

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1912.

Enclosures

Spare copies

G.O. No. 756, 20th August 1912.

Delegation of powers.

Empowering Superintending Engineers to sanction subject to certain conditions the exemption of unpassed candidates from the examination rules.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

G.O. No. 419, Educational, dated 15th July 1909.

ABSTRACT.—Declining to extend the present powers of Superintending Engineers to sanction temporary exemption of unpassed men from the examination rules under article 4 (5) of the Public Service Notification.

II

Letter—from Col. W. M. ELLIS, R.E., Superintending Engineer, IV Circle.
To—the Chief Engineer, Public Works Department, General Branch.
Dated—the 26th June 1912.
No.—552 W. 14-C.

With reference to paragraph 1 of the Public Service Notification ruling that no person shall be eligible on or after the 1st of April 1911 for appointment to any post in the superior service the sanctioned pay of which exceeds Rs. 20 *per mensem*, the maximum pay being taken as the standard in the case of appointments on progressive scale of pay, I have the honour to bring to notice that it is not always possible to obtain the services of passed men for short vacancies and as exemptions from examination rules in the case of unpassed men must, under Chief Engineer, Public Works Department's Memorandum No. 763-C of 22nd January 1912, be applied for *in advance*, it becomes difficult even to entertain unpassed men as by the time the exemption is sanctioned by Government and sanction received, the vacancies will in most cases cease to exist.

2. To obviate this difficulty and to save frequent applications to Government, I would suggest that sanction of Government be obtained empowering Superintending Engineers to appoint unpassed candidates in cases of necessity as soon as vacancies occur either in the Rs. 20—2—30 grade of clerical establishment or in the Rupees 30—4—50 grade of drawing establishment on pay not exceeding Rs. 20 *per mensem*.

3. In this connection, I would note that the sanctioned scale of the office establishment of the Tank Restoration Scheme Division does not include a Rs. 15—1—20 grade clerkship, consequently if either the Rs. 30—2—40 grade clerk or one of the two Rs. 20—2—30 grade clerks is granted short leave, it is not now admissible to appoint an unpassed man without obtaining the prior sanction of Government; hence the reference.

Order—No. 756, Educational, dated 20th August 1912.

In the circumstances stated, the Governor in Council is pleased to empower Superintending Engineers to sanction the exemption of candidates for a period of three months—

(i) from the general educational qualifications prescribed in article 1 of the Public Service Notification for employment in posts the sanctioned maximum pay of which does not exceed Rs. 30 *per mensem*, and

(ii) from the professional qualifications prescribed in article 3 of the same notification for employment as draftsmen when the sanctioned pay of the appointment does not exceed Rs. 50 *per mensem*.

2. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

In clause (5) of article 4 of the Public Service Notification published at pages 323 to 336 to Part I-B of the *Fort St. George Gazette*, dated 21st May 1912, as subsequently modified the words "Superintending Engineers" shall be omitted and the following shall be added as clause (11) of articles 4 and 5 of the notification, namely,

(i) *Clause (11) of article 4.*—"Superintending Engineers may sanction the employment of unpassed candidates in acting and sub. *pro tem.* vacancies and in temporary posts,

"(a) when the sanctioned pay of the appointment is not more than Rs. 25 *per mensem* for a period not exceeding twelve months, and

"(b) when the sanctioned pay of the appointment exceeds Rs. 25 but is not more than Rs. 30 *per mensem* for a period not exceeding three months,

"Provided that *bonâ fide* efforts have been made without success to obtain passed candidates".

(ii) *Clause (11) of article 5.*—"Superintending Engineers may sanction the exemption of candidates for employment as draftsmen in acting and sub. *pro tem.* vacancies and in temporary posts for a period of three months when the sanctioned pay of the appointment does not exceed Rs. 50 *per mensem*,

"Provided that *bonâ fide* efforts have been made without success to obtain passed candidates."

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Public Works Department.
Gazette (notification).
Editors' Table (order only).

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 756, EDUCATIONAL,
DATED 20TH AUGUST 1912.

[SUBJECT.—*Delegation of powers of exemption.*]

PUBLIC WORKS DEPARTMENT.

*From the Superintending Engineer, IV Circle, dated 26th June 1912,
No. 552-W./14-C.*

In the letter read above, the Superintending Engineer, IV Circle (Colonel W. M. Ellis), requests that Superintending Engineers may be empowered to appoint unpassed candidates on pay not exceeding Rs. 20 *per mensem* in cases of necessity in vacancies occurring in the clerical establishment in the Rs. 20—2—30 grade and in the drawing establishment in the Rs. 30—4—50 (*i.e.*, lowest) grade. He points out that it is not always possible to get the services of passed men for short vacancies and as under the instructions issued in memorandum No. 763 C., dated 2nd January 1912, applications for exemption should be submitted in advance, it is difficult even to entertain unpassed candidates, the vacancies in most cases ceasing to exist by the time sanction is obtained.

