

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1913.

Enclosures

Spare copies

G.O. No. 299, 9th April 1913.

Public Service Notification.

Ordering the publication in the *Fort St. George Gazette* of an alteration made in note 1 to the — so as to make it clear that persons who have passed the general test and who held permanent appointment prior to 30th June 1894 are eligible for promotion to posts carrying a salary of more than Rs. 20.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following paper:—

**Proceedings of the Board of Revenue (Land Revenue), Mis. No. 276,
dated 20th January 1913.**

The Hon'ble Mr. R. B. CLEGG.

Read—the following paper:—

Letter—from H. L. BRAIDWOOD, Esq., I.C.S., Acting Collector of Kistna.
To—the Secretary to the Commissioners of Land Revenue.
Dated—the 8th December 1912.
No.—R.C. 7456/61.

I have the honour to state that there are some subordinates in the department who passed the old general test examination only in Telugu and in the recent revision of the taluk establishments I ignored them for promotion beyond Rs. 20 treating them as unpassed candidates ineligible for promotion under the authority of G.O. No. 482, Educational, dated 28th July 1886, communicated with Board's Proceedings No. 1816, dated 13th August 1886, as further explained in G.O. No. 345, dated 22nd May 1893, communicated with Board's Proceedings No. 338, dated 15th June 1893. These subordinates were holding on 1st July 1887 only posts carrying a salary of less than Rs. 20.

2. In this connection, I invite the Board's attention to G.O. No. 153, dated 15th March 1909, communicated with Board's Proceedings Mis. No. 959, dated 26th March 1909. Mr. Scott, on the receipt of the above order, noted the following remark: "The order is utterly unintelligible and I can only presume the matter was not properly placed before the Government. The notification of 1894 has nothing to do with the matter. However, no further action is necessary in regard to any of the clerks". In spite of the perplexity felt by him Mr. Scott left uninterfered with, the promotion given to such unpassed men and further issued an order that three other such candidates who were then drawing Rs. 20 and less are not ineligible for promotion beyond Rs. 20.

3. One of these candidates has now not been given promotion and has on the strength of Mr. Scott's order applied for reconsideration of the order overlooking him for promotion. When this individual was overlooked, I was not aware of Mr. Scott's order or the Government Order on which it was based. I felt no hesitation in treating him as ineligible on the strength of Board's Proceedings Mis. No. 447, dated 10th August 1894, and the proviso in note 1 to the preamble to the subsequent public service notifications which was, however, absent from the notification of 1894, referred to in G.O. No. 153, dated 15th March 1909, referred to above. This proviso runs as follows:—"provided that their promotion was not already barred by any rules previously in force." The present case is just one which is excluded by the proviso, for, the individual was under G.O. No. 482, Educational of 28th July 1886, already barred for promotion beyond Rs. 20.

4. Mr. Scott's order appears to me to be incorrect and does not cover the case in question. He interpreted G.O. No. 153, dated 15th March 1909, which covered only the individual case disposed of in it to be applicable to all cases of unpassed men. The Board's interpretation of note 1 to the Public Service Notification of 1894 communicated in Board's Proceedings No. 509, dated 22nd November 1894, clearly shows that Mr. Scott's application of the Government Order in the manner indicated in his order referred to above was improper. I request to be informed whether my view is correct and whether I may disregard my predecessor's orders as to the eligibility of the persons in question.

Resolution—Mis. No. 276, dated 20th January 1913.

The Board agrees with the Collector that the men referred to are not eligible for promotion. See provisos to note (1) to the Public Service Notification (revised up to 1st August 1911).

(True Extract.)

W. G. McFARLAND,
Secretary.

To the Collector of Kistna.

Copy to the Secretary to Government, Revenue Department.

Order—No. 299, Educational, dated 9th April 1913.

The Board of Revenue will be informed that persons who had passed the general test were not barred from promotion to posts carrying a salary of more than Rs. 20 by the rules in force prior to 30th June 1894. Under note 2 to rule 1 of the rules for admission to the public service published at pages 685 and 686 of Part I of the *Fort St. George Gazette*, dated 7th July 1891, and notification No. 88 published at page 1461 of Part I of the gazette, dated 19th December 1893, such persons were eligible for appointment to posts carrying a salary of Rs. 15 and upwards in the superior service of Government. Persons who have passed the general test and who held permanent appointments prior to 30th June 1894 are therefore eligible for promotion to posts carrying a salary of more than Rs. 20 if they are otherwise deemed fit for such promotion.

