

**Minutes of the Meeting of the Advisory Committee held on 18.07.2014 in
Uttar Pradesh Bhawan, New Delhi**

Agenda Item No.1: Minutes of the meeting held on 18.09.2013 were confirmed. The follow-up orders in pursuance of the recommendations, have already been issued.

Agenda Item No.2: Medical Hardship case from department of Intermediate Education.

The Committee recommended for revision of allocation of cases at Sl.No. 2 – **Dr. Bachchu Singh, Principle, Govt. Inter College, Lambgaon, Tehri Garhwal** and Sl.No.4 – **Shri Arun Kumar Panchaal, Assistant Teacher, Govt. Inter College Bidoli, Pauri Garhwal**. Rest of the cases i.e. Sl.No.1, 3, 5-12 were **deferred** with the directions to UPRCD obtain fresh Medical Certificates from the State Medical Board and place the same before the Committee during the next meeting.

Agenda Item No.3: Medical and Health Department:

(क) In pursuance of the judgment dated 24.12.2012 of Hon'ble Uttarakhand High Court in WP No. 1012(S/S)/2008, vide which it has directed for final allocation of the Petitioner, **Shri Shiv Murari Mishra, Lab. Asstt.(Rural)**, the Committee had directed the concerned departments to hold a meeting and send a proposal by 30.10.2013, so as to decide the matter in the next meeting of the Advisory Committee.

The Committee was informed that Shri Shiv Murari Mishra, Lab. Asstt.(Rural) was appointed under Divisional level cadre and out of 1986 posts 65 have been transferred to Uttarakhand. It was also informed that at the time of bifurcation, the post of Lab. Assistant (Rural) had become State level post. Further, it was informed that it is not clear whether Shri Shiv Murari Mishra was joined in Hill sub-cadre or plain cadre at the time of his joining. The cadre of Lab. Assistant (Rural), Medical & Health Deptt. is yet to be finally allocated if it belongs to State Cadre. The Committee, therefore, **deferred** the matter directing the UP Government to submit the proposal for allocation of Lab. Asstt. (Rural) alongwith the supporting documents to verify whether it was State Cadre, during next meeting of the Committee.

(ख) Revision of allocation of **Shri Subhash Chandra, Junior Assistant** in pursuance of order passed by the Hon'ble High Court of Uttarakhand in WP No.678/2007-Ilam Chand.

The Committee was informed that the appointment of Shri Subhas Chandra was appointed on a supernumerary post and therefore, his seniority position is not clear. However, during the meeting it was informed that appointment on supernumerary post is regular appointment and if an employee junior to him was allocated to Uttarakhand then he is entitled for re-allocation to Uttarakhand. The matter was **deferred** by the Committee with the directions to the

administrative department / UPRCD to confirm whether any employee junior to Shri Subhash Chandra has been allocated to Uttarakhand, before next meeting of the Advisory Committee.

(ग) The Committee was informed that **Shri Neeraj Gupta** had submitted two different options and the same have been referred for forensic examination and forensic report in this regard is awaited. The matter was **deferred** with the directions to administrative department / UPRCD to expedite the report in the matter and place the same before the Advisory Committee during next meeting.

(घ) Revision of allocation of Shri Ram Murat

The Committee was informed that Counter Affidavit has been filed by the administrative department in the case of **Shri Ram Murat** vs State of Uttarakhand and Ors. (WP No.296(S/B) /2011). The administrative department informed that Shri Ram Murat was not relieved from UP by Uttarakhand Government, later he applied for transfer from Uttarakhand to Uttar Pradesh. It was further informed that he was neither eligible for transfer from one state to other state under the extant guidelines nor he applied through proper channel, therefore the case might be rejected. Since, the matter is sub-judice, therefore, Committee **deferred** the matter with the directions to the administrative department to provide updated position in the matter before the next meeting of the Advisory Committee.

(ङ) **Shri Ramchandra**, Lab. Technician had requested for revision of allocation on the basis of option submitted by him. Since name of Shri Ramchandra was not included in the Final Allocation list to the Uttarakhand, therefore he was relieved by Uttarakhand Government for UP.