2. Attention is, in this connection, invited to G.O. No. 419, Educational, dated 15th July 1909, wherein, on a similar proposal by Mr. Roscoe Allen in regard to clerical establishment only, the Government declined to extend the powers of sanctioning temporary exemptions possessed by Superintending Engineers. In regard to exemptions in the case of the drawing establishment, even the Chief Engineer has no powers of exemption and all applications should be submitted for the sanction of Government. Attention is invited to the note, dated 20th June 1909, of Sir George Forbes on page 2 of the notes to the Government order quoted above. But these remarks, it would seem, were intended to apply more to cases of permanent exemptions and not to cases like those which Colonel Ellis has in view.

3. If therefore it is considered that there is a case for recommending the present proposal of Colonel Ellis, the powers may perhaps be limited to cases of vacancies lasting, say, for not more than three months, *i.e.*, Superintending Engineers may be empowered to appoint unpassed persons on pay not exceeding Rs. 20 *per mensem* to posts on the clerical establishment on the Rs. 20—2—30 grade and to posts on Rs. 30—4—50 grade in the drawing establishment, provided the vacancy does not in any case last for more than three months and provided also that *bond fide* efforts have been made without success to obtain passed candidates. If the proposal is approved, the file may be transferred to the Educational Department for disposal.

K.G.—10-7-12.

G. D. PLUMMER—13-7-12.

W. G. MOLESWORTH—15-7-12.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The Superintending Engineer, IV Circle (Colonel W. M. Ellis), applies for powers of exemption from the examination rules of unpassed men for employment as—

- (1) clerks in the Rs. 20—2—30 grade and
- (2) draftsmen in the Rs. 30—4—50 grade.

The first relates to exemption from the provisions of article 1 of the Public Service notification and the second to exemption from the provisions of article 3, which latter prescribes the special, professional or technical tests. The powers of exemption from the provisions of these two articles possessed by several officers are detailed in articles 4 and 5 of the Public Service notification.

2. Under clause (5) of article 4 of the Public Service notification the Superintending Engineers have power to sanction the employment of unpassed candidates in acting and sub. *pro tem.* vacancies and in temporary posts—

(a) when the vacancy does not exceed twelve months in duration,

(b) when the sanctioned pay of the post is not more than Rs. 25 *per mensem*, provided that *bona fide* efforts have been made without success to obtain passed candidates.

3. In 1909 the Superintending Engineer (Mr. P. R. Allen) pointed out that Page 2 of G.O. No. 419, dated 15th July 1909, the above-mentioned power could never be exercised in practice,

(i) because there was no clerical appointment in the Public Works Department carrying a salary of Rs. 25 *per mensem*, the lowest grade of clerks to which article 1 of the Public Service notification applied being on a salary of Rs. 20—2—30 *per mensem*, and

(ii) because under note (3) to the preamble to the Public Service notification posts on Rs. 20—2—30 were regarded as posts on Rs. 30 *per mensem*.

He therefore requested that the Superintending Engineers' powers might be extended so as to include posts on Rs. 30. This request was negatived by Government—*vide* G.O. No. 419, Educational, dated 15th July 1909 and Sir George Forbes' note on page 2 of the notes to that Government Order.

4. Colonel Ellis' first request in his current letter is identical with Mr. Allen's request of 1909. The request is not for an entirely fresh delegation, but only for the extension of a power which has already been delegated to the Superintending Engineers but which, without such extension, is practically inoperative. It is for consideration whether the previous decision should be reconsidered. The clerical line of the Public Works Department in the mufassal is apparently not attractive to passed men; and there seems to be some force in Colonel Ellis' contention. The Public Works Department recommends that the period for which extension may be granted may be shortened from twelve to three months, if the limit of pay is increased from Rs. 25 to Rs. 30. This will have the effect of modifying the original * proposal to a less objectionable extent and of saving a good

* In G.O. No. 419, Educational, dated 15th July 1909.

deal of petty references to Government or to the Chief Engineer, enabling the Superintending Engineers to pay prompt attention to emergent works without having to wait for the orders of Government or of the Chief Engineer. Revenue Divisional officers can appoint unpassed men up to a salary limit of Rs. 30 for twelve months. There seems to be no objection to grant the power to Superintending Engineers up to Rs. 30 for three months.

5. In his note, dated 1st May 1909, on page 2 of notes to G.O. No. 419, Educational, dated 15th July 1909, Mr. Butterworth suggested that, if Superintending Engineers' powers are extended, similar powers may be given to the other officers mentioned in clause (5) of article 4 of the Public Service notification and that clauses (4) and (5) be combined into a single clause. Though this course seems reasonable, it may perhaps be better to leave matters alone for the present until complaint is made to Government of any inconvenience resulting from the present rule.