2. The following alteration will be made in note 1 to the Public Service Notification published on pages 323 to 336 of Part I-B of the *Fort St. George Gazette* dated 21st May 1912, so as to express its meaning correctly:—

"For the words "and provided also" occurring between the words "force" and "that" the word "or" shall be substituted.

(True Extract.)

L. DAVIDSON,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
" Commissioner for Government Examinations.
Gazette.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 299, EDUCATIONAL,
DATED 9TH APRIL 1913.

[SUBJECT.—*Eligibility of persons who have passed the old general test examination for promotion to posts carrying a salary of more than Rs. 20.*]

From the Board of Revenue, dated 20th January 1913, No. 276, *Mis.*

Please see G.O. No. 153, Educational, dated 15th March 1909, and the notes therewith. The Collector of Kistna refers to the proviso existing in note 1 to the current editions of the Public Service Notification, viz., "provided that their promotion was not already barred by any rules previously in force" and states that persons who have passed the old general test examination are so barred under the rules issued with G.O. No. 482, Educational, dated 28th July 1886. With reference to this, attention is solicited to paragraphs 3 and 4 of office-note on pages 1 and 2 of notes with G.O. No. 153, Educational, dated 15th March 1909, from which it will be seen that candidates who had passed the general test and who held permanent appointments before 1st July 1894 are eligible for promotion to posts carrying a salary of more than Rs. 15 now Rs. 20. The Collector and the Board do not seem to have taken notice of the notifications issued with G.O.s. Nos. 485, Educational, dated 25th June 1891, and 191, * R., Educational, dated 19th

* Printed on page 2 of G.O. No. 400, Educational, dated 5th June 1894.

December 1893. For orders whether their attention may be drawn to them.

S.K.—13-2-13.

Though as observed by the Collector, G.O. No. 482, Educational, dated 28th July 1886, debarred the persons referred to from promotion, G.O. No. 485, Educational, dated 25th June 1891, permitted though temporarily the employment of candidates with general test only to posts carrying a salary of Rs. 15 and upwards. The Collector states that the "subordinates were holding on 1st July 1887 only posts carrying a salary of less than Rs. 20." Apparently they were holding appointments with a salary not less than Rs. 15 on that date. Note 1 to

G.O. No. 317, Educational, dated 9th May 1894, the notification of 1894 declared that the rules did not apply to persons "who held

"permanent appointments" under the old rules, though they might not be qualified under that notification. Accordingly the promotion of these persons was not debarred by the old rules. It therefore appears that the proviso in the note (1) of the current notification covers the present case.

The remarks of the Revenue Department may be invited.

C. RAMANUJACHARI—16-2-13.

L. DAVIDSON—17-2-13.

To the Revenue Department u.o.

REVENUE DEPARTMENT.

To Deputy Secretary—

The views of the Educational Department at Z above may, it is submitted, be concurred in.

D.G.—20-2-13.

M.R.N.—20-2-13.

I do not understand. These men have not passed the Middle School Examination in the 1st class.

T. E. MOIR—20-2-13.

To Deputy Secretary—

The question under consideration is whether men who have passed the general test examination which was in existence prior to the institution of the Middle School Examination are eligible for promotion to posts carrying a salary of more than Rs. 20 *per mensem*. In 1909 the Educational Department held that such men were eligible—*vide* G.O. No. 153, Educational, dated 15th March 1909. In the current under disposal the Collector of Kistna (Mr. Braidwood) and the Board consider that such men are, under the Public Service Notification revised up to 31st August 1911, not eligible for promotion. The Educational Department hold for the reasons explained at page 1 *supra* that they are eligible. This view is consistent with the G.O. No. 153, Educational, dated 15th March 1909, and may, it is submitted, be concurred in.

Proviso to note (1) of notification.

D.G.—24-2-13.

M.R.N.—24-2-13.

Then note (1) of the present notification which lays down two provisos each of which has to be complied with and not the first only is wrong. According to that note the man is *not* eligible and I do not see how this is got over.

T. E. MOIR—24-2-13.

To Deputy Secretary—

It is submitted that the wording of note (1) of the present notification is not quite correct. That note was adopted with reference to the orders in G.O. No. 737, Educational, dated 14th December 1910. The order was passed with reference to "Middle school men" and it was not intended to take away any concession which the "General test men" enjoyed before. It will be seen from the notification in force prior to the issue of G.O. No. 79, Educational, dated 8th February 1911, that it was never intended to prescribe as a further qualification for men whose promotion was not previously barred that they should have passed in the first class the Middle School Examination also. The drafting of the existing provisos appears to be incorrect and the Educational department may be asked to revise it.

