

Government of Madras.

EDUCATIONAL DEPARTMENT

Recd.

Regd.

1912.

Enclosures

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169
G.O. No. 368. 30th April 1912.

DESPATCHED

Indian Educational Service.

Directing that the Secretary of State be addressed on the subject of the terms upon which temporary members of the — should be engaged and on the subject of the retention of Mr. Mackintosh in this Presidency.

BACK PAPERS.

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

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G.O. No. 368, 30th April 1912.

Indian Educational Service.

Directing that the Secretary of State be addressed on the subject of the terms upon which temporary members of the — should be engaged and on the subject of the retention of Mr. Mackintosh in this Presidency.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following paper:—

G.O. No. 816, Educational, dated 20th November 1911.

Read—the following papers:—

(i)

G.O. No. 444, Educational, dated 6th July 1911.

ABSTRACT.—Appointing Mr. Richard William Ross to act as Vice-Principal of the Teachers' College, Saidapet, in the Indian Educational Service *vice* Mr. H. Champion on other duty or until further orders.

(ii)

G.O. No. 524, Educational, dated 1st August 1911.

ABSTRACT.—Informing the Secretary of State that Mr. R. W. Ross has been appointed to act as Vice-Principal of the Teachers' College, Saidapet, and requesting him to send out two more officers to act for officers of the Indian Educational Service proceeding on leave.

Order—No. 816, Educational, dated 20th November 1911.

The Accountant-General will be informed that Mr. Ross was appointed to act as Vice-Principal of the Teachers' College with the knowledge of the Secretary of State and he will be requested to pass Mr. Ross's pay at Rs. 500 *per mensem*, pending the execution of a formal agreement.

2. The following telegram will be despatched to the Secretary of State:—

“Your telegram, dated 11th April, and our telegram dated 1st August. Ross has been appointed to act as Vice-Principal, Teachers' College. Please send as soon as possible form of agreement.”

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Accountant-General } (paragraph 1 only).
,, Director of Public Instruction }

Order—No. 368, Educational, dated 30th April 1912.

The Secretary of State will be addressed.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

3/3

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

No. 369.

From

T. E. MOIR, Esq., I.C.S.,

Acting Secretary to the Government of Madras,

Educational Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

DEPARTMENT OF EDUCATION.

Dated Ootacamund, the 30th April 1912.

SIR,

I am directed to submit, for the information of the Government of India, a copy of this Government's Despatch No. 1, dated 30th April 1912, to the Secretary of State on the subject of the salary of temporary members of the Indian Educational Service. The general recommendation made therein arises out of correspondence relating to the engagement of Messrs. Ross and Mackintosh.

I have the honour to be,

Sir,

Your most obedient servant,

T. E. MOIR,
Ag. Secretary to Government.

OOTACAMUND.

EDUCATIONAL (1912) DEPARTMENT.

(COPY).

Letter to the Right Honourable the Secretary of State
for India.

No. 1, dated 30th April 1912.

RECOMMENDING that temporary members of the Indian Educational Service should be permitted to draw increments of pay with effect from the date on which they first joined duty in India.

EDUCATIONAL DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD MARQUIS,

We have the honour to address your Lordship on the general subject of the terms upon which temporary members of the Indian Educational Service should be engaged.

2. The rules which at present govern the subject are to be found in Lord George Hamilton's Despatch No. 143-Public, Educational, dated 25th October 1901, according to which the salary offered during temporary service is Rs. 500 *per mensem*, and the only additional inducement put forward is the prospect of future selection for a permanent appointment in the event of the service being thoroughly approved. In the agreements governing recent cases, *e.g.*, those of Messrs. Melville, Whitworth and Ross, it is expressly provided that subsequent confirmation in the Indian Educational Service shall entitle the officer confirmed to count as service towards leave and pension the entire period of his temporary employment prior to confirmation. There can, we submit, be no doubt as to the expedience of making this concession general.

3. We are advised further by our Director of Public Instruction, in whose views we entirely concur, that if the system of importing temporary officers with a view to their ultimate confirmation in the department is to work satisfactorily and without friction, such officers should also be permitted to draw increments of pay with effect from the date upon which they first joined temporary duty in India. In other words, we consider that, if their service is approved, it should count towards increments as well as towards leave and pension. In the absence of an explicit stipulation to this effect the case is governed by article 156 of the Civil Service Regulations, under which an officer who is for the first time appointed substantively to an appointment on progressive pay begins with the minimum pay of the appointment.

4. If your Lordship accepts this recommendation, we would ask that it should be applied to the cases of Messrs. Mackintosh, Whitworth, Melville and Ross, who joined their duties in India respectively on—

- (i) 2nd January 1911;
- (ii) 4th November 1911;
- (iii) 4th November 1911; and
- (iv) 30th September 1911.

Pending decision of the question now raised we have not obtained Mr. Ross' signature to the agreement received with Mr. Seton's letter No. J. & P. 4610, dated 29th December 1911.

In regard to Mr. Mackintosh a separate recommendation substantially to the same effect has already been made in our Despatch No. 3, Educational, dated 30th November 1911.

We have the honour to be,
My Lord Marquis,
Your Lordship's most obedient, humble servants,

M. HAMMICK.
J. N. ATKINSON.
P. S. SIVASWAMI AIYAR.
HAROLD STUART.

OOTACAMUND,
30th April 1912.

OOTACAMUND.

EDUCATIONAL (1912) DEPARTMENT.

(COPY).

Letter to the Right Honourable the Secretary of State
for India.

No. 2, dated 30th April 1912.

STATING that the Madras Government are most anxious to retain Mr. Mackintosh's services.

EDUCATIONAL DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD MARQUIS,

We have the honour to acknowledge the receipt of your Lordship's telegram J. & P. No. 4934/11, dated 21st December 1911, regarding the retention of Mr. Mackintosh as a temporary member of the Indian Educational Service in this Presidency. It is not possible at the present moment to say exactly when the next permanent vacancy in that service will occur, but there is some prospect of such a vacancy in or about March 1913.

