



D.O. No. 28/1/2000-SR(S)



by Special Post ① 260

भारत सरकार  
कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
नई दिल्ली-110 001  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS  
NEW DELHI-110001

B. B. TANDON  
राचिव  
SECRETARY

December 21, 2000

22 DEC 2000

Tele. : 3014348  
Fax : 3012432

My dear B. N.,

Attention is invited to my DO letter of even number dated the 13<sup>th</sup> September, 2000 through which guidelines for provisional allocation of State Government employees were circulated.

2. With the provisional allocation orders having been issued by the Central Government and the successor States having come into existence on and from the appointed day, the Central Government has decided to constitute a State Advisory Committee for the purpose of assisting it in discharging its functions in regard to the State Government employees with a view to ensure their fair and equitable treatment including proper consideration of their representations. The composition and the objectives of the State Advisory Committee including guidelines to be borne in mind by the State Advisory Committee and the State Government respectively, have been enumerated in the annexure enclosed with this letter.

3. A suitable time-frame has also been indicated to enable employees to submit their representations in time, and for consideration of the same by the State Advisory Committee.

4. It is requested that the State Advisory Committee may be rendered necessary assistance to enable the Committee to function smoothly.

5. In so far as the Chairman of the State Advisory Committee is concerned, orders will be issued by the Central Government and the Committee would come into effect from the date the Chairman of the Committee is notified. The State Governments may advise the names of the nominees of the Chief Secretary who would represent on his behalf whenever the Chief Secretary is unable to take part in the proceedings of the State Advisory Committee. The names, addresses, telephone and fax numbers of the nominated officers including their e-mail addresses, if any, may be advised to the SR Cell of DOP&T.

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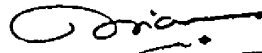
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6. The State Governments are advised to give wide publicity to the timeframe indicated herein to enable the State Government employees to submit their representation in time.

With regards,

Yours sincerely,

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(B.B.Tandon)

Encl: As above

✓ Shri Bhola Nath Tiwari,  
Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow.



'Annexure'

CONSTITUTION OF THE STATE ADVISORY COMMITTEE FOR STATE GOVERNMENT EMPLOYEES, OTHER THAN ALL-INDIA SERVICES

I. Composition of the State Advisory Committee

The State Advisory Committee will comprise the following:

- 1. A senior retired Civil Servant of the rank of Chief Secretary or equivalent. Chairman
- 2. Chief Secretaries of the successor States or their nominees not below the rank of Secretary to the State Governments, representing the State Governments. Members
- 3. Additional Secretary (Pension) or his nominee not below the rank of Director to the Government of India, representing the Central Government. Member
- 4. An officer not below the rank of Secretary to the State Government coordinating the Reorganisation Cell in the State of Uttar Pradesh existing immediately before the appointed day. Member Secretary

II. Objectives of the State Advisory Committee

- 1. To assist the Central Government in regard to discharge of its functions in regard to State Government employees under the part "Provisions as to Services" as provided in the Uttar Pradesh Reorganization Act, 2000;
- 2. To ensure fair and equitable treatment to State Government employees affected by the provisions of the part, referred to above; and
- 3. For proper consideration of representations made by such persons.

III. Mandate for the State Advisory Committee

- 1. The State Advisory Committee after going through the details of sanctioned posts category-wise, cadre-wise, grade-wise, shall finalise the distribution of posts between the successor States keeping in view the

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administrative structure of departments finalised for the new successor States by the Central Government as also the work requirement of individual departments in the successor States post reorganisation. Guidelines issued by the Central Government through Secretary (Personnel)'s demi-official letter No. 28/1/2000-SR(S) dated the 13<sup>th</sup> September, 2000 may also be referred;

2. After the distribution of posts are finalised by the State Advisory Committee, they will draw the tentative final allocation list in respect of all employees who are to be allocated on a final basis to either of the successor States. While doing so, reservation policy as applicable may also be kept in mind;
3. The State Advisory Committee would circulate the tentative final allocation list to the respective successor State Governments for information of their employees and for submission of representations, if any, by such employees;
4. The State Advisory Committee would consider the representations made by employees against the tentative allocation list and would forward their recommendations to the Central Government for taking a final view in the matter; and
5. Based on the advise received from the Central Government on the recommendations made by the State Advisory Committee, the tentative allocation list would be made final and the same would be passed on to the respective successor State Governments for issue of final allocation orders.
6. The Chairman of the State Advisory Committee may induct any officer from either of the successor States as deemed fit to assist the Committee in the discharge of its function.