6. As regards Colonel Ellis' second request for powers of exempting unpassed men from the professional test (lower subordinate test of the College of Engineering) for employment as draftsmen on Rs. 30—4—50 grade, it is submitted that the request is a new one. As observed in the Public Works Department note on page 1 *ante* even the Chief Engineer does not now possess any power of exemption from the provisions of article 3. Though under clause (3) of article 4 of the Public Service notification

the Chief Engineer exercises the same powers as the High Court Judges, the Director of Public Instruction, the Surgeon-General, the Inspector-General of Police, etc., as far as exemptions from the provisions of article 1 of the Public Service notification is concerned, he is not given any powers in respect of exemption from the provisions of article 3—*vide* clause (3) of article 5 of the Public Service notification. In consequence, all applications for temporary exemptions of Public Works subordinates from the provisions of article 3 of the Public Service notification for short periods are being submitted to Government. From January to June 1912, 38 applications were received, all of which were sanctioned. These are treated as matters of routine and have invariably to be sanctioned, only relying on the statement of the Superintending Engineer that "no qualified candidates were forthcoming even after advertisement." It is here more than in the case of clerical establishment that devolution of power seems necessary. Further, the Superintending Engineer being a professional officer may be more competent to judge of the professional attainments of candidates for draftsmen's place. With the increased activity in public works, the paucity of qualified candidates for temporary vacancies should naturally become greater. It will not help matters to delegate the power to the Chief Engineer now. If, as proposed by the Public Works Department, the period is limited to only three months, there seems to be no objection to the delegation of powers to the Superintending Engineers in the case of the appointment of unpassed men as draftsmen also.

C. RAMANUJACHARI—2-8-12.

Pace the Hon'ble Sir George Forbes it seems absurd to retain the ineffective powers given to Superintending Engineers in article 4 (5). The reference to Superintending Engineers should either be eliminated altogether on the ground, as stated by Sir George, that they cannot be trusted to exercise it at all; or (which course I would personally recommend) they should be given power to grant

* The lowest scale for draftsmen is Rs. 30—4—50. exemptions up to Rs. 30 and three months under article 4 (5) and Rs. 50 * and three months under article 5.

L. DAVIDSON—2-8-12.

L. DAVIDSON—2-8-12.

I approve of the second of Mr. Davidson's proposals.

H. A. S[UART]—6-8-12.

Draft accordingly and mark draft for His Excellency the Governor.

L. DAVIDSON—7-8-12.

A draft order is submitted for approval. If approved it may be submitted to To His Excellency on return from tour.

L. DAVIDSON.

His Excellency the Governor with reference to the Secretary's orders above. It is presumed that the existing powers of Superintending Engineers to sanction the employment of unpassed candidates in posts with pay not exceeding Rs. 25 *per mensem* for a period of twelve months is not to be abrogated.

P.R.—7-8-12.

C.R.—8-8-12.

L. DAVIDSON—9-8-12.

I do not much like the order. I am quite certain that unpassed candidates will now very easily get a footing and will remain in very many cases unnoticed. However, I won't object as my Honourable Colleague is willing to see the order issue.

M. H[AMMICK]—16-8-12.

[G.O. No. 756, Educational, dated 20th August 1912.]

26

C.No.1972, from the Supg. Engineer, No.552 W/14 C, d/.26-6-12
IV Circle,

ORDER :- 756 851 8 20 - 872.
P.S.

In the circumstances stated, the Governor in Council is pleased to empower Superintending Engineers to sanction the exemption of candidates for a period of three months

(i) from the general educational -- qualifications prescribed in article 1 of the Public Service Notification for employment in posts the sanctioned ~~maximum~~ pay of which does not exceed Rs.30 per mensem, and

(ii) from the professional qualifications prescribed in article 3 of the same notification for employment as draftsmen when the sanctioned pay of the appointment does not exceed Rs.50 per mensem.

2. The following notification will be published in the Fort St. George Gazette:-

Notification.

In clause (5) of article 4 of the --
Public Service Notification published at
pages 323 to 336 of Part I-B of the Fort
St. George Gazette, dated 21st May 1912, ^(as subsequently modified) the
words "Superintending Engineers" shall be
omitted and the following shall be added as
clause (1b) of articles 4 and 5 of the noti-
fication, namely,

(i) clause (10) of article 4- ^{"the"} ~~"the"~~ Super-
intending Engineers may sanction the employ.

ment

as subsequently modified

-2- 4 1 33-6
"employment of unpassed candidates in acting
"and sub pro-tem vacancies and in temporary
"posts.

"(a) when the sanctioned pay of the
"appointment is not more than Rs. ^{per mensem} 25 for a
"period not exceeding twelve months, and

"(b) when the sanctioned pay of the
"appointment exceeds Rs. 25 but is not more
"than Rs. 30 per mensem for a period not
"exceeding three months,

"Provided that bona fide efforts have
"been made without success to obtain passed
"candidates".

(ii) Clause (1b) of article 5 - ~~"the"~~
"Superintending Engineers may sanction the
"exemption of candidates for employment as
"draftsmen in acting and sub pro-tem vacan-
"cies and in temporary posts for a period
"of three months when the sanctioned pay of
"the appointment does not exceed Rs. 50 per
"mensem ^{pl.} provided that bona fide efforts --
"have been made without success to obtain
"passed candidates".

CA
8.8.12

L.D.
9.8.12

To the P.W.D.

,, the Gazette (notification) No. 102 on p. 551 of Part II-B

,, E.T. (Order only)

1-10-12

ORDINARY.

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URGENT (a).

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Docket Delegation of powers.

The exemption of untrained candidates from examination rule under subject & certain conditions.

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