With regard to Mr. Mackintosh's posting as permanent Professor of English at Nagpur and to a subsequent offer of permanent employment at Rangoon we have informed the Government of India, after consulting Mr. Mackintosh, that he is keenly interested in a newly introduced course of advanced study of English forming the subject of an Honours examination of the University of Madras and that we are most anxious to retain his services in this Presidency, a decision to which he himself does not demur. These circumstances, your Lordship will observe, constitute a special reason for the application to his case of the improved terms of service recommended in our despatch No. 1 of this date.

We have the honour to be,

My Lord Marquis,

Your Lordship's most obedient, humble servants,

M. HAMMICK.

J. N. ATKINSON.

P. S. SIVASWAMI AIYAR.

HAROLD STUART.

OOTACAMUND,
30th April 1912.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. Nos. 368, 369, EDUCATIONAL,
DATED 30TH APRIL 1912.

[SUBJECT.—*Agreement of Mr. R. W. Ross, Acting Vice-Principal of the Teachers' College.*]

Previous papers :

<i>G.O. No. 765, Educational, dated 18th December 1901.</i>			
<i>Despatch</i>	<i>"</i>	<i>4</i>	<i>"</i> <i>16th November 1910.</i>
<i>G.O.</i>	<i>"</i>	<i>45</i>	<i>"</i> <i>25th January 1911.</i>
<i>Despatch</i>	<i>"</i>	<i>1</i>	<i>"</i> <i>20th March "</i>
<i>G.O.</i>	<i>"</i>	<i>444</i>	<i>"</i> <i>6th July "</i>
<i>"</i>	<i>"</i>	<i>524</i>	<i>"</i> <i>1st August "</i>
<i>"</i>	<i>"</i>	<i>742</i>	<i>"</i> <i>26th October "</i>
<i>"</i>	<i>"</i>	<i>831</i>	<i>"</i> <i>24th November "</i>
<i>"</i>	<i>"</i>	<i>16</i>	<i>"</i> <i>11th January 1912.</i>

*Telephonic message—from the Director of Public Instruction.
To—the Secretary to Government, Educational Department.
Dated—the 11th November 1911.*

Please let me know whether you have any agreement or other authority which will enable Mr. Ross, Acting Vice-Principal at Saidapet, to draw pay.
The Accountant-General refuses to pay his salary.

EDUCATIONAL DEPARTMENT.

Please see the telegram from the Secretary of State, dated 11th April 1911, on page 3 of G.O. No. 444, Educational, dated 6th July 1911. In that telegram the Secretary of State stated that he would appoint Mr. Ross to act as a Circle Inspector, if recommended by this Government.

2. In their telegram, dated 27th June 1911 (*vide* page 43 of G.O. No. 444, Educational, dated 6th July 1911) this Government recommended the appointment of Mr. Ross as acting Vice-Principal of the Teachers' College, Saidapet. Subsequently in telegram, dated 1st August 1911, the Secretary of State was informed that Mr. Ross had been appointed to act as Vice-Principal of the Teachers' College and he was requested to send out two officers—one to act as a Circle Inspector and the other to act as Inspector of European and Training schools. In accordance with this request, the Secretary of State has sent two officers—Messrs. Melville and Whitworth—with the necessary agreements, but has not forwarded any agreement to be executed by Mr. Ross.

3. The Accountant-General refuses to pass Mr. Ross's pay apparently on the ground that no agreement has yet been executed. The Accountant-General may be told that

This, I think, is the correct course. Mr. Ross ought to have a regular agreement, I presume.

L. DAVIDSON—13-11-11.

Mr. Ross has been appointed with the knowledge of the Secretary of State and he may be requested to pass Mr. Ross's pay pending the execution of a formal agreement, and the Secretary of State may be requested by telegram to send the agreement to be executed by Mr. Ross as early as possible.

T.K.—11-11-11.

R. SUNDARAM AIYAR—11-11-11.

Yes. In Mr. Dodwell's case apparently an agreement was sent out from London; the same will be done here no doubt.

M. H[AMMICK]—16-11-11.

A draft order including a draft telegram to the Secretary of State is submitted for approval.

T.K.—18-11-11.

L. DAVIDSON—20-11-11.

[G.O. No. 816, Educational, dated 20th November 1911.]

Letter—from M. C. SETON, Esq., Secretary, Judicial and Public Department, India Office.

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

Dated—Whitehall, London, S.W., the 29th December 1911.

No.—J. & P. 4610.

With reference to the telegram from the Government of Madras, dated 20th November, I forward in triplicate, for signature by Mr. R. W. Ross, an agreement embodying the terms of his appointment as temporary Vice-Principal of the Teachers' College, Saidapet. One copy of the agreement should be returned to this office after signature.

It was not clear from the papers before the Secretary of State what salary it was intended that Mr. Ross should draw in the event of his holding the appointment for more than one year, and clause 3 of the agreement has therefore been framed in general terms. I should be glad if, in returning the copy of the agreement which is to be kept on record in this office, you would be so good as to state what salary Mr. Ross will draw after the first year of his service, i.e., whether he is to remain on Rs. 500 a

month, the usual salary of officers appointed temporarily from England,* or whether it is proposed that he should be eligible

* See Lord George Hamilton's despatch No. 143, Educational, dated 25th October 1901.

for the same pay as an officer permanently appointed to the post, viz., Rs. 500—50—750 a month. It would also be convenient if the date on which Mr. Ross entered upon the performance of his duties could be reported to this office.

EDUCATIONAL DEPARTMENT

The agreement may be sent to the Director of Public Instruction, who may be requested to get it signed by Mr. Ross and after handing over one of the parts to Mr. Ross to return the other parts to Government.

