

MINUTES OF THE 15TH MEETING OF STATE ADVISORY COMMITTEE HELD ON 29/12/10 AT 12.00 PM IN CONFERENCE ROOM NO. 190, NORTH BLOCK, NEW DELHI UNDER THE CHAIRMANSHIP OF JS(AT&A)

In compliance with the directions dated 17.04.2007 of the Hon'ble High Court of Chhatisgarh at Bilaspur in Writ Petition No. 445/2001 in the matter of Godbole and others versus Union of India and others the 15th Meeting of the Committee was held under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary, DOPT on 29/12/2010 at 12.00 PM in Conference Room no. 190, North Block. List of attendants is enclosed at Annexure "A".

The Chairman welcomed the members of the Committee and desired to know the implementation of decisions taken in the last meeting. It was informed that D/o Water Resources has not issued revised allocation orders so far parallel to the orders issued by this Department. Chairman directed to issue the revised allocation order immediately in compliance with the directions of the Committee in the last meeting. Thereafter the Committee took up the agenda of the meeting for discussion. In the meeting the representations of State Government employees of erstwhile State of Madhya Pradesh, covered by the decision dated 17.04.2007 in W.P. No. 445/2001 were individually discussed for revision of their allocation of State Cadre. The Committee also considered the cases of allocation/re-allocation where VIP references are pending for reply or fresh allocation of leftover employees is still pending or where Hon'ble High Court of M.P. has given directions to Union of India for deciding the representations of the petitioners afresh. The brief record of discussion in each case has been reflected in the last column of the table.

Sl. No.	Name of the Petitioner	W.P. No.	Decision taken
1	Shri P.L. Kumhar, Sub-Engineer, WRD.	258/06	The Committee noted that all the six cases of state re-allocation as per their option and/or domicile are covered under the recent clarifications issued by this Department on 24.06.2010 regarding allocation of SC/ST employees. So the Committee decided to recommend the revision of state allocation of all the six petitioners from Chhatisgarh to M.P. as they belong to SC category and they are the domicile of Madhya Pradesh and opted for the same.
2	Shir Baiwant Singh Mahor, Sub-Engineer, WRD.	2263/09	
3	Shri Rakesh Babu Shakya, Sub-Engineer, WRD.	4825/05	
4	Shri Arun Ramchander Salve, Sub-Engineer, WRD.	218/06	
5	Shri Teji Lal Mehra, Sub-Engineer, PHE.	2761/05	
6	Shri Ram Milan Ahirwar, Fisheries Inspector, Fisheries Department.	14996/08	
7	Shri Shyamratan Manghogre, Asstt. Dev. Ext. Officer, Panchayat and Rural Development.	2252/02	The Committee noted that this case of state re-allocation as per option and/or domicile is covered under the recent clarifications issued by the Department on 24.6.2010 regarding allocation of SC/ST employees. So the Committee decided to recommend the revision of state allocation of the petitioner from M.P. to Chhatisgarh as he belongs to SC category and he is a domicile of Chhatisgarh State.

