

Educational (1913) Department.

ORDINARY MS.

G.O., No. 125

DATED 12.2. 1913..

[Despatch Abstract.]

Exemption from the examination rules.

Informing the Chief Justice of the High Court, Madras, that under rule (1) of the current edition of the Public Service Notification R. Srinivasa Rao was ineligible for the post of assistant on Rs 25.

PAPERS PUT UP WITH CURRENT No. _____

Papers of the department to which the current belongs.

Number.	Date.	Original (=O.) or spare copy (=S.C.)	Remarks. (In this column such of the papers as have been removed for copying, printing, etc., should be marked with a cross.)	Initials of clerk with date in token of return to Reference department.

Papers of other departments.

Department.	Number.	Date.	Original (= O.) or spare copy (= S.C.).	Initials with date of (1) clerk of the Chief Secretariat department acknowledging returns of the paper concerned or (2) Despatcher to denote the return of the papers to departments outside the Chief Secretariat.

EDUCATIONAL DEPARTMENT

B.F.D.-80-j

Received 191 , Registered 10/1/13 191

Subject.

Forwarding for orders letter from the District
Judge, Coimbatore, regarding R. Srinivasa Rao, Assistant
Nazir of his Court.



ENCLOSURES

No.

Spare copies

R.O.C.No. 3901/12.

Station Madras , Dated the 9th January 1913 .

From (Name) Arthur Davies Esquire, M.A., Bar-at-law,
(Designation) Deputy Registrar, High Court,
Appellate Side.

To the Secretary to the Government of Madras
Educational Department.

Hon'ble Sir,

I am directed to forward for the orders
of His Excellency the Governor in Council, the letter
D.No.12057/12 dated the 16th December 1912 from the
District Judge of Coimbatore enquiring whether R.Srini-
vasa Rao, Assistant Nazir of his Court, is entitled to
the concession granted by note I to the Public Service
Notification.

I have the honour to be,
Hon'ble Sir,
Your most obedient servant,

alt. D. 13
Deputy Registrar.

P.K.

2/ 3
Educational Department.

Received 1912. Registered 4 1912
Abstract.

Inquiring whether R.Srinivasa Rao, who was appointed Assistant Nazir on Rs. 25, is entitled to the concession granted by Note 1 to the Public Service Notification.

District Court, Coimbatore,
Dated the 16th December 1912.

No. 12087/12

From

H. Moberly, Esquire, I.C.S.,

District Judge,

Coimbatore.

To

The Secretary to the Government of Madras,

Educational Department,

M a d r a s .

Through

The Registrar,

High Court,

M a d r a s .

Sir,

I have the honour to state the following case for the orders of Government in the Educational Department:-

2. My predecessor, Mr. T.V. Anantan Nair, appointed one R.Srinivasa Rao, who has passed the late Middle School Examination in the first class, to the post of Assistant Nazir of this Court on Rs. 25 on 1-10-1912. It would appear from Note 1 to the Public Service Notification printed at page 323 of the Fort St. George Gazette, Part I-B, dated 21-5-1912, that persons possessing the above mentioned qualification must have been holding a permanent appointment in Government service on the 30th June 1894, before they can be promoted to posts carrying pay exceeding Rs. 20/-

3. The Service Register of R.Srinivasa Rao shows that he was an acting amin of the District Munsif's Court, Udumalpet, from 1-6-1894 to 19-11-1894 with an acting allowance of Rs. 6 but with no substantive appointment in Government service. The District Munsif, Udumalpet, reports that the permanent incumbent of the post was on furlough on half-pay during the above mentioned period and that Srinivasa Rao was acting as Process writer from 28-11-1894 to 31-3-1895 drawing full allowance and was eventually confirmed as Amin on 1-4-1895 without any break in service.

