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Minutes of the 4th Meeting of the Advisory Committee under the Andhra Pradesh Reorganisation Act, 2014 held on the 28th May 2014

The 4th meeting of the Advisory Committee for State Government employees was held at 10.30 A. M. on the 28th May, 2014 in the Conference Hall, Ministry of Home Affairs, New Delhi. The following members attended the meeting:

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| 1) Sri C.R. Kamalanathan | Chairperson |
| 2) Dr P.K Mohanty, | Chief Secretary, Government of A P |
| 3) Smt. Archana Varma, | Joint Secretary, D o P T |
| 4) Sri V. Nagi Reddy, | Principal Secretary, Irrigation |
| 5) Dr P.V. Ramesh, | Principal Secretary Finance & E O Prl.Secy S R, GAD |
| 6) Sri Jayesh Ranjan, | Member Secretary |

Dr Rajiv Sharma, IAS, Special Secretary, Ministry of Home Affairs, Government of India and Special Representative of the Government of India to the Governor of A P could not attend due to other pressing commitments as a special invitee.

The following were the items of agenda listed for discussion at the meeting.

Agenda No.1	Recording of the minutes of the third meeting of the Advisory Committee
Agenda No.2	Action taken on the recommendations of the previous meetings
Agenda No.3	Allocation of personnel under the AP Reorganisation Act – Implication of Article 371-D and the A.P. Public Employment Order, 1975
Agenda No.4	A.P. Reorganisation Act, 2014 Schedule IX and X institutions
Agenda No.5	Note on memoranda submitted by Telangana Employees Associations
Agenda No.6	Revised note on representation dated 1.5.2014 of the JAC of Andhra to Union Home Secretary /personnel Secretary
Agenda No. 7 (a)	Draft final Allocation Guidelines – Note for consideration of the SAC
Agenda No. 7(b)	Consideration of Draft final Allocation Guidelines
Agenda No. 8(a) Information	Note on preparatory steps to be taken before the appointed day
Agenda No. 8 (b) Information	Note sent to Home Ministry G o I on one time repatriation of non local employees.

Agenda No. Information 8 (c)	Note on "acting on substantive basis" sent to State Government.
Agenda No. 8 (d)	Letter to State and Central Governments on filing Caveats in the Tribunals and High Court.
Agenda No 9	Any other item with permission of Chair
Agenda No. 10	Fixing date for the next meeting.

It was noted that the State Government has submitted proposals, in accordance with the Guidelines on principles for serving the State of Telangana, for issue of orders by the Central Government. At the outset the Committee recorded its high appreciation of the tremendous work done by Dr. P V Ramesh and his team of officers in submitting proposals for provisional order to serve the State of Telangana within the very short time of ten days. The State Advisory Committee also recorded its deep appreciation of the remarkable contribution of D G CGG and his dedicated team of officers for the timely completion of the proposals

The Committee took note of and discussed the controversy relating to the exclusion of vacant posts distributed pro rata between the States while issuing provisional orders to serve the State of Telangana which it is alleged is resulting in Telangana officers having to continue to serve the State of Andhra Pradesh even after formation of Telangana State. It is being represented that to the extent vacancies are available in the posts allocated to Telangana State such of those Telangana locals who are left behind in A P State without any provisional order to serve being given to them, may be ordered to serve the State of Telangana. Further there is demand not to order any officer who is local to the Successor AP to serve the State of Telangana.

The Committee unanimously agreed that as long as local personnel of Telangana area are available to fill in posts including vacant posts allocated provisionally to that Successor State, all of them should be ordered to serve the State of Telangana including in vacancies being distributed pro rata; and that no employee who is non local to that State should be provisionally ordered to serve that State in such circumstances. The intention of the Committee in recommending pro rata distribution of posts and vacancies there in and personnel between the States was only to ensure equitable distribution of vacancies between the two States, without the vacancies that should legitimately belong to a State being utilized for ordering personnel of the other State to serve in those vacancies. Further only if there are local employees in excess of posts including vacancies provisionally shown against Telangana State should such surplus employees local to the Telangana remain in A P.

