

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1907.

Enclosures

Spare copies

PP-13

G.O., No. 649, 1st October 1907.

Indian Educational Service.

Informing the Director of Public Instruction that Mr. Fyson must be regarded as senior to Mr. Braithwaite in the — .

Educational (1907) Department.

ORDINARY PRINTED.

G.O., No. 649

DATED 1-10-07

[Despatch Abstract.]

Indian Educational Service

Informing the Director of Public
Instruction that Mr. Tyson must be regarded as Senior
to Mr. Braithwaite in the _____.

Stein Kollb. from
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3667

EDUCATIONAL DEPARTMENT.

Recd.

Enclosures

Regd.

Spare copies

1907.

G.O., No. 649, 1st October 1907.

Indian Educational Service.

Informing the Director of Public Instruction that Mr. Fyson must be regarded as senior to Mr. Braithwaite in the — .

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

Letter—from the Hon'ble Mr. T. T. LOGAN, B.A., Acting Director of Public Instruction.

To—the Secretary to Government, Educational Department (through the Accountant-General).

Dated—Madras, the 23rd July 1907.

No.—Ref. on Cur. No. 3670.

In the Quarterly Civil Lists issued by the Accountant-General, Mr. Braithwaite's name appears below that of Mr. Fyson, notwithstanding the fact that Mr. Braithwaite entered service earlier than Mr. Fyson. The Accountant-General who was addressed on the point says that the special appointments in the Indian Educational Service carrying pay less than that of appointments in the regular service are shown below the latter, that accordingly Mr. Braithwaite's name was shown below those in the regular service till he was appointed to that service in November 1905 and that as Mr. Fyson's appointment to the regular service was made prior to Mr. Braithwaite's, the name of the latter was shown below that of Mr. Fyson in that service. Mr. Braithwaite, however, contends that he was appointed to the Indian Educational Service before Mr. Fyson though the particular appointment in the service to which he was appointed was one carrying less pay than the ordinary appointments and that he must be treated therefore as senior to Mr. Fyson. So far as Mr. Braithwaite is concerned, the Accountant-General's view may seem to be reasonable as Mr. Fyson is drawing higher pay. But it will be anomalous if an officer like the Vice-Principal, Teacher's College, who on appointment to the regular service after he has reached a few stages of his increment is put below an officer who may have been appointed to this service earlier but who may nevertheless be drawing lower pay. I have the honour therefore to request the favour of definite orders as to whether the Accountant-General's view may be accepted as correct.

No. G. 873/7053, dated 30th August 1907.

Forwarded to the Secretary to Government, Educational Department.

2. In the Quarterly Civil List, members of the Indian Educational Service holding regular appointments on the scale of Rs. 500—50—1,000 are shown separately from those holding special appointments on lower rates of pay.

3. Mr. Braithwaite was admitted to the service on the 27th July 1903 as Vice-Principal, Madras Training College, for a term of five years on a salary of Rupees 400—20—480 and Rs. 500 *per mensem* should he continue in service thereafter. His name was accordingly shown outside the list of members of Indian Educational Service of the regular line, until his appointment to hold one of the two appointments of Inspector of Schools added to the list of regular appointments. The date of his appointment to the regular service being 13th November 1905 while that of Mr. Fyson was 3rd July 1904, Mr. Braithwaite's name, on his appointment as Inspector of Schools, was shown below that of Mr. Fyson. I may add that Mr. Braithwaite is in receipt of a lower rate of pay than Mr. Fyson, the respective rates of pay drawn by them on the present date being, Mr. Fyson Rs. 650 and Mr. Braithwaite Rs. 550.

4. The appointment held by Mr. Braithwaite prior to the 13th November 1905 is a lower appointment than those in the regular line and Mr. Braithwaite's appointment to one of the posts in the regular line was really a promotion to a higher grade in the Indian Educational service. It is the general rule that seniority in the higher grade is determined by the dates of appointment to that grade and the action of this office in placing Mr. Braithwaite's name below that of Mr. Fyson in the list of officers filling the regular appointments in the Indian Educational service appears to be correct.

