

428

**Court Case**  
**Urgent**

F. No. 14/G3/06—SR(S) / Vol. - III  
Government of India  
Ministry of Personnel, Public Grievances & Pension  
(Department of Personnel and Training)

Lok Nayak Bhawan  
Khan Market  
New Delhi-110003  
Dated: 10<sup>th</sup> May, 2012

**11 MAY 2012**

To

The Principal Secretary,  
General Administration Department,  
Government of Madhya Pradesh,  
Vallabh Bhawan, Bhopal, M.P. – 462004.

The Principal Secretary,  
General Administration Department,  
Government of Chhattisgarh,  
D.K.S. Bhawan, Raipur, Chhattisgarh.

**Subject:** Minutes of the 19<sup>th</sup> meeting of the Committee held on 20<sup>th</sup> April, 2012 at 11:00 AM in Conference Hall No. 190, North Block, New Delhi under the Chairmanship of Shri Manoj Joshi, Joint Secretary (AT & A & SR).

Sir,

I am directed to refer to the above mentioned subject and to forward herewith a copy of the minutes of the 19<sup>th</sup> meeting of the Committee held under the Chairmanship of Shri Manoj Joshi, Joint Secretary (AT & A & SR) on 20<sup>th</sup> April, 2012 at 11:00 AM in Conference Hall No. 190, North Block, New Delhi regarding consideration of the representations of State Government employees in compliance with the directions given by the Hon'ble High Court of M.P. and Chhattisgarh and other representations of employees under SC/ST category and spouse policy etc., for information and necessary action.

Encls. – As mentioned above

Yours Faithfully,

*Mohand Singh*  
(M.S. Sharma)

Under Secretary

Tel. No. – 01124651898

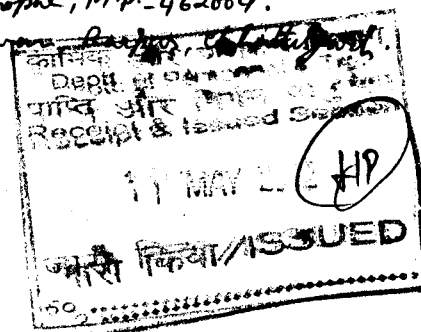
Copy to:

The Principal Secretaries,

1. D/o Water Resources, M.P, Vallabh Bhawan, Bhopal, M.P. - 462004.
2. D/o Water Resources, Chhattisgarh, D.K.S. Bhawan, Raipur, Chhattisgarh.
3. D/o Farmers' Welfare and Agriculture Development, M.P, Vallabh Bhawan, Bhopal, M.P. - 462004.
4. D/o Farmers' Welfare and Agriculture Development, Chhattisgarh, D.K.S. Bhawan, Raipur, Chhattisgarh.
5. D/o Home, M.P, Vallabh Bhawan, Bhopal, M.P. - 462004.
6. D/o Home, Chhattisgarh, D.K.S. Bhawan, Raipur, Chhattisgarh.

Copy also to:

1. PS to JS (AT & A & SR)
2. PS to DS (SR)



**MINUTES OF THE 19<sup>TH</sup> MEETING OF STATE ADVISORY COMMITTEE  
HELD ON 20-04-2012 AT 11.00 AM IN CONFERENCE ROOM No. 190, NORTH  
BLOCK, NEW DELHI UNDER THE CHAIRMANSHIP OF JS (AT&A)**

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In compliance with the directions of the Hon'ble High Courts of Chhatisgarh and Madhya Pradesh the 19th Meeting of the State Advisory Committee was held under the Chairmanship of Shri Manoj Joshi, Joint Secretary (AT & A), DOPT on 20/04/2012 at 11.00 AM in Conference Room No. 190, North Block to consider the representations of the petitioners and employees of State of Madhya Pradesh and Chhattisgarh. The list of attendants is enclosed as Annexure "A".

2. The Chairman welcomed the members of the Committee and thereafter took up the agenda of the meeting for discussion. The Committee considered 38 cases and decision of the Committee in each individual case has been reflected in the last column of the table.

