 and 1063/111(1)/09-125(PWD)02 TC Dehradun dated 22.6.2009. The Committee recommended to allocate all the 17 officials hereunder in view of the clarification issued on 24.6.2010:-

Sl.No.	Name & Designation S/Shri	Caste belonging to	Domicile	Remarks
1.	Rajendra Singh, Asstt. Engineer	Bhotia/ST	Chamoli	All recommended for allocation to Uttarakhand under SC/ST allocation policy vide letter No. 27/26/2006-SRS dt. 29.07.2008 and subsequent clarification of even number dt. 24.06.2010.
2.	Mukesh Singh Parmar, Asstt. Engineer	Bhotia/ST	Pithoragarh	
3.	Anil Kumar Pangati, Asstt. Engineer	Bhotia /ST	Pithoragarh	
4.	Jeevan Singh Hayanki, Asstt. Engineer	Bhotia/ST	Pithoragarh	
5.	Mahipal Singh Rawat, Asstt. Engineer	Jaunsari/ST	Dehradun	
6.	Manohar Singh, Asstt. Engineer	Bhotia/ST	Pithoragarh	
7.	Dhan Singh Kntiyal, Asstt. Engineer	Bhotia/ST	Pithoragarh	
8.	Prahalad Singh Brijwal, Asstt. Engineer	Bhotia /ST	Chamoli	
9.	Diwakaran Singh Hayanki, Asstt. Engineer	Bhotia/ST	Pithoragarh	
10.	Harish Pangati, Asstt. Engineer	Bhotia /ST	Pithoragarh	
11.	Ramesh Pal, Asstt. Engineer	Bhotia /ST	Chamoli	
12.	Ranieet Singh, Asstt. Engineer	Bhotia /ST	Pithoragarh	
13.	Dalip Singh Nabiyal, Executive Engineer	Bhotia /ST	Pithoragarh	
14.	Ramesh Chandra Pal, Asstt. Engineer	Bhotia /ST	Uttarakhand	
15.	Sanjeev Kumar, Asstt Engineer	Chamar /SC Not confirmed by the State	Confirmed by Deptt. in the meeting as Uttarakhand	
16.	Om Prakash, Asstt. Engineer	Shilpkar/SC	Uttarakhand	
17.	Girish Chandra Arya, Asstt. Engineer .	Shilpkar /SC	Uttarakhand	

(Action: DoPT)

16. Allocation of Dr. Tripti Bahuguna, Medical Officer (Female), PMHS.

The case of allocation of Dr. Tripti Bahuguna, Medical Officer (Female), PMHS was considered by the Committee. The Deptt. informed that she had initially opted for Uttarakhand but gave a subsequent option for UP within the option deadline. Her first option was provided to the Committee for consideration. The Committee recommended for her allocation to Uttarakhand on first option basis.

(Action: DoPT)

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

S. H. Gupta