

MINUTES OF THE 16th MEETING OF ADVISORY COMMITTEE HELD AT 3.00 PM ON 09.3.2015 IN THE CHAMBERS OF CHIEF SECRETARY TO GOVERNMENT OF TELANGANA STATE

AGENDA ITEMS

The following members attended the meeting:

1. Sri C.R. Kamalanathan, IAS(Retd) Chairperson
2. Dr. Rajiv Sharma, I A S Chief Secretary, Government of Telangana
3. Sri S P Tucker I A S Chief Secretary, Government of A P
4. Smt. Archana Varma I A S Joint Secretary D o P T, Gol
5. Sri. K. Ramakrishna Rao ,I A S Principal Secretary , Finance and G A SR Department Telangana
6. Sri. L. Premachandra Reddy, I.A.S. Principal Secretary, General Administration (SR) Department
A P – Member Secretary

At the outset Committee placed on record its deep appreciation of the services of Sri I Y R Krishna Rao Chief Secretary to the Government of AP and Member of the Committee who demitted office on superannuation. Committee also welcomed Sri S P Tucker his successor as Chief Secretary to the Government of AP as member of the Committee.

1. Recording of the Minutes of the 15th Meeting of the Advisory Committee held on the 07th December, 2015 at Hyderabad.

The minutes of the 15th meetings of the Advisory committee were confirmed and recorded.

2. Action taken on the minutes of the earlier meetings of the Committee.

Noted

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

The Provisional notification of cadre strength of the Commissioner, Indian Medicine & Homeopathy was ratified.

4. First revision of Form II and Form IV A from 01.12.2015 to 06.03.2016 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 four 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.

5. Approval of Tentative allocations notified during the period 07.12.2015 to 24.02.2016

Advisory Committee approved and ratified the tentative allocations notified

6. 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 departments mentioned.

7. Note on modalities for bifurcation of combined AP State Judicial Service into AP State Judicial Service and Telangana State Judicial Service and combined AP Judicial Ministerial Service into AP Judicial Ministerial Service and Telangana Judicial Ministerial Service

Committee took note of the letter sent to the Registrar general of the High Court at Hyderabad on the subject.

8. Note on tentative allocation of APSP battalions.

The action of the Committee in notifying the tentative allocations on the lines explained in the note was ratified / approved. In view of the special reasons explained Committee agreed and decided that it essential to take recourse to the provisions of 18(x) and 18(y) of the Guidelines in order to make allocation of posts and personnel in respect of these categories in the APSP Battalions.

9. Details of Departments in which Cadre strength bifurcation is still pending Cadre strength bifurcation of Special Protection Force (SPF)

As decided at the 15th meeting of State Advisory Committee held on 07.12.2015 the committee approved that division of State level posts in following units of SPF will be done in the ratio 58.32:41.68 and all the remaining posts on territorial basis. Accordingly the provisional cadre strength will be notified accordingly:-

1. Secretariat
2. Legislature
3. High Court of Judicature at Hyderabad
4. SPF Academy
5. Office of the HoD

10. Status of allocation in respect of employees in the Commissioner of Indian Medicine & Homeopathy departments in Health Medical & Family Welfare Department.

Noted the delay on the part of the department to furnish the data and the fact that options are about to be called for the Department.

11. Note on allocation of personnel in the category of additional Commissioners in the Labour Department

Upon consideration of the representation of Sri Muralisagar and after considering the remarks of the departments of the two States and the GA SR Committee decided to recommend the allocation of Sri Surya Prasad the senior most officer in the cadre to the State of AP to which he is local and has opted and Sri Muralisagar to the State of Telangana and to recommend rejection of the representation of Sri Muralisagar. It was

noted that the A P Government has not agreed to the provision of the Guidelines 18 (g) that no decision on mutual consent of the two States is feasible, that the case cannot be decided independent of the Guidelines and that extraneous factors cannot enter into the decision to allocate state cadre personnel.

12. Status note on allocation of state cadre employees under the Director of Protocol

It was noted that final allocation proposals in respect of this department in respect of all categories except A Ds is about to be sent to the D o pT for consideration and approval.

13. Status Note on Allocation of Employees of O/o DG & IG,Police

Noted.

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

Committee noted that the crux of the issue is whether a candidate who is non local to both States governed by para 18(h) should be treated as if she is a local candidate and given priority by virtue of her seniority or take her place last after local candidates and decided that the guidelines and circulars guiding the allocation may be followed without any modification. She will have to be allocated to TS after local candidates of the other State even though they are junior to her in so far as she is non local to both the States. Seniority cannot be an over-riding consideration and hence her case for allotment to Telangana is rejected.