#### IV. Principles for final allocation of employees

1. Final allocation of employees would be based on the distribution of posts to be finalised by the State Advisory Committee;
2. The final allocation of all employees should be such that it is evenly distributed in respect of age and seniority so as to make composite and balanced cadre in the successor States. This is necessary to ensure that promotional prospects of individuals are neither unduly accelerated nor substantially reduced in the successor States to which they are finally allocated;

3. All employees who have been working in the State of Uttar Pradesh existing immediately before the appointed day, and are belonging to such State services which are transferable anywhere in the entire State should be covered for final allocation. This would include long absentees, those on leave preparatory to retirement, those on other kinds of leave, training and on deputation. In other words, there should not be any case of unallocated employee who is not finally allocated to either of the successor State;
4. The reservation policy as applicable in the State of Uttar Pradesh existing immediately before the appointed day, shall apply in respect of final allocation of employees to either of the successor State;
5. State service employees retiring within two years from the appointed day should not be covered for final allocation to a successor State other than which they have been serving before the appointed day;
6. In respect of educational institutions including those imparting technical and medical education, the State Advisory Committee may consider making their final allocation earlier than other services preferably by the end of the current academic session so that there is no mid-term dislocation of such employees arising out of the Reorganization of States and that the academic sessions are not disrupted on account of their final allocation;
7. The State Advisory Committee may take a view regarding final allocation of such State service personnel who are currently working in statutory/non-statutory bodies as to whether their final allocation should be held back till the bodies are in position or otherwise;
8. Where both husband and wife are Government employees, it would be prudent, while making final allocation, to allocate them to one State, as far as practicable; and
9. Notwithstanding the guidelines indicated above, the State Advisory Committee would be at liberty to consider any principle/factor which may become crucial in deciding the allocation of employees to the successor States.

**V. Responsibility of the Successor State Governments**

1. It will be the responsibility of the successor States to provide necessary assistance like telephones, PAs, Poons and other related facilities to the State Advisory Committee;

2. The successor State of Uttar Pradesh would be responsible for furnishing details of sanctioned posts category-wise, cadre-wise, grade-wise, department/ directorate-wise to the State Advisory Committee to enable them to finalise distribution of posts between the successor States;
3. The successor State Governments, referred above, would also be responsible for providing copies of necessary rules, orders, category-wise gradation list, etc., as may be applicable to various cadres for the benefit of the State Advisory Committee;
4. The successor State of Uttar Pradesh shall furnish its official comments on the representations received at its end keeping in view the various rules, orders, etc., and would forward the same for further consideration of the State Advisory Committee. No representation would be sent to the State Advisory Committee without the official comments of the successor State of Uttar Pradesh;
5. The Member Secretary of the Committee would be responsible for guiding the State Advisory Committee in all matters relating to "Provisions as to services" including briefing the Committee with regard to local practices and precedence, if any;
6. Member Secretary of the Committee would furnish details cadre-wise, department-wise to the State Advisory Committee in respect of whom provisional allocation orders have been issued by the Central Government. While doing so, he may indicate whether the provisional allocation is more/less than what was required to be sent in terms of the ratio of districts between the successor States.

**VI. Methodology for submission of representations by employees**

1. State Government employees who feel aggrieved by the tentative final allocation list, as prepared by the State Advisory Committee would be at liberty to submit their representations to the Reorganization Cell constituted by the State of Uttar Pradesh before the appointed day;
2. State Government employees who have been provisionally ordered to serve in connection with the affairs of one of the successor States can also submit their representations to the Chief Secretary of the State in which they are working who should then forward these representations to the Reorganization Cell constituted by the State of Uttar Pradesh before the appointed day;
3. All representations from employees should be self-contained, clearly indicating the specific points of grievance against the provisional/tentative

final allocation list. The representations should be addressed to the Chairman, State Advisory Committee;

- 4. The employees may be suitably advised to ensure that representations from their end, if any, should be submitted within the prescribed time limit.

**VII. Consideration of time-barred representations**

- 1. Time limit for submission of representations prescribed herein is only as a matter of administrative convenience;
- 2. While it is not advocated that invariably all representations received after the due date should be taken up for consideration, it is likely that in some cases, an employee for sufficient reason is unable to submit his representation in time;
- 3. The Central Government feels in such cases it would be inequitable to withhold the representation merely on the ground that it has been received late;
- 4. Representations, in all such cases, received after the due date may be examined to establish:
  - a) Whether there is sufficient reason for submitting the representation late; and
  - b) Whether on merits of the representations, it would be inequitable not to consider the same; and
- 5. As pointed out above, it would be desirable that the legitimate grievance of an employee is removed notwithstanding the fact that the representation is received late. The intention of the Central Government being to ensure that justice is not denied to an employee merely on the ground that he is late in seeking redress.

**VIII. Time Frame**

**S.No. Particulars**

**Time Limit**

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| 1. | The State Advisory Committee will finalize the distribution of posts for the successor States.                      | One month from the date of constitution of the State Advisory Committee. |
| 2. | The State Advisory Committee will draw the tentative list of employees for final allocation to the successor States | Two months from the date, the distribution of posts are finalized.       |

- 3. **The State Advisory Committee will circulate the tentative list to the successor States for notification to all employees regarding their final allocation and to submit their representations, if any, against the final allocation** Fifteen days from the date the tentative list is finalised.
  
- 4. **Employees affected by the tentative list should submit their representation through their respective Chief Secretaries giving detailed reasons.** One month from the date of notification of the tentative list.
  
- 5. **Consideration of representations by the State Advisory Committee and to furnish their recommendations to the Central Government.** Two months, from the last date specified of submission of representations.
  
- 6. **The Central Government after considering the recommendations of the State Advisory Committee will convey its decision to the State Advisory Committee** Two months from the date of receipt of the recommendations of the State Advisory Committee.
  
- 7. **The Successor State Governments will, based on the decisions conveyed by the Central Government, notify the final list for information of all concerned.** Fifteen days from the date of receipt of the final allocation list.