The Committee also noted that there is strong resentment in Telangana regarding posting of Andhra officers in the State even in such circumstances, and that there are allegations of large scale incorrect certification of local status in the case of Andhra officers and that Telangana employees unions do not want any Andhra employee to work in Telangana. Further they are

expressing total unwillingness to work in the Andhra State if allotted. Politically also there is strong support to this demand. At this juncture Chief Secretary A P brought to the notice of the Committee the strong resentment about possible allocation of non Telangana officers to Telangana State and the fear among Andhra officers about their safety in the State. In such circumstances he did not rule out the possibility of the two governments coming to an agreed solution on the complex and vexed issue of allocation of personnel. He wondered whether the committee could recommend creation of supernumerary posts to accommodate surplus personnel of one region in that region. It was felt that the committee is bound to propose guidelines within the confines of the Act and that it will be inappropriate for the committee to do so. Further this has to be considered duly keeping in view the fact that there is strong demand to repatriate not only those appointed in violation of the Presidential Order in the local cadres but also local candidates appointed on merit in the local cadres in accordance with the provisions of the Order.

In this context the committee's attention was drawn to the two items on the agenda dealing with these issues in the context of examining the memoranda presented by the Joint Action Committees of Telangana and Andhra employees associations. The committee noting the same decided that the demands of the associations will be carefully gone into while formulating the Guidelines on Allocation.

Chief Secretary indicated that he is constituting a Grievance Redress Committee to receive representations against provisional orders to serve to be issued by the Centre shortly and that the recommendations of the committee on representations received will be submitted to the Government of India to revise the orders. On this limited question of likely representations against the provisional order to serve, on the grounds mentioned above, Chairman suggested that the Central Government may kindly consider invoking the provision of Section 81 of the Act read with Section 82 and issue a direction to clarify that as long as posts including vacant posts are available in a cadre to accommodate an employees local to Telangana State, that such persons may be ordered to serve the State of Telangana and that they need not remain in the other State provisionally.

Agenda Item No 1

The minutes of the 3rd meeting of the Advisory Committee was recorded.

Item No. 2

Action taken on the minutes of the previous meetings was noted.

Item Nos. 3 to 8

The Committee noted that all the items of the agenda have a bearing on the Guidelines and that all the issues therein can be considered in context while examining the draft guidelines.

Thereafter Committee took up the clause by clause consideration of the draft allocation guidelines, partly discussed in the earlier meetings.

Item No 7 (B) Allocation Guidelines

All the paragraphs except the ones on which recommendations are given below were approved.

Paragraph 6

Sri Nagi Reddy expressed reservation on the propriety of the guidelines specifying the role of the SRC which has to assist the State Advisory Committee in such detail. In his opinion it should be left to the State Government. It was clarified that the elaborate description depicts the current arrangement on ground with the intention, in the interest of speedy dispatch of business, that the same arrangement should continue in the Successor State of A P as well. Chairman pointed and Principal Secretary Finance pointed out that there should actually be a full-fledged Department of State Reorganization in charge of all aspects of employee related State reorganization under a principal secretary who will discharge his functions with the overall guidance of the Chief Secretary of the residual State of A P and the coordination of the State reorganization Committee. It was decided to suitably modify the paragraph.

Paragraph 7

In the context of equitable distribution of posts between the States Chairman drew attention to the item on the agenda on the implications of Article 371 D and the Presidential Order on Public Employment and raised the issue of allocation principles in respect of posts in departments created subsequent to the Order issued in 1975 which have not been brought within the ambit of the Order. Principal Secretary Finance and E O Principal Secretary G A D explained the action taken to update the position.

It was noted that in respect of non gazette posts which have not been organized into local cadres the guidelines being stipulated in relation to territorial posts shall apply. All gazetted categories of posts in departments that have not been organised into local cadres in terms of the Order shall be allocable between the two states, and personnel in respect of which will be allocated between the two States.

Paragraph 13.

The line in paragraph 13 'the intention is that the allotment of personnel between the States will be done proportionately' may be omitted.

Smt Varma raised the issue as to whether it is not desirable to divide all allocable posts in the ratio of population without making a distinction with reference to geographic intensity of the activities of a department not amenable to the population criterion, Dr Ramesh clarified that this principle has already been applied for calculation of allocable share while proposing provisional order to serve. She suggested consideration of a uniform criterion so that it could be universally applied. Chairman suggested that in so far as geographic intensity and concentration of activity of a department is reflected in the relative number of territorial posts of allocable categories in the two States the ratio of these posts could be adopted for the purpose. It was considered that this may be adopted for allocation of personnel.

