

**By Speed Post**

F. No. 28/18/2011-SR(S)-Vol.-II  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

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3<sup>rd</sup> Floor, Lok Nayak Bhawan,  
Khan Market, New Delhi-110003,  
Dated: 2<sup>nd</sup> July, 2015

To

The Member Secretary,  
State Advisory Committee, Bihar,  
Sinchai Awas, Beli Road,  
Patna-800015 (Bihar)

The Principal Secretary,  
Department of Home (Special),  
Government of Bihar,  
Old Secretariat, Patna – 800001(Bihar)

The Principal Secretary,  
Department of Personnel,  
Administrative Reforms and Official  
Language, Government of Jharkhand,  
Dhurva, Ranchi – 834001(Jharkhand)

Subject:- **Circulation of minutes of the meeting of the State Advisory Committee, Bihar.**

Sir,

I am directed to forward herewith the approved minutes of the meeting of the State Advisory Committee, Bihar for information and acknowledgement.

2. Kindly acknowledge receipt of the minutes. Orders for fresh allocation/ revision of allocation/rejection of representation would be issued separately by the Govt. of India after obtaining the approval of Secretary (Personnel), Govt. of India.

3. Minutes can also be downloaded from the website of this Department i.e. [persmin.gov.in](http://persmin.gov.in) → DOPT → State Re-organization → Minutes (Bihar/Jharkhand)

Encls.: - As above.

Yours faithfully,

(A.K. Malhotra)

Under Secretary to the Government of India

☎ 011-24651898

संकेत: 28/18/2011-SR(S)-Vol.-II Dept. of Personnel & Trg., L. N. Bhawan प्राप्ति और निवेदन अनुभाग Receipt & Issued Section
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**Minutes of the meeting of the State Advisory Committee, Bihar**

The meeting of the State Advisory Committee, Bihar was held by circulation of agenda to the following: -

1. Ms. Archana Varma, Joint Secretary (AT & A), DoP&T, Govt. of India  
- **Chairperson**
2. Shri B. Pradhan, Principal Secretary, Cabinet Secretariat, Govt. of Bihar  
- **Member Secretary**
3. Shri Amir Subhani, Principal Secretary, Department of Home (Special), Govt. of Bihar  
- **Representative of Govt. of Bihar, Member**
4. Shri S.K. Satpathi, Principal Secretary, Department of Personnel, Administrative Reforms and Official Language, Govt. of Jharkhand  
- **Representative of Govt. of Jharkhand, Member**
5. Ms. K. Kipgen, Director (SR), DoPT, Govt. of India  
- **Member**

2. In total, 12 items were included in the agenda. After examining the comments received from the Office of the State Advisory Committee (SAC), Bihar, it transpired that item No. 4 & 9 do not require placing the same before the SAC due to following reasons:

- (i) Item No.4- Shri Anil Kumar, JE, was allocated to Bihar as per his domicile which is in line with guidelines for consideration of allocation of SC/ST employees.
- (ii) Item No.9- The petitioner viz. Shri Kumar Neeraj, Health Supervisor has withdrawn the Court case as he has been transferred to the opted State i.e. Jharkhand on singular basis vide order dated 06.09.2010 issued by the Department of Home (Special), Government of Bihar.

Accordingly, the agenda is revised containing 10 items only eligible for consideration. The Committee considered these cases taking into consideration specific comments of office of the SAC, Bihar and made certain recommendations which are as follows:-