2. Attention is invited to the second paragraph of the letter from the India Office. In clause 3 of the agreement it is stated that Government will pay Mr. Ross, so long as he shall remain in the service and actually perform his duties, a salary at the rate of Rs. 500 *per mensem* for the first year of his service and, if he shall remain in the service

beyond that period, a salary at the rate prescribed by the regulations. By the regulations are apparently meant the Civil Service Regulations and they do not prescribe any rate of salaries for temporary officers in the Indian Educational Service. The effect of the mention of "a salary at the rate prescribed by the regulations" would be an application from Mr. Ross for an increase of salary at the end of the first year of his service. It would have been well if the clause had ended with the words "Rs. 500 *per mensem*" as in the agreement with Mr. Mackintosh—please see clause 5 of the agreement on page 6 of G.O. No. 45, Educational, dated 25th January 1911. The India Office wants to be informed what salary Mr. Ross will draw after the first

year of his service. The case of Mr. Ross is similar to that of Mr. Mackintosh to whom the Secretary of State has recently declined to sanction an increased rate of salary during the second year of his service. Mr. Ross' case should therefore be bound by the decision in Mr. Mackintosh's case and he should not be allowed more than Rs. 500 *per mensem* should he remain in the service beyond the first year. A reply on these lines may be sent to the

On what paper is this statement based.

L. DAVIDSON—24-1-12.

Based on the Secretary of State's telegram, dated 21st December 1911, on page 9 of G.O. No. 16, Educational, dated 11th January 1912.

T.K.

India Office when returning the third part of the agreement.

3. The draft below is for approval.

T.K.—22-1-12.

It is submitted that the Accountant-General may first be asked u.o. to what salary Mr. Ross will be entitled under the provisions of the Civil Service Regulations after one year's service as an acting officer of the Indian Educational Service. If the Accountant-General states that Mr. Ross may draw an increment, then the agreement will have to be modified if Mr. Ross's salary is to be limited to Rs. 500. The point may be made clear before the agreement is sent to the Director of Public Instruction.

R. SUNDARAM AIYAR—22-1-12.

Dr. Bourne's view, I understand, is that Mr. Ross ought to get an increment at the end of his first year's service; but if he gets it, other officers in a similar position should be treated in the same way or there is sure to be discontent.

Please ask the Accountant-General u.o. how he would construe the expression "a salary at the rate prescribed by the regulations" in clause 3.

L. DAVIDSON—24-1-12.

To the Accountant-General.

ACCOUNTANT-GENERAL'S OFFICE.

The regulations applying to such appointments are the Civil Service Regulations and the Secretary of State's despatch No. 143, Public (Educational), dated 25th October 1901. Under the terms of this despatch the salary is Rs. 500 *per mensem* and the term of appointment "not less than a university year". In my opinion, therefore, Mr. Ross cannot get more than Rs. 500 *per mensem* during his temporary tenure of the appointment, i.e., until he is appointed substantively to fill the post. If the orders in this despatch were non-existent, his salary would be calculated under articles 144 and 96 of the Civil Service Regulations. Even if he were appointed substantively to fill the appointment, he could not, under the provisions of article 156 (a) of the Civil Service Regulations, get any increment till twelve months after the date of his substantive appointment.

A. NEWMARCH—30-1-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The Secretary of State's despatch referred to by the Accountant-General applies ordinarily to engagements of short duration and its applicability to engagements extending over two or more years is doubtful. This is evident from the fact that India Office itself refers to the despatch and raises the question whether Mr. Ross should be eligible for the same pay as an officer permanently appointed to the Indian Educational Service. Submitted that the question of the pay which should be allowed to Mr. Ross during his temporary tenure of the appointment should be decided by Government and that Mr. Ross should be informed of it before he signs the agreement.

T.K.—2-2-12.

The Accountant-General's view seems to be correct. The Secretary of State's despatch No. 143, Public, dated 25th October 1901, refers to temporary vacancies of "not less than a University year (of about nine months)." During the temporary period, therefore, whatever its duration, the salary should, it is submitted, be limited to Rs. 500 a month. If this is approved, clause 3 of the agreement should be modified by the omission of the words after "*per mensem*" in the fourth line with the approval of the Secretary of State.

R. SUNDARAM AIYAR—2-2-12.

I think the Director of Public Instruction ought to see these papers before we go any further. Mr. Ross may have had some qualified assurance as to increments prior to confirmation. The Accountant-General's ruling is no doubt correct.

L. DAVIDSON—7-2-12.

To the Director of Public Instruction.

DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

Mr. Stone said "the appointment carries with it a free house at Saidapet and Rs. 500 a month to start with with good prospects of confirmation if your work were approved."

2. This is fairly non-committal, but if this system of getting temporary men to become permanent later on is to work without friction, there ought to be some system by which they can draw Rs. 500—550—600, etc., in successive years, and I doubt whether the wording of the Secretary of State's telegram can be taken as a refusal to entertain such a system, especially in the face of the agreement which has been sent out duly executed by the Council.

3. It is of course clear that this needs modification. The only question is what that modification should be.

A. G. BOURNE—7-2-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

It has now to be decided whether clause 3 of the agreement should be modified or if the agreement may be signed as it is.

T.K.—9-2-12.

As the agreement now stands, the Accountant-General will not allow more than Rs. 500 *per mensem* as long as Mr. Ross continues to be an acting member of the service. If, therefore, he is to be allowed his increments as suggested by Dr. Bourne, clause 3 of the agreement will have to be modified with the approval of the Secretary of State. Orders are requested as to what salary should be allowed after the first year of service.

2. If increments are to be allowed, the fifth and sixth lines of clause 3 of the agreement may be altered thus—

"and Rs. 550 *per mensem* for the second year rising by annual increments of Rs. 50 to Rs. 750 *per mensem*."

