

September 13, 2000

B. B. TANDON
सचिव
SECRETARY

Tele.: 3014848
Fax : 3012432

Subject: Reorganisation of States - Allocation of personnel.

Dear Chief Secretary,

Kindly recall the discussions held in the meeting with the three Chief Secretaries of Bihar, Madhya Pradesh and Uttar Pradesh on 6th September, 2000 in my chamber regarding the principles to be followed for allocating personnel belonging to services other than All India Services to the new States in accordance with the provisions of the Reorganisation Acts, 2000.

2. I enclose a copy of the "Guidelines" containing the principles and modalities of handling the personnel and service matters which may kindly be followed by the State Governments for all services other than the All India Services. The service matters of State services personnel will be co-ordinated in this Ministry by Shri P.K. Brahma, Additional Secretary (P). You may like to instruct your Reorganization Cell to be in constant touch for guidance and clarifications with the Co-ordinating Additional Secretary of this Ministry. The details of the Nodal Officers are given below:

<u>Name and Address</u>	<u>Tel. No.</u>	<u>Fax No.</u>
1. Shri P.K. Brahma, Additional Secretary(Pension), Department of Pension & P.W., Lok Nayak Bhawan, Khan Market, New Delhi.	462 5540	460 4665

Contd....

2. Shri R.R. Prasad, Director(CRS),
Department of Pension & P.W.,
Lok Nayak Bhawan, Khan Market,
New Delhi - 110 003.
E-Mail Address: prasad@dpt-pension.delhi.nic.in

462 3711

462 4821

With regards,

Yours sincerely,



(B.B.Tandon)

O/c

Encl: As above

1. Shri V.S. Dubey, Chief Secretary, Government of Bihar,
Patna(Bihar).
2. Shri K.S. Sharma, Chief Secretary, Government of Madhya
Pradesh, Bhopal (MP).
3. Shri Yogendra Narain, Chief Secretary, Government of Uttar
Pradesh, Lucknow (Uttar Pradesh).

GUIDELINES FOR STATE GOVERNMENTS ON
PROVISIONS RELATING TO SERVICE MATTERS OF
STATE SERVICES OTHER THAN ALL INDIA SERVICES

1. **SETTING UP OF REORGANIZATION CELL**

- (a) The existing State Government of Bihar/Madhya Pradesh/Uttar Pradesh shall immediately constitute a Reorganization Cell headed by the Chief Secretary or an officer of equivalent rank to deal with all service matters. The Official Committee of the Reorganization Cell may include the Finance Secretary, Home Secretary and Personnel Secretary. The State Government may induct any other officer to the Committee, as it deems fit.
- (b) The Reorganization cell shall be the nodal office for coordinating all service matters relating to the State Services.
- (c) The Reorganization Cell may be constituted for an initial period of one year or until further orders, whichever is earlier.

2. **ALLOCATION OF POSTS**

State Services posts should be allocated on the following lines: -

- (a) 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/Chhattisgarh/Uttaranchal shall be deemed to be posts of the Successor State of Jharkhand/Chhattisgarh/Uttaranchal on and from the appointed day.
- (b) 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

4

provisionally allocated on the basis of the ratio of the Districts between the Successor states.

3. **ALLOCATION OF PERSONNEL**

State Cadre personnel should be allocated on the following lines.

- (a) 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/Chhattisgarh/Uttaranchal on and from the appointed day in whose territory the area has been included.
- (b) Those recruited specifically for projects or undertaking where such projects/undertakings are part of the Successor State of Jharkhand/Chhattisgarh/Uttaranchal on and from the appointed day would be deemed to be working in connection with the affairs of the Successor State of Jharkhand/Chhattisgarh/Uttaranchal. 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.
- (c) The lists of personnel for provisional allocation to the Successor State of Jharkhand/Chhattisgarh/Uttaranchal against each cadre/category of posts may be prepared by the Reorganization Committee of the existing State of Bihar/Madhya Pradesh/Uttar Pradesh 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.
- (d) 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.
- (e) 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.

4. OPTION FROM EMPLOYEES

- (a) State Service employees whose services are transferable within the state may be asked to indicate their preference in the designed performa to serve in either of the Successor states after the reorganization of states is given effect to. Performa is enclosed as Annexure 'A'.
- (b) However, it should be made clear to these employees 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. The preference form may be got legally vetted before issue to the employees, so that this does not confer on them any right for allotment to any state or any post.

5. OTHER SERVICE MATTERS

- a) Important policy files on service matters including confidential files of common interest/exclusive interest to the Successor State of Jharkhand/Chhattisgarh/Uttaranchal will have to be prepared and maintained in duplicate by the HODs of existing State of Bihar/Madhya Pradesh/Uttar Pradesh.
- b) All important records on service matters available in the Secretariat offices including confidential and classified documents and those available in the offices of the HODs will need to be properly indexed and maintained in

(6)

duplicate by the existing State of Bihar/Madhya Pradesh/Uttar Pradesh for the benefit of the Successor State of Jharkhand/Chhattisgarh/Uttaranchal .

