

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

} 1908.

Enclosures

Regd.

Spare copies

G.O., No. 435, 4th June 1908.

Munshi allowance.

Directing that the period of twelve months for passing the compulsory Vernacular test in order to give a claim to — should be counted from the date of an officer's permanent appointment, and sanctioning the payment of a — of Rs. 240 to Mr. H. W. Callaghan, Headmaster, Central High School, Mercara, for having passed the test in Tamil.

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1908.

Enclosures

Spare copies

G.O., No. 435, 4th June 1908.

Munshi allowance.

Directing that the period of twelve months for passing the compulsory Vernacular test in order to give a claim to — should be counted from the date of an officer's permanent appointment, and sanctioning the payment of a — of Rs. 240 to Mr. H. W. Callaghan, Headmaster, Central High School, Mercara, for having passed the test in Tamil.

GOVERNMENT OF MADRAS.

E D U C A T I O N A L D E P A R T M E N T .

READ—the following paper :—

Letter—from the Hon'ble Mr. A. G. BOURNE, D. Sc., F.R.S., Director of Public Instruction.

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

Dated—Madras, the 24th March 1908.

No.—Ref. on Cur. 1459.

With reference to paragraph 6 of the notification appended to G.O., No. 573, Educational, dated 15th September 1896, approving the rules for the examination in oriental languages of the European and Eurasian officers of this department, I have the honour to recommend that a Munshi allowance of Rs. 240 be sanctioned on behalf of Mr. H. W. Callaghan, Headmaster, Central High School, Mercara, for having passed the Educational Compulsory test in Tamil (*vide* page 89, *Fort St. George Gazette*, Part I-B, dated 11th February 1908) within twelve months from the date of his permanent entry into the department, viz., 1st April 1907. From 1st August 1906 till the 31st March 1907 Mr. Callaghan was holding only an acting appointment in the department and this period should, I consider, be ignored for purpose of article 6 of the notification appended to G.O., No. 573, Educational, dated 15th September 1896. In the case of Mr. Braithwaite, the date of his permanent transfer to the inspectorate was alone taken into account—*vide* G.O., No. 542, Educational, dated 19th August 1907.

Endt. No. G-108/933, dated 22nd April 1908.

Forwarded to Government.

2. It is for Government to decide whether the period of one year within which the Compulsory test should be passed to give a claim to the Munshi allowance should be counted from the date of an officer's permanent appointment or from the date of his first entry into service even though it be temporary or acting. Mr. Braithwaite's case quoted by the Director of Public Instruction appears to have been considered as a special one and cannot be quoted as a precedent.

A. MONTAGU BRIGSTOCKE,
Accountant-General.

To the Secretary to Government, Educational Department.

Order—No. 435, Educational, dated 4th June 1908.

The Government consider that the period of twelve months within which the Compulsory test should be passed in order to give a claim to Munshi allowance under rule 6 of the rules issued in G.O., No. 573, Educational, dated 15th September 1896, should be counted from the date of an officer's permanent appointment. The

Government also consider that an officer who passes at the next examination held after the prescribed period is over satisfies the condition. In the circumstances stated, the payment of a Munshi allowance of Rs. 240 to Mr. H. W. Callaghan is sanctioned.

(True Extract.)

H. D. TAYLOR,
Secretary to Government.

To the Director of Public Instruction.
" Accountant-General.
" Financial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 435, EDUCATIONAL, DATED
4TH JUNE 1908.

[SUBJECT.—*Munshi allowance to Mr. H. W. Callaghan for having passed the compulsory Educational test in Tamil.*]

Previous papers.

G.O., No. 573,	Edl., dated	15th September	1896.
" " 202 R.	" "	13th July	1906.
" " 129 R.	" "	26th March	1907.
" " 542	" "	19th August	"
" " 246, Public	" "	25th March	"
" " 391	" "	24th May	"

From the Director of Public Instruction, dated 24th March 1908, No. 1459.

Under rule 2 of the rules for the study of oriental languages by European and Eurasian officers of the Educational Department approved in G.O., No. 573, Educational, dated 15th September 1896, every officer who is engaged in teaching shall pass a compulsory examination in one, and every officer who is engaged in inspection shall pass a compulsory examination in two vernacular languages.

2. Under rule 6, if an officer passes the test in his first language in twelve months from the date of his entry into the department, he shall be entitled to a munshi allowance of Rs. 240.