4. From the above mentioned facts, it is clear that Srinivasa Rao was not holding any permanent appointment in Government Service on 30-6-94. Not can his service during that period be said to have become retrospectively permanent and pensionable by the operation of Art. 371, C.S.R. for the permanent incumbent of that post was drawing part of the salary of the post. It would seem, therefore, that prima facie the officer was not entitled to the concession granted by Note 1 to the Public Service Notification. As the matter is not entirely free from doubt, I have the honour to request that you will be so good as to place the matter before Government in the Educational Department and obtain orders. I do not see my way to recommend the exemption of the officer from Examination rules. The pay of the officer is being withheld from 1-10-1912 pending decision of the question.

I have the honour to be,

Sir,

Your most obedient servant,

District Judge.

T.C.S.

C. 133 Ed
15/1/13

To

The Secretary to the Government,

Educational Department,

Fort St: George, Madras.



Through the Honorable High Court of Judicature, Madras.

Through the District Judge, Coimbatore.

Most Respected Sir,

The humble Memorial of R. Srinivasa Rao, Assistant Nazir, District & Sessions Court, Coimbatore, most respectfully sheweth:

1. That your memorialist has passed the late Middle School Examination in the First Class.
2. That he was first entertained in the Government Service as an Ag: Amin on Rs12/- on the 1st June 1894 and was eventually confirmed as such without any break in service on the 1st June 1895.
3. That by his hard and honest service he was promoted to Rs15/- in 1907 and then to Rs20/- in 1910.
4. That in October 1912 he was permanently appointed as Assistant Nazir on Rs25/-.
5. Your memorialist understands that his promotion to Rs25/- is now being questioned on the ground that he is only a First Class Middle School candidate and was not holding a permanent appointment on 30th June 1894 as per revised Public Service Notification of 1912.
6. Your memorialist humbly begs leave to submit that under Note (1) of the Public Service Notification revised up to 15th August 1907 and published at page 455 of

SK 11/1

of the Fort St: George Gazette dated 3rd September 1907 he was eligible for promotion to appointments above Rs20/- and as such cannot be deprived of the privilege granted under it, in consideration of his service in the Judicial Department of 21 years including his service as Copyist in the Udamalpet District Munsiff's Court for 2 years.

7. Your memorialist humbly begs leave also to submit that a reading of Note (1) of the present revised Notification of 1912 together with Note (1) of the Public Service Notification revised up to 15th August 1907 and published at page 455 of the Fort St: George Gazette dated 3rd September 1907 will show that your memorialist deserves the concession granted under the Notification of 1907.

8. In fine your memorialist prays, that in the event of his case not falling under the privilege sought by him, under the existing rules, he may be exempted and granted the concession now sought, in consideration of his long service of 21 years in the Judicial Department, and may be allowed to hold the post of Assistant Nazir on Rs25/-, in the circumstances explained above.

9. Your memorialist begs to submit that he has submitted a copy of his Memorial through the proper channel and has submitted this duplicate copy direct to avoid delay.

He begs to remain,

Most Respected Sir,

Your honor's most obedient servant,

Prinivasa Rao
Assistant Nazir,
Dt: & Sessions Court,
Coimbatore
now on leave.

10th January 1913.

EDUCATIONAL DEPARTMENT.



Received 25 JAN 1913, Registered 28/1/13 190

Subject.

Forwarding for orders a memorial from R. Srinivasa Rao of the Coimbatore District Court for exemption from the Examination Rules with the District Judge's letter forwarding the same.

ENCLOSURES.

No.

R.O.C. No. 202/1913.

Spare copies

Station Madras, Dated the 24th January 1913. 190

From (Name) Arthur Davies Esquire, M.A. (Bar-at-law),
(Designation) Deputy Registrar, High Court,
Appellate Side.

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

Hon'ble Sir,

I am directed to forward for the orders of His Excellency the Governor in Council a memorial from R. Srinivasa Rao, Assistant Nazir, District Court, Coimbatore, for exemption from the Examination Rules, together with the letter D.No.587, dated the 15th January 1913 from the District Judge, forwarding the memorial.

I have the honour to be,

Hon'ble Sir,

Your most obedient servant,

Arthur Davies
24/1/13
Dy. Registrar.

R.G. 24/1/1913.