- c) All recruitments against vacancies in the interim i.e. till issue of the final allocation orders may be kept in abeyance. Wherever panels have been drawn but not published, they may be kept in abeyance till reorganization of states is given effect to. Wherever panels have been recently published, selected candidates may be notified that their services in the existing State of Bihar/Madhya Pradesh/Uttar Pradesh may not be required beyond the 'Appointed Day' and that they are liable to serve in the Successor State of Jharkhand/Chhattisgarh/Uttaranchal after Reorganization, as the case may be.
- d) All transfers (other than local area personnel) which have been planned and which have jurisdiction throughout the State may be held in abeyance till Reorganization of States is effected. Wherever transfer orders have been issued but the same not executed, they may be cancelled. Transfer orders, which have been given effect to i.e. the same have been carried out by the concerned staff, suitable corrigendum may be issued treating the same as provisional, pending Reorganization of States.
- e) Where both husband and wife are Government employees, it would be prudent while making provisional allocation, to allocate them to one State as far as possible.
- f) 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.

6. CONDITIONS OF SERVICE

As per the provisions of The Bihar/Madhya Pradesh/Uttar Pradesh Reorganization Act, 2000, the conditions of service applicable before the appointed day in respect of all personnel, should not be varied except with the previous approval of the Central Government.

7. ISSUE OF PROVISIONAL LISTS

The Reorganization Committee of the existing State of Bihar/Madhya Pradesh/Uttar Pradesh shall send with the approval of the State Government, the provisional list to the Central Government in Floppies (MS-Word) by 15th of October 2000.

8. TIME SCHEDULE

- a) A tentative time schedule for actions to be taken by the existing State Government of Bihar/Madhya Pradesh/Uttar Pradesh on and before the Appointed Day is indicated in Annexure 'B'.
- b) It would be necessary to closely monitor various action points for its finalization to enable staff to take up their posts on the Appointed Day in the Successor State of Jharkhand/Chhattisgarh/Uttaranchal.

BIHAR/M.P./U.P. REORGANIZATION ACT, 2000

(To be prepared in quadruplicate)

DEPARTMENT: _____

NOTE: Information to be filled in respect of State Service Personnel only.

- 1 (i) Name
- (ii) Post held
- (iii) Service to which the employee belongs

1 Date and place of birth

2 Home of family (district and tehsil to be indicated)

3 Place or places where the employee owns immovable property

4 Languages known

5 Educational qualifications and training courses attended, if any.

6 Date of joining of service

- 8 (i) Scale of pay.
- (ii) Emoluments:-
 - (a) Basic pay
 - (b) Special pay
 - (c) Allowances
 - (d) Other items
 - (e) Total

9. Place or places where served, capacity in which served and the period (years) for which served *(Particulars to be given overleaf)

10. In the case of a lady employee/male employee, the name, present posting, department (and relationship) of the Closest male relative/female relative in Govt. service should be indicated

11. Preference for posting to a particular state may be indicated. Preference should clearly indicate desire to work in either of the successor state, as the case may be.

12 Brief reasons in respect of preference indicated in column 11 above to work in a particular state, may be mentioned.

I solemnly declare that the information given above is correct to the best of my knowledge and belief and nothing has been concealed.

Place: _____

Signature: _____

Date _____

Indicate details of place or places where served, capacity in which served and the period (years) for which served: -

D.O No. 28/1/2000-SR(S)

S No. 1(I) By Special Order



भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
नई दिल्ली-110 001
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NEW DELHI-110001

December 21, 2000

22 DEC 2000

B.B. TANDON
सचिव
SECRETARY

Tele. : 3014848
Fax : 3012432

Dear Shri Prasad,

Attention is invited to my DO letter of even number dated the 13th September, 2000 through which guidelines for provisional allocation of State Government employees were circulated.

2. With the provisional allocation orders having been issued by the Central Government and the successor States having come into existence on and from the appointed day, the Central Government has decided to constitute a State Advisory Committee for the purpose of assisting it in discharging its functions in regard to the State Government employees with a view to ensure their fair and equitable treatment including proper consideration of their representations. The composition and the objectives of the State Advisory Committee including guidelines to be borne in mind by the State Advisory Committee and the State Government respectively, have been enumerated in the annexure enclosed with this letter.

3. A suitable time-frame has also been indicated to enable employees to submit their representations in time, and for consideration of the same by the State Advisory Committee.

4. It is requested that the State Advisory Committee may be rendered necessary assistance to enable the Committee to function smoothly.

