

378

Speed Post

F. No. 14/3/2006-SRS
Government of India
Ministry of Personnel, PG. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi
Dated: 09th November 2011

09 NOV 2011

To

The Principal Secretary,
Department of General Administration,
State Re-organization Cell,
Vallabh Bhavan, Bhopal, Madhya Pradesh.

Sub: Circulation of minutes of the 17th meeting of the State Advisory Committee held on 29.08.2011.

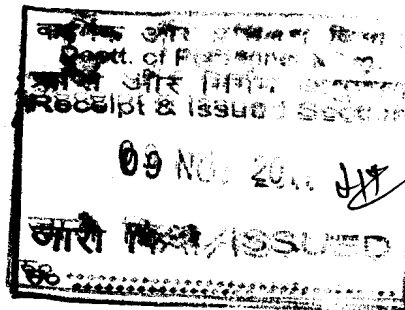
Sir,

I am directed refer to this Department' letter of even number dated 23.09.2011 regarding seeking acceptance to the minor modifications in the agenda item number 7 – Dr. Banshi Lal Dhruv, AMO and item number 17 (now item No.28 in approved minutes) – Shri A.K. Chaturvedi, RAEO and to say that the Chairman has approved the minutes of the meeting with minor changes in the said two items. A copy the approved minutes is enclosed for immediate circulation to all concerned.

Encls.: Approved minutes (8 pages)

Yours faithfully,

M. S. Shrama
(M.S. Shrama)
Under Secretary
Tele. 24651898



**MINUTES OF THE 17TH MEETING OF STATE ADVISORY COMMITTEE HELD
ON 29-08-2011 AT 12.00 NOON IN CONFERENCE ROOM NO. 190, NORTH
BLOCK, NEW DELHI UNDER THE CHAIRMANSHIP OF JS (AT&A)**

In compliance with the directions dated 17.04.2007 of the Hon'ble High Court of Chhatisgarh at Bilaspur in Writ Petition No. 445/2001 in the matter of Godbole and others versus Union of India and others the 17th Meeting of the Committee was held under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary (AT & A), DOPT on 29-08-2011 at 12.00 Noon in Conference Room No. 190, North Block. List of attendants is enclosed at Annexure "A".

2. The Chairman welcomed the members of the Committee and thereafter took up the agenda of the meeting for discussion. The minutes of 16th meeting were unanimously endorsed by the Committee. Thereafter the 46 cases were discussed and decision of the Committee in individual case has been reflected in the last column of the table.

Sl.	Name of the Employee/ Petitioner	W.P. No. / VIP Reference/ representation	Decision taken
1	Praveen Kumar Yadav, Sub Engineer, WRD	2896/05	The Committee noted that these cases of state reallocation as per their option and/or domicile are covered under the recent clarifications issued by this Department on 24.6.2010 regarding allocation of SC/ST employees. So the Committee decided to recommend their revision of state allocation in respect of employees at Sr. No. 1 to 6 and Sr. No. 8 to 10 from the State of Chhatisgarh to State of M.P. as they are optees and belong to SC category and are domicile of Madhya Pradesh State. In respect of employee at Sr. No. 7 viz. Dr. Bansi Lal Dhruv, AMO, the Committee decided to recommend the revision of his state allocation from the State of Madhya Pradesh to the State of Chhattisgarh as he is domicile and optee of Chhattisgarh and belongs to ST category.
2	Hariom Umaria, Sub Engineer, WRD	Representation	
3	U B Ahirwar, Sub Engineer, WRD	Representation	
4	R P Jatav Sub Engineer, WRD	58/06	
5	Shyam Kumar Razak Asstt Gde-II, D/o Transport	Representation	
6	Raj Kumar Mithoria, RHEO, D/o Horticulture and Food Processing	5381/03	
7	Dr. Bansi Lal Durv, AMO, D/o Ayush	Representation	