3. If increments are not to be allowed, the words after *per mensem* in the fourth line may be omitted to avoid any doubt in the matter.

R. SUNDARAM AIYAR—9-2-12.

I agree with Dr. Bourne that there ought to be some system by which these temporary officers can draw increments as from the date of original entertainment.

The Secretary of State has given a lead in this case and clearly will not object to Mr. Ross' being given increments in the second and successive years of temporary employment. Both he and (I think) Mr. Mackintosh and other temporary officers ought to be treated in exactly the same way. Educational Superintendent will please examine briefly each case in issue, putting up the agreement concerned. After Financial has seen, the case should go to the Honourable Member with a recommendation to make a general reference to the Secretary of State. Meanwhile we cannot issue Mr. Ross' agreement until the Secretary of State has passed orders on the reference, I fear.

L. DAVIDSON—12-2-12.

The cases which should be examined are those of Messrs. Mackintosh (acting additional Professor of English, Presidency College), Melville (acting Inspector of European and Training Schools) and Whitworth (acting Headmaster, Central High School, Mercara).

2. Mr. Mackintosh.—His agreement is printed with G.O. No. 45, Educational, dated 25th January 1911. He was entertained for a fixed period till the 31st December 1911, on a salary of Rs. 500 *per mensem* "so long as he shall remain in the said service and actually perform his duties." Subsequently, when his continuance beyond the above date was recommended, the Secretary of State said that, pending the question of Mr. Mackintosh's permanent appointment, he might be retained on the conditions detailed in his present agreement, namely, Rs. 500 *per mensem*.

3. Mr. Melville has been engaged for a term of *not less than twelve months* and his salary has been fixed at Rs. 500 *per mensem* "so long as he shall remain in the said service and actually perform his duties."

4. Mr. Whitworth's engagement is for an indefinite period (until he shall receive notice of the termination of the period of his appointment) and his salary also has been fixed at Rs. 500 *per mensem* "so long as he shall remain in the said service and actually perform his duties."

5. It will thus be seen that none of the above three officers can claim more than Rs. 500 *per mensem* as long as they continue to be temporary members of the Indian Educational Service.

A 6. If therefore Mr. Ross is to be allowed his increment after the first year of his service, the same concession should be extended to the other three officers also.

R. SUNDARAM AIYAR—12-2-12.

A Yes. I think they should all get increments and if they are confirmed without C break should count service from date of first entertainment.

L. DAVIDSON—13-2-12.

To the Financial Department before circulation to the Honourable Member.

FINANCIAL DEPARTMENT.

The India Office asks to be informed of the salary intended to be given to Mr. Ross, acting Vice-Principal of the Teachers' College, Saidapet, after one year's service. The India Office states that this point is not clear from the papers before the Secretary of State. It appears, therefore, desirable to examine in the first instance the circumstances under which the appointment of Mr. Ross was made. They are briefly set out below.

2. For a temporary vacancy of the Vice-Principalship of the Teachers' College, Saidapet, during last year, the Secretary of State was addressed to recruit an officer from England. The despatch stated that the vacancy was only temporary, that the pay of the post was Rs. 500—50—750, but that there was a strong probability of the selected candidate being made permanent. The India Office in reply to the despatch forwarded copy of correspondence with the Board of Education from which it will be seen that modified proposals were called for, as no suitable candidate who would satisfy the requirements of the post was available for the salary offered. This Government, however, decided thereon to appoint Mr. Ross to the appointment in question, whose name had already been suggested by the Secretary of State in connection with a temporary Inspector's post. A recommendation was accordingly made to the Secretary of State, and the appointment of Mr. Ross was subsequently made by this Government, intimation of the same being made to the Secretary of State.

Despatch No. 1, Educational, dated 20th March 1911.

Pages 20—26 of G.O. No. 444, Educational, dated 6th July 1911.

Telegram on page 28 of Government Order *ibid.*

Honourable Member's note, dated 22nd June 1911, on page 33 of G.O. No. 444, Educational, dated 6th July 1911.

Telegram, dated 27th June 1911, on page 43 of Government Order *ibid.*

G.O. No. 444, Educational, 6th July 1911.

Telegram, dated 1st August 1911, on page 7 of G.O. Nos. 524-25, Educational, dated 1st August 1911.

The papers before the Secretary of State regarding the appointment of Mr. Ross were:—

(1) Despatch No. 1, Educational, dated 20th March 1911.

(2) Telegram, dated 27th June 1911, on page 43 of G.O. No. 444, Educational, dated 6th July 1911.

(3) Telegram, dated 1st August 1911, on page 7 of G.O. Nos. 524-25, Educational, dated 1st August 1911, and confirmatory letter.

3. It will be seen from the above that the question of salary admissible during the temporary period was not definitely stated in any of the papers before the Secretary of State, as is usually the case with regard to such temporary appointments. Generally the terms of the appointment as given in the Secretary of State's despatch No. 143, Public (Educational), dated 25th October 1901, used to be mentioned. The salary admissible under this despatch is only Rs. 500 *per mensem* throughout the period of temporary service. In this case, however, no such mention was made, but this Government have not been committed to pay anything more than Rs. 500 *per mensem* for the period of temporary service of Mr. Ross, as will be seen from the first paragraph of Dr. Bourne's u.o. note, dated 7th February 1912, on page 4 *ante*. It would appear therefore that, while the Secretary of State was left in doubt as to the salary proposed to be given to Mr. Ross, the intention was not to pay anything more than Rs. 500 *per mensem* during the period of temporary service.

For instance please see paragraph 4 of despatch No. 4, Educational, dated 16th November 1910.

Page 3 of G.O. No. 765, Educational, dated 18th December 1901.

