

**Minutes of the 8<sup>th</sup> Meeting of the Advisory Committee under the Andhra Pradesh Reorganisation Act, 2014 held on the 13<sup>th</sup> August, 2014 at Hyderabad.**

The 8<sup>th</sup> meeting of the Advisory Committee for State Government Employees was held between 1.00 pm to 4.00 pm on the 13<sup>th</sup> August, 2014 in the Conference Hall, 4<sup>th</sup> floor, C Block, Telangana Secretariat.

The following members attended the meeting:

- 1) Sri C.R. Kamalanathan                      Chairperson
- 2) Sri I Y R Krishna Rao I A S              Chief Secretary, Government of A P
- 3) Dr. Rajiv Sharma I A S                      Chief Secretary, Government of
- 4) Smt. Archana Varma, I A S                Joint Secretary, D o P T
- 5) Dr P.V. Ramesh, I A S                      Principal Secretary Finance & Principal.Secy S R, GAD

Sri Nagi Reddy Principal Finance Secretary could not attend due to Budget work and was granted leave of absence.

The following permanent invitees were also present at the meeting:

- 1) Sri L.V. Subrahmanyam, IAS, Prl Secretary, HM & FW Department, A.P.
- 2) Sri Raymond Peter, IAS, Prl Secretary, PR & RD Department, Telangana.
- 3) Sri K. Ramakrishna Rao, IAS, Special Secretary Finance and Secretary, GA (SR) Dept, Telangana.

The following were the items listed as the agenda for the meeting:

Agenda No.1	Recording of the minutes of the 6 <sup>th</sup> and 7 <sup>th</sup> meetings of the Advisory Committee
Agenda No.2	Action taken on the recommendations of the previous meetings
Agenda No.3	Consideration of Draft Allocation Guidelines for State Services employees in the light of the note on issues and suggestions and remarks thereon
Agenda No.4	Consideration of publication of cadre strength of the A P State as on 1 <sup>st</sup> June and allocation of posts and determination of cadre strengths of Telangana and Andhra Pradesh State Services and its publication calling for remarks of employee organisations and employees and confirmation by Heads of Departments of the two States
Agenda No 5	Any other item with permission of Chair
Agenda No. 6	Fixing date for the next meeting.

### Agenda item 1

Recording of the minutes of the 6<sup>th</sup> and 7<sup>th</sup> meetings of the Advisory Committee could not be done as all the members are yet to sign the same. As the backlog on this score will now be three, with the minutes of this meeting, members were urged to return the signed minutes in two days.

At the outset Smt. Archana Varma emphasized the need for immediate publication of the cadre strength of the Andhra Pradesh State as on the 1<sup>st</sup> June, 2014 for information of all concerned and calling for comments, suggestions and objections, if any to the Advisory Committee on or before 21<sup>st</sup> August, 2014. It was accordingly decided to do so if possible today itself.

### Agenda Item 2

On the items relating to action taken on the decisions at the earlier meetings the following were noted:

#### Third meeting:

There has been no progress in relation to Schedule IX and Schedule X institutions.

#### Fourth meeting:

Smt.A.Varma, Joint Secretary, DoPT expressed the view that unless the 'Guidelines relating to Principles for Serving the State of Telangana Provisionally' was amended, it would not be possible to utilize vacancies allotted to any State and expressed the view that as the process of actual allocation is about to begin the orders issued may be allowed to remain as it is. It was mentioned at the meeting that there were some categories which were omitted in the Orders to Serve already issued. It was decided these proposals may now be sent to GoI in the DoPT to issue orders to provisionally serve the State of Telangana.

#### Fifth meeting:

The State Government are yet to issue instructions relating to substantive holders of posts.

#### Seventh meeting:

The orders revising the composition of the State Coordination Committee is yet to be issued. The State Government of A P was requested to expedite this.

### Agenda item 3.

As decided at the 7<sup>th</sup> meeting of the Advisory Committee the Draft Guidelines relating to Allocation of State Services employees was published on the 25<sup>th</sup> of July, 2014 calling for suggestions and remarks from the employees, employees unions, and the general public on or before the 5<sup>th</sup> August, 2014. The memoranda and letters received from the associations, employees and others were examined. The issues raised and suggestions made by them have been analyzed and submitted for information and decisions of the Committee with an analysis of the issues and suggestions and proposing the course of action in regard to each issue or

suggestion along with a copy of the draft Guidelines for allocation of the State Services Employees revised in the light of the suggestions.