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Sr. No.	Name, Designation, Deptt. & W.P. No.	Recommendations
1.	Shri Jamal Majahari, Junior Engineer, Department of Road Construction (Representation)	<p>Shri Jamal Majahari has requested for allocation to Jharkhand while he has been allocated to both the States, i.e. Bihar and Jharkhand.</p> <p>Shri Majahari was allocated to Jharkhand at Srl. No. 851 in Jharkhand list as well as Bihar at Srl. No. 2051 in Bihar list for final allocation. The bio-data/TFAL in respect of Shri Majahari was furnished by Administrative Department where his name figures in the list of both the States i.e. Bihar and Jharkhand.</p> <p>The Committee considered the representation of Shri Jamal Majahari, Junior Engineer, Department of Road Construction. It was informed by the office of State Advisory Committee vide letter dated 24.03.2015 that as confirmed by the Administration Department vide their letter dated 12.12.2014, correct seniority rank of Shri Majahari is 2922 as per gradation list of year 2000. Shri Majahari belongs to General category. Therefore, the O/o State Advisory Committee recommended his allocation to Bihar as per correct seniority rank. The O/o SAC, Bihar also recommended that the name of Shri Majahari shown/mentioned DOB - 17.01.1956, Home District - Jahanabad, Date of appointment - 24.12.1987, Date of joining - Not available, Seniority rank - 2516, category - General, option - Jharkhand and final allocation to Jharkhand may be deleted.</p> <p>The Committee noted that Shri Majahari was allocated to both the States of Bihar and Jharkhand in final allocation. He was allocated to Bihar showing option not received and as per correct seniority rank. He was also allocated to Jharkhand as per his option on the basis of wrong seniority rank. However, Shri Majahari had submitted a representation for his allocation to Jharkhand. In view of ensuing superannuation of Shri Majahari in January, 2016, the Committee observed that only 10 months are left before his retirement. Taking note of the above, the Committee recommended allocation of Shri Majahari to Jharkhand as per his option and correct seniority rank.</p>

2.	<p>Mohammad Sarfarazul Haq, UDC, Department of Home (CWJC No. 14418/2011)</p>	<p>The Hon'ble High Court of Patna disposed of CWJC No. 14418/2011 on 10.12.2013 with direction to the petitioner, viz. Mohammad Sarfarazul Haq to file a fresh representation before the Central Government with all relevant details who would dispose the same within 3 months from the date of filing of representation.</p> <p>In compliance of above directions dated 10.12.2013, Mohd. Sarfarazul Haq, UDC submitted a representation dated 20.01.2014 before the Central Government. Shri Haq has raised following grounds in his representation:</p> <ol style="list-style-type: none"> <li>i. He is domicile of Munger, Bihar and having ancestral property in the State of Bihar.</li> <li>ii. He is facing financial problems on account of having two establishments in Bihar as well as Jharkhand.</li> <li>iii. He has been transferred to Jharkhand against his option/consent.</li> <li>iv. Other employees belonging to his cadre were retained in Bihar as per their option.</li> <li>v. His wife is suffering from serious illness.</li> </ol> <p>The Committee observed that Government of Jharkhand has furnished their recommendation stating that the request of Shri Haq for his transfer to Bihar may not be accepted as there is shortage of employees/UDCs in the State of Jharkhand. O/o State Advisory Committee informed that tentative final allocation of Shri Haq, UDC was recommended to Jharkhand in General category (against option and home state), on the basis of juniority because the cut-off seniority rank was 30 for allocation to Bihar under general category. But the seniority rank of Shri Haq was 38. Therefore, his final allocation was recommended to Jharkhand. It has been further informed that he had not submitted any representation against his tentative final allocation to Jharkhand. Therefore, his final allocation was made to State of Jharkhand in accordance with guidelines of allocation.</p> <p>The Committee considered the representation of Shri Haq in the light of comments of O/o State Advisory Committee and noted that his final allocation was made to Jharkhand in General category (against his option and home State Bihar), on the basis of juniority. The Committee also noted that he never represented against his allocation to Jharkhand after publication of TFAL. Therefore, his final allocation was made to State of Jharkhand in accordance with existing guidelines of</p>
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		<p>allocation. The Committee considered the grounds (i) to (v) and observed that these grounds do not make him eligible for allocation to opted/domicile State. The Committee further observed that he was finally allocated to Jharkhand against his option and domicile on juniority basis in accordance with existing guidelines of allocation under Bihar Re-organization Act 2000. Moreover, he is not entitled for change of his allocation to Bihar on the basis of grounds (ii) and (iv). The Committee further noted that the ground (v) - serious illness of wife, is not covered by the guidelines of allocation under medical hardships category.</p> <p>In view of the above observation, the Committee recommended rejection of his representation. The Committee further recommended that a speaking order shall be issued by the Central Government accordingly.</p>
3.	Smt. Mangaldhani Bara, Asstt. Teacher, Department of Education (CWJC No. 6376/2005)	<p>The Hon'ble High Court of Patna disposed of CWJC No. 6376/2005 on 24.01.2011 with a direction to the petitioner to file a representation before the appropriate authority within a period of 8 weeks on receipt of copy of this order. The Court further directed that Respondent Nos. 1 (Union of India) &amp; 2 (Director SR) shall consider their own policy and pass an appropriate order within a period of two months on receipt of the representation.</p> <p>The O/o State Advisory Committee informed that Smt. Mangal Dhani Bada, Assistant Teacher is regional cadre employee which is non-transferable. There is no role of State Advisory Committee in allocation of regional cadre employee.</p> <p>The Committee observed that in compliance of court directions dated 24.01.2011, no representation has been submitted by the petitioner before the Central Government till date.</p> <p>Taking into consideration the comments of O/o State Advisory Committee, the Committee noted that Smt. Mangal Dhani Bada, Assistant Teacher is regional cadre employee which is non-transferable. The Committee did not consider the matter since allocation of non-state cadre employee does not fall within the purview of State Advisory Committee/ Central Government and recommended dropping this case from the agenda.</p>