DESPATCHED
24 JAN 1913

To

The Secretary to the Government,
Educational Department,

Fort St: George, Madras.

Through the Honorable High Court of Judicature, Madras.

Through the District Judge, Coimbatore.

Most Respected Sir,

The humble Memorial of R. Srinivasa Rao,
Assistant Nazir, District & Sessions Court, Coimbatore,
most respectfully sheweth:

1. That your memorialist has passed the late Middle School Examination in the First Class.
2. That he was first entertained in the Government Service as an Ag: Amin on Rs12/- on the 1st June 1894 and was eventually confirmed as such without any break in service on the 1st June 1895.
3. That by his hard and honest service he was promoted to Rs15/-^{in 1907} and then to Rs20/- in 1910.
4. That in October 1912 he was permanently appointed as Assistant Nazir on Rs25/-.
5. Your memorialist understands that his promotion to Rs25/- is now being questioned on the ground that he is only a First Class Middle School candidate and was not holding a permanent appointment on 30th June 1894 as per revised Public Service Notification of 1912.
6. Your memorialist humbly begs leave to submit that under Note (1) of the Public Service Notification revised up to 15th August 1907 and published at page 455 of

the Fort St: George Gazette dated 3rd September 1907 he was eligible for promotion to appointments above Rs20/- and as such cannot be deprived of the privilege granted under it, in consideration of his service in the Judicial Department of 21 years including his service as Copyist in the Udamalpet District Munsiff's Court for 2 years.

7. Your memorialist humbly begs leave also to submit that a reading of Note (1) of the present revised Notification of 1912 together with Note (1) of the Public Service Notification revised up to 15th August 1907 and published at page 455 of the Fort St: George Gazette dated 3rd September 1907 will show that your memorialist deserves the concession granted under the Notification of 1907.

8. In fine your memorialist prays, that in the event of his case not falling under the privilege sought by him, under the existing rules, he may be exempted and granted the concession now sought, in consideration of his long service of 21 years in the Judicial Department, and may be allowed to hold the post of Assistant Nazir on Rs25/-, in the circumstances explained above.

He begs to remain,

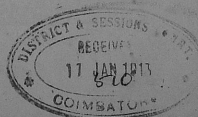
Most Respected Sir,

Your honor's most obedient servant,

Rhinivasa Rao
Assistant Nazir,
Dt: & Sessions Court,
Coimbatore.

now on leave.

10th January 1913



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Educational Department.

Received. 1913. Registered 1913.

Abstract.

Submitting the memorial of R.Srinivasa Rao, Assistant Nazir,
District Court, Coimbatore, praying ^{an} for exemption from the Examination
rules.

D No. 587

District Court, Coimbatore,

15th January 1913.

From

H. MOBERLY, Esquire, I.C.S.,

District Judge,

Coimbatore.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,

Educational Department,

Madras.

Through

The Registrar, High Court, Madras.

Sir,



22 13

I have the honour to submit herewith a memorial of R.Srinivasa Rao, Assistant Nazir of my Court, for exemption from the examination rules. His case has been referred for the orders of Government in my letter D. No. 12057/12 dated the 16th Ultimo. I do not see my way to recommend the memorialist for the exemption prayed for.

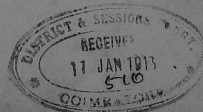
I have the honour to be,

Sir,

Your most obedient servant,

T.C.S.
District Judge.

T.C.S.



C. No. 96 From the High Court Rec No 3901/112 dated 9. 1. 1913.

SUBJECT

Interpretation of note 1 to the Public
Service Notification.

