

70

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED UNDER THE
CHAIRMANSHIP OF JOINT SECRETARY(SR), HELD ON 01.12.2010 IN DELHI

XVth meeting of the Committee under the Chairmanship of Shri Rajeev Kapoor, Joint Secretary, Department of Personnel & Training was held on 01.12.2010 in Delhi. The list of participants is annexed. Initiating the discussion, the Chairman welcomed all the participants from the States of Uttar Pradesh and Uttarakhand. Thereafter, the agenda/issues were discussed and recommendations made as under:

1. Confirmation of the minutes of the meeting held on 09.07.2010

The minutes of the meeting held on 09.07.2010 were confirmed by the Committee. With regard to action taken on the recommendation as per the minutes, the Committee was informed that the recommendations have been accepted by the competent authority and most of the follow-up orders have been issued. It was brought to the notice of the Committee that in respect of the cases which were recommended subject to clarifications/confirmation from the State Governments, clarifications have not been received from the State Governments and hence these matters are still pending. The Chairman requested Uttar Pradesh Reorganisation Coordination Department and Uttarakhand Coordination Department to expedite the clarifications.

2. Compliance of Court Cases:

The representatives from the respective Administrative Departments of both the State Governments were called upon to appraise the Committee about the cases related to them.

(i) Home Department:

- (a) The case of S/Shri Jagdish Chandra Dalakoti & Jeevan Chandra Pant (WP No.279/07) was considered in compliance of the directions dated 26.4.2007 of Hon'ble High Court of Uttarakhand. The Principal Secretary, Uttar Pradesh Reorganisation Coordination Department informed the Committee that the TFAL approved by the Advisory Committee in the meeting held on 09.09.2010 is being circulated and names of the petitioners are included in the TFAL.

(Action: UPRCD)

- (b) In respect of directions of the Hon'ble Court in W.P. No.235/07 in various mutual transfer cases, the Committee was informed that the Hon'ble High Court of Uttarakhand vide order dated 26.07.2010 in the case of Shri M.C. Joshi has set aside the communication dated 15.09.2004 vide which provision for mutual transfer was made as well as the consequent guidelines on mutual transfer formulated by the successor States of Uttar Pradesh and Uttarakhand. Since the court has set aside the mutual transfer concept as well as the mechanism regulating it, the Committee recommended to reject the representations of the petitioners

(Action: DOPT)

- (c) Regarding the case of Constable Armourer Yogendra Singh Rawat & Others (W.P. 253/08), the representative of the Administrative Department informed the Committee that there were total 445 posts in the erstwhile State of Uttar Pradesh out of which 416 were allotted to Uttar Pradesh and 29 to Uttarakhand. FAL for 29 personnel (23 optee + 6 domicile) was issued. The Chairman requested to clarify the seniority position of the petitioner vis-a-vis the domicile personnel allocated to Uttarakhand.

S. Nayak

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(ii) **Medical & Health Department:**

- (a) The representation of Shri Muneshwar Prasad (WP No.4521/2010) was considered by the Committee. The Committee, however, felt that the points raised by the petitioner in his representation are not covered under the guidelines of Reorganisation, and therefore, recommended to reject his representation.

(Action: DOPT)

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(iii) **Geology & Mining:**

The cases of Shri Pratap Singh and Surinder Pratap Singh (WP No.1505/06) were considered. The representative of the Administrative Department of Uttarakhand informed that enough vacant posts are available in Uttarakhand and the petitioners are at present working in Uttarakhand. Government of Uttarakhand have no objection in adjusting the petitioners. Representative of Uttar Pradesh Government has also expressed their no objection to the proposal. The Committee, therefore, agreed with the views expressed by both the State Governments. The Principal Secretary, Uttar Pradesh Reorganisation Coordination Department clarified that it would be an Inter-State transfer and not allocation.

(Action: UPRCD/UKRD)

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(iv) **Forest Department:**

The Case of Shri Ghanshyam Singh, (WP No.1715/2006) was considered. In view of the SLP filed by the Government of India and the matter being subjudice, the Committee recommended to defer the matter

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(v) **Rural Engineering Service:**

The cases of Shri K.S. Bisht (WP No.423/06(S/B), Shri Shamshad Mohammed Khan (WP No.422/06(S/B)) and Shri Jagmohan Singh Bisht (W.P. No.424/06(S/B)) were considered. As S/Shri. K.S. Bisht and Jagmohan Singh Bisht were holding the post of store-keeper on the appointed day and promoted as Junior Engineer in 2001, the Committee recommended to consider the allocation of these petitioners as Storekeepers subject to confirmation of modalities of absorption by the State Government. The representation of Shri Shamshad Mohammed Khan, Junior Engineer was considered. Administrative Department informed that although Shri Khan is an optee, he is junior to the optees allocated to Uttarakhand. The Committee, therefore recommended to reject his representation subject to confirmation of his seniority by State Government.

