

Educational (1909) Department.

ORDINARY MS.

G.O., No. 5/8

DATED 10th September, 1909.

[Despatch Abstract.]

Law College

Sanctioning the payment to M.R. Ry S. Swaminathan, and M.R. Ry C. Madhavan Nayar, of allowances of Rs 650 and Rs 325 per mense respectively, for the periods during which they act as Principal and Junior Professor of the —

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[E]

2,000-15-7-07-1

EDUCATIONAL DEPARTMENT

CURRENT FILE.

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[P. T. O. FOR PUT UP PAPERS.]

PAPERS PUT UP WITH CURRENT No. _____

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed —for copying, printing, etc., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
238R	28-6-09	O		
178	3-5-09	sc		
227	22-4-09	O		
174	19-3-09	O		
808	9-12-08	O		
447	12-8-07	sc		

Papers of other departments.

Department.	Number.	Date.	Original (=O.) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.
Jud.	650	19-5-09	sc	
Finl	178	3-5-09	sc	
-	435	15-9-08	sc	

Stock Form No. 135.
4,000-1-8-08

EDUCATIONAL DEPARTMENT. C.W. 1547



Received 190 , Registered 14-8-1909. 2

Subject.

Requesting that sanction of Government be obtained to the payment of acting allowances at Rs. 750 per mensem to M.R.Ry. S. Swaminathan Avargal and at Rs. 325 per mensem to M.R.Ry. C. Madhavan Nair Avargal of the Law College, Madras.

ENCLOSURES.

No.

Ref on Cur No. 5090 / 09.

Spare copies

Station Madras, Dated the 30th July 1909.

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

(Designation) Director of Public Instruction,

Madras.

To The Secretary to the Government of Madras,

Through the Accountant-General Educational Department.

Sr,

A

With reference to G. O. No. 238 R. Educational., dated 28th June 1909, I have the honour to request you will be so good as to obtain the sanction of Government to the payment, under Article 144 of the Civil Service Regulations, of acting allowances at Rs. 750 per mensem to M.R.Ry. S. Swaminathan Avargal and at Rs. 325 per mensem to M.R.Ry. C. Madhavan Nair Avargal during their employment, respectively, as Principal and Junior Professor of the Law College. In the pay slips issued by the Accountant-General the allowances of these officers have been fixed at Rs. 333-5-4 for the former and at Rs. 216-10-8 per mensem for the latter. A salary of Rs. 750 per mensem has, however, been offered to M.R.Ry. S. Swaminathan in accordance with the intentions of Government as conveyed in the advertisement

T.N.
1478

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inviting applications for the acting Principalship. In the case of M.R.Ry. C. Madhavan Nair it appears to me that at least the same salary as that sanctioned for M.R.Ry. Swaminathan in G.O. No. 808 Educational., dated 9th December 1908, viz., Rs. 325/- per mensem may be sanctioned: the amount fixed by the Accountant - General is even less than the pay drawn by the Assistant Professors of the College.

I have the honour to be,

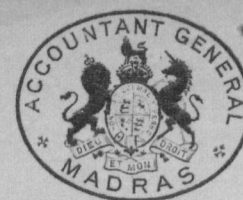
S i r,

Your most obedient servant,

O. Krishnaswami
for Director of Public Instruction.

M. S. S.

M. S. S.



Fort St. George, the 12th of August 1909.

No.G.A.44 F.

6237

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

2. Dr: S. Swaminathan and Mr: ^C N. Madhavan Nair, Ag: Principal & Junior Professor respectively of the Law College, Madras, are entitled under Article 63 Civil Service Regulations to acting allowances at the rate of only $\frac{2}{3}$ of those admissible to Europeans viz: $\frac{2}{3}$ of 500 = Rs:333-5-4 and $\frac{2}{3}$ of 325 = Rs:216-10-8 respectively during their employment in the Law College, as the offices of Principal and Junior Professor are intended to be filled by officers selected in England. If the case of these officers is considered special, the Local Government may permit them to draw acting allowance up to the full pay of the appointments which in the case of Indians should be taken to be $\frac{2}{3}$ of Rs:1000 and $\frac{2}{3}$ of Rs:650 respectively, subject to the inclusion of this special sanction in the report to the Government of India required by Article 144 Note 1, Civil Service Regulations. As Dr: Swaminathan draws a local allowance ¹Rs:100 for performing the duties of Secretary to the Rule Committee under the sanction of the Government of India, the acting allowance in respect of his office as Principal, Law College, should be fixed so as not to exceed Rs:650, as the Secretary of State's sanction would be required for the local allowance if his total emoluments (including the local allowance) exceeds Rs:750. In the case of Mr: C. Madhavan Nair, the