5. In so far as the Chairman of the State Advisory Committee is concerned, orders will be issued by the Central Government and the Committee would come into effect from the date the Chairman of the Committee is notified. The State Governments may advise the names of the nominees of the Chief Secretary who would represent on his behalf whenever the Chief Secretary is unable to take part in the proceedings of the State Advisory Committee. The names, addresses, telephone and fax numbers of the nominated officers including their e-mail addresses, if any, may be advised to the SR Cell of DOP&T.

Contd..

6 The State Governments are advised to give wide publicity to the timeframe indicated herein to enable the State Government employees to submit their representation in time.

With regards,

Yours sincerely,

ole

[Signature]

(B.B.Tandon)

Encl: As above

✓ Shri Mukund Prasad,
Chief Secretary,
Government of Bihar,
PATNA.

[Signature]
कर्मिक और प्रशासन
Deptt. of Personnel & I.S.
प्रशिक्षण एवं नियम अनुभाग
Training & Law Section
22 DEC 2011
जारी किया/ISSUED
हस्ताक्षर/Sig.....

'Annexure'

CONSTITUTION OF THE STATE ADVISORY COMMITTEE
FOR STATE GOVERNMENT EMPLOYEES, OTHER THAN
ALL-INDIA SERVICES

I. Composition of the State Advisory Committee

The State Advisory Committee will comprise the following:

- 1. A senior retired Civil Servant of the rank of Chief Secretary or equivalent. Chairman
- 2. Chief Secretaries of the successor States or their nominees not below the rank of Secretary to the State Governments, representing the State Governments. Members
- 3. Additional Secretary (Pension) or his nominee not below the rank of Director to the Government of India, representing the Central Government. Member
- 4. An officer not below the rank of Secretary to the State Government coordinating the Reorganisation Cell in the State of Bihar existing immediately before the appointed day. Member Secretary

II. Objectives of the State Advisory Committee

- 1. To assist the Central Government in regard to discharge of its functions in regard to State Government employees under the part "Provisions as to Services" as provided in the Bihar Reorganization Act, 2000;
- 2. To ensure fair and equitable treatment to State Government employees affected by the provisions of the part, referred to above; and
- 3. For proper consideration of representations made by such persons.

III. Mandate for the State Advisory Committee

- 1. 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. Guidelines issued by the Central Government through Secretary (Personnel)'s demi-official letter No. 28/1/2000-SR(S) dated the 13th September, 2000 may also be referred;

2. After the distribution of posts are finalised by the State Advisory Committee, they will draw the tentative final allocation list in respect of all employees who are to be allocated on a final basis to either of the successor States. While doing so, reservation policy as applicable may also be kept in mind;
3. The State Advisory Committee would circulate the tentative final allocation list to the respective successor State Governments for information of their employees and for submission of representations, if any, by such employees;
4. The State Advisory Committee would consider the representations made by employees against the tentative allocation list and would forward their recommendations to the Central Government for taking a final view in the matter; and
5. Based on the advise received from the Central Government on the recommendations made by the State Advisory Committee, the tentative allocation list would be made final and the same would be passed on to the respective successor State Governments for issue of final allocation orders.
6. The Chairman of the State Advisory Committee may induct any officer from either of the successor States as deemed fit to assist the Committee in the discharge of its function.

IV. Principles for final allocation of employees

1. Final allocation of employees would be based on the distribution of posts to be finalised by the State Advisory Committee;
2. 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 nor substantially reduced in the successor States to which they are finally allocated;

3. All employees who have been working in the State of Bihar existing immediately before the appointed day, and are belonging to such State services which 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;
4. 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 State;
5. State service employees 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 serving before the appointed day;
6. In respect of educational institutions including those imparting technical and medical education, the State Advisory Committee may consider making their final allocation earlier than other services preferably by the end of the current academic session so that there is no mid-term dislocation of such employees arising out of the Reorganization of States and that the academic sessions are not disrupted on account of their final allocation;
7. The State Advisory Committee may take a view regarding final allocation of such State service personnel who are currently working in statutory/non-statutory bodies as to whether their final allocation should be held back till the bodies are in position or otherwise; ~~and~~
8. Where both husband and wife are Government employees, it would be prudent, while making final allocation, to allocate them to one State, as far as practicable; ~~and~~
9. Notwithstanding the guidelines indicated above, the State Advisory Committee would be at liberty to consider any principle/factor which may become crucial in deciding the allocation of employees to the successor States.