8	Ramesh Goyal, Tracer , WRD	1559/09	
9	Om Prakash Kannauji, Sub Engineer , WRD	Representation	
10	R P Chanderi, Sub Engineer , WRD	3013/08	
11	C S Prajapati, Sub Engineer, WRD	Representation	The Committee rejected the request of the employee for change of State cadre to Madhya Pradesh because he himself opted for the State of Chhattisgarh under mutual transfer policy and was accordingly allocated.
12	Ajay Shankar Dubey, Sub Engineer , WRD	3309/07	The Committee noted that Administrative Department did not recommend the representation of Shri Dubey for acceptance on the ground that number of the Sub Engineers (Civil) working in Madhya Pradesh are more than the sanctioned strength. The Committee noted that the Hon'ble High Court of M.P. had quashed his allocation to the State of Chhattisgarh. The request of Shri Dubey is covered by the policy framed by the M. P. State Government vide their notification dated 24/03/2008. To comply with the directions dated 15-12-2010 of the Hon'ble High Court of M.P. the Committee decided to recommend the representation of Shri Dubey for acceptance for revision of his state cadre from Chhattisgarh to Madhya Pradesh on the ground that his wife is working as an Assistant Teacher since 20-07-1998 in M.P.
13	Sushil Kumar Saxena, Sub Engineer , WRD	2909/05	The Committee noted that Administrative Department did not recommend the representation of Shri Saxena for acceptance on the ground that number of the Sub Engineers (civil) working in Madhya Pradesh are more than the sanctioned strength. The Committee noted that the Hon'ble High Court of M.P. had quashed his allocation to the State of Chhattisgarh. The request of Shri Saxena is covered by the policy framed by the M.P. State Government vide their notification

			dated 24/03/2008. To comply with the directions dated 15-12-2010 of the Hon'ble High Court of M.P. the Committee decided to recommend the representation of Shri Saxena for acceptance for revision of his state cadre from Chhattisgarh to Madhya Pradesh on the ground that his wife is working as an Assistant Grade-II in the office of Commissioner, Gwalior since 11-03-1983.
14	V S Mishra. Sub Engineer, WRD	2437/08	The consideration of the case was deferred by the Committee and it was decided that this case should be put up before the Committee in the next meeting with the confirmation whether in the past such cases had been approved or not.
15	<p>In the meeting held on 29/12/2010 the Committee discussed the implementation of judgment dated 13/08/2008 which struck down the circular dated 26.12.2001 issued by M.P. Government in W.A.s No. 783/07, 784/07 and 785/07 filed by Shri R S Chourasia, H O Srivastava and G R Verma, all Rural Agriculture Extension officers and decided to know the impact of implementation of said judgment. In the said appeals the contention of the appellants was that they were allocated to Chhattisgarh while junior were allocated to Madhya Pradesh. So they were also eligible for allocation to the State of M.P. According to the appellants, this error occurred in the allocation process because of contradiction in clause 6(5) of Notification dated 22/03/2001 and circular dated 26/12/2001 issued by General Administration Department, Madhya Pradesh.</p> <p>The sub clauses 6(5) of Notification states that 23/09/2000 will be the date of consideration of ACP scale while making group irrespective the fact that orders of ACP issued prior to this date or orders issued thereafter but effective from this date or earlier. The circular dated 26/12/2001 issued by the State Government states that the pay scale of employees will not be changed if the ACP orders are issued after the date of publication of TFAL even if the order of ACP are issued retrospectively.</p> <p>In the judgment dated 13.08.2008, Court stated that States were not justified in carving out a separate rule by introducing a new cut-of-date vide order dated 26.12.2001. The Court quashed the order of allocation of the appellants to the state of Chhattisgarh and respondents were directed to retain the appellants in the State of M.P. Against the said judgment dated 13/08/2008 the Review Petition filed by the State Government had been dismissed by the Hon'ble High Court. The MP State Government had taken a decision after seeking legal opinion for not filing SLP in the Hon'ble Supreme Court against the said judgment of Hon'ble High Court in the said Writ Appeals. The judgment dated 13/08/2008 has been implemented by allocating the appellants to the state of Madhya Pradesh.</p> <p>The Department of Agriculture and Farmer Welfare reviewed their court cases in the light of judgment dated 13-08-2008 of Hon'ble High Court of M.P. passed in Writ Appeal No.783/05, 784/05 and 785/05 and in the light of clause 6 (4) and 6(5) of guidelines dated 22-03-2001 issued by General Administrative Department and recommended that allocation of the petitioners, whose juniors were allocated to the State of M.P. due to grant of ACP</p>		