5. I understand, however, that the Director of Public Instruction does not take exception to the view of this office, so far as the respective seniority of Messrs. Fyson and Braithwaite is concerned and that his reference relates rather to the future treatment of such a case, now that the pay of the appointment of Vice-Principal of the Teachers' College has been revised and its minimum placed on the same level as that of the regular appointments of the service.

6. The pay of the appointment of Vice-Principal of the Teachers' College which was in Mr. Braithwaite's time Rs. 400—20—500 has recently been altered into Rs. 500—50—750. This change to some extent alters the circumstances of the case; but I doubt the advisability of giving a ruling in the matter until a case calling for such a ruling arises. Circumstances may require each case to be treated on its merits, and as it is a general rule to pass no orders upon an abstract case but only when a concrete case has arisen calling for the issue of such orders, it may perhaps be considered advisable to defer passing orders on the reference now made until a case actually arises.

W. DOBBIE,
Accountant-General.

Order—No. 649, Educational, dated 1st October 1907.

The Government accept the view expressed by the Accountant-General. Mr. Fyson must be regarded as senior to Mr. Braithwaite in the Indian Educational Service having been appointed to a higher grade in that service while Mr. Braithwaite was still in a lower grade.

(True Extract.)

H. D. TAYLOR,
Ag. Secretary to Government.

To the Director of Public Instruction.
,, Accountant-General.

NOTES CONNECTED WITH G.O., No. 649, EDUCATIONAL,
DATED 1ST OCTOBER 1907.

[SUBJECT.—*Relative position of Messrs. Braithwaite and Fyson in the Indian Educational Service.*]

From the Director of Public Instruction, dated 23rd July 1907, No. 3670.

Vide paragraph 8 of India's resolution on page 7 of G.O., No. 479, Educational, dated 10th August 1896 and the appendix on page 10 of that order.

There are two classes of appointments in the Indian Educational Service —

(1) In the first or regular class, are included appointments which carry a pay of Rs. 500 rising to Rs. 1,000 and

which are reserved for Professors, Inspectors and Principals.

(2) In the second class are included appointments which have to be recruited in England as a rule and which carry special salaries. The holders of these latter appointments are not, as a matter of course, eligible for the pay of Rs. 500 rising to Rs. 1,000—*vide* paragraph 8 of the Government of India resolution No. 4, dated 23rd July 1896, on pages 2 to 9 of G.O., No. 479, Educational, dated 10th August 1896.

2. The post of Vice-Principal of the Teachers' College, Saidapet, comes under the second class. The pay of this appointment was originally Rs. 400—20—500, but was raised in 1906 to Rs. 500—50—750—*vide* G.O., No. 171, Educational, dated 12th March 1906.

3. Mr. Braithwaite was first appointed Vice-Principal of the Teachers' College on Rs. 400—20—500 in July 1903, and joined his appointment on the 27th July 1903—*vide* G.O., No. 380, Educational, dated 13th August 1903. In January 1906, he was appointed to one of the two posts of Inspectors of Schools on Rs. 500—50—1,000 added to the Indian Educational Service with effect from the 13th November 1905—*vide* G.O., R. No. 4, Educational, dated 9th January 1906. He is now drawing Rs. 550.

4. Mr. Fyson was appointed Professor of Biology at the Presidency College, pay Rs. 500 rising to Rs. 1,000 in 1904 and joined his appointment on the 4th July 1904, —*vide* G.O., No. 460, Educational, dated 28th July 1904. He is now drawing Rs. 650.

5. In the Quarterly Civil List Mr. Braithwaite's name is shown below that of Mr. Fyson.

6. Mr. Braithwaite contends that, as he was appointed to the Indian Educational Service before Mr. Fyson, his name should appear above that of Mr. Fyson in the Quarterly Civil List. The Accountant-General maintains his action in putting the name of Mr. Braithwaite below that of Mr. Fyson in the Civil List on the grounds—

C. A. SOUTER.

(1) that it is the general rule that seniority in the higher grades is determined by the dates of appointment to that grade;

(2) that Mr. Braithwaite having been appointed to the regular service on the 13th November 1905, while Mr. Fyson was appointed on 3rd July 1904, Mr. Fyson is the senior of the two, and

(3) that Mr. Fyson actually draws a pay of Rs. 650 while Mr. Braithwaite's pay is only Rs. 550.

