

MINUTES OF THE 15th MEETING OF ADVISORY COMMITTEE HELD AT 11.00 AM ON 07.12.2015 IN THE CHAMBERS OF CHIEF SECRETARY TO GOVERNMENT OF ANDHRA PRADESH

The 15th meeting of the Advisory Committee for State Government Employees was held on the 7th December, 2015 at Hyderabad.

The following members attended the meeting:

- | | |
|-------------------------------------|---|
| 1. Sri C.R. Kamalanathan, IAS(Retd) | 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 Telangana |
| 4. Smt. Kimbuong Kipgen | Director, D o P T, Gol |
| 5. Sri. K. Ramakrishna Rao, I A S | Secretary to Govt , Finance Dept & GAD (SR), TS |
| 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 and 14th Meeting of the Advisory Committee held on the 06th August, 2015 and on 10th September, 2015 at Hyderabad.**

The minutes of the 13th and 14th meetings of the Advisory committee were confirmed and recorded.

2. **Action taken on the minutes of 13th meeting of the Committee.**

Noted

3. **Action taken on the minutes of 14th meeting of the Committee.**

Noted

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

The Provisional notification of cadre strength of the following departments done from 11.09.2015 till 05.12.2015 was ratified.

5. **First revision of Form II and Form IV A from 11.09.2015 to 07.12.2015 in the light of the representations and suggestions received on provisional cadre strength of the following departments notified calling options**

Committee noted the comments and suggestions received upon notification of cadre strength in respect of the above departments placed before it, the recommendations on the same, and the proposed revision of cadre strength as a consequence as reflected in the attached revised statements in Form II and Form IV A and approved and ratified the same.

6. **Approval of Tentative allocations notified**

Advisory Committee approved and ratified the tentative allocations notified



7. Approval of recommendations made on representations against tentative allocation by aggrieved, proposals on of recommended final Cadre strength and recommended final allocation of state cadre employees between the successor States of AP and Telangana and submission to Central Government for final orders .

Advisory committee approved and ratified the action taken in respect of the 66 departments mentioned.

In respect of the 10 departments proposed to be sent to the G o I it was stated that the statements are not yet ready and therefore it was decided that they may be sent to the G o I and placed for ratification at the next meeting.

8. Status of allocation in respect of employees in the departments in Health Medical & Family Welfare Department.

Committee reviewed the progress of allocation of the three departments under the Principal Secretary, HM&FW,AP and Joint Secretary, HM&FW,TS in the presence of the Heads of departments and noted the reasons for delay , the efforts under way and the promise of the principal Secretary that complete data will be furnished by the 12th December after which the committee may fix the date for tentative allocations in respect of these three departments. It was decided that the meeting may be scheduled before the end of the month.

9. Details of Departments in which Cadre strength bifurcation is still pending

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

The Committee decided that division of state level posts in following units of SPF will be done in the ratio 58.32:41.68 and that provisional cadre strength will be notified accordingly.

However the Secretary to Govt, GA(SR) Dept. TS will confirm the same.

1. A.P. High Court
2. A.P. Secretariat
3. A.P. Legislative Assembly
4. Head quarters and Academy

b. In respect of the Indian medicine department it was noted that the HQ posts will be divided on population ratio.

10. Representations of Sri P. Thimmareddy & Sri D. Venkataratnam, Directors in DTCP on their tentative allocation.

Sri D. Venkata ratnam & Sri P. Thimma Reddy, Directors in the DTCP have represented against their tentative allocation to TS and requested to reconsider their tentative allocation to TS and to reallocate them to AP. on the following grounds:

- i) Their cases may be considered under GO Ms No.218, MA&UD(G1)Dept, dt.15.6.2011 (staffing norms);
- ii) The posts newly created in CRDA may be reckoned.



Their representations including on line were gone through by the Committee.