V. Responsibility of the Successor State Governments

1. It will be the responsibility of the successor States to provide necessary assistance like telephones, PAs, Peons and other related facilities to the State Advisory Committee;

2. The successor State of Bihar would be responsible for furnishing details of sanctioned posts category-wise, cadre-wise, grade-wise, department/directorate-wise to the State Advisory Committee to enable them to finalise distribution of posts between the successor States;
3. The successor State Governments, referred above, would also be responsible for providing copies of necessary rules, orders, category-wise gradation list, etc., as may be applicable to various cadres for the benefit of the State Advisory Committee;
4. The successor State of Bihar shall furnish its official comments on the representations received at its end keeping in view the various rules, orders, etc., and would forward the same for further consideration of the State Advisory Committee. No representation would be sent to the State Advisory Committee without the official comments of the successor State of Bihar;
5. The Member Secretary of the Committee would be responsible for guiding the State Advisory Committee in all matters relating to "Provisions as to services" including briefing the Committee with regard to local practices and precedence, if any;
6. Member Secretary of the Committee would furnish details cadre-wise, department-wise to the State Advisory Committee in respect of whom provisional allocation orders have been issued by the Central Government. While doing so, he may indicate whether the provisional allocation is more/less than what was required to be sent in terms of the ratio of districts between the successor States.

VI. Methodology for submission of representations by employees

1. State Government employees who feel aggrieved by the tentative final allocation list, as prepared by the State Advisory Committee would be at liberty to submit their representations to the Reorganization Cell constituted by the State of Bihar before the appointed day;
2. State Government employees who have been provisionally ordered to serve in connection with the affairs of one of the successor States can also submit their representations to the Chief Secretary of the State in which they are working who should then forward these representations to the Reorganization Cell constituted by the State of Bihar before the appointed day;
3. All representations from employees should be self-contained, clearly indicating the specific points of grievance against the provisional/tentative

final allocation list. The representations should be addressed to the Chairman, State Advisory Committee;

- 4. The employees may be suitably advised to ensure that representations from their end, if any, should be submitted within the prescribed time limit.

VII. Consideration of time-barred representations

- 1. Time limit for submission of representations prescribed herein is only as a matter of administrative convenience;
- 2. While it is not advocated that invariably all representations received after the due date should be taken up for consideration, it is likely that in some cases, an employee for sufficient reason is unable to submit his representation in time;
- 3. The Central Government feels in such cases it would be inequitable to withhold the representation merely on the ground that it has been received late;
- 4. Representations, in all such cases, received after the due date may be examined to establish:
 - a) Whether there is sufficient reason for submitting the representation late; and
 - b) Whether on merits of the representations, it would be inequitable not to consider the same; and
- 5. As pointed out above, it would be desirable that the legitimate grievance of an employee is removed notwithstanding the fact that the representation is received late. The intention of the Central Government being to ensure that justice is not denied to an employee merely on the ground that he is late in seeking redress.

VIII. Time Frame

<u>S.No.</u>	<u>Particulars</u>	<u>Time Limit</u>
1	The State Advisory Committee will finalize the distribution of posts for the successor States.	One month from the date of constitution of the State Advisory Committee.
2	The State Advisory Committee will draw the tentative list of employees for final allocation to the successor States	Two months from the date, the distribution of posts are finalized.

- 3. The State Advisory Committee will circulate the tentative list to the successor States for notification to all employees regarding their final allocation and to submit their representations, if any, against the final allocation Fifteen days from the date the tentative list is finalised.
- 4. Employees affected by the tentative list should submit their representation through their respective Chief Secretaries giving detailed reasons. One month from the date of notification of the tentative list.
- 5. Consideration of representations by the State Advisory Committee and, to furnish their recommendations to the Central Government. Two months, from the last date specified of submission of representations.
- 6. The Central Government after considering the recommendations of the State Advisory Committee will convey its decision to the State Advisory Committee Two months from the date of receipt of the recommendations of the State Advisory Committee.
- 7. The Successor State Governments will, based on the decisions conveyed by the Central Government, notify the final list for information of all concerned. Fifteen days from the date of receipt of the final allocation list.

The State Government
 Government of Karnataka

English version of the order No. 27/09/2001-SR(S) dated 11.09.2001

No. 27/9/2001-SR(S)

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

September 11, 2001

ORDER

In exercise of the powers conferred by sub-Section (2) of Section (73) of the UP Reorganization Act, 2000, the Central Government hereby directs that all officers and staff borne on cadres:

- a) Whose appointing authority is a district level officer of the 13 districts specified in Section (3) of the UP Reorganization Act, 2000 and falling in the State of Uttaranchal on and from 9th November, 2000 or whose services are normally liable for transfer within the area of the districts, referred above or
- b) Whose appointing authority is a divisional level officer of the Garhwal or Kumaon Divisions of the State of Uttaranchal on and from 9th November, 2000 or whose services are normally liable for transfer within the area of the above divisions, or
- c) Who belong to the Hill sub cadre of the State of Uttar Pradesh existing immediately before 9th November, 2000 or whose services are normally liable for transfer within the Hill sub-cadre districts of the State of Uttar Pradesh existing immediately before the 9th November, 2000 or
- d) Who are recruited specifically for projects or undertakings which are part of the territories of the State of Uttaranchal on and from 9th November, 2000 and whose services are normally not transferable outside the geographical area of the territories forming part of the State of Uttaranchal on and from 9th November, 2000.

are finally allocated for service to the State of Uttaranchal on and from 9th November, 2000.

