

Attention: Sh. C. D. Jha

No.14/279/2002-SR(S)  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

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Lok Nayak Bhawan, Khan Market,  
New Delhi - 110003,  
Dated : 8<sup>th</sup> June, 2006

To

Chief Secretary,  
Government of Uttar Pradesh,  
Lucknow (Uttar Pradesh).

Chief Secretary,  
Government of Uttaranchal, ✓  
Dehradun (Uttaranchal).

Chief Secretary,  
Government of Bihar,  
Patna (Bihar)

Chief Secretary,  
Government of Jharkhand,  
Ranchi (Jharkhand).

- 8 JUN 2006

Subject : Revision of allocation of employees on the basis of no objection of both the successor States.

Sir,

Attention is invited to DOPT order of even number dated 15.9.2004 regarding representations received from State Service Personnel other than All India Service for their allocation, after issue of final allocation orders. In some cases both the successor States, have been requesting for change in the allocation of State Service personnel after giving their no objection to such a revision of allocation.

On careful consideration, the Central Government has come to a conclusion that since the Central Government has already issued final allocation orders, it finds appropriate that such cases for revision of allocation may be considered by the State Governments, if both the State Governments have given their approval, for such a revision of allocation. However, it is open to the successor State Governments to consider such requests for revision of allocation of State Service personnel based on broad consensus arrived at between the successor State Governments, inter alia, either by defining the terms and conditions for such consideration or by framing suitable rules for this purpose.

Yours faithfully,

*Manish Mohan*  
(Manish Mohan)

Deputy Secretary to the Government of India

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SECRETARY

Speed Post

No.14/279/2002-SR(S)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

3<sup>rd</sup> Floor, Lok Nayak Bhawan, Khan Market  
New Delhi - 110 003

Date : 15<sup>th</sup> September, 2004

To

5 SEP 2004

The Chief Secretary,  
Government of Bihar, / Jharkhand / Uttar Pradesh / Uttarakhand  
Patna / Ranchi / Lucknow / Dehra Dun

Sir,

Attention of the successor State Governments is invited to the final allocation orders issued by the Central Government allocating State Service Personnel other than All India Services to the successor States of MP/Chhattisgarh. After issue of the final allocation orders, a large number of representations have been received from aggrieved personnel, which has been engaging the attention of the Central Government for some time. On careful consideration of the representations received from State Service Personnel, the Central Government has decided that only in respect of the following broad categories, it would be inequitable not to consider the representations. The broad categories are: -

1.1. New Additions:

This includes such cases where an incumbent's name does not figure either in the provisional allocation list or in the tentative final allocation list, but figures in the final allocation list issued by the Central Government. Attention in this connection is invited to this Department's letter No.14/233/2002-SR(S) dated 01.11.2002 through which suitable instructions were issued to the successor State Governments in respect of new additions asking them to invite representations from the above personnel and to forward their representations along with the departmental comments to the Central Government.

1.2 No Allocation :

This would include such cases where a person's name figures neither in the provisional/tentative final allocation lists nor in the final allocation orders issued by the Central Government. However, being State Service Personnel, they are required to be finally allocated to one of the Successor States. The State Governments through their respective Departments may furnish details of such cases for consideration of the Central Government.

1.3 Change of allocation after Tentative Final Allocation List :

This would include cases where a person's name originally figured in the tentative final allocation list for one successor State and who did not prefer any representation but was finally allocated to the other successor State. Since personnel under this category were denied the opportunity to represent against their final allocation, their representations along with the departmental comments may be forwarded to the Central Government for consideration.

1.4 Spouse in State/Sub-State Cadre :

This would include case of such spouses where one of them is in the State Cadre (those having all State Transfer Liability and where posts are not exclusively relatable to one successor State only) and the other spouse is in the sub-State cadre namely Tehsil, Village, District etc. If one of the spouses is in the State Cadre and the other in the Sub-State cadre, then the spouse in the sub-State Cadre would be allocated to that successor State to which the spouse in the State Cadre has been finally allocated. Central Government desires that in respect of the above, the successor State Governments may consider these cases at their own level, subject to written representations being received in this regard from spouses working in the sub-State cadres.

