

ANDHRA PRADESH REQUIRES NEW PRESIDENTIAL ORDER

The Government of Telangana created thirty one (31) new Districts with effect from 11-10-2016. The Telangana Public Service Commission issued a notification dt : 21-10-2017 to fill up the posts of teachers for the 31 districts by treating each of the 31 Districts as a separate Local area. The Honourable High Court of Telangana in WP No 37296 of 2017 dt. 24-11-2017 set aside the notification dt 21.10.2017 to the extent of treating the 31 Districts as local areas and declared that the President was entitled by an order to require the State Government to organise local Cadres under proviso to para 3(1) of the Presidential order and directed the Government of Telangana to recruit teachers to the Ten (10) erstwhile districts by treating them as local areas. In view of this the Telangana Government sent Proposals for new Presidential order for the State of Telangana. The Govt of A. P. created 26 new Districts with effect from 4.4.2022. The areas of these 26 Districts are different from that of thirteen Districts. Moreover, the areas of Tirupathi District are in zone III and zone IV, areas of Eluru District are in Zone II and Zone III and areas of Alluri Seetharamaraju District are in zone I and II. In view of this, it is not possible to allot, recruit and transfer the employees to the new districts until the Presidential Order is amended or a new presidential order is made to the State of Andhra Pradesh by the President of India.

The President of India made the Telangana Public employment (Organization of local cadre and Regulation of Direct Recruitment) Order, 2018 under G.S.R. 820(E) Dated: 29-Aug-2018 (Telangana Presidential order, 2018) in supersession of the notification under G.S.R. 524 (E) Dated: 18-Oct-1975 (Presidential order, 1975). The Telangana Presidential order, 2018 is more beneficial to the local candidates of Telangana State. The sub -paragraphs which are cumbersome and obsolete in the Presidential order, 1975 are deleted. As per the Telangana Presidential Order, 2018, 95% posts are to be reserved to the local candidates in direct recruitment to all the posts from class IV upto the cadre of Deputy Collectors. But as per the Presidential Order, 1975, 80% of the posts are to be reserved to the local candidates upto the cadre of Junior Assistant as per paragraph 8(1), 70% are to be reserved for all the non gazetted posts above the cadre of Junior Assistants as per paragraph 8(2), and 60% of the posts are to be reserved for the post of Assistant Executive Engineer, Assistant Agriculture Officers only as per paragraph 8(3). The multizonal cadre posts organized as per paragraph 3(5) of the Presidential Order, 1975 and Civil Assistant Surgeon Posts are to be filled as per paragraph 8(4) and 8(5) of the Presidential Order, 1975 and annexure-II of G.O.Ms No.763 Dated: 15-11-1975 as amended vide G.O.Ms No.124 Dated: 07-03-2002. It is not possible to fill the said posts in the divided states of Telangana and Andhra Pradesh.

The advantages of the Telangana Presidential Order, 2018 over the Presidential Order, 1975 are as follows:-

1. Reservations to the local candidates

T.P.O, 2018.	P.O, 1975.
95% Reservation to all the non gazetted posts and to all the gazetted posts up to the cadre of Deputy Collector in direct recruitment to the local candidates. {Para 8}	80% Reservation up to the cadre of Junior Assistant in direct recruitment to the local candidates. {Para 8(1)} 70% Reservation to the non - gazetted posts above the cadre of Junior Assistant in direct recruitment to the local candidates. {Para 8(2)} 60% Reservation to the following gazetted posts only in direct recruitment to the local candidates. {Para 8(3)} Assistant Executive Engineer, Assistant Agriculture Officer. The posts covered under para 8(4) and 8(5) are to be filled as per annexure - II of G.O.Ms No.763 Dated: 15-11-1975 as amended vide G.O.Ms No.124 Dated: 07-03-2002. But it is not possible to fill the said posts in the bifurcated states of Andhra Pradesh and Telangana.

In Telangana Presidential order, 2018 the following sub-paragraphs of presidential order, 1975 are deleted as they are cumbersome and irrelevant at present since Presidential order, 1975 was made 46 years ago.

1. Sub-paragraph (1)(a) of paragraph 2 is deleted as it is cumbersome and irrelevant at present and sub-paragraph (6) of paragraph 3 and the First schedule related to paragraph 2(1)(a) are also deleted.
2. sub-paragraph (1)(g) of paragraph 2 is deleted as it is irrelevant at present.
3. Sub-paragraph (1)(j) of paragraph 2 and Third schedule of the Presidential order, 1975 are deleted since all the gazetted posts up to the cadre of Deputy Collector are to be organized as local cadre as per the T.P.O, 2018.
4. Sub-paragraph (4) of paragraph 3 is deleted since all the gazetted posts are to be organized as local cadres.
5. Sub-paragraph (2)(c) of paragraph 5 is deleted as it dilutes the provisions of Presidential Order, 1975 and is detrimental to the interest of the local candidates.
7. Sub-paragraph (3) and (4) of paragraph 6 are deleted since sub-paragraph (1)(a) and (1)(j) of paragraph 2 are deleted.

8. Sub-paragraph (5) of paragraph 8 is deleted since the Civil Assistant Surgeon posts are also to be organized into local cadre as per T.P.O, 2018.

A Draft Presidential Order for the state of Andhra Pradesh is prepared on the similar lines of Telangana Presidential Order, 2018 by deleting/adding certain sub-paragraphs and the reasons for the same are also given.

