

Proceedings of the sitting on 02-03-2010 of Hon'ble Member Shri Tsering Samphel with Chief Secretary, U.P. and Secretary, DoPT

A list of officers present in the sitting is at Annexure.

ISSUE

Final allocation of AEs of ST category in PWD cadre of erstwhile UP State between the successor State of UP and Uttrakhand.

BACKGROUND

A representation dated 22.12.2006 was received from Sh. Harish Pangti and others, Asstt. Engineers, National Highway Division, PWD, Haldwani regarding their non allocation to successor State of Uttrakhand. The matter was taken up with the DoPT to frame standard guidelines in such cases. DoPT vide their letter no. 27/26/2006-SRS dated 29.07.2008 issued instructions to treat the employees, whose caste has been categorized as SC/ST/OBC only in one of the successor States, as special category, and all future allocation of these employees is to be made only to that State, where their caste is listed in the schedule of the State or as per their option.

'Bhotia' and 'Jaunsari' tribes had been recognized as STs in both the successor States of Uttar Pradesh and Uttrakhand. In case, the AEs of these community, who are native of Uttrakhand and are not allotted Uttrakhand inspite of giving option to that effect, remain in successor State of UP, they and their family members shall not get the reservation benefit of STs. As per the existing instructions of Govt., a person is an SC/ST only in the State of nativity and not in the State of migration.

Govt. of Uttrakhand vide their letter dated 08/08/2009 had relieved the ST AEs and in the circumstances they had been forced to join UP, pending the final decision on their allocation by DoPT.

In view of the above, Shri Tsering Samphel, Hon'ble Member, NCST decided to have a Sitting/discussion with Secretary, DoPT, Chief Secretary, UP and Chief Secretary, Uttrakhand on the matter on 02.03.2010 at 1130 hrs in the Commission.

DISCUSSION

Principal Secretary, UP explained that there are three conditions, as under, which were followed with regard to allocation of successor State in case of a division of a joint cadre, in order of the sequence:

- i) Availability of reserved posts of that category.
- ii) Option given by the employees.
- iii) Transfer/allocation of successor State based on the juniority, in case reserved posts of a particular category are still vacant after catering to the employees who had given option under (ii) above.

The Commission was further informed that the Hill cadre of PWD was totally transferred to Uttrakhand. There were very few vacancies of ST category in PWD in Uttrakhand. There were 13 employees who had given option for Uttrakhand State, who couldn't be adjusted against the 2-3 vacancies.

DoPT explained that they were aware of the problem. The opinion of Law Department had been obtained and a general policy to be followed in all such cases, considering all the possibilities, was being framed. It was likely to get approved shortly, then it would be sent to all successor States to know their acceptability and problems likely to face.

RECOMMENDATION

In view of the discussion as above, the Commission recommended that the problem of final allocation of ST AEs of PWD cadre of erstwhile undivided UP between successor States of UP and Uttrakhand should be resolved by DoPT at the earliest.

ANNEXURE

The following were present in the sitting on 02.03.2010 :

NCST

1. Shri Tsering Samphel, Hon'ble MemberIn Chair
2. Shri Aditya Mishra, Joint Secretary
3. Shri Vinod Aggarwal, Director

Govt. of Uttrakhand.

1. Shri R. M. Srivastava, Principal Secretary, Reorganization.

Department of Personnel and Training

1. Shri V. Peddanna, Dy. Secretary