Para graph 20.

The word final in the subheading may be omitted.

The words 'where ever necessary' occurring in line 2 of paragraph 20 may be omitted.

Paragraph 28.

The suggestion of Sri Nagi Reddy that in so far as the employees holding posts in the villages being transferred to A P are local cadre posts the proposal to provide option to them may be dropped. It was clarified that this was done on representation that the holders of these posts stand on a different footing. This was agreed to be taken up later.

Paragraph 30

It was noted that Item (iii) of paragraph 30 takes care to clarify the intention that vacant posts have to be utilized as long as there are employees belonging to a State. The intention of the Committee in recommending pro rata distribution of posts and vacancies there in and personnel between the States was intended only to ensure equitable distribution of vacancies between the two States, without the vacancies that should legitimately belong to a State being utilized for ordering personnel of the other State to serve in those vacancies. Further only if there are local employees in excess of posts including vacancies provisionally shown against a State should such surplus employees non local to the other State be ordered to serve that State provisionally.

Dr P V Ramesh agreed to to finalise the option form in consultation with the Chair and place it at the next meeting.

On item (xi) relating to the order of allocation of candidates Chief Secretary suggested that the provision relating to allocation of candidates against the wishes of the employees in reverse order of seniority may be omitted. But it was pointed out that the allocation principles cannot lead to a situation where the committee is unable to fill posts where candidates are left to be allotted. The possibility of the popular governments agreeing to create supernumerary posts to absorb surplus candidates belonging to a State whose allotment is resisted on grounds of nativity was indicated to which the committee felt that it will not be appropriate for the committee to recommend creation of supernumerary posts. The committee can only bring the sentiments of the employees, association of employees, and the public at large to the notice of the state and central governments and leave the decision to them. The committee has to be bound by the provisions of the Act.

Smt Varma raised the issue whether it is not better to stick to the criterion of local status adopted for provisional order to serve for formal allocation of employees as well to which Sri Nagi Reddy suggested the continuance of the criteria now proposed, viz., nativity followed by domicile, and thereafter local status as reflected in the local candidature or having been a member of the local cadre in case of promote officers. It was pointed out that a native of or a

person domiciled in Telangana /Andhra may be a non local and that we cannot have a stipulation where a person belonging to the State become ineligible to preferential allocation.

Smt Varma wanted clarity as to how to determine nativity/ or domicile. The draft stipulates that nativity will be determined with reference to place of birth and district and domicile by the home district. Home town declared for LTC will not be accepted for this purpose.

Sri Nagi Reddy clarified that an S C or ST candidate will be one only if he is domiciled in the State where his community or tribe is declared an SC. So by virtue of this they have to be allotted to the state of their domicile. Therefore it was decided to stipulate that an SC or ST candidate will be allotted based on his domicile.

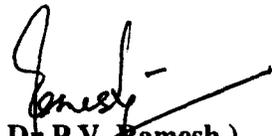
In view of the meeting of the Central Advisory Committee at 12.30 P M which is to be attended by the Chief Secretary he wished to leave for the same. Smt Varma and Dr Ramesh also had to urgently finalise the provisional orders to serve. Further it was noted that the SAC will have to be reconstituted after the appointed day, that a new government will assume office in the State of Telangana and that the Andhra Pradesh C M will assume office on the eighth of June, 2014, that the Chief Secretary is demitting office on the 1st June, and that the members may also change because of the bifurcation of the A P cadre of the IAS. So the Committee decided that the Draft guidelines as amended as decided at this meeting may be placed before the SRC after it is reconstituted along with the items of the agenda discussed inconclusively.

The Committee recorded its high appreciation of the signal contributions made by Dr PK Mohanty to the State Advisory Committee and wished him a glorious retired life.

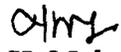
The meeting ended with a vote of thanks to the members.


(Jayesh Ranjan)


(Archana Varma)


(Dr P.V. Ramesh)


(V. Nagi Reddy)


(Dr P.K. Mohanty) 2/3


(C.R. Kamalanathan)