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	Narendra Kumar Gupta, Sub Engineer, WRD File No. 14/45/06-SRS	3821/05	It was informed by the representative of Administrative Department in the meeting that seniority of the Asstt. Engineers is pending for decision in the Hon'ble Supreme Court and there is an order of the Hon'ble Court that status quo is to be maintained. So the Committee decided to keep this case pending for change of state re-allocation till the seniority related case is decided by the Hon'ble Supreme Court.
9	Mukul Jain , Asstt Engineer, WRD File No. 14/27/09-SRS	1907/09	The Committee deferred the consideration of this case for want of full facts of the case and directed that this case may be placed in its next meeting after obtaining full facts of the case from the Administrative Department of the petitioner.
10	P S V Nair, ARO, WRD File No. 14/33/2010-SR(S)	4428/06	<p>The Committee noted that Shri Nair has filed a Contempt Petition No. 1174/10 against the former Secretary (Pers.) for not complying with the directions dated 10/4/10 of Hon'ble High Court of M.P. in W.P. No. 4428/06. The Counter Affidavit in the Contempt Petition was to be filed in the Hon'ble High Court of M.P. by 5th January, 2011. The Committee considered the revision of state allocation of Shri P.S.V. Nair, ARO on the basis of comments of Deptt. of Water Resources. In the comments it has been confirmed that Shri Nair falls at Sl. No. 24 of the list of Asstt. Research Officers who were allocated to the State of M.P. in view of the re-allocation of the posts of AROs between the successor states of M.P. and Chhatisgarh in ratio of 49:62 by the Central Government on 21.10.2008.</p> <p>The Committee accepted the representation of the petitioner, Shri Nair and decided to recommend the revision of his State allocation from Chhatisgarh to M.P. in compliance with the directions of 10.4.2010 of Hon'ble High Court in W.P. No. 4428/06.</p>
11	Manish Sharma, Sub Engineer, WRD File No. 14/12/07-SR(S)	3690/07	The representative of the Deptt. of Water Resources informed in the meeting that they are seeking legal opinion for filing appeal against the judgement dated 17.8.2009 in WP No. 3690/07 as the allocation order was quashed without any direction. It was also informed that Central Government had sent Writ Appeal to the former Asstt. Solicitor General of India for filing in the Court. But he advised to decide the representation by passing the speaking order in consultation with the State Govt. after affording him an opportunity of personal hearing to the petitioner. The petitioner was personally heard and during hearing, he contended that Sub-Engineers junior to him have been allocated to the State of Madhya Pradesh. The

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			<p>Comments of State Administrative Department are awaited.</p> <p>The Committee decided that State Government may file Writ Appeal against the judgement of Hon'ble High Court as early as possible, if the grounds raised by the petitioner for re-allocation to M.P. are not tenable, after seeking legal advice and submit a report to this department. A decision in regard to filing writ appeal by this Department would be taken after receipt of Legal Advice from the State Government.</p>
12	Mahesh Kumar Srivastava, Sub Engineer, WRD File No. 14/55/07-SRS	4606/06	<p>The representative of the Deptt. of Water Resources informed in the meeting that they were seeking legal opinion for filing appeal against the judgement dated 21/08/09 in W.P. No. 4606/06 as the allocation order was quashed without any direction. It was also informed that Central Government has already sent Writ Appeal to the former Asstt. Solicitor General of India (ASG) for filing in the Court. The present ASG has been reminded about the status of filing the Appeal against the judgement of Hon'ble High Court.</p> <p>The Committee decided that State Government may file Writ Appeal against the judgement of Hon'ble High Court as early as possible after seeking legal advice and submit a report to this Department. Thereafter a decision on filing writ appeal by this Department would be taken.</p>
13	Subodh Chandra Jain, Sub Engineer, WRD File No. 14/18/10-SRS	5007/06	<p>The Committee deferred the consideration of this case for want of full facts of the case and directed that this case may be placed in its next meeting after obtaining full facts from the D/o Water Resources.</p>
14	Deepak Kumar Awasthi, Sub Engineer, WRD File No. 14/193/05-SR(S)	2669/05	<p>The Committee noted that Shri Awasthi was allocated to the State of Chhattisgarh under the category of "junior most" in the scale of Rs. 8000-275-13500 while he was drawing the scale of Rs. 6500-200-10500 on the cut off date viz. 23.09.2000. He was granted ACP in the former scale on 20.03.2001 effective from 15.10.2000 and his allocation was not in accordance with the guidelines of the allocation. He was to be allocated in the lower scale in which he was senior and eligible for allocation to the State of Madhya Pradesh.</p> <p>The representation of the petitioner was to be disposed of within six months as per the directions dated 22.03.2010 in W.P. No. 2669/05 of Hon'ble High Court of M.P. Therefore the Committee decided to rectify the error in the allocation and to recommend the re-allocation of the petitioner from the State of Chhattisgarh to Madhya Pradesh as per his entitlement.</p>