The Committee was informed that Shri Ramchandra (DOJ : 27.10.1986) had submitted his option for the state of Uttarakhand on 19.02.2000. The Director (Paramedical), UP vide letter dated 18.07.2014 has intimated that as per the Service Rules, 1994 the post of Lab Technician is a State Cadre post. The Committee was also informed that the petitioner belongs to Scheduled Caste. Further, in the Final Allocation List of the cadre of Lab. Technician, out of 14 employees allocated to Uttarakhand 4 were allocated on option basis and 10 were allocated on the basis of Juniority. As per available records it is confirmed that 15 posts of Lab. Technician were allocated to Uttarakhand in addition of 248 Hill Sub-cadre posts, however against it only 14 employees were allocated to Uttarakhand. In view of the position explained above, the Committee **recommended for revision of allocation** of Shri Ramchandra, Lab Technician for Uttarakhand on the grounds that the officials junior to him have already been allocated to Uttarakhand.

Agenda Item No 4. Planning Department

Request of Shri Naresh Chandra for revision of allocation to Uttarakhand in pursuance of the order dated 03.12.2013 passed by the Hon'ble Allahabad High Court in WP No. 1311(S/B)/2013.

The Committee was informed that Shri Naresh Chandra had given option for Uttarakhand, however he could not be allotted to Uttarakhand as only two posts were available in the cadre and both the post was allocated to Uttar Pradesh as only 16% (approx) posts were to be allocated to Uttarakhand. The representative of Uttarakhand Government informed that at present no post of programmer is available in Uttarakhand however, he agreed that if the Central Government allocates Shri Naresh Chandra to Uttarakhand a post would be created to accommodate him. Accordingly the Committee **recommended for revision of allocation** of Shri Naresh Chandra from UP to Uttarakhand under the guidelines for allocation of SC / ST employees.

Agenda Item No 5. Industrial Development Department

(क) Revision of allocation of Shri Kailash Chandra Joshi in pursuance of order dated 06.11.2012 passed by the Hon'ble High Court of Allahabad in WP No. 5377(S/S)/2012.

The Committee was informed that the recommendation of the Medical Board have been received which read as under:

“That the petitioner is suffering with Bipolar Affective Disorder Currently Highpromenia. His idea Score is 8 (eight). He is required to undergo treatment with regular checkup throughout his life.”

In view of the above, the Committee **recommended for revision of allocation** of Shri Kailash Chandra Joshi, Assistant Binder (now Binder) to Uttar Pradesh in compliance of the Court Order.

(ख) Revision of allocation of Shri Govind Prasad Chaudhary on medical grounds in pursuance of order dated 21.06.2013 passed by Hon'ble Allahabad High Court in the case of Shri Govind Prasad vs UOI [WP No.3563 (S/S)/2013].

The Committee was informed that the administrative department has not yet furnished the Medical Certificate of State Medical Board in respect of the wife of Shri Govind Prasad Chaudhary. The matter was **deferred** by the Committee with the directions to the administrative department to place the Medical Certificate in the next meeting of the Advisory Committee.

Additional Agenda prepared by DoPT

A. Discussion on the proposed modification of guidelines for reversion of employees allocated on the basis of juniority or domicile against their option, except for hill sub-cadre and district cadre with reference to the directions of the Hon'ble High Court of Allahabad in the case of **Jagdish Narayan Doharey** (WP No.3636 /2005).

The Advisory Committee was informed that during the last hearing on 16.07.2014 the Hon'ble HC was intimated that in the next meeting scheduled for 18.07.2014 the matter would be discussed in light of the directions of the Hon'ble HC. Accordingly, the Hon'ble HC postponed the matter for next date of hearing on 04.08.2014 with the direction to file the Counter Affidavit by that time. The Special Secretary (Reorganisation), UP informed that the Chief Secretary has not agreed to the modified proposal agreed by the Uttarakhand Government in pursuance of meeting of Chief Secretaries held on 17.06.2010 and the meeting of JS (AT&A) with the representatives of both the State Governments held on 17.07.2013 and instead has directed to pursue the proposal agreed upon in December 2011. The Committee **deferred** the matter with the directions that in view of the order of the Hon'ble High court both the State Government should hold a meeting and send the mutually agreed proposal to the Central Government to take final decision in the matter. Central Government will request them in writing to submit jointly agreed proposal to this effect by specifying the time period. The Additional Secretary (Home), Uttarakhand pointed out that at present there are 3153 police personnel who were supposed to join in Uttarakhand and 219 police personnel who were supposed to join in Uttar Pradesh therefore this matter needs to be addressed.

Both the State Governments agreed to finalize the common agreed proposal in this regard by 20th August 2014 and after receipt of the proposal, a meeting between the Central Government and both the States Governments shall be held in the third week of August 2014 to discuss the matter.

