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D.O.Letter No.192/CSP/2015, Dated : 01/08/2015

Dear L.C.;

Sub:- Employees of TSGENCO, TSTRANSCO who have been relieved arbitrarily - Request to re-admit them in their respective Organizations pending evolving a criteria by Government of India for distribution of personnel between both the States - Regarding.

In continuation of the Yesterday's meeting held by the Secretary, Home, Government of India regarding the relief of employees of Telangana GENCO, TRANSCO and DISCOMS, I would like to place for your kind attention, the following sequence of events and facts for taking a considered immediate view since the issue does not brook any delay.

When this matter came up for hearing in the Hon. High Court on 27.07.2015, Government of Telangana informed the Hon. High Court that there is a meeting with Secretary, Ministry of Home, New Delhi and took an adjournment of the case whereas when the matter came up for discussion before the Secretary Ministry of Home, the stand taken by the Telangana Government is that the matter is sub-judice. This makes one feel that there is a deliberate attempt to prolong the issue instead of resolving the problem at the earliest.

As was placed in the meeting before the Secretary, Ministry of Home Affairs, Government of India, the Government of Andhra Pradesh before bifurcation of State under the Rule of Hon. Governor has applied itself to this issue and went through the process of division of TRANSCO and GENCO into Telangana TRANSCO, Telangana GENCO, AP TRANSCO, AP GENCO in terms of orders issued at that time. It was decided to follow the principles as applied for distribution of Government employees for the distribution of staff in the GENCO and TRANSCO of both the States. Further, these Government orders have been adopted in the Board meetings of Telangana TRANSCO and GENCO and now to go back on this and to apply a different principle of nativity, may not be correct.

Often, a reference is made to Sec.82 of the AP RoR Act, 2014 in the meeting by the representatives of Govt. of Telangana. The actual wording of Sec.82 is "On and from the appointed day, the employees of State Public Sector Undertakings, corporations and other autonomous bodies shall continue to function in such undertaking, corporation or autonomous bodies for a period of one year and during this period the corporate body concerned shall determine the modalities for distributing the personnel between the two successor States." Hence it is the United Corporate Body which has to distribute the personnel between the two successor States. It neither stands the reason nor Law to say that one entity belonging to one State would decide on how the distribution of personnel between two successor States would be done. The criteria of nativity as is being put forward by the Telangana Government is not only unacceptable and arbitrary and is against the spirit of Rule of Law. Any differentiation needs to be based on a rational and objective criteria and in this case since two State Governments are involved either through mutual agreement or as decided by Government of India when there is no mutual agreement as is specifically provided by the Act. Instead of going

through this process, one of the State Governments' decided the criteria in a arbitrarily and unilateral manner and taken action to relieve employees in an unconstitutional way, against the spirit of Rule of law. This is objectionable more so since the action is emanating from a constitutionally elected Government.

The other point put forward by the Telangana Government is that these personnel relieved by them can be adjusted in the vacancies of State Public Sector Undertakings of Andhra Pradesh is also not correct. The points raised by Telangana Government that they would like to give promotions and fill up these posts with new entrants is equally an issue with the AP Government. As is being put forward right from the beginning, AP Government would like the posts and personnel to be divided on population basis so that the personnel as well as the vacant posts come to both the States in the population ratio facilitating the respective State Governments to move forward with filling up posts and administration of these PSUs. Any other criteria would make the PSUs of one State saddled with a disproportionate wage bill. The legacy of the division of the State should be shared equally and equitably by both the States but not to the advantage of one and disadvantage to the other. It may not be correct to harp on certain imaginary injustice done in the past in terms of filling up of these posts which happened almost all over a period of 40-50 years and at this point of time to go back and dig out the roots and nativity of these employees and suggesting that they should go back to their native places. It is neither proper nor would stand the judicial scrutiny. All that would result from this is untold misery to the unfortunate employees who inadvertently have become victims of an arbitrary decision of a constitutionally elected Government. After going through the whole record GOI has given a clear finding that these employees should be taken back from the PSUs from which unilaterally and arbitrarily they have been removed. Though the matter is sub-judice, there is no Stay Order of Hon. Court.

I request the GOI to kindly look at the appropriate mechanism to ensure the orders of GOI are implemented. Going to Court of Law is one option, but independent of that GOI may kindly address the issue in terms of the powers they have, to ensure implementation of the directions that they have given emanating from a specific Act of the Parliament.

It is a well known fact that the decision will not stand the judicial scrutiny. All that is being done is to prolong an avoidable misery of these unfortunate employees for a longer period of time by this arbitrary action.

Yours sincerely,

Sd/-

(I.Y.R.KRISHNA RAO)

Sri L.C.Goyal, Secretary, Ministry of Home Affairs, Government of India, North Block, NEW DELHI.

Copy to:

The Spl.Chief Secretary to Governor, AP & Telangana.


(I.Y.R.KRISHNA RAO)