

**Minutes of the 8<sup>th</sup> meeting of the Committee under the Chairmanship of  
Dr. S.K. Sarkar, Joint Secretary (SR) held on 05.09.2008 at 12.00 noon in New Delhi.**

In compliance with the directions of the Hon'ble High Court of Chhattisgarh at Bilaspur in various writ petitions filed by the State Government employees for revision of their allocation Committee, the Committee under the Chairmanship of Dr. S.K. Sarkar, Joint Secretary (SR) met on 05.09.2008 at 12.00 noon in New Delhi. The meeting was attended by the following:-

1. Shri Vinod Kumar Choudhary Secretary, GAD, Govt. of Madhya Pradesh.
1. Shri Jawahar Srivastava Secretary, GAD, Govt. of Chhattisgarh
2. Shri Y. Satyam Addl. Secretary, Govt. of Madhya Pradesh.
3. V. Peddanna Dy. Secretary, Govt. of India

2. The Chairman welcomed the members of the Committee for the meeting and thereafter considered representations submitted by the State Government employees in compliance with the directions of the Hon'ble Court at Bilaspur for decision. Brief record of discussions / decisions of the Committee is given in the annexed table.

3. The Committee also discussed the issue raised by the Secretary, GAD, Chhattisgarh regarding non-availability of benefits to the SC / ST category employees on their allocation to a successor State on the plea that they are not the residents of the State. It was informed to the Committee that the availability of benefits of reservation to the children of SC / ST employees has now become an issue, and they are not being eligible for availing of the benefits of reservation in view of the Article 341 and 342 of Constitution of India. The issue has been arisen due to the following reasons:-

- (i) Caste of the SC / ST employees may not be listed in one of the successor State where the employee has been allocated against his option based on relative juniority in the cadre.
- (ii) Even the SC / ST caste is listed in the State, they are not eligible to avail the benefits of reservation if they are not permanent or ordinary residents of the State.

4. The Secretary, GAD also informed the Committee that the issue was taken up with the Ministry of Social Justice & Empowerment in January, 2008. However, response is awaited. He has also stated that the Hon'ble High Court of Bilaspur has rejected the plea of the Govt. to extend the benefits of reservation to the employees who were allocated to the State against their option (involunteers) on the basis of judgement given by the Hon'ble Apex Court on this issue. After detailed discussion, the Committee advised that the issue may be taken up with the Ministry of Social Justice & Empowerment which is a nodal Ministry for welfare of SC / ST category and also Ministry of Home Affairs which is the nodal Ministry for formulating Acts or re-organisation with the request to take appropriate action to make available the benefits of reservation.

5. Both the State Governments have also circulated a note on the issue raised by the employees of Water Resources Department (WRD) and Narmada Valley Development Board (NVDB) on allocation. After discussion the Committee was decided that this may be discussed in the next meeting in Bhopal, and directed to invite the representations of WRD of Madhya Pradesh and Chhattisgarh for the meeting.

*Mohinder Singh*

6. The representative of Madhya Pradesh also informed the Committee that basically RAEO is a State cadre. However, a special drive has been conducted to recruit more number of RAEOs with delegation of powers to the Commissioners to recruit the RAEOs and their seniority is being maintained at district level (Sub-State cadre), whereas the seniority of other RAEOs recruited in normal process is being maintained at State level (State cadre). The representations considered in the meeting as per direction of the Hon'ble Court in the WP No.2042/2008 etc. are of Sub-State cadre.

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

*Mohinder Singh*