M.R.N.—27-2-13.

If Educational agrees that the note as it stands is incorrect and does not cover the case of these men, Revenue accepts the conclusion in Educational note at Z on page 1 *ante*.

T. E. MOIR—28-2-13.

To the Educational Department u. o.

EDUCATIONAL DEPARTMENT.

It is submitted that the surmise of the Revenue Department seems correct.

2. The present form of note 1 to the Public Service Notification was introduced by G.O. No. 79, Educational, dated 8th February 1911. The revision of the note was consequent on the orders passed in G.O. No. 737, Educational, dated 14th December 1910, to the effect that persons who had passed the Middle School Examination in the first class and who held on the 30th June 1894, permanent appointments in Government service, would be eligible for promotion to posts carrying a pay of more than Rs. 20 *per mensem*. While carrying out the necessary amendments to the note, opportunity was taken to revise the whole note so as to express its meaning more clearly. Before the revision, the note was as printed with the Public Service Notification of 1910. This note related to two distinct classes of men, viz.—

Paragraph 2 of order on page 3 of G.O. No. 737, Educational, dated 14th December 1910.

Notification of 1910. This note related to two distinct classes of men, viz.—

(1) those who were not "already barred by any rules previously in force", and

(2) those who had passed the Middle School Examination in the first class and were holding acting appointments on the 1st July 1894.

Both these classes of officers were exempt from the provisions of article 1 of the Public Service Notification. But the revised note of 1911 does not, as it stands, deal with the two classes of officers referred to in the note of 1910 separately. It was not intended that the general test men and others who were not barred by the rules in force prior to 1st July 1894 should be excluded from the concession. The note may, it is submitted, be revised by the substitution of the word "or" for "and" before "provided," where it occurs in the note a second time, and the omission of the word "also" after "provided."

I would omit "provided also".

L.D.

3. Submitted that the Commissioner for Government Examinations may be consulted u.o. on the point.

4. Orders on the Board's reference in the current file may be issued after the question of the revision of the note is decided.

S.K.—9-3-13.

C. RAMANUJACHARI—24-3-13.

L. DAVIDSON—26-3-13.

Commissioner for Government Examinations u.o.

OFFICE OF THE COMMISSIONER FOR GOVERNMENT EXAMINATIONS.

The note may be revised by substituting "or" for "and provided also."

J. H. STONE—2-4-13.

EDUCATIONAL DEPARTMENT.

Draft please.

T. E. MOIR—3-4-13.

A draft order is placed below for approval.

S.K.—5-4-13.

C. RAMANUJACHARI—8-4-13.

L. DAVIDSON—9-4-13.

[G.O. No. 299, Educational, dated 9th April 1913.]

READ AGAIN G.O. No., dated 191

21 22 23 24 191

READ ALSO:—

READ ALSO:-
C. No. 293, From the Board of Revenue No. 270 dated 20. 1. 1917.

191

191

ORDER.

No. 299, dated 9 4. 1913.

The Board of Revenue will be informed that persons who had passed the general test were not barred from promotion to posts carrying a salary of more than Rs 20 by the rules in force prior to 30th June 1894. Under note 2 to rules of the Rules for admission to the public service published ~~at~~ pages 685 and 686 of Part I of the Fort St. George Gazette, dated 7th July 1891 and notification No 88 published ~~at~~ page 1461 of Part I of the Gazette, dated 19th December 1893.

Gr. 485-End 825. 1.91. (T)

Co. 191 R 8 19.12.93
printed on page 2
of Co. 191 R 8 19.12.93

Is

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11.4.13

Kopie Nr. 53 on page 224
 of Part II. of the Gazette 1874/1

8K Shall be substituted
5/4/13.
Ca
8.4.13

10
9.4.13

Depth 12-6-13

Current No., dated 19
G.O., No. 299, dated 9-9-1913

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

Docket..... Public Service Notification
Publication in the Tel. George Gazette of an
alteration made in the rules to the effect of
making it clear that persons who have passed the
general test and who had permanent appointment
prior to 30th June 1894 are eligible for promotion

Number of copies required when struck off (not including
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The C. M. C.				
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The P. D. B.....				
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(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.

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(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.

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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.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

TO PRESS, MADRAS
OOTY.

A

Please send proof in triplicate. The papers have been carefully edited.

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Type may be released after usual interval.
at once.

C

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval.

.....Clerk.

.....Clerk.

.....Clerk.

.....Supdt.

.....Supdt.

.....Supdt.

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