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	Altaf Ahmed Ansari, Sub-Engineer, WRD File No. 14/177/08-SR(S)	WA No. 777/06	<p>The Committee noted that Shri Ansari was allocated to the State of Chhattisgarh under the category of "junior most" in the scale of Rs. 8000-275-13500 while he was drawing the scale of Rs. 6500-200-10500 on the cut off date viz. 23.09.2000. He was granted ACP in the former scale effective from 15.10.2000 and his allocation was not in accordance with the guidelines of the allocation. He was to be allocated in the lower scale in which he was senior and eligible for allocation to the State of Madhya Pradesh.</p> <p>The representation of the petitioner was to be disposed of within six months as per the directions dated 31.08.2009 in W.A. No. 777/06 of Hon'ble High Court of M.P. Therefore the Committee decided to rectify the error in the allocation and recommend the re-allocation of the petitioner from the State of Chhattisgarh to Madhya Pradesh as per his eligibility.</p>
16	Rakesh Kumar Chaturvedi, Sub-Engineer, WRD File No. 14/164/09-SR(S)	2265/05	<p>The Committee noted that Shri Chaturvedi was allocated to the State of Chhattisgarh under the category of "junior most" in the scale of Rs. 8000-275-13500 while he was drawing the scale of Rs. 6500-200-10500 on the cut off date viz. 23.09.2000. He was granted ACP in the former scale effective from 24.09.2000 and his allocation was not in accordance with the guidelines of the allocation. He was to be allocated in the lower scale in which he was senior and eligible for allocation to the State of Madhya Pradesh.</p> <p>The representation of the petitioner was to be disposed of within six months as per the directions dated 15.09.2009 in W.P. No. 2265/05 of Hon'ble High Court of M.P. Therefore the Committee decided to rectify the error in the allocation and to recommend the re-allocation of the petitioner from the State of Chhattisgarh to Madhya Pradesh as per his eligibility.</p>
17	S N Tiwari, Lab Technician, WRD	2478/07	<p>The representative of Department of Water Resources informed that this case was decided in the last meeting, which is not correct. This case was considered by the Committee in its meeting held on 07.05.2010 and deferred. The Committee had desired that full facts about ^{the} employees junior to Shri Tiwari were allocated to Chhattisgarh, may be obtained. This case is to be placed in its next meeting for deciding the re-allocation of Shri Tiwari.</p>
18	R A Khan, Sub-Engineer, WRD File No. 14/25/10-SR(S)		<p>The representative of Department of Water Resources informed that this case was decided in 14th meeting held on 03.09.2010, which is not correct. Consideration of this case was deferred and it was decided by the Committee that administrative</p>

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			<p>Department would confirm the eligibility of Shri Khan to the state of Madhya Pradesh under the category of junior most (A-4) on the basis of his amended seniority.</p> <p>So, the Committee decided to place this case in its next meeting with categorical confirmation from the State Government regarding the eligibility of Shri Khan for re-allocation to M.P. on the basis of his amended seniority under category A-4.</p>
19	M K Warbude, SHDO, D/o Horticulture and Food Processing File No. 14/17/06-SRS	3080/05	<p>The representative of the Administrative Deptt. informed in the meeting that the petitioner had filed a writ petition in the Hon'ble High Court in 1987 for the promotion in the grade of Senior Agriculture Development Officer as a result of bi-furcation of D/o Horticulture and Forestry from the Department of Agriculture. He assured that they would send the factual position about the seniority of the petitioner and his eligibility of re-allocation after review of his seniority by the D.P.C. within two months.</p>
20	B K Yadav, Sub Engineer, PHE File No. 14/11/10-SRS	4919/05	<p>The Administrative Department of the petitioner has recommended the re-allocation of the petitioner from Chhattisgarh to Madhya Pradesh consequent upon the amendment in the seniority at Sl. No. 287 from Sl. No. 329 in the gradation list. On the recommendation of the administrative Department of the petitioner, the Committee decided to recommend the revision of state allocation of the petitioner accordingly because 26 Sub-Engineers junior to him have been allocated to the State of Madhya Pradesh.</p>
21	V K Sethi, Sub Engineer, PHE File No. 14/9/10-SR(S)	4287/05	<p>On the recommendation of State Government, the Committee decided to recommend the representation of the petitioner for acceptance for revision of his State Cadre from Chhattisgarh to M.P. on the ground that his wife Smt. Neelam Sethi is working as Asstt. Teacher in Government Higher Secondary School, Jabalpur, Madhya Pradesh w.e.f. 01.10.1994 as this case is covered under the spouse policy.</p>
22	Damodar Mahajan, Sub Engineer, PHE File No. 14/75/2005-SRS	1471/05	<p>On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting that request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking</p>

