

F.No.27/30/2010-SRS
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 11 January, 2011

11 JAN 2011

To

1. The Chief Secretary,
Government of Uttar Pradesh,
Lucknow.
2. The Chief Secretary,
Government of Uttarakhand,
Dehradun.

Sub.-: Compliance of directions dated 24-7-2009 of Allahabad High Court, Lucknow Bench in Writ Petition No.5932/01 – Decision on the representation of Shri Santosh Mishra, Assistant Teacher, Education Department.

Sir,

I am directed to refer to the order dated 24-07-2009 of the Allahabad High Court, Lucknow Bench vide which the Hon'ble Court has directed the State Advisory Committee to consider the representation of Shri Santosh Mishra seeking revision of allocation and to say that his representation was accordingly considered by the Advisory Committee headed by Joint Secretary (SR) in its meeting held on 01-12-2010. Shri Mishra has mentioned the following grounds in his representation:-

- i) His parents live in U.P.
- ii) His properties are located in U.P.
- iii) His option was rejected on the ground of being Hill Cadre employee
- iv) Painful left knee due to cartilage

2. Since the grounds mentioned in his representation, as brought out above, are not covered under the guidelines on Reorganisation, the Committee recommended to reject his request for revision of allocation from the State of Uttarakhand to the State of U.P.

3. Further as the Hill Sub-Cadre was duly constituted before the erstwhile State of U.P. was divided with effect from 9-11-2000 in accordance with the guidelines on Reorganisation, a decision to permit Hill Cadre personnel to opt for the successor State of U.P. could not have been taken. Accordingly, the GO dated 18-12-2000 issued to give options was found to be mistakenly issued and for this reason, the GO was withdrawn by the Department of Personnel of the State Government by a subsequent GO dated

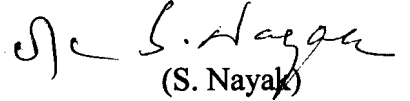
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29.06.2001. The option given by the Hill Cadre employee on the basis of GO dated 18.10.2000 consequently, became a nullity and could not, therefore, be enforced.

4. The Government of India has considered the recommendations of the Committee and the position regarding enforceability of the option of Hill sub-cadre employees for the successor State of U.P., and accordingly has accepted the recommendations of the Committee and as such the allocation of Shri Santosh Mishra remains unchanged and continues to be successor State of Uttarakhand. The officials concerned may kindly be apprised of the position.

Yours faithfully,


(S. Nayak)

Under Secretary to the Govt. of India

Copy to :-

1. Shri R.M. Srivastava, Principal Secretary, U.P. Reorganisation Coordination Department, Secretariat, Vikas Bhawan, Government of U.P, Lucknow.
2. Shri D.K. Kotia, Principal Secretary (Reorganisation), Government of Uttarakhand, Dehradun.
3. Principal Secretary, Education Department, Government of Uttar Pradesh, Lucknow
4. Principal Secretary, Education Department, Government of Uttarakhand, Dehradun
5. Shri Santosh Mishra




(S. Nayak)

Under Secretary to the Govt. of India