The Committee examined each of the suggestions and issues; and upon consideration of each of them came to conclusions as indicated in the column for decisions in the statement attached to these Minutes.

The Committee noted that a retired Joint Secretary of the A P Legislature has challenged the adoption of local candidature of an employee as a criterion for allocation as being beyond the scope of the delegated powers of the Executive and wanted the guidelines to be revised to bring it in accordance with the law and the Constitution by providing for allocation on the basis of option subject to seniority. His contention is that in so far as the Presidential order issued under the Article 371 D excluded the Secretariat departments, HoDs, etc from the provisions of the Order, local candidature cannot be extended to the Guidelines for allocation. This contention is incorrect. Under Section 97 of the Act, Article 371 D shall on and with effect from the 2nd June, 2014 apply to each of the States separately, the object being to provide equitable opportunities and facilities for the people belonging to the two States respectively within their territories in the matter of public employment and education. The Presidential Orders issued in relation to the Continuing undivided State of A P will have to be reissued separately for the two Successor States at the instance of each of the States confining the provisions to the respective States. Consideration of option does not confer mandatory right on an employee to be allotted to the State of his choice. He has an option to express his preference in favour of a State. But he has no absolute right to be allotted to the State of his choice. Where there are more candidates than posts employees have to be allocated against their wish also. Local candidature refers to belonging to the State of Telangana or A P as the case may be, and provision is being accordingly made in the Guidelines for each of the States and there is therefore no illegality or unconstitutionality in this regard.

Two major issues that needed deep consideration concerned the guidelines specified in paragraph 18(f) and procedure specified in paragraph 18(l) relating to the principle for allocation and the manner of determining local candidature.

On paragraph 18(f) Chief Secretary Telangana wanted the sentence 'If allocable posts of that category remain, others will be considered in reverse order of seniority by allotting the junior most' to be replaced by the sentence 'If allocable posts in that category remain, then, others who have opted to the State may be allocated in order of seniority. If still posts remain allocation will be made in reverse order of seniority'. Chief Secretary A P wanted no change in the draft as proposed. Chairperson raised the question whether it will be open to the committee to totally exclude or ignore option in favour of a State given by an employee even though the person who opted was a non local candidate of that State when the option should be taken into consideration. On this ground he suggested that the position of C S Telangana may be accepted.

On paragraph 18 (n) Chief Secretary A P insisted on going by the entry made in the service register of the employee as proof of local candidature, while CS Telangana wanted the genuineness of local candidature established having regard to the large scale complaints of bogus claims to this effect. The procedure proposed for allocation is that

first tentative allocation will be made calling for objections to the same. At this stage it is open to anyone to challenge this and the Government is bound to establish the genuineness of the claim. Hence it was considered that while prima facie one may go by the entry it shall be open to the committee or the concerned Government to get the local candidature verified to establish the truth. It was therefore decided to amend the paragraph accordingly.

After a complete review of all the paragraphs of the Draft Guidelines, the Committee decided that the Draft guidelines will be revised in the light of the decisions of the Committee as contained in this Minutes that includes the attached statement of issues and suggestions and decisions thereon and circulated along with the Minutes for approval of the Committee.

Agenda Item No 4.

In the light of the decision already taken at the instance of the JS DoPT Smt. Archana Varma, Committee authorised the Member Secretary to publish provisionally the total cadre strength of all categories of posts in the State of Andhra Pradesh as on 1st June , 2014 calling for objections, omissions or comments on or before the 21<sup>st</sup> August. In the light of this, consideration of the subject was deferred to the next meeting.

Agenda Item 5.

No subject was raised.

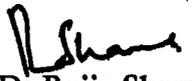
Agenda Item 6.

Committee decided that the next meeting may be called soon after receipt, analysis and consideration of omissions, objections, duplication, remarks, comments and suggestions on the total State cadre strength as on the 1<sup>st</sup> June, 2014 in the last week of this month.

  
(Dr P.V. Ramesh)

  
( Archana Varma )

Granted Leave of absence  
( V. Nagi Reddy )

  
(Dr Rajiv Sharma)

  
(I.Y.R. Krishna Rao)  
23-8-2014

  
( C.R. Kamalanathan )

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