(Action: State Government of Uttarakhand/Uttar Pradesh/DOPT)

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(vi) **Home Deptt.(Sub-Inspector)**

The cases of S/Shri Satyavir Singh (WP No.943/09(S/S), Guru Prasad (WP No.5835/09(S/S), Parasnath Singh & others namely, Jai Prakash Singh, Anirudh Singh, Prem Narain Dubey, Heera Singh, Anirudh Yadav, Devi Lal Chauhan, Ghulam Shabber Farooqui and Harpal Singh (WP No.7238/09(S/S), were considered. The Principal Secretary, Uttar Pradesh Reorganisation Coordination Department and the representative of the Administration Department informed the Committee that in the Police Department, some personnel are given honorary promotions which

S. Nayyar

(72)

are not substantive and hence the petitioners do not have claim on such promotion. The Chairman directed Administrative Department to confirm whether the promotions as claimed by the petitioners were of substantive nature or not.

(Action: State Government of Uttar Pradesh/Uttarakhand)

(vii) **PWD:**

Regarding the case of WP No.147/SS/09 Virendra Pratap Singh and the other three linked cases, it was pointed out that facts of the cases are not clear. The Chairman directed to defer the matter and asked Uttar Pradesh Reorganisation Coordination Department to check the full facts of the cases and submit the same in the next meeting the Advisory Committee as the directions of the Hon'ble Court are for the State Advisory Committee.

(Action: DoPT/UPRCD)

(viii) **Irrigation**

The representation of Shri Gyan Singh, Executive Engineer (Civil) (WP No.16/2010) was considered in compliance of the directions dated 2.2.2010 of the Hon'ble High Court of Uttarakhand. The Committee was informed that Shri Gyan Singh has requested for mutual transfer with one Shri Sayed Rashid Jamal Rashidi whereas the allocation of Shri Rashidi was earlier revised to Uttar Pradesh and as such both Shri Rashidi and Shri Gyan Singh stand allocated to Uttar Pradesh. Shri Rashidi has since retired on 31.5.2007. In view of the above position and setting aside of the mutual transfer guidelines by the Hon'ble Court, the Committee recommended to reject the representation.

(Action : DoPT)

(ix) **Medical & Health**

The case of Shri Jawahar Lal (WP No.119/2010) was considered. The representative of the Administrative Department informed that the report of the Medical Board has not yet been received. The Committee was informed that the petitioner is presently working in Uttarakhand. The Chairman directed representative of Uttarakhand Reorganisation Department to arrange for his medical examination before the next meeting of the Committee.

(Action:UKRD)

The cases of Shri Deo Prakash (WP No.839/2006) and Shri Gajendra Nath Pandey (WP No.822/2006) were deferred by the Committee with the directions to the State Government to provide full facts of the case to SR Division within 15 days.

(Action: UPRCD/UKRD)

Regarding the case of Shri Mukesh Kumar, Pharmacist (WP No.45353/2009), US(SR) informed the Committee that a contempt petition has already been filed by the petitioner in the High Court of Allahabad for non-compliance of the directions of the Hon'ble Court dated 28.8.2009 to consider the representation of the petitioner dated 4.2.2008. The Chairman requested Uttar Pradesh Reorganisation Coordination Department / Uttarakhand Reorganisation Department and the Administrative Departments of both the States to provide a copy of his representation dated 4.2.2008 to SR Division within a period of 15 days so as to issue a reasoned and speaking order immediately as directed by the Hon'ble Court.

(Action: UPRCD/UKRD)

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3. **Printing & Stationery**

The pending representations of the Deptt. of Printing & Stationery received in compliance of order dated 12.12.2007 from the High Court of Allahabad (Lucknow Bench) were deferred as the representative of the Administrative Department informed that the reports of the medical board in both the cases are still awaited. Chairman directed that the matter may be expedited.

(Action: UPRCD)

4. **PMT Workshop**

The pending representations of the Deptt. of PMT Workshop received in compliance of the order dated 12.12.2007 from High Court of Allahabad (Lucknow Bench) were considered and deferred as the information relating to option and seniority in respect of Shri V.K. Sundaram was not available and the report of medical board in the case of Shri Baijnath was still awaited. The Chairman directed the State Government to intimate the option and seniority status of Shri V.K. Sundram within 15 days. Report of Medical Board should also be expedited.