3. Mr. H. W. Callaghan, Headmaster, Central High School, Mercara, entered G.O., R. No. 202, dated 13th July 1906. the Educational Department on the 1st August 1906 as Acting Assistant Inspector of Schools, Presidency division, and he was confirmed on the 1st April 1907—*vide* G.O., R. No. 129, Educational, dated 26th March 1907. Mr. Callaghan passed the compulsory test in his first language in February 1908, that is, about 18 months after his entry into the department, but in less than twelve months after his permanent appointment as an Assistant Inspector (1st April 1907).

4. The Director of Public Instruction recommends that a munshi allowance of Rs. 240 may be sanctioned on behalf of Mr. Callaghan on the ground that the period from 1st August 1906 to 31st March 1907 during which Mr. Callaghan was holding an *acting* appointment in the department should be ignored for purposes of rule 6 of the rules approved in G.O., No. 573, Educational, dated 15th September 1896.

5. The Accountant-General objects to the proposal of the Director of Public Instruction and requests the Government to decide whether the period of one year within which the compulsory test should be passed to give a claim to the munshi allowance should be counted from the date of an officer's permanent appointment or from the date of his first entry into the service, even though it be temporary or acting.

6. In G.O., No. 246, Public, dated 25th March 1907, it has been held that the G.O., No. 394, Public, dated 24th May 1907. period of one year mentioned in rule 17 of the rules for the examination of European and Eurasian civil officers in vernacular languages should be counted from the date of appointment either permanently or on probation. As Mr. Callaghan was appointed to the Provincial Educational Service only from 1st April 1907 and has passed the examination within twelve months from that date, he seems to be entitled to the allowance. This case is analogous in principle to that of Mr. Braithwaite disposed of in G.O., No. 542, Educational, dated 19th August 1907.

T.K.—6-5-08.

The decision in G.O., No. 246, Public, dated 25th March 1907, relates only to European and Eurasian civil officers of Government. The officers of the Educational Department are governed by the rules in G.O., No. 573, Educational, dated 15th September 1896; but as rule 7 of the latter rules are similar to rule 17 of the former set of rules, the decision in G.O., No. 246, Public, dated 25th March 1907, may be followed in this case also—please see the notes of the Financial Department on pages 3 and 4 of the notes with G.O., No. 542, Educational, dated 19th August 1907.

K. RANGASWAMI AIYANGAR—6-5-08.

There is a difficulty in the rule that temporary service in an appointment shall count towards the period in which an officer must pass the test. A temporary officer never knows when he is to revert and this must act to some extent as a deterrent. I submit that, if Financial agrees, the allowance may be granted in this case.

C. A. SOUTER—8-5-08.

Yes, the allowance may be granted.

M. H[AMMICK]—11-5-08.

Draft please.

C. A. SOUTER—12-5-08.

The draft placed below is for approval.

It may be sent to the Financial Department for acceptance.

K. RANGASWAMI AIYANGAR—12-5-08.

The draft perhaps goes a little too far in laying down a general rule. If Financial does not object it may issue; but if that department considers that the case should be treated on its merits, the first sentence may be omitted and the draft altered as in the margin.

C. A. SOUTER—12-5-08.

Draft order.

[The Government consider that the period of twelve months within which the compulsory test should be passed in order to give a claim to munshi allowance under rule 6 of the rules issued in G.O., No. 573, Educational, dated 15th September 1896, should be counted from the date of an officer's permanent appointment.]

[] omit.

In the circumstances stated/ A t/ A The payment of a munshi allowance of Rs. 240 to Mr. H. W. Callaghan is sanctioned.

To the Financial Department.

FINANCIAL DEPARTMENT.

Mr. Callaghan was appointed *acting* in the Educational Department on the 1st August 1906 and was confirmed on the 1st April 1907. He passed the test at the examination in February 1908, so that even if the period of one year is counted from the 1st August 1906 he passed the test at the first examination immediately following the actual termination of the period of one year. It was decided in the case in G.O., 542, Educational, dated the 19th August 1907, that this principle should be applied to these Educational tests. It would be well, it is thought, for Educational to lay this down distinctly.

2. The point raised in the Educational notes is whether the date of *entry into the department* (Rule 6 of the rules in the appendix to G.O., No. 573, Educational, dated 15th September 1896) should be the date of first appointment, whether acting or permanent, or the date of permanent appointment. The Public Department rules count the period from date of appointment "either permanently or on probation" and appear to intend to exclude any acting incumbency. In this view the first part of the Educational draft order might stand. It seems to be as well to settle the point definitely.