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			order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 16.12.2005 in W.P. No. 1471/05.
23	Ravi Prakash Vajpayee, Sub Engineer, PHE File No. 14/57/2010-SRS	2698/05	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting that request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 12.04.2010 in W.P. No. 2698/05.
24	P K Chaturvedi, Sub Engineer, PHE F.No. 14/208/05-SRS	2668/05	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting that request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 22.03.2010 in W.P. No. 2668/05.
25	M K Sawai Draughtsman(Civil), PWD File No. 14/74/09-SR(S)	3206/09	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting that request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court 21.08.2009 in W.P. No. 3206/09.
26	Shailendra Kumar Sharma Sub Engineer, PWD File No. 14/35/07-SR(S)	9544/06	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting that request of the petitioner for change of allocation from

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			Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court 19.07.2006 in W.P. No. 9544/06.
27	Kishan Singh Rajput. Lecturer. D/o Tribal Affairs File No. 14/112/07-SR(S)	2991/06	<p>The representative of the Tribal Affairs informed the Committee that there was error in the allocation of lecturers in the scale of Rs. 5500-175-9000 and the contention of the petitioner is tenable on the following two points:</p> <ul style="list-style-type: none"> (i) Names of two lecturers namely Kamal Singh Fuleria and V.K. Prasad were not included in the seniority list while they were in State Government service on the appointed day. (ii) Shri Dhananjay Pawade and Anil Kumar Kasikar were in General category but they were allocated in the SC category. <p>It was accepted by the State Government that allocation of the petitioner to the State of Chhattisgarh was erroneous and he was eligible for allocation to the State of Madhya Pradesh.</p> <p>On the basis of the comments of the State Government and statement of the representative of the Tribal Affairs Department in the meeting, the Committee accepted the representation of the petitioner and decided to recommend his allocation from Chhattisgarh to Madhya Pradesh.</p>
28	Mahesh Kumar Pandey BDO. D/o Tribal Welfare F.No.14/54/10-SRS	956/05	<p>The representative of the Administrative Department of the petitioner informed that the seniority of the petitioner in the light of directions of Hon'ble High Court is under consideration and consequent upon change in seniority he is likely to be eligible for change of state cadre from Chhattisgarh to M.P. The Committee decided that State Government should correct the seniority of the petitioner and thereafter send the proposal regarding eligibility of change of state cadre of the petitioner.</p>
29	Dr. Devendra Pratap Singh Sengar. AMO, AYUSH File No. 14/30/07-SRS	3793/08	<p>On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking</p>

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			order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 28.4.2008 in W.P. No. 3793/08.
30	Dr. L P Rai AMO, AYUSH File No. 14/27/07-SRS	3791/08	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 28.4.2008 in W.P. No. 3791/08.
31	Dr. G. S. Parihar, AMO, AYUSH File No.14/32/07-SRS	3792/08	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 28.4.2008 in W.P. No. 3792/08.
32	Dr. Yagyapurna Pathak, AMO, AYUSH File No. 14/57/08-SRS	11473/07	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 21.7.2007 in W.P. No. 11473/07.
33	Dr. Vishnudutta Mishra, AMO, AYUSH File No. 14/44/08-SRS	549/06	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the