The matter relating to tentative allocation in the category of "Director" in DTCP, it was noted, had been placed before the Advisory Committee at its 13th meeting held on 6.8.2015 and the SAC had decided as follows:

"" The Committee was appraised of the details of tentative allocation of employees in the department and agreed to the approach as outlined in the note. In particular the Committee took note of the complexity in the matter of allocation to the category of the Director and noted the fact that the cadre strength of Directors published in the notification of provisional cadre strength is three (3), i.e. one (1) post in the O/o HoD and the other two in GHMC as the cadre of the Department as per cadre strength sanctioned in G.OMs.No.485, Fin (SMPC) Dept Dt. 05.12.2008. The allocable persons are three and all the three are local to A.P. The committee was informed that the staffing norms issued in GO Ms Ncs.156,MA&UD (AI)Dept. Dated 9.4.2013 and 218 MA&UD(G1) dated 15.6.2011 though issued with the concurrence of Finance(SMPC.I) is only indicative and that there is no specific financial sanction for these posts at present. As such the Committee was informed on behalf of the A P Government that the cadre strength of the category should be taken as three only as provisionally notified. It was also conveyed that though there is an officer of the rank of Director working in VUDA it has no financial sanction of government and that it was an ad hoc arrangement not to be reckoned for the purpose of allocation. Committee also noted the A P Government has conveyed that it is not agreeable to permit the committee to reckon the vacancies arising and posts created if any after 01-06-2015 for the purpose of allocation of employees in terms of paragraph 18 (g) and (j) of the Guidelines . In view of the position stated above the Committee decided that the tentative allocation of employees in the category of the post of "Director of Town & Country Planning" may be taken up to based on the cadre strength of three posts sanctioned in G.OMs.No.485, Fin (SMPC) Dept Dt. 05.12.2008 and in the notification of bifurcation of provisional cadre strength notified i.e One post in O/o HoD to A.P and other two territorial posts exist in Telangana in GHMC."

Accordingly, tentative allocation of all State cadre employees of the Directorate of Town & Country Planning **including that of the category of Director**, in Town & Country Planning Dept was notified calling for objections, if any, within a period of 14 days vide the Notification No.20453/SR.1/A1/2014, dt 11.8.2015.

The two officers in the cadre of Directors , Sri P. Thimmareddy and Sri D. Venkataratnam, have filed representations on line and also filed OA Nos 4890 and 4896 of 2015 in AP Administrative Tribunal and obtained interim orders on 24.8.2015 against their relief from AP to TS until final allocation is made. The interim orders of APAT of both the officers reads as follows:

"Pending further orders in the OA, the respondents are directed not to relieve the applicant from the State of AP until final allocation is made in respect of the applicant, since he has sent objections for his tentative allotment to Telangana State by on line on 14.8.2015 and by way of ink signed hard copy on the same day, received by the 3rd respondent on 19.8.2015, in



terms of Circular Memo No.7144/SR1/A1/2015-1 dt 16.7.2015 issued by GA (SR) Dept of both Government of AP and Government of Telangana”.

AS per Circular Memo No7144/SR1/A1/2015-1, GA(SR)Dept dt 16.7.2015, among others, it is clarified that, *“the tentatively allotted employee who is aggrieved by his tentative allotment and represented within the prescribed period of two weeks from the date of publication of notification against his tentative allocation are not to be relieved till final allocation orders are issued by Central Government.”* The interim orders of APAT are in accordance with the clarification issued in the aforesaid Circular Memo and the interim orders were issued (one day before the last date of receipt of representations on tentative allocation (25.8.2015). Hence, both the officers are continuing in AP due to interim orders of APAT.

One officer, Sri P. Thimma Reddy has also filed a caveat petition in the Hon’ble High Court of AP on 7.9.2015.

As the tentative allocation employees in the category of Director, Town & Country Planning Dept was made by the SAC its 13th meeting held on 6.8.2015, the two representations Sri D. Venkata ratnam & Sri P. Thimma Reddy received on line against their tentative allocation to TS are placed before the Advisory Committee for a decision on their claims and for recommending to GOI.