S. No.	Name, Design. and Deptt. of Employee	WP No. / Representation	Decision of the Committee
1.	Purushottam Kori, Sub-Engineer, WRD	Representation	The employee belongs to SC category and domicile of M.P. and he opted for M.P. So, the Committee decided to recommend the re-allocation of Shri Kori from Chhattisgarh to Madhya Pradesh as the request for change of State allocation is covered by the clarification issued by this Department on 24/06/2010 regarding allocation of employees belonging to SC/ST.
2.	Kaloo Ram Ladia, Sub-Engineer, WRD	Representation	The Committee was informed that this Department had given no objection to the State Government of M.P. and Chhattisgarh for the Change of State re-allocation of Shri Kaloo Ram Ladia and they were advised on 24/05/2010 for taking necessary action as wife of Shri Ladia is a teacher in the State Government since 13/01/1997. Despite reminding the State Governments they took no action on the request of Shri Ladia. So this case was again placed before the Committee for revision of State cadre of Shri Ladia under the policy of SC/ST employees. He belongs to SC category and is a domicile of M.P. and opted for M.P. So, the Committee decided to recommend the re-allocation of Shri Ladia from Chhattisgarh to Madhya Pradesh as the request for change of State allocation is covered by the clarification issued by this Department on 24/06/2010 regarding allocation of employees belonging to SC/ST.

*Manoj Joshi*

3.	JK Hindolia, Librarian D/o School Education	Represent- ation	<p>The Committee was informed that after seeking the approval of competent authority, DOPT had given no objection to the State Government of M.P. and Chhattisgarh for the Change of State re-allocation of Shri Hindolia and they were advised on 05/11/2009 for taking necessary action. The State Government took no action on the revision of allocation for more than two years. So the employee applied for change of State allocation again under the policy of allocation of SC/ST employees.</p> <p>He belongs to SC category and is a domicile of M.P. and opted for M.P. So, the Committee decided to recommend the re-allocation of Shri Hindolia from Chhattisgarh to Madhya Pradesh as the request for change of State allocation is covered by the clarification issued by this Department on 24/06/2010 regarding allocation of employees belonging to SC/ST.</p>
4.	Dr. Prakash Garg, Medical Specilaist, PH & FW	1677/07	<p>The representation of the petitioner was considered by the Committee in compliance with the directions dated 15/11/2011 of High Court for change of State allocation from Chhattisgarh to M.P. The grievance of the petitioner is that junior doctors were tentatively allocated to Chhattisgarh but finally they were allocated to M.P. One junior viz Dr. Gopalkrishan Aggarwal was allocated to MP because he was patient of Demyelization of brain with systemic Vasculitis and Multiple Sclerosis and his department has recommended for allocation to M.P. The 2<sup>nd</sup> junior viz A.K. Jain was allocated tentatively to Chhattisgarh as his domicile status was recorded wrongly. Although he is a domicile of M.P., his allocation was to be made on the basis of his relative seniority vis-à-vis others in his cadre. He was allocated to M.P. on the basis of his domicile status which was not correct. Dr. Jain is relatively junior to Dr. Garg and should have been allocated to Chhattisgarh. Since Dr. Jain has already been allocated to M.P., Committee decided to recommend to allocate Dr. Prakash Garg who is senior to Dr. Jain to M.P.</p>
5.	Rajendra Kumar Gupta, Sub- Engineer, WRD	2740/05	<p>Consideration of these cases was deferred by the Committee at the request of D/o Water Resources.</p>
6.	Alok Prasad Chaudhary, Sub- Engineer, WRD	5735/06	