15. To consider the representations against the tentative allocation of Dy. Inspector General of Stamps and Reg. Dept. and to take decision on their final allocation

The cadre strength of the category of Dy IGs, Stamps and registration Dept and its distribution between the two States may be recommended to the G o I as follows:-

Details of cadre strength of DIGs (Reg&Stamps) and its distribution between the states

Total sanctioned posts			HQ posts	Field posts											
F	V	T		AP			Telangan a			No. of posts proposed					
				F	V	T	F	V	T	AP			Telangana		
										F	V	T	F	V	T
18	0	18	NIL	12	0	12	6	0	6	12	0	12	6	0	6

Legend: F= filled: V= Vacant: T= Total

The Committee considered the representations received in respect of the category in the light of the remarks of the Departments and the GA SR Departments and decided as follows.

Sri Srinivas is proposed to be allocated to the State of his choice based on local candidature. His objections are against allotment of his colleagues who have been allocated as per guidelines.

The objection that allocation shall be done only to the extent of the number of posts of the category cannot be accepted. Guidelines 18 (d) specify that "The employees to be allocated would include persons who are absconding, long absentees, those on leave preparatory to retirement or other kinds of leave, those under suspension, persons undergoing training and employees on deputation, including foreign service deputation. There shall not be any case of an employee not being allocated to either of the successor States". Similarly the suggestion that In all the cadres nativity/ local status shall alone be considered at the time of final allocation excepting severe medical hardship/physically challenged/spouse cases as per rules also cannot be accepted as it is against the guidelines.

Sri K.Sanjeeva Reddy : Local to AP opted to AP allotted to TS

Mr.K.Sanjeeva Reddy was tentatively allocated to TS on the basis of reverse order of seniority as per 18(f) of the guidelines as there are no vacancies in AP. He represented that the allocation of Mr.V.Subba Raju is not based on merits. He also represented to the Chief Secretary, Govt.of AP. that accepting the preferential claim long after the last date of exercising option is over is not correct.

The history of the case is as follows

The GA (SR) Dept has called for options of employees of Registration & stamps Dept. on 24-02-2015 giving two weeks time to exercise their option.

Sri.V.Subba Raju, filed option form on 28-02-2015 without any claim for preferential allotment in terms of 18(m) of guidelines. On 13-03-2015 the HOD acknowledged the option form by inputting bar code. The Form-III list of employees submitted first on 13-03-2015 which was verified and certified by HOD and did not specify any preferential claim. Last date for filing options is over by 10-03-2015. But on 22-04-15, after the time for filing options is over the officer filed an application in Annexure-III claiming preferential allotment on the ground that his wife Smt.V.Vijaya Bharati is suffering from Heart problem and underwent open heart surgery on 09-01-1998.This was certified by Cardiologist of Heart Cure Centre, Vijayawada on 20-03-15 (There is a correction of date) and attested by Asst Professor of Cardiology. GGH/GMC on 23-03-15.This was accepted by HOD and Form-III was revised and uploaded on 30-04-2015. Sri K Sanjeeva Reddy has

objected to the belated application. The Guidelines 19 (vi) specifies that option once exercised cannot be changed under any circumstance.

Complaints were received alleging undue favour to Sri V.Subbaraju and that his wife did not undergo open heart surgery and that preferential claim cannot be allowed as the claim was made long after time given for filing options

The complaint was referred to the Director Inspector General Of Reg & Stamp Dept for his remarks as to why the preferential claim was entertained when MrV.Subbaraju had not sought it in the option form submitted originally. The Director& IG Reg. & Stamps has referred the Medical certificates to the Medical Board on 26-05-2015 for verification & report. On 08-07-2015 the Medical Board submitted the report stating that the Medical certificates are correct.

During the meeting held on 6th August, 2015 the Sub-Committee has gone through the records. As per guideline 19 (vi) option once exercised cannot be changed under any circumstance. In the present case the employee had not chosen to claim preferential allocation in the first instance. He sought it subsequently. On 08-07-2015 Medical board stated that she underwent Midline Sternotomy only for ASD closure. The medical certification did not reveal that the employee's wife under-went open heart / bypass surgery, which entitles the officer for preferential claim. Since his belated, contested, doubtful claim for preferential allotment infringes the rights of his seniors in the matter of allotment and as the wife of the employee did not appear to have undergone open heart surgery or Bypass surgery as specified for preferential allotment as per the guidelines, the subcommittee deferred the allocation of Dy.I.Gs and decided to refer the matter to the State Advisory Committee for final decision

Mean while Sri V.Subba Raju approached the Hon'ble APAT through OA.No.4904 of 2015 and got directions on 01.09.2015 that –“Pending disposal of O.A., the respondents are directed to consider the claim of the applicant under para 18(m) of the guidelines, by taking into account the information furnished by him with regard to medical condition of the applicants wife and also the reconsideration of Medical Board and tentatively allocate him to the state of Andhra Pradesh and pass appropriate orders”.