(Action: UPRCD)

5. **Police Radio**

The pending representations of the Deptt. of Police Radio received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered and the following recommendations were made:-

Sl. No.	Name & Designation S/Shri	Grounds for Request	Decision taken	Reason(s)	Action to be taken by
1.	Sohan Lal Kala, Radio Station Officer	Optee of U.P. wife suffering from mental illness. Son living in Bangalore. 5 years for retirement	Deferred	Report of medical board awaited. Already relieved by Uttar Pradesh on 2.9.2008.	Uttarakhand Reorganisation Department was directed to arrange for the medical examination of the petitioner immediately.
2.	Gangadhar Pant, Head Operator	Optee of U.P. Possessing landed property in U.P. Also the petitioner has Psychiatric health problem related to old age.		Report of Medical Board awaited.	
3.	Manoj Chandra Pandey, Radio Station Officer	Optee. Domicile of U.P. appointed on compassionate grounds. Stone in Kidney. Mother bed-ridden	Recommended for rejection	Administrative Deptt. informed that his domicile is Uttarakhand as per his service record. He changed his domicile to Uttar Pradesh on 6.11.2000.	DOPT

6. **Secondary Education Department**

The pending representations of the Secondary Education Department, received in compliance of the order dated 12.12.2007 from High Court of Allahabad (Lucknow Bench) were considered. The representation of Shri Santosh Mishra, Asstt. Teacher was recommended for rejection as the grounds for

S. Deyan

revision of allocation mentioned by him are not covered under the guidelines of Reorganisation. Regarding the case of Shri Divesh Sharma (WP No.5337/2001) the representative of the Administrative Department informed that the representation has already been disposed off by the Central Government vide communication dated 23.7.2010. The Chairman directed SR Divn., DoPT to verify the position in this regard.

7. **Jail Department**

(Action: DoPT)

The pending representations of the Jail Department received in compliance of the High Court of Allahabad, Lucknow Bench order dated 12.12.2007 were considered. The representative of the Administrative Department informed that S/Shri Ganga Ram Gautam, Shri Ram, Chhote Lal belong to SC category and are domicile of Uttar Pradesh. The Committee was of the view that in these cases, the representations can be considered as per the revised guidelines dated 24.6.2010 for allocation of SC/ST personnel. The Chairman requested the Administrative Department to intimate the SC category and domicile status of these three petitioners to SR Division within 15 days. The representation of Shri Amarjeet Singh, Dy. Jailor (WP No.3896/2005) was recommended for rejection as the grounds raised by him such as belongs to backward caste and having aged parents, for revision of his allocation were not found to be covered under the guidelines of Reorganisation. The case of Shri O.P. Srivastava was deferred as the report of the medical board was not available. Uttar Pradesh Reorganisation Coordination Department was asked to expedite the matter.

(Action: UPRCD/Jail Department)

8. **Evaluation Department**

The pending representations of the Evaluation Department received in compliance of the order dated 12.12.2007 from the High Court of Allahabad (Lucknow Bench) were considered. Representative of Administrative Department clarified that his services were regularised w.e.f. 13.10.1997 as Jr. Assistant. The representations of Shri Kishore Chandra Pandey, Jr. Assistant was, therefore, recommended for rejection as the grounds raised by him for revision of his allocation are not covered under the guidelines of Reorganisation. The Chairman, however, directed Uttar Pradesh Reorganisation Coordination Department to clarify the position with respect to the status of Shri Bindravan Prasad Gupta, Investigator-cum-Compiler i.e. whether he was a temporary or a regular employee on the appointed day, before considering the matter in the next meetig. The representation of Shri Ramesh Chandra Pathak, Field Investigator was recommended for acceptance under spouse policy as his wife is working in Primary Vidhyalaya, Sikandpur since 17.11.1990 subject to confirmation by Uttar Pradesh Reorganisation Coordination Department.

(Action: UPRCD/DoPT)

9. **Head Constables**

The Deptt. Informed that all the six Head-Constables have moved court subsequent to the order dt. 12.12.2007 of the Lucknow High Court, challenging their allocation on a lower post when all of them have been promoted as Sub-Inspectors. The Chairman directed Administrative Department to confirm whether the promotions as claimed by the petitioners were of substantive nature or honorary promotion as explained by the Administrative Department in an earlier case. The representative of the Uttarakhand Govt., informed that personnel holding promotions are being allowed to join the State as in the case of Secretariat Deptt. He was asked to give written confirmation in this regard.

(Action: UKRD)

S. Nayak

10. **Panchayati Raj**

The pending representations of the Department and Tehseeldar Cadre received in compliance of the High Court of Allahabad, order dated 19.11.2009 in 150 bunched cases were considered. The Committee took cognizance of the fact that the Hon'ble High Court had directed to consider the cases in which objections were not considered. The Committee was informed that three representations have been received from petitioners of Panchayati Raj Department, two from Tehseeldar Cadre and one from Food & Civil Supplies Department. The representations against the TFAL from all these petitioners were considered by the State Advisory Committee while making recommendations and hence the Committee found that there is no need to reconsider their representations. The Committee, therefore, decided not to consider these representations afresh in view of the direction of the Hon'ble High Court and recommended to reject these cases.