*M. S. S. S.*

7.	Dr. Surendra Kumar Khare, AMO, AYUSH	5153/06	The representation of the petitioner was considered by the Committee in compliance with the directions dated 15/11/2011 for change of State allocation from Chhattisgarh to M.P. The Committee decided to recommend his allocation from Chhattisgarh to M.P. because his wife Smt. Shobha Khare is working as Lecturer in Government Higher Secondary School, Tarana in Distt. Ujjain since 05/12/1985.
8.	Shyam Sunder Mahajan, RAEO, Agriculture	2985/06	The representations of the petitioners were considered by the Committee pursuant to the directions of the Hon'ble High Court of M.P. The contention of the petitioners is that RAEOs junior to them were allocated to M.P. The representative of the Administrative Department informed the Committee that the junior RAEOs were allocated to M.P. because of feeding of wrong data in the seniority list.
9.	Santosh Kumar Parmar, RAEO, Agriculture	2974/06	<p>The consideration of these cases was deferred and Committee desired that these cases may be re-examined by the Administrative Department to work out the number of RAEOs who would be affected and are likely to submit representations consequent upon the acceptance of representations of the petitioners. The Committee also desired to know the number of representations similar in nature pending with the Administrative Department.</p>
10.	Shyam Babu, Saxena, RAEO, Agriculture	1488/06	The circular dated 26.12.2001 issued by the General Administration Department was set aside by High Court of Madhya Pradesh vide its order dated 13.8.2008 in W.A. No. 783/07 filed by R.S. Chaurasia, RAEO. The said circular clarifies that orders issued granting ACP after the issue of TFAL will not be considered for change of state allocation in the final allocation list. As a consequence of this junior employees who got ACP in higher scale w.e.f. 23/09/2000 or at an earlier date but orders were issued after publication of TFAL were kept in lower scale grade for the purpose of allocation and were allocated to MP being senior in lower scale. The senior employees who got the higher ACP scale before the publication of TFAL were allocated to Chhattisgarh being junior in the higher ACP scale. In the judgement, the Hon'ble High Court observed that the process of allocation is violative of para 6(5) of the notification issued by State Govt. on 22.3.2001.
11.	Santosh Kumar Upadhyay, RAEO, Agriculture	1242/06	
12.	A A Qureshi, RAEO, Agriculture	1425/06	
13.	Pradeep Kumar Jain, RAEO, Agriculture	2975/06	

Ⓞ dated 13-9-2008

*Mohinder Singh*

			<p>Para (6) of the Notification reads as follows:-</p> <p>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.</p> <p>6(5) - 23.9.2000 will be the date of consideration of ACP scale while making group irrespective the fact that orders of ACP issued prior to this date or orders issued thereafter but effective from this date or earlier.</p> <p>In compliance with directions passed by the Hon'ble High Court of Madhya Pradesh, representations of all the four petitioners were examined by their Administrative Department as to whether their juniors were allocated to Madhya Pradesh after granting ACP in next higher pay scale with retrospective effect but after the date of publication of TFAL in terms of circular dated 26/12/2001. The representative of D/o Agriculture informed that some junior RAEs were allocated to M.P. in terms of circulars dated 26/12/2001, which has been quashed by the Hon'ble High Court of Madhya Pradesh on 13/08/2008 in a Writ Appeal 783/07 filed by Shri R S Chaurasia, RAE. In the last meeting held on 29/08/2011 Committee had decided to allocate the employees to the State of M.P. provided their juniors were allocated to M.P. in accordance with circular dated 26/12/2001 issued by State Government.</p> <p>On the recommendation of the State Government, Committee recommended to allocate all the four petitioners to the State of M.P. as their juniors were allocated to M.P. on the basis of circular dated 26/12/2001 issued by State Government contradicting the provision of para 6(5) of guidelines of allocation dated 22/03/2001.</p>
14.	Prakash Chand Bhairagi, RAE, Agriculture Deptt.	1122/06	The representation of the petitioner was considered by the Committee in compliance with the directions dated 17/11/2011 for change of State allocation from Chhattisgarh to M.P. The Committee decided to recommend his allocation from Chhattisgarh to M.P on the following grounds: (i) his juniors were allocated to M.P. (ii) his wife Smt. Pratibha Bhairagi is working as a Assistant Teacher in Government Girls Primary School, Naamli in Distt. Ratlam (MP) since 08/04/1985.