Sd/-
(R.R. Prasad)
Director (SR)

To: Chief Secretary, Government of Uttar Pradesh, Lucknow, Uttar Pradesh.
Chief Secretary, Government of Uttaranchal, Dehradun, Uttaranchal.
JS (CS), Ministry of Home Affairs, North Block, New Delhi.

R.R. Prasad
R.R.
27/9

Recd
Immediate

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F.No. 28/1/2000-SR(S)
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

September 26, 2001

To
Chief Secretary,
Government of Bihar,
Patna.

27/9/01

Subject: Guidelines for final allocation - Reorganization of States

Sir,

Attention of the successor State Governments is invited to item IV (5) of this Department's guidelines of even number dated 22.12.2000 which reads as under:

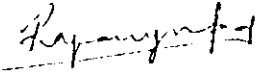
"State service employees retiring within two years from the appointed day should not be covered for final allocation to a successor state other than which they have been serving before the appointed day".

After careful consideration of requests made by some of the successor State Governments and examination of representation in the context of the above-mentioned guideline, the Central Government has decided to modify the same as under:

"State service employees retiring within 2 years from the appointed day should not be covered for final allocation to a successor State other than which he has been serving before the appointed day or the successor State for which such person has exercised an option."

Receipt of this communication may please be acknowledged.

Yours faithfully,


(R.R. Prasad)
Director (SR)
o/c

Copy to Shri S.P. Keshav, Member Secretary, SAC, Departmental Enquiry
Commissioner, DFAR, Government of Bihar, Patna (Bihar) for information.
4.20

Most Immediate

F.No. 28/1/2000-SR(S)
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

November 21, 2001

To:

1. Shri Mukund Prasad,
Chief Secretary,
Government of Bihar,
Patna (Bihar).
2. Shri V.S. Dubey,
Chief Secretary,
Government of Jharkhand,
Ranchi (Jharkhand).
3. Shri P.K. Mehrotra,
Chief Secretary,
Government of Madhya Pradesh,
Bhopal (MP).
4. Shri Arun Kumar
Chief Secretary,
Government of Chhattisgarh,
Raipur (Chhattisgarh)
5. Shri A.P. Verma,
Chief Secretary,
Government of Uttar Pradesh,
Lucknow (Uttar Pradesh).
6. Shri Madhukar Gupta,
Chief Secretary,
Government of Uttaranchal,
Dehradun (Uttaranchal)

Subject: Additional guidelines for final allocation - Reorganization
of States

Sir,

Attention of the successor State Governments is invited to the guidelines of this Department contained in letters of even number dated 13.09.2000 and 22.12.2000 respectively, regarding provisional/final allocation of State service personnel to the successor States.



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2. On the basis of provisional allocation orders issued by the Central Government for the successor States of Chhattisgarh, Jharkhand and Uttaranchal and the tentative final allocation list drawn by the State Advisory Committee (SAC) of MP, a large number of representations from various corners have been received by the Central Government.

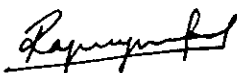
3. After careful examination of the issues raised in these representations, the Central Government have now decided to issue the following additional guidelines for compliance by the successor State Governments and the SAC:

- (i) Women employees belonging to the 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 woman employee whose senior spouse is also a Government employee 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 woman spouse, for reason 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 then be considered by the SAC on merits/hardship and their recommendations sent to the Central Government for acceptance or otherwise.
- (ii) Handicapped government employees belonging to State services having an all State transfer liability or who are working against posts which are not exclusively relatable to an area falling in one of the successor States and are in receipt of special handicapped allowance should not be allocated against their option to either of the successor States.

4. It is requested that the above additional guidelines may be taken into account while drawing the tentative final allocation list. In case of MP and Chhattisgarh where the tentative final allocation list has already been drawn, the above referred groups should be exempted and in lieu of them no fresh allocation would be necessary.

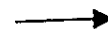
5. Receipt of this communication may kindly be acknowledged.