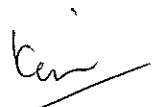
The State Advisory Committee discussed at length the representations of Sri D, Venkataratnam, & Sri P. Thimmareddy, Directors in the Town & Country Planning Dept and decided to reject their representations for the reasons already stated above and declined to recommend their allocation to AP and decided to recommend their final allocation in the cadre of Director Town & Country Planning to Gol without any change

11. Tentative allocation of Sri V.SubbaRaju, Dy.Inspector General, Registration & Stamps Dept- Medical grounds.

Committee noted the action taken to notify tentative allocation of employees of the department including the category of DY. I G R&S and the fact that those aggrieved will have an opportunity to represent and to be placed before the full Committee for taking decision on representation.

12. Tentative allocation -Director of Procecuton : Smt G.Radha , Addl. P.P.Gr II, AP-request under spouse cretaria.

It was decided that the suggestion of the committee to consider the request of Smt Radha Addl. PP Gr II ,Sompeta , Srikakulam District, AP to transfer her to the Telangana State Cadre so as to enable her to be with her spouse in the Multizonal cadre of APP now working at Adilabad may be conveyed to the two State Governments for further action.



13. Tentative allocation –Director of Economics & Statistics Department : Representation of Sri. A.Ashok Kumar, Senior Assistant, Economics & Statistics Department for change of allocation from AP to Ts on Medical grounds.

In view of the spl circumstances viz., both husband and wife are of heart patient and renal transplant case respectively and the employee is local to TS and preferential claim on medical hardship does not apply to HQ employee, Committee decided as a special case to allocate Sri Ashok Kumar Senior Assistant to TS as proposed and strike out be used to accommodate the allocation of Sri.Ashok Kumar, i.e., no supernumerary post to be created.

14. Note on adjustment of Class-IV Employees of the Secretariat Departments in the vacancies available in the Departments other than to which they belong.

Deferred and will be taken up with the other class IV employees of H.O.s.

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

Deferred.

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

The status of cases filed in the High Court at Hyderabad and the APAT was explained as mentioned below. The numbers of cases before the HC were 08. Number of cases filed in the APAT are 52 . The cases fall in six broad categories.

1. Where interim stay of relief of the applicant is stayed in final allocation by the G O I .
2. Where all further proceedings have been stayed pending finalization of seniority lists as in the case of Deputy Collectors, ASOs and SO s of Secretariat, Special category deputy Registrars of Co operation Dept.
3. Where tentative allocation has been stayed
4. Where tentative allocation has been stayed in individual cases
5. Where relief of the officer is stayed pending final allocation by the committee.
6. Where no interim orders have been passed and notice is given to parties to appear. Committee was informed of the decision of the APAT to post all SR matters before the Chairperson of the APAT, and the decision of the State governments to engage the Advocates General in the cases.

Committee recommended that the departments relieve officers of the departments in respect of which final allocation has been done forth with without any time gap. The final allocation will be communicated via SMS/email to give effect to the orders of final allocation to the dept concerned and each officer allocated.

Secondly it was decided to request the G o I to immediately establish a mechanism to hear review petitions that may be filed by the aggrieved final allottees and issue immediate instructions setting forth procedure for doing so.



Further the GA Dept was instructed to request the AGs to immediately seek vacation of the stay granted as the aggrieved will have an opportunity to seek review of the order of the GoI under Section 77 (3) of the Act

Fourthly it was decided to request the AG to see if the cases could be heard as batch cases as indicated above.

Lastly the dept was requested to furnish a case wise statement of action taken in each case at the next meeting.

17. Status note on allocation

Noted. GA SR Dept is requested to

- a) ensure that the 13 departments the final allocation of which has been done by the Committee are sent at the earliest
- b) provisional cadre strength of the remaining two departments are also published soon
- c) Options for all remaining departments are called immediately

18. Note on allocation of Deputy Secretary Law

Committee decided to endorse the recommendation of the Sub-committee without any change.

19. Matter of allocation of the category of the post of Director, Animal Husbandry Department

Deferred

20. Tentative allocation in the department of Engineer –in- Chief, Public Health

Deferred

Meeting ended with thanks to the chair.


(L. Premachandra Reddy)


(K. Ramakrishna Rao)


(Smt. Kimbuong Kipgen)


(Dr. Rajiv Sharma)
2/3


(I.Y.R. Krishna Rao)


(C.R. Kamalanathan)