Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.	1910.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 111, 9th March 1910.

P.

Mr. C. H. Lobban.

Informing the Director of Public Instruction that the Government are unable to agree to Mr. Lobban's proposals regarding his continuance in service and stating the conditions under which he may continue as Professor in the College of Engineering.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper :—

Letter—from the Hon'ble Mr. A. G. Bourne, D.Sc., F.R.S., C.I.E., Director of Public Instruction, Madras.
To—the Secretary to Government, Educational Department.
Dated—the 3rd March 1910.
No.—Ref. on Cur. 7550/09.

With reference to G.O., No. 93, Educational, dated 26th February 1910, I have the honour to submit, for the early orders of Government, the enclosed letter from Mr. C. H. Lobban, dated 2nd March 1910, in which he suggests certain terms on which he would remain in the post of Professor of Civil Engineering in the College of Engineering pending the arrival of a fresh agreement. I strongly recommend that the terms proposed by him be accepted.

Enclosure.

Letter—from C. H. Lobban, Esq., Professor of Civil Engineering, College of Engineering, Madras.
To—the Director of Public Instruction (through the Principal, College of Engineering).
Dated—the 2nd March 1910.

[*Reference*—Your letter C. No. 7550 of 1909, dated 28th February 1910.]

I have the honour to acknowledge receipt of the above, and in reply thereto I beg to state that, not knowing the exact terms of the agreement mentioned therein, I am unable to say whether or not I am prepared to accept them. Under the circumstances, may I suggest that I remain at my post, pending the arrival of the agreement, on the following terms :—

(i) If my service continue beyond March 12th next, then it shall not be terminable before July 12th next.

(ii) My remuneration to be at the rate of Rs. 600 per mensem for this period.

(iii) That notwithstanding anything contained in my present agreement, I cannot be called on to repay the money paid me for my passage out, and that on the termination of this service I be given a first-class passage home, or its equivalent.

(iv) That I be allowed to spend the College summer vacation out of India, leaving Bombay by the first mail steamer after the closing of the College.

Order—No. 111, Educational, dated 9th March 1910.

The Director of Public Instruction will be informed that the Government are unable to agree to Mr. Lobban's proposals. He may go, if he so desires, when the period of his current engagement expires, and will be paid his passage home, to which he is entitled under the terms of his agreement; but the Government will have no objection to his staying on, as a concession, until the receipt of the fresh

agreement from the Secretary of State on the understanding that he should signify his acceptance of that agreement or the reverse, within a week of its receipt by him, and that, if he does not accept it, he will then be provided with a passage home and granted pay at Rs. 600 per mensem for the days he stays at the College after the expiry of his present agreement.

(True Extract.)

L. M. Wynch,
Ag. Secretary to Government.

To the Director of Public Instruction.

A

NOTES CONNECTED WITH G.O., No. 111, EDUCATIONAL, DATED 9TH MARCH 1910.

[SUBJECT.—*Terms on which Mr. Lobban will remain as Professor of Civil Engineering in the College of Engineering pending the receipt of a fresh agreement from the Secretary of State.*]

From the Director of Public Instruction, dated 3rd March 1910, *No.* 7550.

The Director of Public Instruction submits for the early orders of Government a letter from Mr. C. H. Lobban in which the latter suggests certain terms on which he would remain in the post of Professor of Civil Engineering in the College of Engineering pending the arrival of a fresh agreement from the Secretary of State. The Director of Public Instruction strongly recommends that the terms proposed by Mr. Lobban be accepted.

Cf. the telegram from the Government of India, on page 1 of G.O., No. 93, Educational, dated 26th February 1910.

2. The terms proposed by Mr. Lobban are:—

(1) that if his service is continued beyond the 12th March, it should not be terminable before the 12th July next;

(2) that his remuneration for the above period should be at the rate of Rupees 600 per mensem;

(3) that notwithstanding anything contained in his present agreement he should not be called on to repay the money paid him for his passage to Madras and that on the termination of his service he should be given a first class passage home; and

Cf. paragraph 4 of his agreement on page 5 of G.O., No. 265, Educational, dated 3rd April 1908.

(4) that he should be allowed to spend the college summer vacation out of India.

3. The meaning of Mr. Lobban's first and fourth conditions appears to be that he should be re-engaged temporarily for a period of at least four months and that even if the terms of the fresh agreement which the Secretary of State is sending out are not acceptable to him, his services should not be dispensed with on the closing of the college for the summer vacation on the 1st May next, but that he should be retained during the vacation also and that this engagement should not be terminated before the 12th July. The College of Engineering reopens after the summer vacation on the 15th July next—*vide* G.O., No. 11, Educational, dated 7th January 1910. Under article 264 of the Civil Service Regulations, Mr. Lobban will not be entitled to receive pay for the vacation unless he returns to duty on the expiry of the vacation. If it is decided to re-engage Mr. Lobban temporarily pending receipt of the fresh agreement, such re-engagement should be for a period extending beyond the 15th July, and permission may be granted to him to go out of India during the college vacation, on the understanding that he returns to duty on the date of reopening of the college, that is, 15th July 1910. He can then draw allowances for the vacation under article 264 of the Civil Service Regulations.

G.O., No. 11, Educational, dated 7th January 1910.

I don't see how the Civil Service Regulations come in at all. The whole position would be irregular under the rules without Secretary of State's sanctions, and if he sanctions the Civil Service Regulations don't matter as the Secretary of State is above them.