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			request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 01.02.2006 in W.P. No. 549/06 and C.P. No. 826/07.
34	Dr. Kedarnath Mishra. AMO. AYUSH File No. 14/40/08-SRS	1037/06	On the basis of comments of the administrative Department of the petitioner and the statement of the representative of the Department in the meeting, the request of the petitioner for change of allocation from Chhattisgarh to M.P. is not covered under the guidelines of allocation. The Committee, therefore, decided to recommend the representation of the petitioner for rejection. The representative of the Department was advised to draft suitably the speaking order covering all the points raised in representation and submit the draft speaking order to this Department for issuing in compliance with the directions of the Hon'ble High Court dated 01.02.2006 in W.P. No. 1037/06.
35	Dr. Harinarayan Shukla AMO. AYUSH File No. 14/34/10-SRS	1994/07	The Committee deferred the consideration of this case because the wife of the petitioner is an Assistant teacher, a non-state cadre employee but her service particulars have not been made available by the Administrative Department of the petitioner. The Committee decided that this case may be placed in its next meeting after obtaining service particulars particularly the date of appointment of the wife of the petitioner, from her Administrative Department.
36	Dr. K.K. Jain, Medical Officer, D/o Public Health File No. 14/31/08-SR(S)	VIP reference	The representative of Public Health Department brought a copy of the earlier communication which was not sufficient to decide the case of Dr. Jain for re-allocation. It was noticed that he could not explain the case in the meeting. Therefore, the Committee decided to defer the consideration of this case. The Committee was not happy with the manner in which the allocation matters are dealt with by D/o P.H. & F.W. This case is pending for more than two years for want of simple clarification on the following points: (i) The scale being drawn by Dr. Jain on the appointed day. (ii) How he was allocated to the State of Chhattisgarh in two scales i.e. Rs.8000-275-13500 and Rs.10000-325-15200? (iii) The actual scale of pay for considering his allocation.

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			<p>So, the Committee decided that matter may be taken up at the level of the Principal Secretary for getting necessary clarifications for deciding the re-allocation of Dr. Jain and giving reply to the VIP reference.</p>
37	<p>Dr. R. K. Aggrawal Veterinary Asstt. Surgeon File No. 14/96/09-SR(S)</p>	<p>VIP reference</p>	<p>The Committee decided to recommend the representation of Dr. Aggarwal for rejection as the grounds raised by him in his representation do not entitle him for re-allocation to the state of Madhya Pradesh as per guidelines of allocation.</p>
38	<p>Radhey Lal Nirmalkar Asstt. Grade III, Department of Social Justice File No. 14/5/09-SR(S)</p>		<p>The Administrative Department of Shri Nirmalkar informed that he was an employee of Office Superintendent, Bahu Viklang Grih, Raipur, Chhattisgarh since 1992 and confirmed that this case does not fall within the category of State cadre allocation because he belongs to district level cadre. As per policy, the non-state cadre employees stand allocated to the state where they were working as on the appointed date. As such, his allocation is in accordance with the guidelines of the allocation. The Committee noted that matters pertaining to District cadre employee are outside the purview of the Committee.</p>
39	<p>A. K. Sahu, RAE0, Deptt. of Agriculture File No. 14/178/08-SR(S)</p>	<p>2395/08</p>	<p>The Committee earlier considered this case in its 8th meeting held on 05.09.2008 and rejected. While issuing speaking order in compliance with the directions dated 01.05.2008 of Hon'ble High Court of Chhattisgarh in W.P. No. 2395/08 it was noted that his juniors have been allocated to the State of Madhya Pradesh in lower pay scale Rs. 4000-100-6000 because his juniors got ACP retrospectively after the publication of TFAL and the petitioner was allocated to the State of Chhattisgarh in the higher scale of Rs. 4500-7000. This case is similar to the case of Shri R.S. Chaurasia, H.O. Srivastava and G.R. Verma in W.A. No. 783/07, 784/07 & 785/07 and they were given relief by the Hon'ble High Court of M.P. on 13.08.2008 by quashing their allocation to the State of Chhattisgarh and also quashing the circular date 26.12.2001 issued by the State Government.</p> <p>The Committee decided not to apply the decision of the Hon'ble High Court dated 13.08.2008 delivered in the above writ appeals in other cases till there is no specific order of the Court for giving relief to the petitioner who was allocated to the State of Chhattisgarh. Since the case is similar to the cases mentioned at Sl. No. 41 to 46, final order may be issued after policy matter is sorted out by Govt. of M.P.</p>