Yours faithfully,


(R.R. Prasad)
Director (SR)

Copy to:

1. Shri C.R. Venkatraman, Chairman, State Advisory Committee, 63, Srikunj Apartments, Buddha Colony, Patna-800001.




:: 3 ::

2. Shri N.B. Lohani, Chairman, State Advisory Committee, E-1/191, Arera Colony, Near Bhojpur Club, Bhopal-462 016.
3. PS to MOS (PP) for kind information of MOS (PP).
4. Senior PPS to Secretary (P) for kind information of Secretary (P).
5. PPS to AS (AR&PG), for kind information of AS (AR&PG)

Copy for information and necessary action:

1. Shri S.P. Keshav, Member Secretary, State Advisory Committee, Personnel Cell, Department of Personnel and Administrative Reforms, Sinchai Avas, Beli Road, Patna-23.
2. Shri R.S. Sirohi, Principal Secretary, Government of Madhya Pradesh, General Administration Department, (State Reorganisation Cell) Mantralaya, Vallabh Bhavan, Bhopal - 462 004 (MP)
3. Shri Raju Sharma, Member Secretary, SAC, Uttaranchal Coordination Department, Government of Uttar Pradesh, Lucknow for information.


(R.R. Prasad)
Director (SR)

23

No.14(C)/03/2006-SR(S)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

3rd Floor, Lok Nayak Bhawan,
Khan Market, New Delhi-110003
Dated 2nd November, 2007.

To

The Chief Secretary,
Government of Uttar Pradesh,
Lucknow,
Uttar Pradesh.

The Chief Secretary,
Government of Uttrakhand,
Dehradun,
Uttrakhand.

The Chief Secretary,
Government of Madhya Pradesh,
Bhopal,
Madhya Pradesh.

The Chief Secretary,
Government of Chhattisgarh,
Raipur,
Chhattisgarh.

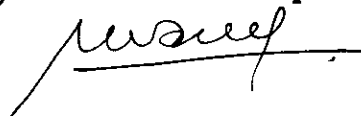
The Chief Secretary,
Government of Bihar,
Patna,
Bihar.

The Chief Secretary,
Government of Jharkhand,
Ranchi,
Jharkhand.

Subject: Additional guidelines in allocation of service regarding.

Sir,

I am directed to refer the above mentioned subject and to say that the guidelines in allocation of services in respect of '**Class IV employees**' and under '**spouse policy**', was reviewed by this Department in compliance with the direction of Hon'ble High Court of Madhya Pradesh at Jabalpur in WP No.445/2001. These issues were also discussed with the successor States of Uttar Pradesh and Uttrakhand in a meeting held on 24th October, 2007. Accordingly, the revised guidelines in respect of '**Class IV employees**' and under '**Spouse Policy**' are as under:-



Contd....2/-

(a) Allocation of Class IV employees

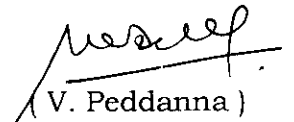
Keeping in view the financial condition of class IV employees, it has been decided that State cadre Class IV employees may be allocated to the successor State based on their 'option' only.

(b) Allocation under Spouse Policy

As per the existing guidelines (F.No.28.1.2000-SR(S) dated 21.09.2001 and F.NO.14/279/2002-SR(S) dated 1.5.2003)), both wife and husband may be allowed to stay in one State, as far as possible and the junior spouse will follow the senior spouse. Based on representations received on this issue, this has been reviewed and decided to have flexibility in allocation of employees under 'spouse policy'. Accordingly, it has been decided that there may not be any restriction that junior spouse shall always follow the senior spouse and that even the senior spouse may follow the junior spouse.

Thanking you,

Yours faithfully,



(V. Peddanna)
Deputy Secretary to the Government of India
011 24623711

No.14/C/03/2006-SRS
 Ministry of Personnel, P.G. & Pensions
 (Department of Personnel & Training)
 Government of India

Lok Nayak Bhawan, Khan Market,
 New Delhi-110003.
 Dated : 22nd January, 2008

To

The Chief Secretary,
 Government of Utrakhand,
 Utrakhand
 Dehradun.

The Chief Secretary,
 Government of Uttar Pradesh,
 Uttar Pradesh,
 Lucknow.

The Chief Secretary,
 Government of Madhya Pradesh,
 Bhopal
 Madhya Pradesh.

The Chief Secretary,
 Government of Chhattisgarh,
 Raipur,
 Chhattisgarh.

The Chief Secretary,
 Government of Bihar,
 Patna,
 Bihar.

The Chief Secretary,
 Government of Jharkhand,
 Ranchi
 Jharkhand.

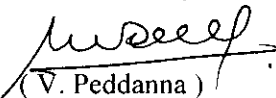
Subject : Definition of the term "family" for consideration of medical hardship cases regarding.

Sir,

I am directed to refer to the above mentioned subject and to say that the term "family" in the existing guidelines denotes only self, spouse and dependent children, for consideration of medical hardship cases in connection with the re-allocation. Number of requests have been received requesting to include "dependent parents" also in the definition of family. This has been considered in this Department in detail and has now been decided to include "dependent parents" also in the definition of family in addition to the existing self, spouse and dependent children to consider medical hardship cases.