B. Home Department

1. Revision of allocation of **Shri Prabodh Kumar Ghildiyal, PAC** in pursuance of the order dated 20.03.2014 in WP (SB) No. 281 of 2013 by the Uttarakhand High Court.

The matter was **deferred** as representatives of both the Governments agreed that it would be covered by the proposal as mentioned in previous point in the case of Shri Jagdish Narayan Doharey.

2. Reallocation of **Shri Krishna Kant Trivedi** under guidelines for allocation of 'Class IV employees' in compliance of the order dated 08.01.2008 in WP (SS) No. 2224 of 2008 passed by the Lucknow High Court.

The Committee **deferred** the matter with the direction to the administrative department to furnish / verify details of Shri Krishna Kant Trivedi.

3. Request of Shri **Rajendra Singh Koshyari, Platoon Commander, 31 BN, PAC** for revision of allocation to Uttarakhand on the basis of option given by him.

The Committee **deferred** the matter and directed the administrative department / UPRCD to furnish details of the petitioner.

C. Medical Department

Smt. Sobhawati w/o **Shri Ramchandra, Lab Technician, Community Health Centre, Champavat, Uttarakhand** had requested for re-allocation of his husband to Uttarakhand as per option given by him. Further it was also claimed that the petitioner belongs to the District Cadre.

This issue has already been discussed at **Agenda Item No.3: (3)** above.

D. Public Works Department

Revocation of allocation of **Shri Sitaram Dobhal, Junior Engineer, PWD.**

Shri Sitaram Dobhal was allocated to Uttarakhand on the recommendations of the Advisory Committee meeting dated 18.09.2013 under the SC / ST guidelines. Subsequently, it was noted that Shri Dobhal had himself mentioned in his representation that he joined service in UP on 07.09.2001. As such he was not eligible for allocation under the UP Reorganisation Act, 2000.

The Committee **recommended for revocation / cancellation of the Allocation order** of Shri Sitaram Dobhal to Uttarakhand on the above grounds subject to verification of the joining date by the administrative department.

E. Reconsideration of allocation under SC / ST guidelines

The Committee considered 39 representations received from the SC / ST employees requesting for allocation under guidelines for allocation of SC / ST employees. Cases at **Sl.No.7(20) to 7(23) were recommended for rejection** on the ground that they were not in service on the appointed day. Case at Sl.No.7(24) was **recommended for rejection** on the ground that allocation of employees of Corporations does not fall under the purview of Advisory Committee. Rest of the cases were **deferred** for want of confirmation of the details in respect of (i) cast, (ii) cadre (state cadre or district cadre); and (iii) date of joining of the employees. The information is to be provided by the UPRCD before the next meeting of the Advisory Committee.

F. Medical Hardship cases

1. **Mahesh Chandra Saxena, Lecturer (Maths), Rajkiya Inter College** had requested for re-allocation to UP under Medical Hardship Policy. Medical Certificate issued May 2008 by CMO, Mahoba shows weakening of lower limbs (40% handicapped).

The Committee **deferred** the matter with the directions to UPRCD to get the recommendations of the State Medical Board.

2. **Brij Mohan Singh Pal, Asstt. Agriculture Officer**, Agriculture and soil Conservation, Rudhrprayag had requested for re-allocation to UP stating that he is suffering from Depression as he has not been allocated to UP. No medical certificate was submitted.

The Committee **rejected** the request as no Medical Certificate enclosed.

3. **Suresh Chandra Varma, Asstt. Teacher (Science& Maths)**, Rajkiya Sr. Secondary School had requested for re-allocation to UP on the ground that his wife is very ill. No medical certificate was submitted.

The Committee **rejected** the request as no Medical Certificate enclosed.

4. **Kailash Chandra Shukla, Asstt. Teacher (L.T.)**, Rajkiya Inter College, Nagni, Tehri Garhwal requested for re-allocation to UP on the grounds of Physical disability [self (40%) – Medical Certificate of Orthopedic Surgeon, (Member) Chief Medical Officer is enclosed] and her daughter (born in 2009) being mentally retarded (100%) [Medical certificate issued by the CMO, Chitrakoot].

The Committee **deferred** the matter with the directions to UPRCD to get the recommendations of the State Medical Board.

G. Irrigation Department

Request of **Shri Devendra Pratap Jain**, Chief Engineer for revision of his allocation on the grounds that less than one year is remaining for his retirement on the basis of similar case of Sh. Ganjendra Nath Pandey which was recommended for revision of allocation from Uttarakhand to Uttar Pradesh in Advisory Committee meeting dated 18.09.2013 on same grounds. The matter is still sub-judice, the latest status of the case required to be ascertained.