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40	Ram Kailash Tiwari, Surveyor, D/o Agriculture File No. 14/129/09-SR(S)	4154/06	The Committee noted that D/o Agriculture informed that employees juniors to the petitioner have been allocated to the State of Madhya Pradesh in the higher pay scale Rs.4000-6000 because his juniors got ACP before the publication of TFAL and the petitioner was allocated to the State of Chhattisgarh in the lower scale of Rs. 3500-5200 because he got the ACP order on 29.08.2002 i.e. after the publication of TFAL but effective from 19.04.1999. The Committee was not convinced with the Comments of State Government that petitioner was allocated to State of Chhattisgarh in lower scale while his juniors were allocated to M.P. in higher scale. The Committee decided to defer the consideration of this case and directed to explain as to how the employees in lower scale were allocated to Chhattisgarh and junior employees allocated to M.P. in higher scale.
41	Mahendra Kumar Tiwari, RAEO, Dept. of Agriculture File No. 14/58/06-SR(S)	3497/06	In all the five cases the issue involved is that junior Rural Agriculture Extension Officers (RAEO) were allocated to Madhya Pradesh and senior RAEOs were allocated to the state of Chhattisgarh. In the Writ Petitions filed, they highlighted this point and had prayed to the Hon'ble High Court for their re-allocation to the State of M.P. because junior RAEOs were allocated to M.P. While considering and disposing of their Writ Petitions the Hon'ble High Court inter-alia directed Union of India to consider their representations by passing speaking order. The directions of Hon'ble High Court are pending for compliance since long in all the five writ petitions.
42	Udaibhan Singh Tomar, RAEO, Dept. of Agriculture File No. 14/21/09-SR(S)	2702/06	
43	Sukhendra Singh Parihar, RAEO, Dept. of Agriculture File No. 14/36/06-SR(S) Vol- VII	3510/06	
44	Triveni Singh, Surveyor, Dept. of Agriculture File No. 14/124/09-SR(S)	3701/06	
45	S.A. Ansari, RAEO, Deptt. of Agriculture File No. 14/36/06-SR(S)	3574/06	
			Such instances of allocating the Junior employees to the State of M.P. and senior employees to the state of Chhattisgarh occurred while issuing allocation orders based on the M.P. Government Circular dated 26.12.2001 which states that the orders of ACP granted after the issue of TFAL will not be considered for change of state allocation in the Final Allocation List(FAL). But contrary to said circular a notification dated 22/3/2001 regarding guidelines of allocation was issued earlier by the State Government. The clause 6 of notification states that:- <u>Clause</u> 6(4) Allocation of employees getting ACP in the same post in a cadre will be done after grouping them on the basis of ACP scale. 6(5) 23/9/2000 will be the date of consideration of ACP scale while making group irrespective of the fact that orders of ACP issued prior to this date or orders issued thereafter but effective from this date or earlier. The above discrepancy of allocating the junior

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employees to the state of M.P. and senior employees to the state of Chhatisgarh against their option because of circular dated 26.12.2001 issued by State Government, was challenged by the three RAEs namely Shri R.S. Chaurasia, Shri H. O. Srivastava and Shri G.R. Verma in Writ Appeal No. 783/07, 784/07 and 785/07 in Hon'ble High Court of M.P. While deciding the said appeals the Hon'ble Court opined on 13/08/2008 that State were not justifying in carving a separate rule by introducing a new cut off date vide the order dated 26/12/2001 and thus Central Government was not justified in treating such persons who were otherwise covered by Clause 6(5) to be separate than those who formed part of group constituted under clause 6(4). The Court quashed the order of allocation of the appellants to the state of Chhattisgarh and respondents were directed to retain the appellants to the state of M.P. Against the said judgement dated 13/8/2008 the Review Petition filed by the State Government has been dismissed by the Hon'ble High Court. The MP State Government has taken a decision after seeking legal opinion for not filing SLP in the Hon'ble Supreme Court against the said judgement of Hon'ble High Court of MP. The decision of the Hon'ble High Court in the said Writ Appeals has been implemented by allocating the appellants to the state of Madhya Pradesh.