The State Advisory Committee which met on 10.09.2015 discussed the issue at length keeping the orders of the Hon'ble APAT in view and the claims of Sri.V.Subba Raju, Deputy Inspector General it was decided not to accept his claim for preferential allocation.

However before further action was taken, on 01.10.2015 it was felt necessary to obtain a specific report from DME to clarify whether Post operative ASD Closure status (surgical midline sternotomy on 09.01.1998) at Care Hospital, Hyderabad. Post radio frequency ablation for artial flutter (2:1 conduction) on 23.01.2013 is same as Open Heart Surgery/Bypass Surgery or not before implementing the SAC decision. The issue was

referred to the Director of Medical Education, who in turn referred the case to the Superintendent, King George Hospital, Visakhapatnam, AP on 03-10-2015 for a specific report whether the operation conducted on the wife of Sri V.Subba Raju comes under Open Heart Surgery/ By Pass Surgery The Superintendent, King George Hospital Visakhapatnam on 14-10-2015 has informed that as per the detailed report of the Professor and HOD, Cardiology and Professor of Cardiology, King George Hospital, Visakhapatnam, AP. Smt V.Vijaya Bharati wife of Sri V.Subba Raju underwent Open Heart Surgery on 09.01.1998 for surgical closure of Atrial Septal defect in Care Hospital at Hyderabad. Keeping in view the clarification received from the Superintendent, King George Hospital and also the interim directions of the Hon'ble APAT the Sub-Committee at its meeting held on 04-11-2015 decided to reconsider the case of V.Subba Raju for preferential allocation and place the subject before the full Committee of SAC for final decision.

On 02-12-2015 Sri K.Sanjeeva Reddy gave a representation to the CS AP against the preferential allocation of Sri M.Bala Prakash and Sri V.Subba Raju. The CS was informed that the preferential allocation of Sri M.Bala Prakash was already considered and agreed to by the SAC during the meeting held on 10-09-2015.; but that the claim for the preferential allocation of Sri V.Subba Raju is pending before the SAC. He instructed to place the subject before the full committee.

The Full committee at its meeting held on 07.12.2015 held that *"Committee noted the action taken to notify tentative allocation of employees of the department including the category of Dy.IG 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"*.

Mean while on 03-02-2016 Mr.M.Balaprakash DIG (Reg & Stamps) was reverted to the cadre of District Registrar giving notional promotion to Smt.P.Lakshmi Kumari in the panel year of 2012-2013 by the Govt. of Andhra Pradesh in G.O.Ms.No.126 Revenue(Registration-1) Dept Dt.03-02-2016. Again on 11-02-2016 Mr.V.Subbaraju DIG (Reg&Stamps) was reverted to the cadre of District Registrar giving notional promotion to Mr.V.Sulaiman in the panel year of 2011-2012 by the Govt. of Andhra Pradesh in G.O.Ms.No.167 Revenue(Registration-1) Dept Dt.11-02-2016. This necessitates revision of the seniority list as on 1-6-2016 to include the names of the officers notionally promoted from dates earlier to 1-6-2016.

On 19-02-2016 both Mr.M.Balaprakash and Mr.V.Subbaraju have represented to the Secretary GA(SR)dept and the Chairman SAC that these promotions were made in violation of the GO.Rt.no.2147,GA(DPC-1)Dept. Dt.16-05-2014 issued by the Govt. of AP and requested to continue them as Dy.IGs .

At its meeting held on 09-03-2016 the SAC gone through the entire facts of the case and was not inclined to accept the preferential allocation claim of Sri.V.Subba Raju as he had failed to claim preferential allocation in terms of Guideline 18 (m) and had as an afterthought made the belated preferential claim long after the last date for filing the option forms is over. Further the SAC noted that the operation had taken place in the year 1998 which is nearly 18 years ago. The option once exercised is final and he cannot revise the option to include preferential claims long after the last date for receipt of option forms is over.

Incidentally the SAC noted that the cadre strength of DIGs is 18 and all are filled. Out of which Smt.T.Saroja went on deputation and Smt.A.Nagalakshmi went on long leave. In these two vacancies Sri.K.Sivarama krishna and Sri.V.V.Naidu were promoted and they were subsequently allotted to Telangana on orders to serve. The two officers who were on deputation and long leave have reported back after 01-06-2014.To accommodate these officers Govt. of AP have created two supernumerary posts. Subsequently two Dt.Registrars Smt.P.Lakshmikumari (for the panel year 12-13) and SriV.Sulaiman (for the panel year11-12) were promoted with retrospective effect. Since the two officers who were promoted in leave vacancies were working in Telangana, Sri V.Subbaraju and Sri.M.Balaprakash became juniors in A.P and they were reverted to District Registrars for want of vacancy. They went to court and obtained stay orders and are being continued as DIGs. In effect at present there are 22 DIGs against the cadre strength of 18 i.e. Two officers more than the number of DIGs allocated in Tentative allocation. This will necessitate the allocation of the retrospectively promoted officers in the cadre of D IGs. It was therefore decided to examine this aspect also before final allocation to the category was made.

