

Educational (1912) Department.

ORDINARY MS.

G.O., No. 119

DATED 10-2-12.

12

[Despatch Abstract.]

Mr Mackintosh.

Passing orders on the
question of the admission of ——— of
professor of English Presidency College
to the benefits of General Provident
Fund.

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. & L.]
[S.I.]
1,000 5-11-11.

ES DEPARTMENT.

NOTE FILE.

Admission of W. J. H. Mackintosh to the General Provident Fund 2

For Secy.

In his No. note of 16.11.11 at K.K. De Bourne recommended among other things that W Mackintosh, if his services should be retained beyond the 31st Dec^r 1911, should be eligible for the benefits of the Provident Fund.

2. On this point, the Fin^l Dept^t remarked

"The General Provident Fund is not open to officers acting in Gout service.
"The question of the admission of W Mackintosh at the present stage to the benefits of the fund involves an exemption from the rules and the Gout of India have reserved to themselves the power to amend or alter the rules as may be required. The exemption therefore will have to be sanctioned by the Gout of India."

3. Under note 4 to rule 1 of the Provident Fund Rules, officers in temporary superior service are eligible to subscribe

Pages 9 & 10 of notes with
No. 8432 EE
30.11.11
CH. out. 2. 28.11.11

Rule 1 of the rules in F.B.
no 104 of 28.2.11

Rule 13 ibid

Page 2 of F.O. 536 Fin^l U
27.10.11

to the fund provided they have been employed or are likely to be employed for at least three years. In this case the D.P.O. said that there was every probability of W Mackintosh being kept on until 1st January 1913 and after though it was impossible to give exact details as to how this could be done. If therefore the D.P.O. could say that there is likelihood of W Mackintosh being retained ^{for} three years no reference to the Govt of India would appear to be necessary.

4. A draft letter to the Govt of India is, however, submitted as suggested by Fin. If the Govt of India should be addressed, it may be sent to that department for acceptance.

RE
19.12.11

Mr Financial kindly re-examine his post with reference to para 3 of the Educ. note above? From what I have heard of W. Mackintosh there is no doubt that he "is likely to be employed for at least three years."

U.D. no 98 of 16.11.11 on page 4
of notes with go. 8438^{EE}
30.11.11
(M. in Ed)

Don't think a
letter is required
Page 10 of notes in the go. 8438^{EE}
30.11.11
(M. in Ed)



Ed. no. 140000
20-12-11

Best 7/11
20/12

Recd 20-12-11 LD
CURRENT NO.
6637
FINANCIAL
20/12/11

Fin. no.
20/12/11

Finl. Dept.

It is submitted that note 4 to rule 1 of the General Provident Fund Rules has to be read with the correspondence which ultimately led to this ruling. This correspondence will be found in the following papers:-

(1) Paras 2-4 of letter to the Govt. of India No. 452 Finl dated 18-10-10

(2) Para 2 of the despatch to the Secretary of State on page 3 of G.O. 436 Finl dt 31-8-11.

It appears to be clear from these papers that the expression "Officers in temporary superior service" in the rule is meant to refer to officers who hold temporary appointments in superior service which do not qualify for pension. These officers are allowed to subscribe to the fund if they are likely to be employed for at least 3 years. Mr. Moackintosh cannot be said to fall under this class. His position is that of an Officer acting in a ~~temporary~~ permanently sanctioned appointment, and the rules as they stand do not provide for such officers being permitted to subscribe to the Provident Fund. It appears, therefore, that the matter has to be referred to the Govt. of India. If Considered desirable, the Acct. General may be consulted (10) whether the view taken in this note is ~~correct~~.
Correct.

Thun
23/12/11
U.P.A.
28/12/11

G.O. 536 Finl.
27-10-11

note 4 to Rule 1

U

Then see the rule — Note 4 to Rule I. In the cases mentioned by the Secy dtd M. on p.2. ante, the best course would appear to ask the D.P.I. whether in his opinion, (it is this opinion which is required under the rule), Mr. Mackintosh is likely to be employed for 3 years in the dept. If his reply is in the affirmative there seems no necessity for any reference to India, and Mr. Mackintosh may be permitted to subscribe to the General Provident Fund at once. The A.G. may be asked, also, if he agrees with this view.

R.
27.12.11

12.1

CS.

Encl. U.O. No 6637/11
8-1-12

Accl: Genl (no).

I agree with ^{the} view expressed by Mr: Reilly above.