The SAC in its meeting on 05.07.2010 while considering the case of Bansilal Unihale. RAO decided to re-consider his eligibility in the wake of decision of M.P. High Court in Writ Appeal No. 783/07, 784/07 and 785/07 in the matter of Shri R.S.Chaurasia, Shri H.O. Srivastava and Shri G.R. Verma. Accordingly in such cases the Department of Agriculture was requested to furnish the proposals where compliance of directions of High Court is pending. So the Department of Agriculture has forwarded the proposals in all five cases on the lines of judgement dated 13/8/2008 of Hon'ble High Court of M.P.

The Committee wanted to know the impact of the implementation of judgement dated 13/8/2008. It was decided that General Administration Department and Department of Agriculture will examine the implication in various cases after seeking legal opinion in the matter. Deputy Secretary (SR), member of the Committee will also be associated during discussion on the policy issue involved in the matter. The exercise needs to be completed before the next meeting. The Committee was also of the opinion that if there is a specific order of the Court in any Writ Petition, such cases will be placed before it for consideration and decision.

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46	Ratan Lal Thakre, R.AEO. Deptt. of Agriculture		The petitioner belongs to non-state cadre and he was working in Chhattisgarh as on 01.11.2000. As per policy the non-state cadre employees stand allocated to the state where they were working as on the appointed date. As such his allocation is in accordance with the guidelines of the allocation. Hence no further action was considered necessary by the Committee on the representation of the petitioner.
47	Banshi Lal Unhale, R.AEO. Deptt. of Agriculture F No.14/59/09-SRS	2033/08	The petitioner belongs to non-state cadre and he was working in Chhattisgarh as on 01.11.2000. As per policy the non-state cadre employees stand allocated to the state where they were working as on the appointed date. As such his allocation is in accordance with the guidelines of the allocation. Hence no further action was considered necessary by the Committee on the representation of the petitioner.
48	Dhal Singh Bisen, Revenue Inspector, Revenue and Land Records F. No. 14/94/08-SRS	2396/08	The petitioner belongs to non-state cadre and he was working in Chhattisgarh as on 01.11.2000. the appointed day. As per state Government policy the non-state cadre employees stand allocated to the state where they were working as on the appointed date. As such his allocation is in accordance with the guidelines of the allocation. Hence no further action was considered necessary by the Committee on the representation of the petitioner.
49	Ramshekhar Katiyar, R.AEO. Deptt. of Agriculture	2395/08	These cases were considered in the last meeting of the Committee held on 03/09/2010 and it was decided that D/o Agriculture will issue a letter to them for submitting their representations within one month failing which it would be construed that they have nothing to say and matter would be disposed off accordingly. Now the D/o agriculture has informed that they have not submitted their representations so far. So the Committee decided to take these cases disposed of in the absence of pressing their grievances in the light of directions of Chhattisgarh High Court in the Writ Petitions filed by them.
50	Tarun Kumar Dwivedi, R.AEO. Deptt. of Agriculture	2024/08	
51	Ramvilas Sharma, R.AEO. Deptt. of Agriculture	3800/08	Shri S.C. Pandey, Asstt. Commissioner attended the meeting to explain the case of Shri Ram Narayan Rathore, Asstt. Grade-III. He could not convince the Committee about the cadre of Shri Rathore, whether state cadre or non-state cadre. Moreover, cadre of Shri Rathore is not clear from the comments forwarded by the D/o Commercial Tax, M.P. to this Department so far.
52	R A Sharma, R.AEO, Deptt. of Agriculture	2024/08	
53	Ram Narayan Rathore, Asstt. Grade-III, Commercial Tax Department		

noted as per

		The Committee decided to defer the consideration of this case and decided that State Government would furnish the full facts about the cadre of Shri Rathore and also his entitlement for the successor State on the basis of option, domicile and seniority rank as on the appointed day.
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The Chairman desired that the State Government authorities should respond timely to the request of Central Government for furnishing facts for deciding various representations of the petitioners in pursuance of directions of Hon'ble High Courts. It has been noticed that officers well versed with the cases are not deputed to attend the meeting which result in deferment of the cases. The Committee, therefore, decided that State Government authorities will furnish their agenda with full facts of the case to the General Administration Department well in time who in turn will submit the same to the Department of Personnel and Training at least two days in advance of the meeting.

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

Mr. Anand Singh