

MINUTES OF THE FIRST MEETING OF THE COMMITTEE UNDER THE CHAIRMANSHIP OF SHRI C.B. PALIWAL, JOINT SECRETARY (E) IN CONNECTION WITH WRIT PETITION NO.445/2001.

In pursuance of the judgement of Hon'ble High Court of Chhattisgarh and in exercise of the powers conferred by Section 71 of Madhya Pradesh Reorganisation Act, 2000, Central Government had constituted a Committee on 18.07.2007 in regard to the allocation matters of State employees other than All India Services. The mandate of the Committee is to review and decide the allocation of petitioners covered by the judgement dated 17.04.2007 of the Hon'ble High Court as early as possible within three months from the date of constituting the Committee after considering the representations, if their representations were not considered earlier or if their representations have not been considered fairly and also advise the Government for the need of issuing fresh guidelines keeping in view fair allocation of the employees, having regarding to residence of the employees, continuity of service in one state, posting of spouses and other similar factors.

2. First meeting of the Committee was held under the Chairmanship of Shri C.B. Paliwal, Joint Secretary on 19th September, 2007 at 11.00 am. The following were present in the meeting :-

1. Shri Jawahar Srivastava, Secretary, General Administration Department - representing State Government of Chhattisgarh.
2. Shri Y. Satyam, Additional Secretary - representing Principal Secretary Government of Madhya Pradesh.
3. V. Peddanna, Deputy Secretary, Department of Personnel & Training.

(i) Framing of Guidelines

The Committee felt that the existing guidelines of allocation, based on residence of the employees and continuity in service in one State may be sufficient. However, there is need to reconsider the guidelines on allocation in respect of women employees, class IV employees, under spouse policy etc. keeping in view fair allocation of employees. Detailed deliberations on framing of guidelines including various issues raised by the Government of Chhattisgarh are as under:-

(a) Allocation of women employees

It was decided that women employees would be allocated as per their option given at the time of initial allocation only. Wherever women employees have not given option, an opportunity may be given to the women employees to make representation in this regard. Option once given is irreversible, however, individual cases may be considered by the Committee for reversal of the option based on proper justification e.g. change in status like marriage after allocation.

(b) **Allocation of Class IV employees**

Keeping in view, the financial condition of class IV employees, it has been decided that the State cadre Class IV employees may be allocated to the successor State based on their options only.

(c) **Consideration of personnel who were not allocated earlier**

It has been decided that the representations of the employees, who have not been allocated to any state would be considered by the Committee, as if they are being considered for initial allocation.

(d) **Consideration of representations for mutual transfer with employees recruited after the appointed date.**

It has been decided that these cases are not covered by the allocation process in connection with the creation of successor State. As such they are out side the preview of such allocation.

(e) **Allocation under Spouse Policy**

As per the existing policy, both wife and husband may be allowed to one State, as far as possible. Both the State Governments have agreed that there should be flexibility in allocation of employees under spouse policy. There may not be any restriction that the junior spouse shall always follow the senior spouse and decided that even the senior spouse may follow the junior spouse.

(f) **Allocation based on Medical Grounds**

The Committee felt that the existing guidelines on medical grounds may continue.

(ii) **Preparation of agenda for the meeting**

Shri Y. Satyam informed that the 90 petitioners of the W.P. No.445/2001 are working in 24 Departments and major Departments are Revenue and Home. He stated that three meetings were held so far with the concerned Departments for obtaining representation / comments. They have so far obtained information for about 25 cases. At this point, the issue regarding the availability of representations was discussed in detail. It was decided that the representations mentioned in the writ petition may be taken as basis for consideration and requested the Secretary, Government of Chhattisgarh to obtain the copies of writ petitions and representations and provide the same to the State Government of Madhya Pradesh within a period of 10 days for their comments. The Secretary, Government of Chhattisgarh has been requested to forward the representations for mutual transfer cases along with their comments to the State Government of Madhya Pradesh.

(iii) With regard to the employees of Nagar Palika and School Education (scouts & guides), the Committee noticed that these employees are not eligible for allocation under State Reorganisation Act, 2000, because these are not State employees.

4. Since the process of allocation of these writ petitions are to be completed by 18th October, 2007, it has been decided to hold a meeting of the Committee at Bhopal on 3rd October, 2007 at 12.00 noon to consider the representations of the petitioners. For this meeting, the State Government of Madhya Pradesh is requested to prepare the agenda and forward the same to the Department of Personnel & Training by 28th September, 2007. Comments of the earlier Committees viz Lohani Committee & K.S. Sharma Committee, if available, may also be made available to the Committee.

Meeting ended with vote of thanks to the chair.