

**SPEED POST**

File No. 27(C)/53/2004-SRS  
Government of India  
Ministry of Personnel, PG and Pensions  
Departmental of Personnel of Training

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3<sup>rd</sup> Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi – 110003  
Dated 20<sup>th</sup> August 2015

**OFFICE MEMORANDUM**

Subject: Minutes of the meeting of Advisory Committee for Uttar Pradesh and  
Uttarakhand held on 17.08.2015 – reg.

The undersigned is directed to refer to the meeting of the Advisory Committee of UP / Uttarakhand held on 17.08.2015 to discuss the issues relating to allocation of employees between UP and Uttarakhand in view of the disposal of SLP Nos 24079-24083 & 24085 of 2003 and the connected cases by the Hon'ble Supreme Court vide order dated 12.02.2015 and disposal of WP No.3636/2005 and connected cases by the Hon'ble Judicator of High Court at Allahabad vide order dated 22.05.2015. The approved minutes of the meeting are enclosed herewith for information and necessary action.

Encl: As above.

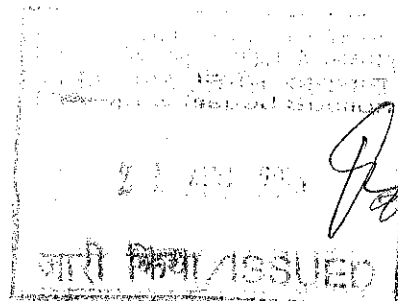
*R. Venkatesan*  
20.08.15  
(R. Venkatesan)

Under Secretary to the Govt. of India  
24624235

1. Pr. Secretary, UPRCD, UP Government, Lucknow, UP
2. Pr. Secretary, Appointment Department, UP Government, Lucknow, UP
3. Secretary-in-charge, Reorganisation, Uttarakhand Government, Dehradun, Uttarakhand
4. Secretary-in-charge, General Administration, Uttarakhand Government, Dehradun, Uttarakhand

Copy to : PS to JS(AV) – for information.

*o/c*



## **Minutes of the Meeting held on 17.08.2015 in R.No.190, North Block**

A meeting of the Advisory Committee of UP/Uttarakhand was convened under the Chairpersonship of JS(AV) on 17.08.2015 to discuss the issues relating to allocation of employees between UP and Uttarakhand keeping in view of the disposal of SLP Nos. 27079-24083 & 24085 of 2003 and the connected cases by the Hon'ble Supreme Court vide order dated 12.02.2015 and disposal of WP No.3636/2005 and connected cases by the Hon'ble Judicator of High Court at Allahabad vide order dated 22.05.2015. The list of those present in the meeting is annexed.

2. At the outset the Chairperson welcomed the participants and briefed about the issues to be discussed and sought view of the representatives of the State Governments. During the meeting the representative of the State Government of UP requested for retention of the petitioners in Uttar Pradesh. They also submitted that this request has been agreed to by the Government of Uttarakhand vide letter dated 29.5.2015. The representatives of both the State Governments also expressed that relieving these officers would lead to mismanagement of both their respective cadres due to the following reasons:-

- i) During the past 15 years many of the Provincial Civil Service (PCS) officers allocated to Uttarakhand, juniors to the petitioners in the Writ Petitions & Special Leave Petition have since been promoted to IAS.
- ii) Compliance of the Hon'ble Supreme Court/ Hon'ble High Court order thereby relieving them would necessitate drawing up of a new seniority list of both the cadre.
- iii) In the event that these officers join Uttarakhand, the Government of Uttarakhand has to necessarily hold a Review DPC to fix their seniority and promotion to IAS thereof.

iv) Most of the officers, who are party to the Special Leave Petitions, have 2 to 4 years of service left and if they are relieved for Uttarakhand they may take voluntary retirement.

3. The representatives of Government of UP also opined that since there are no specific directions in the Orders of the Hon'ble High Court and Hon'ble Supreme Court, the Government of India can consider reviewing its earlier orders. This would not amount to contempt of court. Further, they were of the view that relieving them would lead to further litigations. The representatives have further expressed similar views in respect of Provincial Police Service (PPS) officers for their retention in Uttar Pradesh.

The views of the State Governments were noted.