W. S. March
12/1/12

Offg: A. G.



aqno 203
12.1.1912.

The Chief Secretary to Government,
Financial Department U.O.

Finl dept.

Submitted that the file may be returned to Educational with the remarks that, if the D. O. I considers that Mr. Mackintosh is likely to be employed for at least 3 years in the Dept., there is no objection to his being permitted to subscribe to the General Provident Fund at once under Note 4 to Rule I of the Provident Fund rules.

Thru
16/1/12.

W.P.A.
16/1/12

18.1.12

25.1

C.S.

Ed. no

Educational Dept.

The D.P.I. may be asked to state whether Mr. Mackintosh is likely to be employed for at least three years in the Educl. Dept.

For please as the rule requires the specific opinion of the head of the Department. I think Mr. Borne may disregard the prospect of Mr. Mackintosh's transfer & and the province & give his opinion on the assumption that he will remain in Madras.

LD
30/1/12

D.P.I. no.



vide p. 4 ante.

Printed in G.O. 536 Finl
27/27. 10. 11

Finl. U. 5.6637-2
25-1-12

Ld no 3160-2

Desd 30. 1. 12
30/1/12

Dec. 12 20 8 1-2-12

It is likely that Mr Mackintosh
will remain in the Indian Educational
Service in this or some other
province for more than 3 years

Agd. 31.1.12

For orders as to whether an order
may issue to the D.P.I. Stating that
under rule 4 to rule 1 of the General
Provident Fund Rules Mr Mackintosh
is eligible to subscribe to the General
Provident Fund. Even if Mr Mackintosh
does not go to Nagpur, he will in all
probability continue here for three
years.

Re
2.2.12 Do Financial object to the proposal.
- in the D.P.I.'s opinion. He means
that if Mr Mackintosh is not transferred he
is likely to be employed in Madras for
more than three years.

CURRENT NO.
693
FINANCIAL

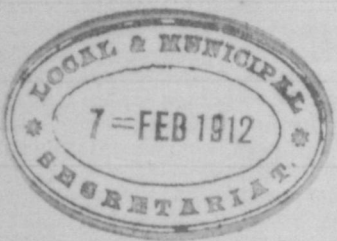
Rev 32
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The qualification in the D.P.I.'s opinion
as explained by the Secy & M. is accepted
in the.

C.A.
12.12



Sl no 3160-3
3.2.12
Best 7/19
3.2.12



Final. G. M. 693-1
6-2-12

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U

A draft is submitted for approval. Under G.O. no 536 Fin^d of 27.10.11, the A.G. may admit W Macdonald to the benefits of the General Provident Fund on the authority of a Certificate from the D.P.I.

Re

7.2.12.

Secy's remarks on the draft

"I cannot find C 3160. Please fill this in + flag. I am not clear upon what peg the draft is hung."

L.D. 8.2.12.

M

Reference is solicited to the Secy's note at the end of page 11 of the notes connected with G.O. no 843 of 30.11.11 in which Secy ordered "Issue despatch & then take up the 'Provident fund business' which was referred to by the D.P.I. on page 5 of the same notes. A note on the subject was accordingly submitted & this was sent to Fin U.O. on 20.12.11 and rising ^{being given it} with Cus. 3160 - please see page 2 ante (Flag F). There is thus no current on which this order is based but it is with reference

K.K.

to the D.P.I.'s U.O. note recommending
that W MacKintosh should be admitted
to the benefits of the provident fund

Rg

8.2.12.

✓
D
9.11.

191

77 77 77 77 77 77 77 77 191

191

Miss

No. 119, dated 10. 2. 1912

The request to the
Admission of Mr J. K.
MacKintosh, as additional
Professor of English, Presidency
College, to the benefits of
the General Provident Fund,
the D.P.D. is referred to note 4
to rule 1 of the rules regulating
the fund contained in G.O. no
536 Fndy 27.10.11 Comm^d with
Estt no 2835-1 Estd 17.11.11.
Under ^{this rule} ~~rule~~ Mr MacKintosh
is eligible to subscribe to the
fund if he is, in the opinion of
the D.P.D., likely to be employed

Leest. 7/10
4-212
U

for at least three years.

Re
7.2.12.

9
9.2.12

[Signature]

To the S.P.D. ✓
" Fulham ✓
" S.E. Dept
12/2/12

When given for copying _____ }
When copied _____ } 191
When examined _____ }
When signed _____ }

READ AGAIN G.O., No. _____ , DATED
191 .

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT.

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy Heading only.