4. The object of the present reference from the India Office would appear therefore to be to see that the Local Government's hands are not tied by any general restriction made by the Secretary of State, in case this Government had offered to pay more than Rs. 500, rather than to support the higher rate of pay for the second year of temporary service as a matter of course in the particular case. It would appear from the terms of clause 3 of the agreement that the Secretary of State does not want to pay anything more than that admissible under the rules. As pointed out by the Accountant-General the rules admit of only Rs. 500 during the temporary period. If, however, an exception is considered necessary, there is no objection, as the Secretary of State could sanction the higher rate of pay in the particular case. But the point is, this step will create discontent among other officers * similarly circumstanced in whose case it does not appear that the Secretary of State would be prepared to extend the concession as a matter of course, in the face of his despatch No. 143, Public, (Educational), dated 25th October 1901, which fixes the salary of such officers at Rs. 500 *per mensem* during the period of temporary service. In the circumstances the point is submitted for orders.

* Messrs. Melville, Whitworth and Mackintosh.

Page 3 of G.O. No. 765, Educational, dated 18th December 1901.

5. As regards the other proposal that the temporary and officiating service of the three other officers similarly circumstanced should count towards leave and pension in case they continue to serve Government, it is submitted that the agreements of Messrs. Melville * and Whitworth † already provide for the same, while the agreement of Mr. Mackintosh ‡ is silent on the point. In the absence of any such specific provision in the agreement, Mr. Mackintosh cannot count his temporary service towards leave and pension.

* Clause 10 of the agreement on page 3 of G.O. No. 831, Educational, dated 24th November 1911.

† Clause 10 of the agreement on page 8 of G.O. No. 742, Educational, dated 26th October 1911.

‡ Pages 5 and 6 of G.O. No. 45, Educational, dated 25th January 1911.

In connection with the further retention of Mr. Mackintosh, this Government recommended to the Secretary of State the insertion of such a provision in his agreement, but the Secretary of State allowed him to be retained on the existing terms till a permanent vacancy occurs. In the circumstances it does not appear likely that the Secretary of State will now agree to an insertion of such a clause in the case of Mr. Mackintosh.

T.C.N.—20-2-12.

S.D.S.—20-2-12.

C. REILLY—21-2-12.

This department will not object to the Secretary of State being asked to agree to the insertion of a clause about service counting for pension in the case of Mr. Mackintosh.

H. A. STUART—22-2-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The file may now be submitted to the Honourable Member for orders.

2. Reference is solicited to the Secretary's remarks at B and C on page 5 *ante*.

T.K.—26-2-12.

R. SUNDARAM AIYAR—26-2-12.

L. DAVIDSON—27-2-12.

I think we may ask the Secretary of State to grant the rise in pay after first year's service as proposed. I would also ask that in all these cases if an officer is confirmed, he should count service from time of appointment. Mr. Mackintosh's case seems to have been treated exceptionally.

I suppose a copy of any despatch we send must go to India as it deals with a matter affecting the arrangements elsewhere.

M. H[AMMICK]—28-2-12.

Two drafts are submitted for approval.

2. In regard to Mr. Mackintosh's being allowed to count service towards leave and pension from the date of his first appointment if he is eventually confirmed, it is submitted that a recommendation to this effect was made in this Government's despatch No. 3, Educational, dated 30th November 1911: but Mr. Mackintosh has been allowed to continue here on the conditions contained in his present agreement. A despatch has to go to the Secretary of State in reply to his telegram regarding Mr. Mackintosh and the concession of allowing Mr. Mackintosh to count his previous service may be again urged in that despatch.

R. SUNDARAM AIYAR—8-3-12.

Will Honourable Member kindly say whether the accompanying drafts correctly represent his views as regards—

- (a) the case of Mr. Mackintosh;
- (b) the case of Mr. Ross; and
- (c) the general question of the terms upon which temporary members of the Indian Educational Service should be engaged?

With regard to the vacancy which might possibly arise in March 1913, I understand from conversation with Dr. Bourne that Mr. Melville may possibly be considered to have prior claims to Mr. Mackintosh in virtue of his previous service in the English Educational Department. It seems better, however, not to take up this matter at the present juncture.

L. DAVIDSON—15-3-12.

I agree to the drafts.

M. H[AMMICK]—16-3-12.

To the Financial u.o. before issue.

L. DAVIDSON—18-3-12.

FINANCIAL DEPARTMENT.

Paragraph 3 of Draft Despatch (No. 1, dated 30th April 1912) last sentence.—

[* The instance has not been specified in the previous portion of the draft.] The portion "i.e., in this instance" Rs. 500 in the scale of Rs. 500—50—750 is applicable only to the appointment of Vice-Principal, Teachers' College, Saidapet, the ordinary scale in the case of members of the Indian Educational Service being Rs. 500—50—1,000. As the question raised in the draft despatch is a general one and does not refer to the appointment of

Omission accepted in Educational.

L. DAVIDSON—28-3-12.

They should, of course, have been sent to Financial before going to Honourable Member.

H.A.S.

Mr. Ross alone, it is submitted that it appears to be necessary to omit the portion referred to.

2. The drafts which have been already approved by the Honourable Member may, it is submitted, be accepted, subject to the above slight modification.

C.P.K.—21-3-12.

P.G.—21-3-12.

C. REILLY—22-3-12.

H. A. STUART—22-3-12.

EDUCATIONAL DEPARTMENT.

The draft despatches should under recent † orders, I believe, be circulated to the other Members of Government. If I am not mistaken, please let this now be done before the despatches are fair copied.

† Submitted yes. Please see G.O. No. 448, Public, dated 4th May 1911.

C. RAMANUJACHARI—28-3-12.

2. I should be obliged if the Chief Secretary should be so good as to say under what rule or order it was incumbent on Educational to send these drafts to Financial before circulation to Honourable Member.

Rule 3 merely requires a second reference before issue. There had been a first reference on the 13th April.