<p>4.</p>	<p>Shri Agam Prasad, Asstt. Engineer, Department of Energy (Representation)</p>	<p>A complaint was received from Shri Arvind Kumar Baldev Prasad, alleging that Shri Agam Prasad was allocated to Jharkhand on the basis of declaration of wrong home district viz. Devghar, Jharkhand.</p> <p>The Committee considered the allocation of Shri Prasad in the light of the above complaint received from Shri Arvind Kumar. O/o the State Advisory Committee informed that Home District of Shri Prasad is Patna which has been confirmed vide letter dated 3.2.2012 from his Administrative Department.</p> <p>The Committee observed that Shri Agam Prasad was allocated to Jharkhand on the basis of his wrong home district Devghar, Jharkhand. Shri Prasad is eligible for allocation to Bihar as per his correct home district Patna as per existing guidelines of allocation. The Committee noted that it was decided in its meeting held on 07.12.2007 that the cases of employees finally allocated by the Central Government should not be re-opened thenceforth. The Committee further noted that final allocation of Shri Agam Prasad was done almost 10 years back and no representation has been submitted by Shri Agam Prasad himself for revision of his allocation.</p> <p>Taking note of the above, the Committee recommended for maintaining status quo in respect of allocation of Shri Agam Prasad to Jharkhand as an exceptional case and dropping this case from the agenda.</p>
<p>5.</p>	<p>Shri Sushil Marandi, Marketing Inspector, Department of Food, Civil Supply &amp; Commerce, (W.P. No. 800/2004)</p>	<p>The Hon'ble High Court of Jharkhand disposed of W.P. No. 800/2004 on 04.01.2010 with direction that the concerned authorities of the respondents particularly the Secretaries, Food and Civil Supply of both the State Governments would consider the petitioner's prayer and take appropriate decision in the light of the grounds advanced by him, the recommendations made in his favour and in the light of recent circular of Central Government and pass an appropriate order within two months from the date of receipt of copy of above said order.</p> <p>However, no representation has been received from the petitioner till date.</p> <p>In the meantime, Department of Food, Civil Supply and Consumer Affairs, Government of Jharkhand vide letter dated 06.02.2015 informed that Shri Sushil Marandi has been dismissed from services vide order dated 06.06.2014 issued by Department of Food and</p>

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		<p>Civil Supplies, Government of Bihar.</p> <p>Taking note of the above, the Committee recommended dropping this case from the agenda since the petitioner has been dismissed from the service w.e.f. 06.06.2014.</p>
6.	<p>Shri Naseeblal Rai, Ratri Prahari, Department of Animal Husbandry (Representation)</p>	<p>Shri Rai has submitted a representation for revision of State allocation from Jharkhand to Bihar. He has mentioned in his representation that he is a Class IV employee and had opted for Bihar. His son is suffering from kidney disease.</p> <p>The office of State Advisory Committee, Bihar informed that Rai is regional cadre employee which is non-transferable. There is no role of State Advisory Committee in allocation of regional cadre employees.</p> <p>The Committee noted the above facts and observed that Naseeblal Rai, Ratri Prahari is a regional cadre employee which is non-transferable. There is no role of State Advisory Committee in allocation of regional cadre employees. The Committee did not consider the matter since allocation of non-state cadre employee does not fall within the purview of State Advisory Committee/ Central Government and recommended dropping this case from the agenda.</p>
7.	<p>Shri Ehtesam Rasool, Anudeshak, Department of Human Resource Development (Representation)</p>	<p>Shri Rasool has submitted a representation for revision of State allocation from Jharkhand to Bihar. He has mentioned in his representation that his daughter is suffering from mental disability and is 100% mentally/ physically disabled. Shri Rasool attached certificate regarding mental disability of his daughter.</p> <p>O/o State Advisory Committee, Bihar informed that Shri Rasool was finally allocated to Jharkhand against his option and domicile in General Category on juniority basis. It has also been informed that earlier Shri Rasool had submitted a representation against his tentative allocation to Jharkhand on medical grounds. His representation was considered by the then State Advisory Committee and not found fit for acceptance.</p> <p>In the light of submission of O/o State Advisory Committee, the Committee considered the representation of Shri Rasool sympathetically and recommended revision of his allocation from Jharkhand to Bihar under the medical hardships category as his daughter is 100% mentally/physically disabled.</p>

