Guidelines relating to Principles for serving provisionally in the State of Telangana under Sub-section (1) of Section 77 of the Andhra Pradesh Reorganization Act 2014

Background

1. The Andhra Pradesh Reorganization Act 2014 was notified on March 01, 2014. The Central Government has in its notification S O 655 E dated March 04, specified the 2nd day of June 2014 as the appointed day for the purposes of the Act, when the State of Telangana and the State of Andhra Pradesh come into existence.

2. Part VIII of the Act - comprising sections 76 to 83 - relates to 'Provisions as to Services'. Section 77 (1) of the Act requires that:

   "Every person who immediately before the appointed day serving on substantive basis in connection with the affairs of the existing State of Andhra Pradesh shall, on and from that day provisionally continue to serve in connection with the affairs of the State of Andhra Pradesh, unless he is required, by general or specific order of the Central Government, to serve provisionally in connection with the affairs of the State of Telangana."

3. By virtue of section 77 (2) of the Act, the employees belonging to local, district, zonal and multi-zonal cadres shall continue to serve on or after the appointed day, in that cadre. Further, "employees of the local, district, zonal and multi-zonal cadres that fall entirely in one of the successor states, shall be deemed allotted to that State."

4. The sections 77 (2) and (3) deal with final allocation of persons who immediately before the appointed day serving on substantive basis in connection with the affairs of the State of Andhra Pradesh and the section 80 deals with the Advisory Committees that would assist the Central Government with the functions stipulated under Chapter-VIII of the Act. Section 79 contains provisions 'as to continuation of officers in same post'.
Guidelines for Provisional Allocation of Posts

5. The allocation of employees to serve provisionally in connection with the affairs of the State of Telangana until the Central Government issues final allocation orders will be guided by the following principles.

6. The posts relatable exclusively to the territory of the State of Telangana, which includes those offices and posts located in the villages, urban local bodies, mandals, divisions, districts, zones, and multi-zones, including the posts of special projects, special offices and establishments, major development projects, etc., would devolve ipso facto to the State of Telangana on the appointed day and therefore would be deemed to be the posts of the State of Telangana on and after June 02, 2014.

7. Accordingly, the following posts will stand allotted to the successor states:
   a. Posts in the local, district, zonal and multi-zonal cadres that fall entirely in one of the successor States;
   b. Posts in special offices and establishments serving solely one state;
   c. Posts in major projects solely falling within and serving one state;
   d. Posts in state level institutions falling within and serving one state solely;
   e. Posts in departments or entities which fall solely and serve exclusively one of the states; and
   f. Other categories of territorial posts in departments that have not been organised into local cadres by virtue of exemption from the Presidential Order or otherwise.

8. All posts in offices that are not exclusively relatable to areas going to only one state, like the Secretariat, Head of Departments offices, State Legislature, State level offices and Institutions, special offices and establishments and major development projects serving more than one State, including posts belonging to the organized State and Subordinate Services cadre posts in these offices, may be provisionally allocated on the basis of the ratio of population of the two states. Accordingly, all regular sanctioned posts in every cadre in these establishments would be divided in the ratio of 41.68 and 58.32 between the States of Telangana and Andhra Pradesh respectively.

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9. However, in case of departments responsible for activities that do not exclusively conform to population criterion, the apportionment of posts to the successor states may be based on the ratio of geographic intensity of activity validated by empirical evidence.

10. All sanctioned posts that exist immediately before the 'appointed day' shall be allotted to the successor States. Sanctioned posts include regular civil service posts and do not include posts sanctioned to be filled on contract and outsourcing basis. No new posts will be created, no recruitment or promotions will be made, and no change in the terms and conditions of employment of persons serving in regular sanctioned posts in connection with the affairs of the existing State of Andhra Pradesh will be done between the day of notification of these guidelines and the appointed day.

**Guidelines for Provisional Order to Serve**

11. All employees of the local, district, zonal and multi-zonal cadres that fall entirely in Telangana State shall continue to serve in that cadre on and with effect from the appointed day and they shall be deemed to be allotted to the State of Telangana. All employees serving in the territorial posts falling entirely within the Telangana State, which have not been organised into local cadres, and those serving in institutions, offices, establishments and major development projects hitherto treated as state level offices and institutions and special offices and establishments and major development projects under the provisions of this Order that would form and serve the Telangana State exclusively, on the appointed day shall provisionally continue to serve in connection with the affairs of the State of Telangana with effect from June 02, 2014.

12. Further, persons belonging to the organized state-wide cadres currently working in the posts situated within the territory that would become the State of Telangana on the appointed day shall also provisionally serve the State of Telangana until final allocation is made.
13. However, persons working in the posts mentioned at para-8 and 9 above would be ordered to provisionally serve the State of Telangana based on the following principles:

   i) The process shall be guided by public interest and the administrative needs of the State of Telangana.

   ii) To ensure fair and equitable distribution, the number of persons ordered to serve in any cadre shall not exceed the number of regular posts provisionally allocated to the State after excluding the vacancies should be distributed on pro-rata basis.

   iii) Only persons serving in sanctioned posts in connection with the affairs of the existing State of Andhra Pradesh shall be considered for provisional service.

   iv) While issuing orders to serve provisionally, priority will be given to those recorded as 'local' to the State of Telangana in the Service Register (SR) in order of seniority in each cadre.

   v) The remaining posts, if any, will be filled by employees who are in excess of posts provisionally allocated to the State of Andhra Pradesh after deducting the vacancies prorata, in the reverse order of seniority in each category.

14. Employees holding promotion posts on ad-hoc basis immediately before the 'appointed day' shall be considered against the substantive posts (regular) held by them on the 'appointed day'. The condition of service of the employee, however, shall not be varied to the employee's disadvantage.

15. The State Government will prepare the list of personnel who would be ordered to serve in the State of Telangana against each cadre/category of posts and send to the Central Government through E-mail on or before May 15, 2014. The orders to serve provisionally under section 77 (1) of the AP Reorganisation Act will be issued based on the proposals received from the State Government before the appointed day. These orders shall remain in force till the final allocation orders are issued in respect of each category and cadre are issued under the provisions of section 77 (2) of the Act.