C. M. SCHMIDT—23-5-08.

The question is one of principle. I submit that the rule may be laid down definitely as indicated in Mr. Schmidt's note.

J. N. ATKINSON—24-5-08.

I quite agree. It was in fact so laid down in Mr. Braithwaite's case, but I see from the rules it was not expressed because the Secretary thought it would create an inconvenient precedent. This draft was approved by the Honourable Member in charge of the Educational Department.

I must point out that this Secretariat procedure was wholly wrong and objectionable. If the rules of business are referred to, it will be seen that the order is to give expression not to the Secretary's views even if approved by one Honourable Member but to that of each and all of the Honourable Members, and as the views of the Financial Department were deliberately suppressed it is plain that the course taken should not have been so except with the consent of Financial.

G. S[TOKES]—25-5-08.

I have added to the draft words which, I think, will meet my Honourable Colleague's wishes. I think the Government Order may now issue.

M. H[AMMICK]—2-6-08.

To the Educational Department.

J. N. ATKINSON—3-6-08.

EDUCATIONAL DEPARTMENT.

With reference to the Hon'ble Mr. Stokes' note the question of principle should have been taken up separately for general orders by the office after the order in Mr. Braithwaite's case issued. That was the intention.

The Hon'ble Mr. Stokes, c.s.i., for acceptance of the draft.

Accepted.

H. D. TAYLOR—4-6-08.

Issue.

G. S[TOKES]—5-6-08.

H. D. TAYLOR—6-6-08.

No. 435, EDUCATIONAL, 4TH JUNE 1908.

I would respectfully suggest that for the words "satisfies the condition" the words "is eligible for the allowance" be substituted. There is no express condition in the draft, only an implied one in the 12 months' rule.

C. A. SOUTER—6-6-08.

I don't think it necessary to modify the draft at this stage. The intention is clear enough, though Mr. Souter's suggestion would be more accurate as a matter of phraseology.

H. D. TAYLOR—6-6-08.

Issue.

C. A. SOUTER—6-6-08.

[G.O., No. 435, Educational, dated 4th June 1908.]

Stock Form No. 135.
4,000—27-4-06.

EDUCATIONAL DEPARTMENT.

Received.....190 , Registered.....24-4-1908.

Subject.

Recommending that in the circumstances explained Mr. H.W. Callaghan, Headmaster, Central High School, Mercara be granted a Munshi allowance of Rs 240 for having passed the Compulsory Educational Test in Tamil.

ENCLOSURES.

No.

Ref on Cur No. 1 4 5 9/08

Spare copies

Station Madras, Dated the 24th March 1908.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.

(Designation) Director of Public Instruction,

Madras.

To the Secretary to the Government of Madras,
Educational Department.

By, /T H R O U G H
The Accountant-General/

With reference to paragraph 6 of the Notification appended to G.O. No. 573 Educational dated 15th September 1896 approving the rules for the examination in Oriental languages of the European and Eurasian officers of this department, I have the honour to recommend that Munshi allowance of Rs 240 be sanctioned on behalf of Mr. H.W. Callaghan, Headmaster, Central High School, Mercara, for having passed the Educational Compulsory Test in Tamil /vide page 89 Fort Saint George Gazette, part 1-B dated 11th February 1908/ within 12 months from the date of his permanent entry into the department viz. 1st April 1907. From 1st August 1906 till the 31st March 1907 Mr. Callaghan was holding only an acting appointment in the department and this period should, I consider, be ignored for purpose of article 6 of the notification appended to G.O. No. 573 Educational dated 15th

READ AGAIN G.O., No. _____, dated _____ 190

” ” ” ” ” ” 190

READ ALSO:—

C. No. 977, From the D.P.-9., No. 1459, dated 24 3 1905

" " " " " " " " 190

77 77 77 77 77 77 190

ORDER

No. 435, dated 4-6-1908

Best WA
6-6-08

005
11/1/08

The Govt also consider that an officer who passes at the next Examination ^{held} after the prescribed period is not satisfied the condition.

G

In the circumstances states

DESPATCHED
6 JUN 1908

914

To the S. P.

.. Ag

Financial Dept

The Govt. Consider that the period of twelve months within which the Compulsory test should be passed in order to give a claim to munshee allowance under Rule 6 of the rules issued in G.O. No. 573 Est., dated 15th September 1896, should be counted from the date of an officer's permanent appointment. ~~The~~ The payment of ~~an~~ a munshee allowance of Rs 240 to Mr. H. W. Callaghan is accordingly sanctioned.

12509

Case
1258

1712
66.08