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<p>8. Smt. Reena Jha, Police Avar Nirikshak, Department of Home (LPA No. 139/2011)</p>	<p>Smt. Reena Jha has submitted her representation for revision of State allocation from Jharkhand to Bihar under spouse policy. She has submitted that her husband Shri Vijay Kant Jha has been working as Engineering Assistant in Indian Oil Corporation Ltd., Baroni Refinery, Begu Sarai Bihar since 25.06.1991. Therefore, she wants to be re-allocated to State of Bihar.</p> <p>O/o State Advisory Committee informed that Smt. Reena Jha was allocated to the State of Jharkhand as per her option in general category. While submitting the option form before tentative final allocation, she had not mentioned that her husband is serving in Indian Oil Corporation, Baroni Refinery, Begu Sarai, Bihar. Later on, she had submitted a representation after her tentative allocation and requested for her allocation to Bihar under spouse policy.</p> <p>The above representation was considered by the then SAC in its meeting held on 10.04.2004. The Committee recommended that her claim for allocation to Bihar under spouse policy is not covered by the existing guidelines for such allocation.</p> <p>However, the Hon'ble High Court disposed of LPA No. 139/2011 on 24.06.2011 and set aside the above order of the State Advisory Committee. The Court remitted back the matter to the State Advisory Committee for reconsideration of appellant's claim keeping in view of the certificate, expeditiously in accordance with law.</p> <p>In compliance of Court's directions dated 24.06.2011 the O/o State Advisory Committee has informed that the certificate issued by Indian Oil Corporation (IOC) indicating the place of posting, date of appointment, nature of duty etc. in respect of her husband Shri Vijay Kant Jha has been verified from the Department of Home (Special), Bihar.</p> <p>The Committee observed that her husband Shri Vijay Kant Jha has been working as Engineering Assistant in Indian Oil Corporation Ltd., Baroni Refinery, Begu Sarai Bihar since 25.06.1991 as confirmed by the Department of Home (Special), Bihar through the O/o SAC. However, the exact rule position/ guidelines under which the instant representation could be accepted/rejected, were not placed before the Committee. Taking note of the above, the Committee deferred the matter with directions to O/o the SAC,</p>
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		Bihar to re-examine the matter properly.
9.	Shri Shilendra Kumar, PA, Department of Personnel & Administration (CWJC No. 16402/2011)	<p>Shri Shilendra Kumar, Personal Assistant, Department of Administrative Reforms and Personnel has requested not to revise his allocation from Jharkhand to Bihar as recommended by State Advisory Committee, Bihar.</p> <p>Shri Shilendra had earlier submitted a representation for revision of his allocation from Jharkhand to Bihar in compliance of directions dated 28.07.2009 passed by Hon'ble High Court of Patna in CWJC No. 8815/2009. His representation was considered by the State Advisory Committee, Bihar in its last meeting held on 17.01.2014 and recommended for revision of allocation from Jharkhand to Bihar.</p> <p>The above recommendation of the Committee was accepted by the Central Government. While the file was under submission for obtaining kind approval of Secretary (P) for implementation of recommendations of State Advisory Committee, Bihar, Shri Shilendra submitted his application for withdrawal of his earlier request for revision of allocation from Jharkhand to Bihar. Since the file was under submission, no action could be taken at that time. After obtaining approval of Secretary (P), the orders for revising allocation and rejecting the representation of other employees were issued.</p> <p>In view of the request of Shri Shilendra, order for revising his allocation from Jharkhand to Bihar was withheld. Shri Shilendra has contended that he came to know about his proposed revision of allocation from Jharkhand to Bihar through minutes of the meeting held 17.01.2014 as uploaded on the website of this Department. Shri Shilendra has further represented that since he is now well established in Jharkhand, he may be allowed to remain in that state.</p> <p>Government of Jharkhand has given its consent/NOC to retention of Shri Shilendra Kumar in the State of Jharkhand. However, Government of Bihar recommended implementation of order for his revision of allocation from Jharkhand to Bihar.</p> <p>The Committee observed that Shri Shilendra Kumar is not willing to join to the re-allocated State, Bihar. He wants to remain in the State of Jharkhand, the State finally allocated to him in changed circumstances.</p>