Thanking you,

Yours faithfully,


 (V. Peddanna)

Deputy Secretary to the Government of India

Tel. No. 011-2462 2711

F. No. 28/1/2000-SR(S) *By Special Pdt*
Government of India
Department of Personnel & Training
SRS

3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi 110003.
Dated: 18th July 2005
26

27 JUL 2005

- To
- Chief Secretary
Government of Bihar
Patna.
 - Chief Secretary
Government of Jharkhand
Ranchi.
 - Chief Secretary
Government of Uttar Pradesh
Lucknow.
 - Chief Secretary
Government of Uttaranchal
Dehradun.

Sub: Guidelines for final allocation – Reorganization of States

Sir,

Attention is invited to Item IV (5) of this Department's guidelines of even number dated 22nd December 2000, which after modification read as under: -

"State service employees retiring within 2 years from the appointed day should not be covered for final allocation to a successor State other than which he has been serving before the appointed day or the successor State to which such person has exercised an option"

2. After careful consideration, the Central Government has decided to further modify the same as under: -

"The state service employees due to retire within one year from the day of consideration of the tentative final allocation list by the State Advisory Committee, should not be covered for final allocation to a successor State other than which he has been serving before the appointed day or the successor State for which such person has exercised an option"

Yours faithfully,

Jyotsana Varma Ray
25.7.05
(Jyotsana Varma Ray)
Deputy Secretary

etc

Copy to:

1. Shri S. P. Keshav, Member Secretary, State Advisory Committee, Beli Road Sicha Awasthi, Patna
2. Dr. Raja Ram, Principal Secretary, UP Reorganization Coordination Department, Vikas Sadan, Janpath, Lucknow.

Dept of Personnel & Training

Received (27)
Cust. Can.

F.No.28(C)/101/2005-SR(S)
Government of India
Ministry of Personnel Public Grievances & Pensions
(Department of Personnel & Training)

Lok Nayak Bhavan, New Delhi
Dated the 8th May, 2006

To

Shri S.P. Keshav,
Principal Secretary,
State Advisory Committee,
Sinchai Awas,
Bely Road,
PATNA, BIHAR

Sub:- : Order of Hon'ble High Court of Jharkhand at Ranchi in the cases
– Shri Pradeep Robert Lakra Vs UOI in WP (S) No.2733/04 &
Smt. Pushpa Purty Vs. UOI in WP (S) No.2734/04.

Sir,

I am directed to refer to your letter dated 25th January, 2006 on the above subject and to say that the following criteria may be followed with regard to the matter:

- (i) For Departments where the recommendations have not yet been finalized the lone ST employees has no choice but to go to Jharkhand as per the orders of the Court irrespective of option. The TFAL may be amended suitably in case he has been tentatively allocated to Bihar and he be afforded another opportunity to represent. The representation be decided as per guidelines.
- (ii) In absence of representations in the opposite direction, no one need be sent to Bihar in lieu of the lone ST candidate. The cadre can adjust to one less candidate. The compliance of High Court orders is imperative.
- (iii) In those cases where recommendations have already been made or final orders of allocation issued, only those cases be taken up where employees represent to go to Jharkhand citing the Court's orders. No one be sent in lieu to Bihar. No claim of another be entertained that this allocation would have been affected had the orders been followed with retrospective effect to avoid unraveling the entire work of the State Advisory Committee.

Yours faithfully,

Manish Mohan
(Manish Mohan)

Deputy Secretary to the Govt. of India.

By Speed Post (28)
MOST IMMEDIATE
COURT ORDER

F.No.28(C)/101/2005-SR(S)-15
Government of India
Ministry of Personnel Public Grievances & Pensions
(Department of Personnel & Training)

Lok Nayak Bhavan, New Delhi
Dated the December, 2005

To
1. The Chief Secretary, Government of Bihar, Patna.
2. State Advisory Committee
Sancha Divas
Bely Road
PATNA.
2 - JAN 2006
9 JAN 2006

Subject: Order passed by the Hon'ble High Court of Jharkhand at Ranchi on 22.11.2005 in the two cases - Shri Pradeep Robert Lakra Vs UOI in WP (S) No.2733/04 & Smt. Pushpa Purty Vs. UOI in WP (S) No.2734/04-Allocation of employees between State of Bihar & Jharkhand.