*M. S. Bhatnagar*

15.	Uday Kavishwar, SADO, Agriculture Deptt.	1047/06	<p>The representation of the petitioner was considered by the Committee pursuant to the directions of the Hon'ble High Court of M.P. The contention of the petitioner is that RAEOs junior to him were allocated to M.P. The representative of the Administrative Department informed the Committee that the junior RAEOs were allocated to M.P. because of feeding of wrong data in the seniority list.</p> <p>The consideration of this case was deferred and Committee desired that the case may be re-examined by the Administrative Department and work out the number of RAEOs who would be affected and are likely to submit representations consequent upon the acceptance of representation of the petitioner. The Committee also desired to know the number of representations similar in nature pending with the Administrative Department.</p>
16.	Umesh Chandra Bhati, Asstt. Fisheries Officer, D/o Fishereis	5631/06	<p>It was not clear from the Departmental agenda the reasons / justifications for allocating eleven Asstt. Fisheries Officers, junior to the petitioner, to the State of M.P. The representative of the Department present the meeting could not explain the basis of allocation of juniors to M.P. The consideration of this case was deferred and Committee decided that GAD should examine the case in consultation with fisheries Department and furnish their considered view / comments.</p>
17.	Mirza Qadir Beg, Sub-Engineer, WRD	6731/06	<p>Consideration of these cases was deferred by the Committee at the request of the D/o Water Resources.</p>
18.	Hari Narayan, Badgaiya, Sub Engineer, WRD	5296/06	
19.	Rajendra Kumar Maheshwari, Sub-Engineer, WRD	4632/06	
20.	Trilok Singh Sawale, Sub-Engineer, WRD	6444/07	
21.	Anil Kumar Rai SHDO, D/o Horticulture	5928/06	
			<p>The representation of the petitioner was considered by the Committee in compliance with the directions dated 15/11/2011 for change of State allocation from Chhattisgarh to M.P. The contention of the petitioner was that his juniors were allocated to M.P. The representative of Administrative Department present</p>

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			in the meeting informed that all the thirteen junior SHDOs were allocated to M.P. under special provisions of the policy of allocation i.e. under "spouse policy", "mutual transfers", "medical hardships", "belonging to SC category", "retirement within one year" etc. So the Committee decided to recommend the representation of the petitioner for rejection.
22.	Kailash Paan, RAEO, Agriculture	2953/06	The representations of the petitioners were considered by the Committee pursuant to the directions of the Hon'ble High Court of M.P. The contention of the petitioners is that RAEOs junior to them were allocated to M.P. The representative of the Administrative Department informed the Committee that the junior RAEOs were allocated to M.P. because of feeding of wrong data in the seniority list.  The consideration of these cases was deferred and Committee desired that these cases may be re-examined by the Administrative Department and work out the number of RAEOs who would be affected and are likely to submit representations consequent upon the acceptance of representations of the petitioners. The Committee also desired to know the number of representations similar in nature pending with the Administrative Department.
23.	Anil Kumar Sharma, SADO, Agriculture	W A 337/11	
24.	V N Mahule, RAEO, Agriculture	8618/06	
25.	Anil Tripathi, RAEO, Agriculture	7347/05	The consideration of this case was deferred by the Committee for want of complete details.
26.	Vijay Kumar Mohase, Asstt. Engineer, WRD	Representation	The consideration of this case was deferred by the Committee for want of verification of SC certificate by the Administrative Department.
27.	Anil Kumar Tewari, Surveyor, Agriculture	3195/07	The circular dated 26.12.2001 issued by the General Administration Department was set aside by High Court of Madhya Pradesh vide its order dated 13.8.2008 in W.A. No. 783/07 filed by R.S. Chaurasia, RAEO. The said circular outlined that allocation of the employees on the basis of ACP scale granted w.e.f. 23/09/2000 or earlier but orders of ACP issued after the publication of TFAL will not be changed in the Final Allocation List. The result of the said circular was that junior employees who got ACP in higher scale w.e.f. 23/09/2000 or earlier date but orders were issued after publication of TFAL were kept in lower ACP scale group for the purpose