7. The Director of Public Instruction agrees with the Accountant-General, but desires to have definite orders of Government in the matter. The Accountant-General's view seems to be correct and the Director of Public Instruction may, it is submitted, be informed accordingly.

8. The Director of Public Instruction also raises the general question whether an officer appointed Vice-Principal of the Teachers' College, now that the pay of the appointment has been raised from Rs. 400—20—500 to Rs. 500—50—750, should, on his appointment to one of the regular appointments of the Indian Educational Service after he has reached a certain stage of pay in his appointment, be put below an officer who may have been appointed to one of the regular appointments earlier, but who may nevertheless be drawing lower pay.

9. The Accountant-General points out that no orders on this question need now be passed as it is a general rule not to pass any orders upon an abstract case and that orders should be passed only when a concrete case has arisen. The Accountant-

C. A. SOUTER. | General's suggestion may, it is submitted, be adopted.

T.K.—19-9-07.

K. RANGASWAMI AIYANGAR—19-9-07.

The only reason for Mr. Braithwaite's superseding Mr. Fyson is that he actually joined the Educational Service first. The reason does not seem valid because Mr. Fyson was appointed to a higher grade in the service while Mr. Braithwaite was still in a lower grade. Submitted that Government may agree with the Accountant-General and the Director of Public Instruction.

C. A. SOUTER—20-9-07.

Mr. Fyson was appointed to the regular service prior to Mr. Braithwaite. The former appears therefore entitled to be regarded as senior in that service.

H. D. TAYLOR—22-9-07.

The Accountant-General seems right and Government may agree with his view.

G. S. F[ORBES]—23-9-07.

Draft please.

H. D. TAYLOR—25-9-07.

A draft is submitted for approval.

T.K.—25-9-07.

K. RANGASWAMI AIYANGAR—26-9-07.

C. A. SOUTER—27-9-07.

Let me see clean copy please.

H. D. TAYLOR—28-9-07.

Draft typed and submitted.

T.K.—30-9-07.

K. RANGASWAMI AIYANGAR—30-9-07.

C. A. SOUTER—30-9-07.

Issue.

(Mark for Government House please.)

H. D. TAYLOR—1-10-07.

Shown to His Excellency the Governor.

H. D. TAYLOR—3-10-07.

[G.O., No. 649, Educational, dated 1st October 1907.]

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[2143]	D.P.I.	3670	23-7-07 1 to 2
A-G-	4-873 7053	30-8-07	3 to 4

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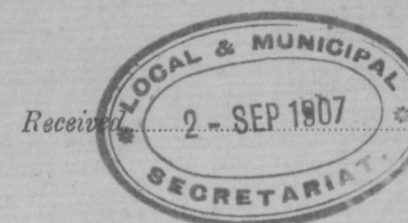
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380	13-8-03	Sc		
479	10-8-96	Sc		

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Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

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EDUCATIONAL DEPARTMENT.



190 , Registered 2-9-1907

Subject.

Requesting that a definite pronouncement be made on the question
of the relative position of Messrs. Braithwaite and
Fyson in the Quarterly Civil List.

ENCLOSURES.

No.

Ref on Cur No. 3 6 7 0/07

Spare copies

Station Madras , Dated the 23rd July 1907



From (Name) The Hon'ble Mr. T.T. Logan, B.A.,

(Designation) Ag: Director of Public Instruction,

Madras.

To the Secretary to the Government of Madras,

/Through Educational Department

Sir,

The Accountant-General.

In the Quarterly Civil Lists issued by the
Accountant-General, Mr. Braithwaite's name appears below that
of Mr. Fyson, notwithstanding the fact that Mr. Braithwaite
entered service earlier than Mr. Fyson. The Accountant-General
who was addressed on the point says that the special appoint-
ments in the Indian Educational Service carrying pay less than
that of appointments in the regular service are shown below
the latter, that accordingly Mr. Braithwaite's name was shown
below those in the regular service till he was appointed to
that service in November 1905 and that as Mr. Fyson's appoint-
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the name of the latter was shown below that of Mr. Fyson in
that service. Mr. Braithwaite however contends that he was
appointed to the Indian Educational Service before Mr. Fyson

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was appointed was one carrying less pay than the ordinary
appointments and that he must be treated therefore as senior
to Mr. Fyson. So far as Mr. Braithwaite is concerned, the
Accountant-General's view may seem to be reasonable as Mr. Fyson
is drawing higher pay. But it will be anomalous if an officer
like the Vice-Principal, Teachers' College who on appointment
to the regular service after he has reached a few stages of his
increment is put below an officer who may have been appointed
to this service earlier but who may nevertheless be drawing
lower pay. I have the honour therefore to request the favour
of definite orders as to whether the Accountant-General's view
may be accepted as correct.