1.5. The Central Government desires that representations indicated in Paras 1.1 to 1.4 above, may not be forwarded in piecemeal manner but all representations pertaining to a particular Department may be processed and forwarded for consideration of the Central Government.



Annexure 'A'

Policy guidelines framed by Central Government

1. Posts relatable to a territory which includes areas like village, Tehsil, District Division, or Region, including projects and undertakings, where such territories have been transferred in their entirety to the Successor State of Jharkhand shall be deemed to be posts of the Successor State of Jharkhand on and from the appointed day.
2. All other state-level posts which are not exclusively relatable to areas going to only one state like posts in the Secretariat, State Legislature, State Public Service Commission, State Judiciary, State Police Service, Medical Service and other Services may be provisionally allocated on the basis of the ratio of the Districts between the Successor States.
3. Pending proposals for creation of new posts, conversion of temporary posts into permanent posts including such conversions, required to be conducted periodically, may be held in abeyance till the Reorganization of States.
4. 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 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.
5. Those staff serving in village, tehsil, district, division or region who are normally liable for transfer within such area and are part of such territorial cadres, shall be deemed to have been appointed to such posts by the Successor State of Jharkhand on and from the appointed day in whose territory the area has been included.

6. Those recruited specifically for projects or undertaking where such projects/undertakings are part of the Successor State of Jharkhand on and from the appointed day would be deemed to be working in connection with the affairs of the Successor State of Jharkhand. However, those serving in the project or undertaking if they belong to an organized state cadre shall be dealt in the manner as indicated in the para below.
7. The lists of personnel for provisional allocation to the Successor State of Jharkhand against each cadre/ category of posts may be prepared by the Reorganization Committee of the existing State of Bihar keeping in view the preference of such employees and other relevant factors like maintaining the balance within each cadre/category of posts, domicile status, ethnic affinity etc.
8. In making allocations as indicated in the para above, the importance of ensuring in each case as far as possible a composite and balanced cadre with age and seniority groups evenly distributed, should be borne in mind.
9. In cadres/categories where the composition and balance of the cadres have not been achieved, to the extent of shortfall, the list may be completed by including the names of the juniormost personnel of the respective cadres/category.
10. State Service employees whose services are transferable within the state may be asked to indicate their preference to serve in either of the Successor States after the reorganization of states is given effect to.
11. State service personnel may be advised that without prejudice to their rights it would be open for the Government to post them either provisionally or on final basis in any successor State in administrative interest or in the exigencies of public service.
12. All recruitment against vacancies in the interim, i.e., till issue of final allocation orders, may be kept in abeyance.

13. All transfers (other than local areas) which have been planned and which have jurisdiction throughout the State may be held in abeyance till Reorganization of States is given effect to.
14. 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 or substantially reduced in the successor States to which they are finally allocated.
15. All employees who have been working in the State of Bihar existing immediately before the appointed day, and are belonging to such State services that 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.
16. As per initial guidelines of the Central Government the reservation policy as applicable in the State of Bihar existing immediately before the appointed day shall apply in respect of final allocation of employees to either of the successor States. This policy was however, subsequently modified as follows:-
  - (i) With a view to maximise satisfaction of maximum number of employees, reservation principles should not be applied in respect of optees/domicile.

- (ii) Wherever reservation principles are applied, i.e., while allocating employees on the basis of juniority, the SAC, may ensure that in cadres, where the prescribed percentage or the observed percentage in the State of Bihar, before the appointed day, in each grade was more than 1%, then in such cadres, grade-wise percentage of ST employees of those proposed to be allocated to the successor State of Bihar should at least be maintained at 1%. The figure of 1% in respect of ST employees should be arrived at by including ST employees proposed to be allocated on option/domicile basis to the successor State of Bihar and would also include such ST employees whose options have not been received and are proposed to be allocated to the successor State of Bihar.
  - (iii) ST employees in excess of 1% who have been proposed to be allocated to the successor State of Bihar, against their option, may be considered for allocation to the successor State of Jharkhand against available vacant posts.
  - (iv) While allocating ST employees as per (iii) above, the SAC may ensure that the total number of employees proposed to be allocated to the successor State of Bihar does not fall short of the total number proposed for the successor State of Bihar.
17. State service personnel 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 working before the appointed day or the successor State for which such personnel have exercised an option.