- Please see note 1 to the Public Service Notification of 1894 printed on page 25 of G.O. No 317 Educational, dated 9th May 1894. The interpretation put upon this note and the subsequent history of it will be found on pages 2 to 5 of notes to G.O.
- (K) No 737 Bd., dated 14th December 1910. From these notes it will be seen that the word 'appointments' used in note 1 to the Pub. Service Notification ^(was taken to) means 'appointments on Rs 15 and above'. Thus, prior to the issue of G.O. No 737 Bd., dated 14th December 1910, all those middle school first class men who were not holding ^(on the 1st July 1894) posts on a minimum pay of Rs 15, either permanent or acting, were considered to be ineligible for promotion to posts carrying a ~~scale~~ pay of more than Rs 15 (now Rs 20). But in this G.O. ~~it was ordered~~ it was ordered that all ~~permanent~~ middle school first class men who held permanent appointments on the 1st July

G.O. No 737 Bd. (K)
14.12.10

July 1894 ~~at that time~~ were eligible for promotion irrespective of the fact whether they were holding post on Rs 15 or below. But the same concession was not extended to men who were holding acting appointment on 1st July 1894. ~~But~~ ^(Asstt Magr of the D. C. Court, Coimbatore) L. R. Crinivasa Rao who was acting ~~as a~~ ~~magistrate~~ in an appointment carrying a pay of less than Rs 15 on 1st July 1894 requests that he too may be allowed the ~~concession~~ concession ~~as~~ specified in note 1 to the Public Service Notification. The Dst Judge of Coimbatore (Mr L. V. Anantam Nair) has ~~also~~ already allowed him the concession by appointing him as Asstt Magr on Rs 25 ^{apparently} on the authority of the note 1 to the Public Service Notification of 1907 and 1908 which state that the rules in the Public Notification shall not apply to persons acting in appointments for which, though qualified under the rules in force on the 30th June 1894, they may not be qualified under the present notification, such persons being eligible for

Para 3, page 2 of ep.

Not memorial (page 105 of ep.)

Flag D in the stamp is placed below.

for confirmation in the appointments in which they are officiating if they fall permanently vacant before termination of the acting incumbency, and for promotion after such confirmation, provided that they have passed the Middle School examination in the first class and are otherwise deemed fit for such further promotion. The officiating appointment held by Sriniwasa Rao cannot come under the appointments contemplated in this note as it did not carry with it a pay of Rs. 15 per mensem. As the point was not made clear, the ^{1st} judge has taken it to ~~mean~~ apply to any officiating appointment whether carrying a pay of ^{Rs. 15} or less. The present ^{1st} judge (Mr. Woodley) requests orders as to whether the candidate is eligible for the concession. It is for consideration whether ~~the~~ he may be informed that Sriniwasa Rao is not eligible for it or as the appointment has been made ^{already} it may be allowed to stand.

8K

24.1.13.

Sriniwasa Rao might have been qualified for promotion under the note to the ^{old} Public Service

Slip ③

½ page 4 of notes with fo.
737. Ed. 2 of 14.12.10 (K)

para-3 of petition - page 4 of cf.

Slip ①

cf. last sentence of para-2
of fo. 737-Ed. 14.12.10 (K)
+ fo. 79. Ed. 38.2.11 (2)

(K)

(2)

para-4 of petition
page 4 of cf.

notification of 1894. Even then the accepted interpretation of the note should have precluded its application to him. As a matter of fact it was applied to him & he was promoted to Rs. 15 in 1907, the notification in force in which year applied to posts carrying Rs. 15 or more.

2. ^{in the P.C. notice} ~~the note~~ which was relied upon in promoting Srinivasa Rao, was ~~not~~ ceased in 1911; and the modified note dropped off the concession granted to acting incumbents of 1st July 1894. The notes to G.O. no. 737-Ed, of 14.12.10 do not make it clear whether it was intentional. The case of acting appointments was not also considered when the draft of the amended note was approved in fo. no 79. Ed. 38.2.11.

3. In any case the Dt. Judge should have taken the note in the Public Service Notification of 1912 ^(as the guide) or raised the question before he promoted ~~the selected~~ Srinivasa Rao permanent to the Assistant Magistrate post in October 1912.

4. The question for consideration is whether Srinivasa Rao's case should be taken to be governed by the Public Service Notification of 1894 (not with the interpretation put upon it by Govt. but in the sense in which it was already

made applicable to him) or whether it should be governed by the notification now in force. In the latter case, he is not fit for promotion & he should revert to his original appointment on Rs. 20.