The committee **deferred** the matter with the directions to the administrative department to verify as to why Shri D.P. Jain did not comply with the allocation orders and what is ground on which he took stay order from the Hon'ble court and also intimate the same to the Central Government who may take final decision in the matter.

H. Education department

(1) Reallocation of **Shri Om Prakash Agnihotri** under Spouse Policy in compliance of the order dated 22.10.2013 passed by the Hon'ble High Court of Allahabad

UPRCD vide OM No.238/28-1-2014-7 याचिका /2014 dated 13.06.2014 has forwarded case of Shri Om Prakash Agnihotri for reallocation under Spouse Policy in compliance of the order

dated 22.10.2013 passed by the Hon'ble High Court of Allahabad. The Hon'ble High Court vide aforementioned order had directed the Principal Secretary, UPRCD to take a decision in the matter within a period of two months from the date of the production of certified copy of the order. The information provided by the Uttarakhand Government is incomplete and does not contain recommendations of the State Government and comments of the administrative department. UPRCD has, therefore, again requested the concerned administrative department of the Uttarakhand Government to furnish complete information to the Central Government in this regard.

The Advisory Committee was informed that Shri Om Prakash Agnihotri was working in Basic Education department at the time of bifurcation and was subsequently promoted in Intermediate Education department. However, such promotions from Basic to Intermediate department are not available in Uttar Pradesh. It was, therefore, agreed that before recommending the revision of allocation of the petitioner, the Uttarakhand Government will also intimate the petitioner that his seniority will be re-fixed in UP according to the extant Rules and will also secure willingness of the petitioner in writing. The Committee **recommended that the Central Government may take a decision** in this regard after the above information is furnished by the Uttarakhand Governemnt.

(2) Request of **Shri Arun Kumar Singh** s/o Shri Brijpal Singh, Asst. Teacher (LT)(English), Government Inter College, Tarikhet, Distt. Nainital for allocation to U.P. on the basis of NOC issued by both the successor state of U.P. and Uttarakhand.

The Committee **deferred** the matter with the directions to the UPRCD to furnish comments on his representation and clarify whether he belongs to the Hill sub-cadre, before the next meeting of the Committee.

(3) Request of **Shri Jhamman Lal Sharma, Office Superintendent** for revision of allocation to Uttarakhand on the basis of option given by him.

The Committee deferred the matter with the directions to the UPRCD to provide details in respect of his allocation.

I. Transport Department

Request of **Shri R.K. Gupta, Assistant Regional Manager**, (Finance / Audit), UP State Road Transport Corporation (UPSRTC), Meerut for revision of allocation to

Shri R.K. Gupta, Assistant Regional Manager, (Finance / Audit), UP State Road Transport Corporation (UPSRTC), Meerut has requested for revision of allocation to Uttarakhand on the grounds of similarity with Smt. Sunita Singh, Assistant Regional Transport Officer. Smt. Sunita Singh was re-allocated on the ground that being female employee she is to be allocated to the state she had opted for. Shri Gupta has also enclosed a copy of the order dated 11.09.2013 of the Hon'ble Allahabad High Court in the case of Shri Jagdish Narayan

Doharey (WP No.3535/2005), which is not relevant in the present circumstances. Further, he has also stated that he had undergone bypass heart surgery and has stated that the doctors have advised him to stay in Dehradun. From the attached documents it is seen that he was operated on 15.04.2004 at Escorts Heart Institute & Research Centre, New Delhi. **However, allocation of the employees of UPSRTC does not fall under the purview of SR Division / Advisory Committee.**

The Committee **rejected** the request as allocation of employees of Corporations does not fall under the purview of the Advisory Committee.


J. Class IV employees


1. Request of **Shri Raeez Ahmed**, Peon, Department of I&B for revision of allocation for Uttarakhand as per the guidelines for allocation of Class IV employees.


The Committee **recommended for revision of allocation** subject to the condition that the administrative departments will verify that the petitioner is eligible for re-allocation under the guidelines for class-IV employees.

2. Request of **Shri Ram Dayal**, Peon, Department of I&B for revision of allocation for Uttarakhand as per the guidelines for allocation of Class IV employees.

The Committee **recommended for revision of allocation** subject to the condition that the administrative departments will verify that the petitioner is eligible for re-allocation under the guidelines for class-IV employees.


(Shashi Bhushan)
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