18. Women personnel, belonging to State services, having an all State transfer liability or are working against posts, which are not exclusively relatable to an area falling in one of the successor States should be allocated, to the successor States, on the basis of their option only. However, in respect of such women personnel, whose senior spouse is also a Government personnel and who has been allocated in his cadre, to one of the successor States, based on his seniority position, the junior women spouse, will follow the senior spouse. Provided that, where such junior women spouse, on request to be recorded in writing, represents against her allocation, to one of the successor States, where her senior spouse has been allocated, such cases could be considered by the SAC on merits/hardship and their recommendations sent to the Central Government for acceptance or otherwise.
  
19. Handicapped Government personnel, belonging to State services, having an all State transfer liability or are working against posts, that are not exclusively relatable to an area falling in one of the successor States and are in receipt of special handicapped allowances, should not be allocated against their option, to either of the successor States.

**Procedural guidelines evolved by SAC, Bihar**

20. In respect of existing State of Bihar, all such posts which are confined to the territorial jurisdiction of one of the successor States and where in existence immediately preceding the appointed day, shall be deemed to have been allocated to that successor State for which they were created and where these posts are located on and from the appointed day, i.e., 15.11.2000.
21. All such Division/District/Village/Tehsil, etc. level posts in the existing State of Bihar which are included in State level services/cadres/groups of posts and whose territorial jurisdiction is confined to one of the successor States only and where in existence immediately preceding the appointed day, shall be deemed to have been allocated to that successor State for which they were created, on and from the appointed day, i.e., 15.11.2000.
22. All posts in respect of a project in the existing State of Bihar whose territorial jurisdiction is confined to one of the successor States only and where in existence immediately before the appointed, and such projects are located in one of the successor States only on and from the appointed day, shall be deemed to have been allocated to that successor State on and from the appointed day, i.e., 15.11.2000.
23. All posts in the Secretariat, Directorate and Headquarters of the existing State of Bihar, which are not covered by the above provisions in Para 1 to 3 and where in existence immediately before the appointed day, and which are not exclusively relatable to one of the successor States, shall on and from the appointed day, i.e., 15.11.2000, be distributed in the ratio of 2:1, i.e., in the ratio of Districts.
24. Single posts in respect of State level services/cadres will be allocated to that successor State for which they were created and where they exist, on and from the appointed day, i.e., 15.11.2000. However, in respect of State level services/cadres, where there are many single posts in successive grades in the hierarchy, these posts should be clubbed and allocated in the ratio of 2:1 between the successor States on and from 15.11.2000.

25. Where there are two posts only in a State level service/cadre/group of posts, the same shall be allocated in equal ratio to each of the successor State, on and from the appointed day, i.e., 15.11.2000.
26. Where there are three or more posts in a State level service/cadre, the same shall be allocated in the ratio of 2:1 between the successor States, on and from the appointed day, i.e., 15.11.2000.
27. While finalising distribution of posts, calculations of .5 and above will be rounded off to 1 and calculations of below .5 will be ignored.
28. In respect of Police Battalions, each Battalion will be treated as one unit and such Battalions will be allocated between the successor States based on the successor State in which the Headquarters of the Battalion is located.
29. The allocation of State service personnel on and from the appointed day between the successor States shall be restricted to those on the rolls of the existing State of Bihar immediately preceding the appointed day.
30. State service personnel working against singleton posts shall be allocated on and from the appointed day to that successor State for which the post has been created.
31. If in a service/cadre, in an existing grade only two personnel are there, allocation on and from the appointed day shall be on the basis of their option. However, where both of them opt for a particular successor State, option of the senior of the two, shall be considered for that successor State.
32. In respect of three or more personnel in a cadre/State service, following will be the order of priority for consideration of allocation to the successor States:-
  - (i) All personnel who have died on and from the appointed day and did not exercise any option before death shall be allocated to the successor State, where he last served.