	endorsed by the Department of General Administration. The cases at S. No. 16 to 27 were considered by the Committee on the basis of decision of the Department of Agriculture as explained below:-		
Sl.	Name of the Employee/ Petitioner	W.P. No. / VIP Reference/ representation	Decision taken
16	M S Chandel, RAEO	11125/05	Based on the recommendations of the administrative Department of the petitioners and GAD and the reasons explained in para 15 above the Committee decided to recommend the change of State cadre of the petitioners from the State of Chhattisgarh to the State of Madhya Pradesh.
17	Basant Ram Thakur, RAEO	3513/06	
18	Vijay Kumar Jain, RAEO	7705/06	
19	P S Patel, RAEO	1427/10	
20	S K Gupta, RAEO	2889/06	
21	Aziz Khan, RAEO	2890/06	
22	Ram Narain Tripathi, RAEO	5000/06	
23	Triveni Singh, Surveyor	3701/06	
24	Ram Kailash Tewari, Surveyor	4154/06	
25	M K Tewari, RAEO	3497/06	
26	Sukhendra Singh Parihar, RAEO	3510/06	
27	A K Sahu, RAEO	2398/08	
28	A K Chaturvedi, RAEO	2701/06	

29	Udaibhan Singh Tomar, RAEO	2702/06	Representative of the administrative Department of the petitioners has confirmed that junior was allocated to M.P. Therefore, the Committee accepted the request of the petitioners for allocation to Madhya Pradesh.
30	Bhanu Pratap Singh Gaur, RADO	974/06	
31	V P Raghuvanshi, SADO, Agriculture Department	16119/06	On the recommendations of the administrative Department of the petitioner, the Committee decided to recommend the change of State cadre of the petitioner from the State of Chhattisgarh to the State of Madhya Pradesh as State Government has accepted that one junior SADO was allocated to M.P.
32	P N Sharma, Assistant Engineer, WRD	Representation	The representatives of the administrative Department of the applicants informed in the meeting that TFAL were issued in 2001 and their representations against the TFAL were earlier considered and recommended for rejection by the State Advisory Committee. Hence, the Committee decided to recommend to reject their representations.
33	Rakesh Srivastava, Assistant Engineer, WRD	Representation	
34	Dr. Sanjay Kumar Sanghai, Asstt. Veterinary Surgeon, Vet. Deptt.	4172/09	On the recommendation of the administrative Department of the petitioner, the Committee decided to recommend his State re-allocation from Chhattisgarh to M.P. as one of his juniors was allocated to M.P.
35	Dogendra Kumar Sahu, Asstt. Vet. Field Officer, Vet. Deptt.	Representation	On the recommendation of the administrative Department of the applicant, the Committee expressed its no objection to his re-allocation from M.P. to Chhattisgarh as both the State Governments have no objection to the request of their employee as he is a domicile of Chhattisgarh.
36	Arvind Kumar Chandel, Sub Engineer, WRD	6154/05	The representatives of the administrative Department informed the Committee that there is no error in allocation of State cadre of the petitioner to Chhattisgarh under category A-3 i.e. domicile as per service record and the Committee recommended to reject his request for re-allocation to M.P.