(Action: DoPT)

11. **SC/ST employees of PWD Department and Jail Department**

The Committee considered the representations received from the following personnel belonging to reserved category employees of PWD / Jail Department. The Committee recommended to allocate all the 3 officials hereunder in view of the clarification issued on 24.6.2010:-

Sl. No.	Name & Designation S/Shri	Caste belonging to	Domicile	Remarks
1.	Pratap Singh Garbyal, Executive Engineer, PWD	Bhotia/ST	Uttarakhand	S.No.1 & 2 recommended for allocation to Uttarakhand and sl. No.3 for Uttar Pradesh under SC/ST allocation policy vide letter No. 27/26/2006-SRS dt. 29.07.2008 and subsequent clarification of even number dt. 24.06.2010 subject to confirmation by the Administrative Department in r/o Sl.No.2 & 3. Confirmation received in respect of Sl.No.1
2.	Rajesh Chandra, Supdt. Engineer, PWD	Jaunssari	Dehradun, Uttarakhand	
3.	Kedar Nath, Dy. Inspector General, Jail Department	Pasi	Uttar Pradesh	

(Action: DoPT)

12. **Allocation of Smt. Chitra Dhir, Art Teacher**

The case of allocation of Smt. Chitra Dhir under spouse policy was considered by the Committee. The Department informed that she has accepted the conditional allocation offered by the Uttar Pradesh Government. The Committee, therefore, recommended to revise her allocation to Uttar Pradesh under spouse policy.

(Action: DoPT)

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

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(76)

List of Participants

1. Shri R.M. Srivastava, Principal Secretary, UPRCD, Lucknow
2. Shri F.N. Pradhan, Special Secretary, Sec. Education, U.P.
3. Shri Prabhat Sinha, Special Secretary, RES Deptt., U.P.
4. Shri Arvind Singh Hyanki, Reorganisation Commissioner, State Reorganisation Deptt. Uttarakhand
5. Shri K.P.K. Nambissan, Deputy Secretary, DOP&T, New Delhi
6. Shri S. Nayak, Under Secretary, DOP&T, New Delhi.
7. Shri P.K. Misra, D. I.G. (Jail), Jail Department, Meerut Range, Meerut.
8. Dr. R.K. Srivastava, OSD, Reorganisation Deptt. Uttarakhand.
9. Shri R.K. Srivastava, SSP(K), PHQ, U.P. Allahabad.
10. Shri J.N. Singh Gautam, Addl.S.P., PAC, HQ. Lucknow
11. Shri Navin Kumar, CE, LNU, Meerut, U.P.
12. Shri B.S. Kaira, CE, RES, Uttarakhand
13. Shri B.R. Jain, Executive Engineer, Irrigation Deptt. U.P.
14. Shri Rajiv Varshney, Executive Engineer, Irrigation (Mec.) Deptt., U.P.
15. Dr. S.P. Bhaskar, Joint Director (Paramed.), DG of Medical Health. U.P.
16. Shri Deo Pratap Singh, Deputy Secretary, Forest Deptt. Govt. of U.P.
17. Shri Dharam Vir Singh, Dy. Director (Panchayat), Panchayati Raj, U.P.
18. Shri A.C. Shukla, Asst. Geologist, Directorate of Geology & Mining, U.P. Lucknow
19. Shri D.N. Singh, Asst. Director, Tribal Welfare, U.P.
20. Dr. Viresh Raj, Supdt. Jail Deptt. U.P.
21. Shri A.P. Singh, Legal Assistant, I.G. prisons Office, U.P. Lucknow.
22. Shri Ramesh Babu, Radio Inspector, Radio Deptt., Gautam Budh Nagar, U.P.
23. Shri Akhilesh Kumar Sinha, Sr. Clerk, Printing & Stationery Deptt. Hazizganj, Lucknow.
24. Shri H.K. Srivastava, S.I.(M), PHQ, Police HQ. Allahabad.
25. Shri Satyadeo Singh, IMT, PMT Workshop, Sitapur, U.P.
26. Shri Vinod Kumar Rai, Food & Civil Supplies, U.P.
27. Dr. Satbir Singh Sirohi, Evaluation Division, Govt. of U.P., U.P.
28. Shri Ram Swaroop Yadav, Evaluation Division S.P.I., U.P., Lucknow
29. Shri Anil Kumar Dubey, Dood & Supply, U.P.