maximum

4



maximum salary which the Local Government can sanction is Rs: 433-5-4, and there is, therefore, no objection to Government fixing his salary at Rs:325 per mensem.

H. K. K. K.

ACCOUNTANT-GENERAL.

W

[E. & L.]
67
2,400-2

EDUCATIONAL DEPARTMENT.

NOTES.

C.No.1547, from the D.P.I., No.5090, dated 30-7-1909.

Subject.

Pay to be given to Dr.Swaminathan,
Acting Principal of the Law College and
Mr. Madhavan Nair, Junior Professor.

Page 1 of C F

The D.P.I. requests that sanction may be
accorded to the payment, under Article 144 of
the Civil Service Regulations, of acting allow-
ances at Rs750 per mensem to Dr.S. Swaminathan,
acting Principal of the Law College and at
Rs325 per mensem to M.R.Ry. C. Madhavan Nair,
acting Junior Professor of the Law College.

2. Dr.Swaminthan's acting allowance.--Dr.
Swaminathan was appointed in G.O.R.No.238, Edl.,
dated 28th June 1909, to act as Principal and
Senior Professor of the Law College during the
absence of Mr. R.A. Nelson on leave or until
further orders. Before that, he was acting as
Junior Professor, Law College, and got an allow-
ance of Rs325 per mensem. (G.O. No. 808 Edl. 12.08) - E.
The D.P.I. states
that in accordance with the intentions of Govern-
ment as conveyed in the advertisement inviting
applications for the acting Principalship, a salary
of Rs750 has been offered to Dr.Swaminathan. The
advertisement referred to by the D.P.I. will be
found on page 15 of G.O.No.227, Edl., dated 22nd
April 1909. A salary of Rs750 was offered, it
is presumed, for a European Barrister.

3. The Accountant-General states that if
the Government consider the case of Dr.Swaminathan

Dr. Swaminathan holds no
permanent appointment under
Govt. nor does Madhavan Nair.

AD
24-8-09

Page 1 of C F

4. para. 5 of letter No 539 Edl. d/28.10.00
of Indian Secy. on p. 243 of P.O. No 4476
d/12.8.01, from wh. it will be observed
that the Principalship of the Law College is
an appointment which should ordinarily be
filled by the Secretary of State
by recruitment in England. P.3 of 4.

AD
24-8-09

Page 3 of CE
cf. Note on p. 8 of G.O. No. 227
Ed., dated 22.4.09 - C.

Page 2 of
G.O. no. 447 Ed X
12.8.01

G.O. no 650 Jud W
19.5.09

to be special, they may allow him to draw acting allowance up to the full pay of the appointment which, as Dr. Swaminathan is a native of India, should, with reference to Article 63 of the Civil Service Regulations, be taken to be $\frac{2}{3}$ of Rs 1,000, the minimum pay of the post of Principal of the Law College. In this case, he points out that this sanction should be included in the report to the Government of India required by note 1 to Article 144 of the Civil Service Regulations.

4. The Accountant General further states that as Dr. Swaminathan draws a local allowance of Rs 100 per mensem for performing the duties of Secretary to the Rule Committee under the sanction of the Government of India, his acting allowance as Principal of the Law College should be fixed so as not to exceed Rs 650, as otherwise the sanction of the Secretary of State would be required for the payment of the local allowance, as his total emoluments, including the local allowance, would exceed Rs 750.