I have the honour to be,

Sir,

Your most obedient servant,

C. K. K. K. K. K.

For Director of Public Instruction.

N.V.S.

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No. 6873.
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Forwarded to the Secretary to Government, Educational Department.

2. In the Quarterly Civil List, Members of the Indian Educational Service holding regular appointments on the scale of Rs.500-50-1000 are shown separately from those holding special appointments on lower rates of pay.

3. Mr. Braithwaite was admitted to the service on the 27th July 1903 as Vice-Principal, Madras Training College, for a term of five years on a salary of Rs.400-20-480 and Rs.500/ per mensem should ^{he} ~~be~~ continue in service thereafter. His name was accordingly shown outside the list of members of Indian Educational service of the regular line, until his appointment to hold one of the two appointments of Inspector of schools added to the list of regular appointments. The date of his appointment to the regular service being 13th November 1905 while that of Mr. Fyson was 3rd July 1904. Mr. Braithwaite's name, on his appointment as Inspector of Schools, was shown below that of Mr. Fyson. I may add that Mr. Braithwaite is in receipt of a lower rate of pay than Mr. Fyson, the respective rates of pay drawn by them on the present date being Mr. Fyson Rs.650/ and Mr. Braithwaite Rs.550/.

4. The appointment held by Mr. Braithwaite prior to the 13th November 1905 is a lower appointment than those in the Regular line and Mr. Braithwaite's appointment to one of the posts in the Regular line was really a promotion to a higher grade in the Indian Educational service. It is the general rule that seniority in the higher grade is determined by the dates of appointment to that grade and the action of this Office in placing Mr. Braithwaite's name below that of Mr. Fyson in the list of Officers filling the regular appointments in the Indian Educational service appears to be correct.

5. I understand, however, that the Director of Public Instruction does not take exception to the ^{view} ~~act~~ of this Office, so far as the respective seniority of Messrs. Fyson and Braithwaite

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concerned and that his reference relates rather to the future treatment of such a case, now that the pay of the appointment of Vice-principal of the Teacher's College has been revised and its minimum placed on the same level as that of the regular appointments of the service.

The pay of the appointment of Vice-Principal of the Teachers' College which was in Mr. Braithwaite's time 400-20-500 has recently been altered into 500-50-750. This change to some extent alters the circumstances of the case; but I doubt the advisability of giving a ruling in the matter until a case calling for such a ruling arises. Circumstances may require each case to be treated on its merits, and as it is a general rule to pass no orders upon an abstract case but only when a concrete case has arisen calling for the issue of such orders, it may perhaps be considered advisable to defer passing orders on the reference now made until a case actually arises.

Port St. George,
Accountant-General's Office,
30 August 1907.

L. Dobbie
Accountant-General.
VBA

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No. 6498 of 1-10-07

C. No. 2143, from the Director of Public Instruction, No. 3670, d/23-7-1907

Subject.

Relative position of Messrs.
Braithwaite and Fyson in the Indian
Educational Service.

There are two classes of appointments in the Indian Educational Service.

(1) In the first or regular class, are included appointments which carry a pay of Rs. 500 rising to Rs. 1,000 and which are reserved for Professors, Inspectors and Principals.

(2) In the second class are included appointments which have to be recruited in England as a rule and which carry special salaries. The holders of these latter appointments are not, as a matter of course, eligible for the pay of Rs. 500 rising to Rs. 1,000 - vide para. 8 of the Government of India Resolution No. 4, dated 23rd July 1896 on pages 2 to 9 of G.O. No. 479, Edl., dated 10th August 1896.