C. Sri K. Siva Rama Krishna: Local to AP opted to AP allotted to TS

He is at Seniority no.19, local to AP opted to AP but allotted to TS. Since his seniors who are local to AP and opted to AP, there are no vacancies in AP for his allotment. He is allotted to TS in the reverse order of seniority as per 18(f) of guidelines

16. Note on Court cases filed in APAT / High Court on tentative / Final allocations.

Noted.

17. Status note on allocation

Noted.

18. Note on Employees in Last Grade Services (Class-IV category) in the General Subordinate Services in the Secretariat Departments and Heads of the Departments who are local to TS, opted to TS and allotted to AP.

Deferred

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

Decided that H o Ds of the two States may be consulted on the Form II and shadow form II of State cadre posts in the department and those outside the E in C PH department on the basis of which the tentative allocations have been made to reconfirm its accuracy and that thereafter the allocation committee may consider representations against the tentative allocations and recommend final cadre strength and final allocations and place the same before the SAC for its recommendations.

21. Tentative Allocation of employees of Director of Medical Education and

22. Status of allocation in respect of employees Director of Public Health & Family Welfare

Committee took note of the miserable status of management of services and handling of matters related to Staff allocation work on the part of the Departments of Medical Education and Health, particularly relating to the cadre strength and the seniority lists and the extra ordinary delay in the supply of data and documentation work on their part, that too defective and incomplete, in spite of the lapse of over a year and half after State reorganization as reflected in the notes placed before it.

Committee ratified the action of the GA SR Department in extending the time for submission of representations against tentative allocations proposed in the Departments of Medical Education and Insurance Medical Services from the 8th February to the 24th February, 2016 on the request of the Government of Telangana.

Committee heard the representatives of the Telangana Doctors Joint Action Committee, and received a copy of the memorandum already given to the GA SR on the alleged irregularities in the matter of tentative allocation of personnel of the DME. The gist of the representations made before the Committee is given below.

1. Application of the principle of territorial posts being allotted to the State of location has lead to the loss of posts of Professors, Associate professors and Asst professors to TS
2. T S is losing more posts in the above categories due to the tentative allocation of A P doctors. No A P doctor should be allotted to TS. A P doctors have been allotted to TS even where there are vacancies in the specialty concerned in A P
3. The allocations proposed will result in the A P Medical Colleges losing recognition as a result of vacancies arising due to AP doctors being allocated to TS.
4. The cadre strength and filled and vacant posts as reflected in the Form II is incorrect. A statement of categories in which this is so was handed over at the meeting wherein it was shown that the number of state cadre personnel in these categories are more than the number of posts shown as filled.
5. Doctors in excess of cadre strength in any specialty should only be allotted based on nativity status without considering option of the doctor concerned.

6. A P doctors have produced bogus local candidate certificates/ suppressed their local candidate certificates to gain allotment to TS as locals/under Guideline 18 (h) as non locals
7. Local candidates of AP have been shown as non local on the instructions of OSD as a result of which wrong allocations of AP natives have been made to TS
8. A P local who opted to AP have also been allocated to TS against their wish depriving the TS doctors of their opportunities.
9. Preferential claims of some A P doctors are bogus.

In the light of the foregoing the TDJAC wanted the tentative allocation lists to be cancelled.

They also wanted the tentative allocation of DH to be done keeping their apprehensions in mind and as there are bogus local claims in that department also in large number.

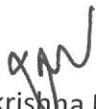
The TDJAC was assured that the Committee will have the data and documents thoroughly scrutinised in the department and the government, that the issues raised will be got carefully examined after which the Committee will discuss and decide on the further steps to allocate the state cadre personnel of the department.

23. Note on extension of date for submission of objections in Insurance Medical Services department

Committee ratified the action of the GA SR Department in extending the time for submission of representations against tentative allocations proposed in the Department of Insurance Medical Services from the 8th February to the 24th February, 2016 on the request of the Government of Telangana.



(L. Premachandra Reddy)



(K. Ramakrishna Rao)



(Smt. Archana Varma)



(Dr. Rajiv Sharma)



(S.P. Tucker)



11.11.16
(C.R. Kamalanathan)