There was further in this case the special circumstance that Honourable Member's note of the 28th February did not fully elucidate his intentions, and the draft was therefore a provisional disposal subject to correction by the Honourable Member if it misinterpreted his views.

L. DAVIDSON—28-3-12.

I approve of the drafts.

P. S. S[IVASWAMI AIYAR]—21-4-12.

I approve.

J. N. A[TKINSON]—22-4-12.

Issue and then to Financial.

T. E. MOIR—23-4-12.

Letter—from T. E. MOIR, Esq., I.C.S., Acting Secretary to the Government of Madras, Educational Department.

To—the Under Secretary of State for India, London.

Dated—Ootacamund, the 23rd April 1912.

No.—147-5.

In reply to Mr. Seton's letter J. & P. 4610, dated 29th December 1911, I am directed to say that the Government of Madras consider that Mr. R. W. Ross, who has been appointed as temporary Vice-Principal of the Teachers' College at Saidapet, should be permitted to draw an increment of Rs. 50 *per mensem* in the event of his holding the appointment for more than one year and similar increments for each successive year of temporary service up to a maximum of Rs. 750. This recommendation is based upon a consideration of the general question of the terms upon which temporary members of the Indian Educational Service should be engaged, a matter as to which a despatch is being separately addressed to the Secretary of State.

2. Mr. Ross entered upon the duties of his office on the 30th September 1911, but his signature to the agreement received with the letter under reply has not been obtained pending decision of the question whether clause 3 should not be modified so as to provide that he shall be eligible to draw annual increments during temporary service.

Fair copies of the despatches are placed below. They may be circulated to His Excellency the Governor and the Honourable Members for signature.

S.K.—26-4-12.

T.K.—26-4-12.

His Excellency and circulation.

T. E. MOIR—26-4-12.

[Despatches Nos. 1 and 2, Educational, dated 30th April 1912.]

[G.O. Nos. 368, 369, Educational, dated 30th April 1912.]

The despatches and letters have issued. The file may now be sent to the Financial Department u.o.

S.K.—3-5-12.

C. RAMANUJACHARI—3-5-12.

M. S. MARCARENHAS—4-5-12.

To the Financial Department.

FINANCIAL DEPARTMENT.

The case is now sent to this department with reference to the remarks at K on page 8 *ante*. It is respectfully submitted that the remarks * made by the Chief Secretary

* Written by the Hon'ble Sir Harold Stuart as Chief Secretary on page 8 *ante* have apparently been made with reference to rule 3 of the rules regulating inter-departmental

references read with Rule 9 (a) of the Rules for the Conduct of Business in

Council, according to which a case which has to go to another department for acceptance should, except in cases of extreme urgency, be sent to the departments concerned before circulation in order that the Honourable Members may have before them the remarks of all the departments concerned prior to passing orders. The intention of the rules is therefore defeated, it is submitted, by the procedure adopted

[Please see in this connection paragraph 2 of note, dated 27th June 1911, on page 29 of Notes to G.O. No. 424, Educational, dated 1st July 1911.]

by Educational in sending the present case to Financial after it was submitted to the Honourable Member.

C.P.K.—8-5-12.

V.G.K.—8-5-12.

Submitted with reference to Honourable Member's (as Chief Secretary) marginal remark on page 8 *ante* and Mr. Davidson's comments thereon on page 8 *ante*.

C. REILLY—9-5-12.

The matter need not be further pursued.

A. G. CARDEW—10-5-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

T. E. MOIR—15-5-12.

Educational Department.

368 of 30. 4. 12 18
order. The Secretary of State will be addressed.

Letter. No 1 of 30. 4. 12

The Right Hon'ble the Secretary of State
for India in Council,
London.

My Lord,

We have the honour to address your Lordship on the general subject of the terms upon which temporary members of the Indian Educational Service should be engaged.

2. The rules which at present govern the subject are to be found in Lord George Hamilton's Despatch No. 143 Public-Educational, dated 28th October 1901, according to which the salary offered during temporary service is Rs. 500 per mensem and the only additional inducement put forward is the prospect of future selection for a permanent appointment in the event of the service being thoroughly approved. In the agreements ^{governing} ~~governing~~ ~~governing~~ in recent cases, e.g., those of Rogers, Melville, Whitworth and Ross, it is expressly provided that subsequent confirmation in the Indian Educational Service shall entitle the officer confirmed to count as service towards leave and pension the entire period of his temporary employment prior to confirmation. There can, we submit, be no doubt as to the expedience of making this concession general.

3. We are advised further by our Director of Public Instruction, ⁱⁿ whose views we

entirely

Page 3 of 10. no. 76528 N.
18.12.01

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25 of 14

Pays 5-6 8
notes.
+ page 14 of notes.

entirely concur, that if the system of importing temporary officers with a view to their ultimate confirmation in the Department is to work satisfactorily and -- without friction, such officers should also be permitted to draw increments of pay with effect from the date upon which they first joined temporary duty in India. In other words, we consider that if their service is approved, it should count towards increments as well as towards leave and pension. In the absence of an explicit stipulation to this effect the case is governed by article 156 of the Civil Service Regulations, under which an officer who is for the first time appointed substantively to an appointment on progressive pay begins with the minimum pay of the appointment. £2,000 in this instance £2,000 in the scale of Rs. 500-800-1,200.

4. If your Lordship accepts this recommendation, we would ask that it should be applied ~~to the cases of Messrs. Mackintosh, Whitworth, Melville and Ross, who joined their duties in India respectively on~~

- (i) 2nd January 1911
- (ii) 4th November 1911
- (iii) 4th November 1911 and
- (iv) 30th September 1911

We have not obtained ^{Mr. Ross'} signature to the agreement received with Mr. Seton's letter No. J & P. 4610 dated 29th December 1911.