2. The post of Vice-Principal of the Teachers' College, Saidapet, comes under the second class. The pay of this appointment was originally Rs. 400-20-500, but was raised in 1906 to Rs. 500-50-750 - vide G.O. No. 171, Edl., dated 12th March 1906.

3. Mr. Braithwaite was ^{first} appointed Vice Principal of the Teachers' College on Rs. 400-20-500 in July

V
Vide paragraphs of India's resolution on page 7 of G.O. No. 479 Edl. d/10-8-96 & the appendix on page 10 of do.

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1903 and joined his appointment on the 27th July 1903 - vide G.O. No.380, Edl., dated 13th August 1903. In January 1906 he was appointed to one of the two posts of Inspectors of Schools on Rs.500-50-1,000 added to the Indian Educational Service with effect from the 13th November 1905 - vide G.O. R. No.4, Edl., dated 9th January 1906. He is now drawing Rs.550.

R

4. Mr. Fyson was appointed Professor of Biology at the Presidency College, pay Rs.500 rising to Rs.1,000 in 1904 and joined his appointment on the 4th July 1904 - vide G.O. No.460, Edl., dated 28th July 1904. He is now drawing Rs.650.

X

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6. Mr. Braithwaite contends that as he was appointed to the Indian Educational Service before Mr. Fyson, his name should appear above that of Mr. Fyson in the Quarterly Civil List. The Accountant General maintains his action in putting the name of Mr. Braithwaite below that of Mr. Fyson in the Civil List on the grounds

(1) that it is the general rule that seniority in the higher grades is determined by the dates of appointment to that grade;

(2) that Mr. Braithwaite having been appointed to the regular service on the 13th November 1905, while Mr. Fyson was appointed on 3rd July 1904, Mr. Fyson is the senior of the two; and

(3) that Mr. Fyson actually draws a pay of Rs.650 while Mr. Braithwaite's pay is only Rs.550.

7. The D.P.I. agrees with the Accountant

General

Pages 1 & 2 of C.F.

Page 3 of C.F.

Page 2 of C.F.

General, but desires to have definite orders of Government in the matter. The Accountant General's view seems to be correct and the D.P.I. may, it is submitted, be informed accordingly.

Page 2 of C.F.

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Page 4 of C.F.

9. The Accountant General points out that no orders on this question need now be passed as it is a general rule not to pass any orders upon an abstract case and that orders should be passed only when a concrete case has arisen. The Accountant General's suggestion may, it is submitted, be adopted.

Chas
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19-9-07 RD
19-9-07

Sec.

The only reason for Mr. Braithwaite's superseding Mr. Dyson is that he actually joined the Edl. Service first. The reason does not seem valid because Mr. Dyson was appointed to a higher grade in the service while Mr. Braithwaite was still in a lower grade. Subt

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that Cpro may agree with the A.C.
a.D.P.D.

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Mr. Fyler was appointed to the regular service
from Mr. Brailmont. The former appears
therefore entitled to be regarded as senior to
that service.

1807
22.9.07

HM. The A.C. seems right &
I may agree with his view
J. 10/7

Draft please

1807
25.9.07

A draft is submitted for approval.

TH
26.9.07.

RD
26.9.07

See

Cal
27.9.7.

Let us see clear copy please

1807
25.9.07

Draft typed and submitted.

TH
30.9.07
RD
30.9.07

See

Cal
30.9.07

Issue

(Mark for Mr. House please

1807

Shewn to H.E. the Governor

1-10-07

H.D. TAYLOR - 3-10-07

T.N
25/9

C. No. 2143, from the D.P.I.

No. 3670, dated 23--7-1907.

...

Accountant General, G. 873/7053, " 30--8-1907.

ORDER:-- No. 649 dated 1-10-07
P.S.

The Government accept the view expressed by the Accountant General. Mr. Tyson must be regarded as senior to Mr. Braithwaite in the Indian Educational Service ^{having been} ~~as the former~~ was appointed to a higher grade in that service while ~~the~~ ^{Mr. Braithwaite} ~~latter~~ was still in a lower grade.

Chd
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1.10.07

To

The D.P.I. ^{get and order}

" A.G. ^{get}

22.3.07
J.B.
2/10

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EDUCATIONAL DEPARTMENT

NOTES.