5. According to the Accountant General, the Local Government can sanction an acting allowance of Rs 666-10-8 (two-third of Rs 1,000) to Dr. Swaminathan; but as Dr. Swaminathan is in receipt of an allowance of Rs 100 per mensem as Secretary to the Rule Committee, it may be fixed at Rs 650 per mensem ^{so as} to avoid a reference to the Secretary of State ^{which would be necessary if the allowance were fixed at a higher figure}. It is for consideration whether this suggestion may be accepted.

6. M.R.Ry. Madhavan Nair's acting allowance.
M.R.Ry. Madhavan Nair was appointed in G.O.

A

R.No.238, Edl., dated 28th June 1909, to act as Junior Professor of the Law College during the absence of Mr.Odgers on leave or until further orders. Dr.Swaminathan who acted as Junior Professor on more than one occasion was in receipt of an acting allowance of ₹325. The D.P.I. recommends that M.R.Ry. Madhavan Nair may be allowed the same allowance. The Accountant General states that there is no objection to sanctioning an acting allowance of ₹325 to M.R.Ry. Madhavan Nair as the maximum amount that the Government can grant in his case is ₹433-5-4 being $\frac{2}{3}$ of ₹650, the minimum pay of the post of Junior Professor. M.R.Ry. Madhavan Nair's pay may therefore, it is submitted, be fixed at ₹325 per mensem as in the case of Dr.Swaminathan.

74.
25.8.09

As regards Dr. Swaminathan, it will no doubt avoid a reference to the Secretary of State (through the Govt of India) if his acting allowance, as acting Principal, were fixed at Rs 650 pm. (para. 5 infra). The D.P.I. requests that the allowance may be fixed at Rs 750 pm., and observes that a salary at this rate has been offered to M.R.Ry. S. Swaminathan in accordance with the intentions of Govt as conveyed in the advertisement inviting applications for the acting Principalship. The advertisement, which will be found on page 15 of G.O. No. 227 Edl, dated 22nd April 1909, stated

The pay offered is Rs 750 per mensem.
The

Please see the notes bordering with
G.O. No. 808 Edl. dtd 9.12.08 - E.
Pages 3 & 4 C.F.

Page 2 of
G.O. 447 Edl
12.8.09 X

Cf. para. 2 of the A.G's
Endorsement comp. 3 of it.

* apparently by him.

C

(A)

The Successful Candidate will be required to devote the whole of his time to the duties of the post and will be debarred from practicing in the Courts while holding the office.

p. 20 of G.O. 238 R A
26.6.09

2. Mr. Bowme was informed in Mr. Wynch's D.O. dated 20th June 1909, that His Excellency had approved the suggestion to appoint Mr. Swaminathan as acting Principal and he was asked to ascertain if the nominee would accept the appointment. Mr. Bowme appears to have then offered a salary of Rs 750 to Mr. Swaminathan, in accordance with the terms of the advertisement; but he should have known that the appointment was offered to Mr. Swaminathan only because the advertisement had failed to secure suitable candidates, and should therefore have taken further instructions from Govt before offering the nominee the salary specified in the advertisement, which was fixed with obvious reference to the fact that the appointment was one ordinarily filled by a European.

cf. para. 5 of letter 539 Es. L. 2
26.10.00 & India's Dep. T
outp. 223 of G.O. 447 Es. 12.5.01

3. It has also to be noted that the conditions at (A) above specified in the advertisement, as regards the successful Candidates devoting the whole of his time to

* The papers said that the other day he appeared in a suit connected with the Arthur Trust insolvency.

to the duties of the post and to his being debarred from practising in Courts, do not seem to be fulfilled in the case of Dr. Swaminathan. He is Secretary to the rule Committee, for which he is paid Rs 100 a month, and appears to be practising in Courts.

4. Unless therefore the Govt. consider themselves committed by the offer made by the D.P.I., an allowance of Rs 650 pm. as suggested by the Accountant General would seem to be enough.

5. In the case of Mr. Madhavan Nair presents no difficulty and the allowance of Rs 325 pm. recommended for him by the D.P.I. may be sanctioned.

AD
8.09
24

Sec.