A. GALLETTI—5-3-10.

4. There appears to be no objection to accepting Mr. Lobban's second and third conditions. The Secretary of State has already agreed to give him (Mr. Lobban) pay at the rate of Rs. 600 per mensem from the 12th instant. Under paragraph 7 of his original agreement Mr. Lobban can claim a passage to England within six months from the termination of his present engagement on the 12th March. The condition in clause 4 of the same agreement will probably be inoperative as Mr. Lobban's original engagement of two years is practically terminated on the 12th March and he is only re-engaged as a temporary measure from that date till the 12th of July 1910 or such later date as may be decided upon.

G.O., No. 93, Educational, dated 26th February 1910.

Page 5 of G.O., No. 265, Educational, dated 3rd April 1908.

5. It is for consideration whether the terms proposed by Mr. Lobban may be accepted.

T.K.—5-3-10.

K. Rangaswami Aiyangar—5-3-10.

I think Mr. Lobban opens his mouth a little wide especially about the vacation, for the 2½ months of which he expects to be paid whatever happens. But I do not see that the question is one of account rules. In the position by which the Government is put by the delay in the Secretary of State's reply it is necessary if Mr. Lobban is to be kept, and if he is not bluffing, to strike a bargain with him. The Local Government has no power to appoint a person to the Indian Educational Service even temporarily, so far as I know, unless he is a member of the Provincial or Subordinate Educational Service; the power to appoint to the Indian Educational Service temporarily or permanently being otherwise reserved to the Secretary of State. Any arrangement now made with Mr. Lobban will require the Secretary of State's immediate or indemnifying sanction; which, when obtained, will silence any objection of the Accountant-General under the account rules.

Civil Service Regulations, 139.

A. Galletti—5-3-10.

Under clause 4 of his existing agreement, if Mr. Lobban's service is extended beyond March 12th he is liable to forfeit the passage money paid to him on coming out to India unless he continues in service for three years.

He is willing to serve on till the end of the term, *i.e.*, till May 1st, if this condition is not enforced, and provided also he is given pay at Rs. 600 *per mensem* for the vacation and allowed to go home by the first steamer in May.

He is entitled at present to pay up to March 12th and a passage home if claimed within six months.

I do not quite see how, pending the receipt of the new agreement, we can do more than agree to pay him at the rate of Rs. 600 *per mensem* for the time he serves after the 12th March and to refrain from enforcing the provisions of clause 4 on account of such extension of service up to the time of his acceptance or refusal of the new agreement provided that he signifies his decision before 30th April. We can hardly agree to give him pay up to July 15th, the date when the college reopens, when we don't know whether he will come out again. He might go home the first week in May, find something better to do there and then say he would not come out again and claim payment of his passage home!

L. M. Wynch—5-3-10.

Yes. I quite agree. Of course what Mr. Lobban will do is to go home, do his best to get employment, and, when he has got it, wire to say he is not coming back and we shall be left with no one. If he goes at the end of the term or on March 12th, we shall have time to wire home and get another man.

Please tell the Director of Public Instruction that we cannot agree to Mr. Lobban's proposals. He may go if he so desires when his agreement is up and get his passage home—as he is entitled to do—or as a concession he may stay until the agreement comes out when he can see it and can have one week to say if he will accept it

or not. If he cannot accept it he can then go and get his passage home and get his pay at Rs. 600 for the days he stays at the college over and above the time in his agreement. I am not prepared to give more than this.

M. H[ammick]—7-3-10.

Please draft.

L. M. Wynch—7-3-10.

The draft order is for approval.

K. Rangaswami Aiyangar—8-3-10.

Issue.

L. M. Wynch—9-3-10.

[G.O., No. 111, Educational, dated 9th March 1910.]

Educational Department. 6

C.No.431, from the Director of Public Instruction, No.7550, dated 3-3-10.

4P

ORDER:- No 111 dated 9.3.10
Misc.

The Director of Public Instruction will be informed that the Government are unable to agree to Mr. Lobban's proposals. He may go, if he so desires, when the period of his current engagement expires, and will be paid his passage home, to which he is entitled under the terms of his agreement; but the Government will have no objection to his staying on, as a concession, until the receipt of the fresh agreement from the Secretary of State on the understanding that he should signify his acceptance of that agreement or the reverse, within a week of its receipt by him, and that if he does not accept it, he will then be provided with a passage home and granted pay at Rs.600 per mensem for the days he stays at the College after the expiry of his present agreement.

8.3.10

9.3.10

To

The D.P.I.

5 cys dispd 29/3/10

dispd 9-3-10

[E. & L. / 89]

500—15-3-09.

PRESS SLIP.

ORDINARY. **PREFERENCE.** **URGENT** (a).

EDUCATIONAL ~~LEGISLATIVE~~ DEPARTMENT.

GOVERNMENT OF MADRAS RECEIVED 15 MAR 1910 MADRAS.

7

Current No. 131, dated 4 — 3 — 1910.

G.O., No. 111, dated 9 — 3 — 1910.

Number of MS. pages sent { Correspondence including order or orders (b) / Notes (b¹) .....

Docket: Mr C. H. Lobban — Informing the G.O. that the Govt are unable to agree to Mr Lobban's proposals re his continuance in service and stating the conditions under which he may continue as professor in the College of Engg

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