In regard to Mr. Mackintosh a -- separate recommendation substantially to the

The information has been called for from the D.P.D. office.
Re

Pending decision of the
Government now revised

pages 1-2
CT

26

4

27 5 28/

E

the same effect has already been made
in our Despatch No. 3 Educational dated 5
30th November 1911.

J
15.3.11

48

29

C

The Right Hon'ble the Secretary of State
for India in Council.

Page 9 of 25 in ao 1628 - P
11-1-12

~~11~~
 16th 12
 despd by the
 mail of 2nd
 May '912 thru
 Raders.

17th. This is substantially
his position, I think
f

improved
important

30

58

31

Page 3-5 ante,

improved terms of service recommended in
our despatch No. of this date.

We have etc.

8
15.3 1-

32

68
Educational Department.

8
33
19

Letter. No 369830. 4.12

To

The Secretary to the Govt., of India,
Department of Education.

Sir,

I am directed to submit for the
information of the Government of India a
copy of this Government's Despatch No.
dated 15.3.12 to the Secretary of State
on the subject of the salary of temporary
members of the Indian Educational Service.
The general recommendation made therein
arises out of correspondence relating to
the engagement of Messrs. Ross and
Macintosh.

I have etc.

J
15.3.12

15.3.12
despatch
1.5.12
328 p.p.s.
miscellaneous
despatch
2/5/12



Agreement

made the 24th day of
December One thousand nine
hundred and eleven Between Richard Williams Hess
of Madras of the first part and The Secretary of State for India
in Council of the second part

Whereas the Secretary of State for India in Council has engaged the
party of the first part to serve His Majesty in India as Temporary Vice Principal
of the Teachers College at Saidapet until he shall receive notice of the
termination of his appointment subject to the conditions and agreements
hereinafter contained.

Now these Presents witness and the said parties hereto respectively
agree as follows:-

1. That the party of the first part will report himself to the officers of Government
at Saidapet and will submit himself to the orders of the Government and of the
officers and authorities under whom he may from time to time be placed by the
Government and that he will at all times obey the rules prescribed for the time
being in the memorandum of information furnished to Candidates or otherwise
for the regulation of the branch of the public service to which he may belong.
2. That the party of the first part will devote his whole time to the duties of
the service and will not engage directly or indirectly in any trade business
or occupation on his own account and that he will not (except in case of
accident or sickness certified by competent medical authority) absent
himself from his said duties without having first obtained permission from
the Government or its authorised officers.
3. That from the date of the party of the first part entering on the performance
of his duties at Saidapet the Government will pay him so long as he shall
remain in the said service and actually perform his duties a salary at the
rate of Rupees Five hundred per mensem for the first year of his service
and if he shall remain in the service beyond that period a salary at the
rate prescribed by the regulations.
4. That the Government may at any time dispense with the service of the
party of the first part without notice in the event of misconduct on his part
or of a breach by him of any of the conditions herein specified.
5. That if the party of the first part shall continue to serve Government
under these presents after the performance of his temporary service ^{his service} commencing
from the date of his entering on the performance of his duties as aforesaid) he
shall count as service towards leave and pension under such rules as regards
leave and pension as may for the time being be applicable to his case. Provided
always that in case of any dispute as to the interpretation of any of the said
rules or otherwise relating in any way to them the decision of the Secretary
of State for India in Council shall be conclusive.

6. That no payments which may be made in Great Britain under these Awards the rate of exchange between England and India fixed from time to time by the Secretary of State for India in Council in communication with the Lords Commissioners of the Treasury shall be observed.

7. That the proceedings, letters and reports of the General Council of India in Council or of any of the Local Governments, and of all other the officers and agents of Government or any copies thereof or extracts therefrom which shall be sent officially to the Secretary of State for India in Council or to any officers or servants in the Indian Service of His Majesty in England or elsewhere in any way relating to the sum of money to be paid or allowed to the party of the first part or to his counsel or in any way relating to the premises shall be received as conclusive evidence of any matter therein contained in any action or in any legal proceedings by or between the parties to these awards or in any way relating thereto.

The witnesses whereof the party of the first part and *L. James Watson, M.B.S. & Co. Hindustani Corporation, M.B.S.* being two members of the Council of India have hereunto set their hands the day and year first above written.

Signed by the party of the first part in the presence of

Signed by the said two members of the Council of India in the presence of

Frank A. Drake
John W. H. H. H.

Wm. D. W.
W. D. W.

34

Dated 22nd December 1911

Education Department.

R. W. Ross Esq^{re}

Agreement

for
Service in India as a
Temporary Vice Principal of
the Teachers College at Saidapet.



Agreement

made the 12th day of

December One thousand nine

hundred and eleven Between Richard Williams Esq of Madras of the first part and The Secretary of State for India in Council of the second part

Whereas the Secretary of State for India in Council has engaged the party of the first part to give the University in India as temporary his Principal of the Madras College at Saidpet until he shall receive notice of the termination of his appointment subject to the conditions and agreements hereinafter contained.

Now these Records witness and the said parties hereto respectively agree as follows:-

1. That the party of the first part will report himself to the office of Government at Saidpet and will submit himself to the orders of the Government and of the officers and authorities under whom he may from time to time be placed by the Government and that he will at all times obey the rules prescribed for the time being in the memorandum of information furnished to Candidates or otherwise for the regulation of the Service of the Public Service to which he may belong.
2. That the party of the first part will devote his whole time to the duties of the Service and will not engage directly or indirectly in any trade business or occupation on his own account and that he will not (except in case of accident or sickness certified by competent medical authority) absent himself from his said duties without having first obtained permission from the Government at its authorized officers.
3. That from the date of the party of the first part entering on the performance of his duties at Saidpet the Government will pay him so long as he shall remain in the said Service and actually perform his duties a salary at the rate of Rs 500 per annum for the first year of his service and if he shall remain in the Service beyond that period a salary at the rate prescribed by the regulations.
4. That the Government may at any time dispense with the service of the party of the first part without notice in the event of misconduct on his part or of a breach by him of any of the conditions herein specified.
5. That if the party of the first part shall continue to serve Government under these terms after the termination of his temporary service commencing from the date of his entering on the performance of his duties as aforesaid) shall count as service towards leave and pension under such rules as regards leave and pension as may for the time being be applicable to his case. Should always that in case of any dispute as to the interpretation of any of the said rules or otherwise relating in any way to them the decision of the Secretary of State for India in Council shall be conclusive.