5. The Judicial Deptt. may also be consulted, etc.

29.1.13

The appointment in issue was made on the 1st October 1912. & the Judge who made it should have been guided by the action of the P.S. Notification then in force, viz. (H). The appointment was inadmissible under note (1) of that citation. I see no reason to go into past history, or to consider the propriety of exemption from the examination rules for the purpose of his promotion to Rs. 20- or further promotion, unless the Judicial Deptt. recommend such a course on public grounds. The case may now go to Judicial Deptt. for remarks.

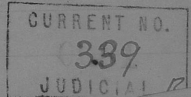
Judicial Deptt.

29.1.13

U.S. 261-1201
29.1.13



Regd. 20.1.13



The District Judge (Mr Moberly) does not recommend exemption, and there is no reason why this department should take a different view, unless perhaps some exemption has been granted in some other similar case. Please see if there are any such precedents.

SL,
31/1

From the U.S.

As all orders relating to Exem-
on record
plon from Examination rules are ~~present~~
in the Educational Dept, they may be requested
to be so good as to put up cases similar to this
~~if any, including those of Dep'ts.~~
if any, including those of Dep'ts.

1-2-13

CO.

1-2-13

other than Trs. (civil).

Judicial need not recommend

exemption. If Educ. find that there are precedents for giving exemption in a similar case they will no doubt call attention to the fact.

SL
4/2

J. H. L. 4.0. 339 B/3-1
5.2.13

I agree that exemption need not be recommended.

5.2.13

SL 4.0.



SK
Please find
up to date
note 8.2.13
CL
7/2

A draft letter is submitted for approval.

8K (R)
9-2-12

✓
11/2/12

Ed DEPARTMENT.

READ AGAIN G.O. No., dated 191

" " " " "

191

C. No. 96, From the High Court Rep. No. 3901/12, dated 9.1.1913

" " " "

""

"....."

191

” ”..... ” ”..... ”..... ”..... ”..... 191

Letter
ORDER.
Miss

No. 125 his dated 12. 2. 1913

Is the Honble the Chief Justice of the
High Court of Judicature at Madras,
Hon'ble Sir

In reply to the D & Registrar's
letters Rec No 3901/2 & 9th Jan 1913
+ Rec No. 202, 2nd & 3rd Jan 1913.
I am directed to ~~inform you that~~
State

as the appointment of R. Crini-
vase Res ^{who appeared} ~~was~~ ^{to} ~~the~~ ^{for}
nagin on Rs 20 was made in Oct
1912 the St judge should have
been guided by the R edition
of the Public Service Notification
then in force. The appointment
was inadvisable under either of
that edition. The foot note says

8K
9.2.13. reason to make a special
exception in his favor. D.A.

the late District Judge should
have been guided by the rules
in force at the time when the
appointment was made. In
October 1912 when

he was ineligible
→ the first name note
(1) of the current edition

[illegible]

C.No.96, from the High Court, R.O.C., No.3901/12, dated 9-1-1913.

LETTER:- No.125 Mis., dated 12-2-1913.
O-R-D-E-R:-
Mis.

To

The Hon'ble the Chief Justice of the
High Court of Judicature at Madras.

Hon'ble Sir,

In reply to the Dy.Registrar's
letters R.O.C.No.3901/12 dated 9th
January 1913 and R.O.C.No.202, dated
24th January 1913, I am directed to
state that the late District Judge should
have been guided by the rules in force
at the time when the appointment was
made. In October 1912 when R.Srinivasa
Rao was appointed to be assistant nazir
on R.25 he was ineligible for the post
under note (1) of the current edition
of the Public Service Notification and
the Government see no reason to make a
special exception in his favour.

L.D.
11--2-13.

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

191

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DETD.

PAPERS NOT FILLED UP, BRING HEART FOR DESTRUCTION
 IN ORIGINAL.

A A A A A A A

V.B.-

A = Copy in full
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