Sir,

I am directed to refer to the above order passed by the Hon'ble High Court of Jharkhand at Ranchi and to say that the Hon'ble High Court has observed that in the case of allocation of employees between the State of Bihar and Jharkhand if there is only one ST employee in the cadre, the State of Jharkhand being entitled to 99% of the strength, it is not open for the Government to allocate the sole ST employee to the successor State of Bihar which will otherwise amount to 100% allocation of ST employees to the successor State of Bihar. The argument put forward by the Counsel for Union of India that atleast 1% of ST employees should be allocated to the successor State of Bihar and accordingly atleast one ST employee should be allocated to the successor State of Bihar was not accepted by the Hon'ble High Court being against principle and guidelines issued by the Central Government in terms of this Ministry's communication No.28/14/2001-SR(S) dated 20.2.2002. It is, therefore, requested that keeping in view the observations made by the Hon'ble High Court of Jharkhand at Ranchi in the above said case allocation of ST employees where there is only one ST employee in the cadre, he/she may be allocated to the State of Jharkhand only.

The letter of Government of India (No.28/14/2001-SR(S)) dated February 28, 2002, stands modified to this extent.

Yours faithfully,
2 2106
(Jyotsana Varma Ray)
Deputy Secretary (SR)
or

कार्यक और प्रशिक्षण विभाग
Deptt of Personnel & Trg.
प्राप्ति और निर्वहण विभाग
Receipt & Issue Section
- 9 JAN 2006
ISSUED
ISSUED
हस्ताक्षर/Signature

29

Speed Post

No.27/26/2006-SRS
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training

Lok Nayak Bhawan, Khan Market.
New Delhi. July, 2007

To.

Shri Raja Ram.
Principal Secretary.
UP State Reorganisation. Coordination Department.
Govt. of Uttar Pradesh,
Vikas Bhawan. Janpath,
Lucknow.

Shri N.S. Napalchyal.
Principal Secretary.
State Reorganization Department,
Government of Uttarkhan,
Dehradun.

Subject: Application of the policy of reservation for SC, ST and OBCs in the 'optees' and 'domicile' categories

Sir.

I am directed to refer D.O.letter No. 110/PS:Reorg/2007 dated 26.6.2007 from Shri Napalchyal on the subject noted above and to say that this Department vide letter of even No. dated 30th May 2007 requested that the policy of reservation for SC,ST and OBCs needs to be made applicable not only in the 'junior most' category but also in the 'optees' and 'domicile' categories. Government of Uttarakhand has expressed the apprehension that this would lead to change in allocation of State to a large number of those who might have 'accepted' the allocation otherwise.

You are requested to send detailed information in this regard to this office immediately, so that a decision in the matter may be taken.

Yours faithfully,

(Handwritten Signature)
(V. Peddanna)

Deputy Secretary to the Govt. of India d/c

कार्मिक और प्रशिक्षण विभाग
Dept of Personnel & Trg.
प्राप्ति और निर्वहण अनुभाग
Receipt & Issue Section
JUL 2007
कारी किया/ISSUED
हस्ताक्षर/Sig.

No.27/26/2006-SRS

Government of India

Ministry of Personnel, P.G. and Pensions

Department of Personnel & Training

Lok Nayak Bhawan, Khan Market.

New Delhi, May, 2007

30

S/105(I)

30 MAY 2007

To

Shri Raja Ram.
Member Secretary.
UP State Reorganisation. Coordination Department.
Govt. of Uttar Pradesh.
Vikas Bhawan, Janpath.
Lucknow.

Sir,

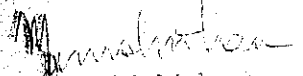
This has reference to the representation received from Shri Harish Pangati, Assistant Engineer, National Highways Division, PWD, Haldwani, through National Commission for Scheduled Castes raising points regarding non-consideration of ST State Government Employees of PWD in allocation from UP to Uttarakhand. It may be recalled that a similar issue regarding SC candidates was raised by Sri Sant Ram belonging to the same department.

In the cadre of Assistant Engineer PWD, 22 posts were allocated to Uttarakhand against which 43 employees had given their option. The SAC has recommended the names of 23 personnel, who have been finally allocated to Uttarakhand without taking into consideration the guidelines on reservation. The final allocation orders have been stayed by the Hon'ble High Court of Uttarakhand, Nainital in W.P. No.317/2006 and the allocation matter of PWD is under review.

This matter was examined by the Central Government and it is felt that the whole scheme which emphasizes 'option' and 'seniority' only at the expense of the claims of those in the reserved might result in a disproportionate share of unwilling employees, in that category all allocated to one of the successor state. This would be highly unfair to the interests of the SC/ST category. Options and seniority should only be allowed within each category viz. General, SC, ST and OBC. It should not be allowed to cut across categories where the division in one category turns out to be detrimental to the other.

The above principle may kindly be taken into consideration for the purpose of allocation of the cadre of employees.

Yours faithfully,


(Manish Mohan)

Deputy Secretary to the Govt. of India

o/c

कार्य और प्रविष्टि विभाग
Deptt of Personnel & Training
प्राप्ति और निवेदन अनुभाग
Receipt & Issue Section
3