4. After hearing the contentions of the representatives of the State Governments, Chairperson informed that the UP Reorganization Act, 2000 has a provision for consulting the concerned State Governments, however, the opinion of the State Governments is not binding and the Central Government can take a final decision. She also informed that it would be against the principle of natural justice to give undue benefit to the petitioners. She informed that there are many judgments of the Apex Court to the effect that a litigant should not be allowed to derive benefit from mere pendency of a case in a court of law and no party can take any benefit for their own wrong. She stated that when a party gets stay or injunction from the Court, it is always at the risk and responsibility of the party applying. An order of stay cannot be presumed to be a conferment of additional right upon the litigating party. Therefore, they must be relieved to join Uttarakhand as per the recommendations of the then State Advisory Committee in its meeting held on 04.12.2002. The Chairperson further expressed that non compliance of the Courts' orders would be difficult to

defend in the court of law in case of aggrieved junior officer going in for litigation.

5. It was informed that complete compliance of Hon'ble Supreme Court order dated 12.02.2015 could not be made due to non-availability of data in respect of the officers/petitioners in the court cases. Uttar Pradesh Reorganisation Coordination Department, Government of UP has committed during the meeting to send the requisite information.

6. In respect of compliance of the Hon'ble High Court of Allahabad's order dated 22.05.2015 in WP No.3636/2005 (J.N. Doharey & ors.), it was clarified by the Chairperson that the revised guidelines dated 27.3.2015 are applicable only to Class-III and IV employees. In this regard, both the State Governments had no objection and requested to issue a clarification to this effect at the earliest. Extension of the timelines as directed by the Hon'ble High Court was requested by Uttarakhand stating that they have received more than 1000 representations (including Class I & II) which would require more time to thoroughly examine from the point of eligibility in view of the applicability of the revised guidelines only to Class III & IV employees. However, it was later decided to keep the deadline prescribed by the Hon'ble High Court. It was, however, agreed to that the clarification regarding restricting eligibility under the revised guidelines dated 27.03.2015 to Class-III & IV employees will be issued with the approval of Hon'ble MOS (PP) immediately. Accordingly, it was also decided to convene a meeting of the Advisory Committee to examine and discuss these representations on 01.09.2015 at 3.00 pm in Delhi.

The meeting ended with a vote of thanks to Chair.

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## ANNEXURE

### List of participants

1. Shri Bhupendra Singh, Principal Secretary, Uttar Pradesh Reorganisation Coordination Department, Govt. of UP
2. Shri Savin Bansal, Additional Secretary, Agriculture Department, UP
3. Shri Atul Kumar Gupta, Additional Secretary, Reorganisation, Uttarakhand
4. Shri Ranvir Singh Chauhan, Re-organization Commissioner, Uttarakhand
5. Shri Sanjay Kr. Singh Yadav, Special Secretary, Appointment Department, UP
6. Shri Dharendra Singh, SP, PHQ, Uttarakhand
7. Shri Arun Kumar Mishra, Special Secretary, ICDS, UP
8. Shri B. P. Pandey, Superintendent, Prison HQ, Uttarakhand
9. Dr. Kailsash Vohra, Joint Director, DGM&FW, Uttarakhand
10. Shri B. R. Tamta, Additional Secretary, Medical Health, Uttarakhand
11. Shri R. N. Das, Executive Engineer, PWD, UP
12. Shri Satish Kumar, Special Secretary, MSME, UP
13. Shri Shyam Sunder Sharma, Spl. Secy. & Addl. Commissioner, Food and Civil Supplies, UP
14. Shri Anil Kumar Bajpai, Joint Secretary, Food and Civil Supplies, UP
15. Shri S. D. Sharma, Reorganiastion Commissioner, UP
16. Shri Ajay Kumar, Deputy Director, Agriculture, Uttarakhand
17. Shri Manoj Kumar Singh, Deputy Director- Audit, Uttarakhand
18. Shri Shabaz Anwar, JE, PWD, UP
19. Shri G. S. Yadav, Deputy Director, Horticulture, UP
20. Shri S. K. Sharma, Chief Engineer, Irrigation, UP
21. Dr. L. B. Agnihotri, Principal, Govt. Degree College, Jainti, Almora Uttarakhand

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