6. That no any payments which may be made in Great Britain under these presents the rate of exchange between England and India fixed from time to time by the Secretary of State for India in Council in communication with the Lords Commissioners of the Treasury shall be observed.

7. That the proceedings, letters and reports of the General Council of India in Council or of any of the Local Governments and of all others the officers and agents of Government or any copies thereof or extracts therefrom which shall be sent officially to the Secretary of State for India in Council or to any officers or servants in the Indian Service of His Majesty in England or elsewhere in any way relating to the sum of money to be paid or allowed to the party of the first part or to his conduct or in any way relating to the premises shall be received as conclusive evidence of any matter therein contained in any action or in any legal proceedings by or between the parties to these presents or in any way relating thereto.

In witness whereof the party of the first part and Sir James Thomson Bart & Sir Krishna Govinda Gupta, Bart, being two members of the Council of India have hereunto set their hands the day and year first above written.

Signed by the party of the first
part in the presence of

Signed by the said two members
of the Council of India in the
presence of

Wm R. Thacker
India Office

Thomson
Krishna

34

Dated 24th December 1911.

Education Department.

R. W. Ross Esq^r

Agreement

for
Service in India as a
Temporary Vice Principal of
the Teachers College at Saidapet.



Agreement

made the 2^d and day of

December One thousand nine

hundred and eleven Between Richard Williams Esqrs
of Madras of the first part and The Secretary of State for India
in Council of the second part

Whereas the Secretary of State for India in Council has engaged the
party of the first part to give the charge in India as temporary Vice-Chancellor
of the Teachers College at Serampore until he shall receive notice of the
termination of his appointment subject to the conditions and agreements
hereinafter contained.

Now these Presents witness and the said parties hereto respectively
agree as follows:-

1. That the party of the first part will report himself to the office of Government
at Serampore and will submit himself to the orders of the Government and of the
officers and authorities under whom he may from time to time be placed by the
Government and that he will at all times obey the rules prescribed for the time
being in the memorandum of instructions furnished to Candidates or otherwise
for the regulation of the Council of the Public Service to which he may belong.
2. That the party of the first part will devote his whole time to the duties of
the service and will not engage directly or indirectly in any trade business
or occupation on his own account and that he will not (except in case of
accident or sickness certified by competent medical authority) absent
himself from his said duties without having first obtained permission from
the Government or its authorized officers.
3. That from the date of the party of the first part entering on the performance
of his duties at Serampore the Government will pay him so long as he shall
remain in the said service and actually perform his duties a salary at the
rate of Rs. 2000 Two thousand per annum for the first year of his service
and if he shall remain in the service beyond that period a salary at the
rate prescribed by the regulations.
4. That the Government may at any time dispense with the service of the
party of the first part without notice in the event of misconduct on his part
or of a breach by him of any of the conditions herein specified.
5. That if the party of the first part shall continue to serve Government
under these presents after the termination of his temporary service ^{his service} commencing
from the date of his entering on the performance of his duties as aforesaid
shall count as service towards leave and pension under such rules as regards
leave and pension as may for the time being be applicable to his case. He shall
always stand in case of any dispute as to the interpretation of any of the aforesaid
rules or otherwise relating in any way to them the decision of the Secretary
of State for India in Council shall be conclusive.

6. That no payments which may be made in Great Britain under these presents the rate of exchange between England and India fixed from time to time by the Secretary of State for India in Council in communication with the Lords Commissioners of the Treasury shall be observed.

7. That the proceedings, letters and reports of the General Council of India in Council or of any of the Local Governments and of all other the officers and agents of Government or any officers thereof or extracts therefrom which shall be sent officially to the Secretary of State for India in Council or to any official or persons in the Indian Service or His Majesty in England or elsewhere in any way relating to the sums of money to be paid or allowed to the party of the first part or to his conduct or in any way relating to the premises shall be received as conclusive evidence of any matter therein contained in any action or in any legal proceedings by or between the parties to these presents or in any way relating thereto.

In witness whereof the party of the first part and Sir James Thomson Bart. & Sir John Lubbock Bart. being the members of the Council of India have hereunto set their hands the day and year first above written.

Signed by the party of the first
part in the presence of

Thomson

Reynolds

Signed by the said two members
of the Council of India in the
presence of

Frank A. Charles
India Office

34

Dated 22nd December 1941

Education Department.

R. W. Ross Esq^{re}

Agreement

for
Service in India as a
Temporary Vice Principal of
the Teachers College at Saidapet.

34

F. & L.
42.
1,500-10-8-08.

PRESS SLIP.

ORDINARY.

PREFERENCE.

URGENT (a).

EDUCATIONAL DEPARTMENT.
~~LEGISLATIVE~~

Current No., dated 190 ..

G.O., No. 368, dated 20 6 1902.

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

Docket. Indian Educational Service
Directing that the Secretaries
of State be addressed on the
subject of the terms up on
which they should be engaged
in the subject of the
in this Presidency

Number of copies required with stock off (not including
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(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(c) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

(d) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(e) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(f) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Deputy Registrar with a remark to that effect.

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(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

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* To be initialled and dated.

[P.T.O.]

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C
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has been carefully edited, (b) proof need
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number of copies as indicated.

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SK
1575712
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Clerk.

Clerk.

Supdt.

Supdt.

Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

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been printed. The rest of the G.O.
alone should now be printed.

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