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			<p>of allocation and were allocated to MP being senior in lower ACP Scale. The senior employees who got the higher ACP scale before the publication of TFAL were allocated to Chhattisgarh being junior in the higher ACP scale. In the judgement the Hon'ble High Court found the process of allocation in violation of para 6(5) of the guidelines of allocation notified on 22/03/2001.</p> <p>So on the recommendation of the State Government the Committee decided to allocate the petitioner to the State of M.P. because his juniors were allocated to M.P. on the basis of circular dated 26/12/2001 issued by State Government contradicting the provision of para 6(5) of guidelines of allocation dated 22/03/2001.</p>
28.	Madhukar Warbude, SHDO, Horticulture	3080/05	The Committee recommended to reject the representation of the petitioner for change of State cadre from Chhattisgarh to M.P. as his seniority was found to remain unchanged even after carrying out the review by the Administrative Department by holding of DPC meeting.
29.	Sampat Lal Shouri, ASI, Home Guards	1780/05	The contention of the petitioner is that he was working as Platoon Commander at the time of allocation of State and it is unfair to allocate him to the State of Chhattisgarh in the lower grade of ASI. The Committee noted that he was working as ASI as on the appointed day i.e. 01/11/2000 and was promoted only on 16.11.2000. Hence, his allocation to Chhattisgarh as ASI is in order. So the Committee decided to recommend to reject his representation for re-allocation in the higher rank.
30.	A K Bose, Photographer, Agriciculture	2425/02	The Committee noted that the petitioner is a domicile of Chhattisgarh and opted for the same but was allocated to M.P. because his domicile State was recorded as MP erroneously. As per his eligibility, the Committee decided to recommend his State re-allocation from M.P. to Chhattisgarh in compliance with the directions dated 31/01/2012 of Chhattisgarh High Court.
31.	Luis Toppo, Head Constable, Home	7321/06	The petitioner belongs to non State cadre and consideration of such cases is not within the purview of the Committee and Central Govt. So the Committee did not find this case fit for consideration and expressed the view that the State Government may like to consider the request under the guidelines of inter-state transfer framed by them for non-state cadre employees.

*Mohinder Singh*



32.	Shailendra Verma, Asstt. Gd. III, Revenue	2112/02	The Committee noted that Shri Verma was eligible for inclusion in the gradation list as on 01/04/2000 as he qualified the Hindi typing test and produced the certificate of qualifying typing test in time. As there was no lapse on the part of the employee, Committee decided to recommend the revision of his State cadre from Chhattisgarh to M.P. on the basis of position of his seniority in the gradation list as on 01/04/2000.
33.	R K Dubey, RAO, Agriculture	15987/07	Consideration of this case was deferred for want of details from the Administrative Department
34.	Jagdish Chandra Kulhare, RAO, Agriculture	2870/06	The Committee decided that Administrative Department of the petitioner would verify the SC certificate of the petitioner and confirm that he belongs to SC community and he is a domicile of M.P.
35.	Dr. S K Ambawatia Asstt. Vet. Surgeon, Animal Husbandary	2967/06	The consideration of this case was deferred for want of medical certificate of petitioner and his wife. The Committee decided that General Administration Department would obtain proper medical certificates from the Administrative Department and put up this case in the next meeting of the Committee.
36.	Arvind Singh Chandel, Sub-Engineer, WRD	6154/06	The consideration of these cases was deferred at the request of D/o Water Resources.
37.	Vinod Kumar Srivastava, Sub-Engineer, WRD	Representation	
38.	Rakesh Kumar and P N Sharma, Asstt. Engineers, WRD	837/12	

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

*M. K. Singh*

Annexure 'A'List of Attendants

- Shri Manoj Joshi, Joint Secretary (A&AT), DOPT ..... Chairman
- Shri K.P.K. Nambissan, DS (SR) , DOPT ..... Member
- Smt. Vijaya Srivastava, Principal Secretary, General Administration Department, M.P. ....  
Member
- Shri K R Mishra, Joint Secretary, General Administration Department, Chhattisgarh .....  
Member
- Shri Rajesh Kaul, Deputy Secretary, General Administration Department, M.P
- Shri M L Jain, Deputy Director Administration, D/o Agriculture and Farmer Welfare
- Shri Ashish Khare, AIG (Personnel) P.H.Q., Bhopal (M.P.)
- Dr. S.P. Singh, Deputy Director, Health, DHS, Bhopal (M.P.)
- Shri Vijay Kumar Singh, Joint Director, Horticulture, Bhopal
- Shri B.P. Verma, Civil Defence and Homeguards, Bhopal
- Shri Mool Chand Verma, Joint Commissioner (Revenue) Land records & Settlement (M.P.)
- Shri S.K. Shrivastava, Deputy Director, Fisheries Deptt. (M.P.)
- Dr. Rajeev Sengar, OSD, AYUSH, Bhopal (M.P.)