The sub-paragraphs which are deleted are given below:

1. In Sub-paragraph (1) (b) of paragraph 2, the following 'or a police district or police commissionerate in case of police department' and in the schedule the table 'B. Police Department' are deleted since it creates administrative inconvenience to have separate districts for police department only. It is more advantageous to the administration to have same administrative district units for all departments. There were separate educational districts for Education department in the combined State of Andhra Pradesh at the time of formation of the State of the Andhra Pradesh. They were abolished and were made co-terminus with revenue districts subsequently.
2. Sub-paragraph (3) of paragraph 3 is deleted in view of the judgment of the Honourable High Court for the State of Telangana and Andhra Pradesh in W.P.No.23267 of 2017 and batch, Dated: 28.08.2018 which is pending in Honourable Supreme Court in SLP(C) No. 1819-1829/2019.

More over, it is redundant as the posts of non gazetted Government teachers shall be organized as District cadre posts as per sub-paragraph (5) of paragraph 3 of the Draft Presidential Order and posts of the non - gazetted teachers in Zilla Parishad and Mandal Parishad schools shall also be organized as district cadre posts as per sub-paragraph (5) of paragraph 3 of the Draft Presidential Order and as per para 85 of the Judgment of the Honourable High Court for the State of Telangana and Andhra Pradesh in W.P.No.23267 of 2017 and batch, Dated: 28.08.2018.

3. Sub-paragraph (6) of paragraph 3 is deleted as there is a provision to organize multizonal cadre posts and there is no need to create multidistrict cadre posts as it is not required and inconvenient to administer multidistrict cadre posts.
4. Sub-paragraph (7) of paragraph 4 is deleted as number of posts existed in 1975 are not existing at present, a number of new posts are created and a number of posts that were existed in 1975 were upgraded. As such all the existing posts are to be organized as local cadres.
5. Sub-paragraph (2)(a) of paragraph 5 is deleted as it may dilute the provisions of the presidential order, 1975 if the local cadre posts are filled from other local cadre posts which is detrimental to the interests of the local candidates.

The sub-paragraphs which are added are given below

1. Sub-paragraph (2)(b) of paragraph 5 which provides transfer from a zonal office to district offices as per Presidential order, 1975 is added in the Draft Presidential Order as sub-paragraph (2)(b) of paragraph 5 since there is no recruitment to the

posts in the zonal offices. The posts in the zonal offices are to be filled from the subordinate district offices in proportion to the cadre strength of district offices.

2. The following is added in paras 6(1)(i) and 8(1)(a) in the last lines after the words 'Junior Assistant'

'or to the categories of posts in any department organized into district cadres under sub-paragraph (5) of paragraph 3 by the State Government'

to fill 95% of district cadre posts by the local candidates of the district since there is need to organize a number of posts such as Secondary Grade Teachers, School Assistants, Senior Assistants etc., of the Department of School Education and also a number of posts of other departments carrying a scale of pay higher than that of a Junior Assistant into district cadre post under sub-paragraph (5) of paragraph 3 of Draft Presidential order as was done under sub-paragraph (7) of paragraph 3 of Presidential Order, 1975

3. The following is added in paras 6(2)(i) and 8(2)(a) in the last lines after the words 'in any department'

'or to the categories of posts in any department organized into zonal cadres under sub-paragraph (5) of paragraph 3 by the State Government'

to fill 95% of zonal cadre posts by the local candidates of the zone since there is need to organize a number of posts such as Headmasters, Junior Lecturers, Assistant Executive Engineers, Assistant Agriculture Officers etc., carrying a scale of pay higher than that of the a Superintendent as zonal cadre instead of Multi-zonal cadres under sub-paragraph (5) of paragraph 3 of Draft Presidential Order as all such posts were zonal cadre posts under paras 3 (4), 2(j) and Third schedule of the Presidential Order, 1975.

A Draft Presidential Order for the State of Andhra Pradesh is prepared in the interest of the unemployed youth of the State of Andhra Pradesh and also for the benefit of a large number of teachers of Zilla Parishad and Mandal Parishad Schools.

The Draft Presidential order for the State of Andhra Pradesh along with the following material are placed in the website <http://ammanannaku.com>. under the heading "Others".

1. Draft Presidential order for the state of Andhra Pradesh.
2. Presidential order, 1975.
3. Telangana Presidential order, 2018 with two amendments.
4. Judgment of the Honourable High Court for Telangana and Andhra Pradesh States in W.P.No.37296 of 2017 and batch dated: 24.11.2017.
5. Judgment of the Honourable High Court for Telangana and Andhra Pradesh States in W.P.No.23267 of 2017 and batch dated: 28.08.2018.
6. Interim orders of the Honourable Supreme Court in SLP(C).No. 1819-1829/2019, dated: 04.02.2019 and dated: 08.07.2021.

7. Interim orders of the Honourable High Court for the State of Telangana in W.P.No.346 of 2019 Dated: 04-01-2019 and W.P.No.1807 of 2019 dated: 05-02-2019.

The Government of Andhra Pradesh is requested to send proposals to the Government of India for new Presidential Order for the State of Andhra Pradesh to provide more employment opportunities to the local candidates of Andhra Pradesh and to provide promotional opportunities to the Teachers of Zilla Parishad and Mandal Parishad Schools.

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