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		Taking note of above, the Committee recommended to accept the request of Shri Shilendra Kumar for his retention in the State of Jharkhand and further recommended to cancel his re-allocation to Bihar.
10	<b><u>Pending issues regarding allocation of employees, considered in the last meeting of State Advisory Committee, Bihar held on 17.01.2014</u></b>	
	<p>(i) Final allocation of 6 Lab Technicians of Department of Health and Family Welfare was recommended by the SAC, Bihar. 3 Lab Technicians, viz. Shri Mohammad Anwar Alam, Shri Anil Kumar Sinha and Shri Rajesh Kumar Gupta, submitted their representations for revision of State allocation. Both the State Governments and O/o State Advisory Committee were requested to furnish their comments/ recommendations. No reply has been received from the State Governments so far. Therefore, final allocation order in respect of above recommended 6 Lab Technicians have not been issued.</p> <p>(ii) Apart from this, final allocation of 2 Jharkhand Krishi Padadhikari, both Women employees viz. Smt Pratima Kumari and Smt. Kavita Kumari of Department of Agriculture was also recommended to Bihar by the State Advisory Committee. They were recommended for final allocation to Bihar showing option/representation not received. The office of SAC is to seek option/representation from both women employees before the final allocation order in respect of employees of Department of Agriculture is issued.</p>	<p>(i) &amp; (ii) O/o State Advisory Committee informed that Mohammad Anwar Alam, Lab Technician was recommended for final allocation to Jharkhand against his home district on juniority basis showing 'option not received' in its last meeting held on 17.01.2014. He had submitted a representation against his tentative allocation to Jharkhand under the medical hardships category. His father had undergone heart bye-pass surgery on 02.12.2008. The representation of Shri Alam was considered by the Committee in its last meeting held on 17.01.2014 and not found fit for acceptance.</p> <p>Shri Rajesh Kumar Gupta, Lab Technician was recommended for final allocation to Jharkhand against his home district on juniority basis showing 'option not received' in its meeting held on 09.07.2012. He had submitted a representation against his tentative allocation to Jharkhand under the medical hardships category. His wife was suffering from serious illness. His parents are old aged and he has to look after them. The representation of Shri Gupta was considered by the Committee in its last meeting held on 17.01.2014 and not found fit for acceptance.</p> <p>Shri Anil Kumar Sinha, Lab Technician was recommended for final allocation to Bihar as per his home district on seniority basis showing 'option not received' in its meeting</p>

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<p>(iii) Status of pending allocation of 73 employees of various Departments of erstwhile State of Bihar.</p>	<p>held on 09.07.2012. He never submitted any representation against his tentative allocation to Jharkhand.</p> <p>The O/o the State Advisory Committee informed that it has no role in mutual of transfer of employees.</p> <p>The Committee recommended that final allocation order as recommended earlier in its last meeting held on 17.01.2014 be issued by the Central Government. There is no role of the Committee in mutual transfer of the employees. The Committee further recommended that the representations of the employees concerned for revision of their state allocation would be considered accordingly after their final allocation.</p> <p>(iii)The O/o State Advisory Committee informed that allocation of 59 employees of 9 Departments is pending as on 17.11.2014. The Committee desired that the proposal for allocation of above said 59 employees be obtained from their administrative Departments by the O/o the State Advisory Committee and placed before it for consideration.</p>
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**The Member Secretary,  
State Advisory Committee, Bihar**

  
**The Chairperson,  
State Advisory Committee, Bihar**