384

37	Pramod Kumar Vaidya, Asstt. Engineer, WRD	13024/08	In the meeting, the representatives of administrative Department told that the mother of the petitioner is dependent on him and is suffering from cancer and recommended for change of his State cadre. Therefore, the Committee decided to recommend the re-allocation of the petitioner from the State of Chhattisgarh to the State of Madhya Pradesh on the ground that his dependent mother is suffering from cancer
38	i) Ashok Kumar Singh, Platoon Commander ii) Sunil Shukla, Head Constable iii) Rajkumar Tiwari, Head Constable iv) Ram Badan Yadav, HC v) Pitaiya Prasad Verma, Asstt. Platoon Commander vi) Ram Swaroop Nagwanshi, Constable vii) Surendra Singh, Constable viii) Kishan Singh, Constable ix) Rajesh Kumar Savita, Constable x) Vacharam Kushwaha, Constable xi) Subodh Prohit, 6 th Battalion xii) Yogendra Singh, Constable	2605/08	The Committee noted that all the petitioners are non-State cadre employees and were/are working in the State of Chhattisgarh. The non-State cadre employees stand allocated to the State in which they were working in the State as on the appointed day i.e. 01-11-2000. There is no error in the allocation of the petitioners and therefore, Committee decided to reject their representations for change of State cadre from Chhattisgarh to M.P.
39	J P Ganote, Sub Engineer, PHE	1247/09	The Committee noted that this case of state reallocation as per his option and/or domicile is covered under the recent clarifications issued by this Department on 24.6.2010 regarding allocation of SC/ST employees. The Committee, therefore, decided to recommend his revision of state allocation from the State of Chhattisgarh to State of M.P. as he belongs to SC category, domicile of Madhya Pradesh State and opted for the same.

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40	Dr. Nawal Kishore Sharma, Medical Officer, Department of Public Health & Family Welfare	1443/05	The Committee noted that Dr. Sharma took voluntary retirement on 30-06-2007. The Writ petition filed by him became infructuous. No further action is required.
41	Manoj Kumar Komre, Tracer, WRD	9462/11	The consideration of the case was deferred by the Committee as the representative of Administrative Deptt. could not clarify the criteria in respect of financial compensation required to be obtained by the victims and their family members of Bhopal Gas Tragedy for making them eligible for allocation. Administrative Deptt. was asked to bring out the specific policy in this regard in the next meeting so that Committee can take a view in the matter.
42	R K Jain, Sub Engineer, WRD	Representation	
43	Jugal Kishore Patel, Tracer, WRD	Representation	The consideration of the case was deferred by the Committee and it was decided that this case should be put up before the Committee in the next meeting confirming whether in the past such cases had been approved or not.
44	K L Suryavanshi, Sub Engineer, WRD	Representation	The Committee noted that these cases of state reallocation are covered under the recent clarifications issued by this Department on 24.6.2010 regarding allocation of SC/ST employees. The Committee, therefore, decided to recommend their revision of state allocation from the State of Chhattisgarh to State of M.P. as they belong to SC/ST category and are optees and domicile of Madhya Pradesh State.
45	R L Ahirwar, Sub Engineer, WRD	Representation	
46	Gopal Das Kataria, Sub Engineer	Representation	

The meeting ended with a vote of thanks to the Chair.

**

Annexure 'A'**List of Attendants**

- Shri Rajeev Kapoor, Joint Secretary (A&AT), DOPT Chairman
- Shri K.P.K. Nambissan, DS (SR) , DOPT Member
- Shri Arun Tewari, Secretary, General Administration Department, M.P. Member
- Smt. Nidhi Chhibber, Secretary, General Administration Department, Chhattisgarh Member
- Shri Rajesh Kaul, Deputy Secretary, General Administration Department, M.P
- Shri M L Jain, Deputy Director Administration, D/o Agriculture and Farmer Welfare
- Shri Umesh Kumar Singh, Deputy Secretary, D/o Water Resources, MP
- Shri O P Gupta, SAO, D/o Water Resources, MP
- Shri A.K. Malviya, Dy. Superintendent, MP, PHQ, Bhopal
- Shri S S Rajput, CAO, D/o PHE, Bhopal, MP
- Shri D.C. Patel, ASO, Dte. Of Animal Husbandry, Bhopal
- Shri M.S.D. Kanodia, RTO, Transport Department, Gwalior, M.P.
- Dr. Hemant Sinha, DD, D/o Health & Family Welfare, M.P.