Dr. Bourne has placed Govt. in a somewhat awkward position & might have made a reference regarding Dr. Swaminathan's pay before offering him Rs 750. But before anything is decided it might be well to ask whether Dr. Swaminathan is in fact practising in Court. It was clearly the intention that he should not do so. In any case it

U.S. no doubt alludes to the advertisement about refused to. Excepting this, there is apparently nothing to show that it was intended that Dr. Swaminathan should not practise. 11/26/8

He is not likely to accept it, as the acting Principal. He will only last 3 months & the Rule Committee may probably go on for another year. 11/26/8

seems useless to ask the Secy. of State for permission to give him Rs 750 for an appointment which will last only $3\frac{1}{2}$ months. If Rs 750 is given Dr. Swaminadhan should resign the secretaryship of the Rule Committee. This alternative might be put to him.

2. There is no difficulty in the case of Mr. Madhavan Nair who may get Rs 325.

Chd
25.8.7.

H.M.

4/1

Madhan Nair may be given Rs. 325.
2. As to Dr. Saminadhan, he is clearly practicing, please see newspaper cuttings. Dr. Bourne may be told that the advertisement contemplated a European barrister & a full time man whereas Dr. S. not only holds another appointment but is practicing. But the pay of Rs. 750 cannot be given without S. & S's permission & Rs. 650 is the utmost the Govt. can give & must therefore be Dr. S's pay.

11/26/8

As to Saminadhan. Explain the position to Dr. Bourne. & as clearly the condition in the advertisement was that the holder of the post

his whole time to the College; Dr
 Grammadham in any case don't
 seem entitled to the full salary offered -
 Rs 600 - + Rs 100 he gets for the Rule
 Committee Secretaryship on the
 Europe for him. If he knows out for
 more we shall have to tell him he
 must vacate the office or give up
 his practice & the Secretary's app't
 he holds.

M
 2.9.09

Please draft *M*

T.N.
 3.9.09

Draft submitted for approval.

T.N.
 4.9.09

RD
 6.9.09
 Sec.

Type please submit

Obd
 8.9

Draft typed and submitted.

RD
 8.9.09

affs *M*

12

3

Educational Department.

Read again G.O.No.238, Edl., dated 28-6-1909.

Read also C.No.1547, from the D.P.I., Madras, No.5099, dated 30-7-1909.

ORDER: W.P. 518 of 10-9-9
Mis.

Under Articles 63 and 144 of the Civil Service Regulations the Government are pleased to sanction the payment to M.R.Ry.S. Swaminathan Avargal and M.R.Ry. C. Madhavan Nayar Avargal of ~~an~~ allowances of Rs.650 and of Rs.325 per mensem, respectively, for the periods during which they act as Principal and Junior Professor of the Law College.

2. The Government are unable to accept the recommendation of the D.P.I. that an allowance of Rs.750 per mensem should be sanctioned to M.R.Ry.Swaminathan ~~who, he points out, was offered that~~ ^{him} ~~because it was mentioned in~~ ⁱⁿ ~~the advertisement inviting applications for the acting Principalship. But~~ ^{that} ~~that advertisement contemplated a~~ ^{he is in view} ~~European Barrister and one who would~~ ^{could} ~~devote the whole of his time to the~~ ^{be} ~~duties of the post and be debarred~~ ^{from} ~~from practising in the courts while~~ ^{holding} ~~the office.~~ ^{the office.} M.R.Ry.S.Swaminathan not only holds another appointment, namely, the post of Secretary to the Rules Committee constituted under the Civil

The D.P.I.
states that
his sum

13 / 14

Civil Procedure Code, 1908, but is
also practising in the Courts. He is not
therefore entitled to the full salary
specified in the advertisement and as
he is already in receipt of a monthly
remuneration of Rs. 100 as Secretary
to the Rules Committee, he cannot be
granted, without the sanction of the
Secretary of State, any allowance in
excess of Rs. 650 per mensem, which the
Government consider to be sufficient.

He sent to him of
and advance in excess
of Rs. 650 above
sanctioned Rs. 2000
the permission

Wsk

T.K.
4-9-09.

K.R.
7-9-09.

C.A.S.
8-9-09.

To the D.P.I. (End of the AG. order) ✓
" A.G. (Para. 1 only) ✓
10-a-a

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When signed _____

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190 .

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT. _____

STATEMENT WITH DITTO. _____

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