- (ii) Personnel retired/retiring within two years from the appointed day or died within two years from the appointed day and had exercised option, would be allocated as per their option. However where no option was exercised, such personnel would be allocated that successor State where they last served.
  - (iii) Women personnel whose spouse is not in Government service shall be allocated to that successor State for which option has been exercised.
  - (iv) Spouses in State services, whose services are transferable within the entire State, will be allocated to that successor State, where the other spouse is working either in sub-State cadres/Central or State funded organisations/instructions whose services are non-transferable.
  - (v) In respect of spouses in States services, the junior spouse will be allocated that successor State to which the senior spouse has been allocated. However, where wife is the senior spouse, her allocation to a successor State will be as per her option and husband being the junior spouse will be allocated to that successor State, where his wife has been allocated.
  - (vi) Handicapped personnel shall be allocated that successor State for which option has been exercised.
33. After the order of priority of allocation as per para 13 (i) to 13 (vi) above, further allocation of personnel will be strictly as per the reservation provisions mentioned below in the following order of priority:-
- (I) ST Personnel:-
    - (a) ST personnel will be allocated to the successor State of Bihar at least 1%.

- (b) ST personnel opting for Bihar shall be allocated to the successor State of Bihar first.
- (c) Thereafter ST personnel opting for either of the successor States, will be allocated to the successor State of Bihar, strictly in order of their seniority position.
- (d) Thereafter, ST personnel whose option has not been received and whose home district is other than the successor States of Bihar and Jharkhand, will be allocated to the successor State of Bihar in order of their seniority position.
- (e) Thereafter, ST personnel whose option has not been received but whose home district is in the successor State of Jharkhand, will be allocated to the successor State of Bihar in order of reverse seniority position.
- (f) Thereafter, ST personnel opting for the successor State of Jharkhand will be allocated to the successor State of Bihar in order of reverse seniority position.
- (g) The balance ST personnel shall be allocated to the successor State of Jharkhand.

(II) SC Personnel:-

- (a) SC personnel shall be allocated to either of the successor States based on their option and domicile in order of their seniority position first.
- (b) Thereafter, SC personnel will be allocated to the successor States based on their option in order of their seniority position.
- (c) Thereafter, SC personnel opting for either of the successor States, will be allocated to that successor State, where the shortfall of SC is more, in order of their seniority position.

(d) Thereafter, SC personnel whose option has not been received shall be allocated that successor State, where home district is located, in order of seniority position.

(c) Thereafter, SC personnel whose option has not been received, shall be allocated that successor State, where SC shortfall is more if his home district is other than the successor States of Bihar/Jharkhand, in order of seniority position.

(III) Backward classes personnel/Unreserved personnel:-

(a) The principles of allocation and order of priority listed in respect of SC personnel in Para 14 (II) (a) to 14 (II) (e) shall apply mutus mutandis to this group also.

34. In respect of disposal of grievances from State service personnel, the following principles were decided:-

(h) Only such cases would be considered by the Committee, where personnel have given written representation for consideration of the Committee.

(ii) In respect of factual inconsistencies like service particulars, reservation category, spouse details, etc., it was decided to set right the inconsistencies first.

(iii) Where personnel had given option earlier and want a change of their option or where no option was exercised but in their representation, have submitted fresh option or where no option was received, all such cases will be treated alike and their consideration will be restricted to the same Reservation Category and within posts earmarked in the concerned reservation category for the successor States. Such representation will be considered on one to one basis in order of seniority position of representationists.

- (iv) While deciding cases on one to one basis, 1<sup>st</sup> priority will be given to representationists indicating medical hardship.
- (v) Thereafter cases on one to one basis will be considered in the same order, as has been decided in Para 14, read with sub- paras on specific Reservation criterion.
- (vi) In respect of Medical cases, the definition of family will be restrict to self, spouse and dependent children only.
- (vii) Medical hardship cases would imply the following:-
  - (a) Cancer patient - self or family.
  - (b) Blindness - self only.
  - (c) Heart Bye-pass surgery - self only if done within two years from the date of representation is concerned by the Committee.
  - (d) Kidney Transplantation/Kidney failure and continuing on dialysis - self or family.
  - (e) Mental illness - self or family, restricted to indoor treatment for at least three months.
- (viii) The Committee also decided that wherever there is a discrepancy between the employee details mentioned in the TFAL and that being contested by the concerned personnel through his written representation, the Committee would rely on the final decision taken by the concerned Department on the reported discrepancy.