

# Government of Madras.

EDUCATIONAL DEPARTMENT.

## MISCELLANEOUS

FOR RECORD ONLY.

*Recd.*

*Regd.*

} 1915.

*Enclosures*

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52  
G.O. No. 1351, 8th December 1915.

M.R.Ry. M. A. Candeth.

Addressing the Government of India in regard to the rate of pay admissible to —, a native of this Presidency who has been appointed temporarily to the Indian Educational Service.

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PREFERENCE.

EDUCATIONAL  
LEGISLATIVE DEPARTMENT.

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SPECIAL INSTRUCTIONS.

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Miscellaneous  
Printed "For Record only"

M. R. Ry. M. A. Caudeth  
Addressing the Govt of India in regard to the rate of pay admissible to a native of this Presidency who has been appointed temporarily to the J. E. S.

TO BE FILLED IN BY THE PRESS.

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Notes in CB  
18.12.15

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salary admissible to an Officer of the J. E. S.

NOTES.

Page 3

CR 3162 14163  
No 1351 Est Mis 8-12-15

The Govt. of India will be addressed.

Letter No. 1352 Est Mis 8-12-15  
To the Secy to the Govt. of India  
Department of Education

Sir,  
I am directed to address the Govt. of India on the subject of the rate of pay admissible to Mr. R. Ry. M. A. Caudeth, a native of this Presidency, who has been appointed temporarily to the J. E. S. under the sanction accorded by the Secretary of State in his telegram, dated the 23rd April 1914, a copy of which is enclosed.

2 In accordance with the agreement executed by Mr. Caudeth, the form of which was furnished by the Secretary of State, the former is to be paid the full amount of Rs 500 per annum with annual increments of Rs 50 each after the first year of service, and Mr. Caudeth is now being paid actually paid

on this date.

3. The Accountant General, Madras, copies of whose letters are enclosed, contends that the special sanction of the Secretary of State should be obtained for the full payment of salary referred to above ~~under~~ as required by Art. 63 of the C.A.R., under which <sup>the salary of</sup> a native of India appointed to an office, which has been, as in the case of the J.E.S., usually filled by nomination in England, is, in the absence of special orders to the contrary, <sup>a</sup> two-thirds of that assigned to the European. The Account. General also draws specific attention to para. 2 of the S. of S. despatch No. 44. Public, of the 5<sup>th</sup> March 1915, which <sup>an</sup> ~~copy~~ extract obtained <sup>is</sup> and annexed, which reiterates the need for special sanction for the payment of full salary in <sup>such</sup> similar cases.

4. I am accordingly to request <sup>the Special</sup> <sup>of the Secretary of State</sup> that sanction <sup>may be secured</sup> <sup>may</sup> be obtained in ~~for the~~ confirmation of the terms of the agreement ~~referred~~ to in para. 2 ~~supra~~ and to the payment to Mr. Caudeth, as

pages 1, 2, 4 & 5 of

page 6 of Cf.

98 1/2

special case of the full salary  
of an M. J. A. in the D. E. S.  
attached to the same.

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Government of Madras.

EDUCATIONAL DEPARTMENT.

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Enclosures

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G.O. No. 1351, 8th December 1915.

M.R.Ry. M. A. Candeth.

Addressing the Government of India in regard to the rate of pay admissible to —, a native of this Presidency who has been appointed temporarily to the Indian Educational Service.

## GOVERNMENT OF MADRAS.

## EDUCATIONAL DEPARTMENT.

READ—the following papers :—

## I

*Letter*—from K. L. DATTA, Esq., M.A., F.S.S., F.R.E.S., Accountant-General, Madras.  
*To*—the Secretary to Government, Educational Department.  
*Dated*—the 10th September 1915.  
*No.*—G.A. 67—11868.

With reference to G.Os. No. 235, Educational, dated 9th August 1915, and No. 153, Educational, dated 12th May 1915, forwarding a copy of the Government's telegram to the Secretary of State in regard to the appointment of Mr. M. A. Candeth to the Indian Educational Service, and in continuation of this office letter No. G.A. 67—8266, dated 23rd July 1915, I have the honour to state that the terms of the agreement as regards pay entered into by the Secretary of State with Mr. Candeth conflict with the orders of the Secretary of State embodied in article 63 of the Civil Service Regulations and reiterated by him in his despatch No. 188, Public, dated 25th July 1913 (G.O. No. 882, Educational, dated 23rd September 1913). The sanction conveyed by the Secretary of State in his telegram, dated 23rd April 1914, to the temporary appointment of Mr. Candeth can only be construed as referring to his *appointment in India as against recruitment in England* and cannot in my opinion be treated as permitting a deviation from the express provisions of article 63 of the Civil Service Regulations. I would, in the above circumstances, respectfully request that the confirmation of the Secretary of State may kindly be obtained to the grant to Mr. Candeth of pay at the rate assigned to the European members of the Indian Educational Service.

## II

## Memorandum No. 3162-3, Educational, dated 8th November 1915.

With reference to his letter No. G.A. 67—11868, dated 10th September 1915, regarding the rate of pay admissible to Mr. M. A. Candeth, the Accountant-General is informed that the extract of paragraph 2 of the despatch from the Secretary of State, No. 188, Public, dated 25th July 1913, furnished with the Accountant-General's endorsement No. G.A. 67—14220, dated 11th October 1915, contains no reference to article 63 of the Civil Service Regulations and is requested to forward, for the reference of Government, a full copy of that despatch.

C. G. TODHUNTER,  
*Ag. Secretary to Government.*

To the Accountant-General.

## III

*Letter*—from A. NEWMARCH, Esq., Accountant-General, Madras.  
*To*—the Secretary to Government, Educational Department.  
*Dated*—the 23rd November 1915.  
*No.*—G.A. 67—17317.

With reference to Government Memorandum No. 3162-3, Educational, dated 8th November 1915, I have the honour to state that only a copy of paragraph 2 of the despatch from the Secretary of State, No. 188, Public, dated 25th July 1913, was communicated to this office with the Government of India, Finance Department, No. 1919-C.S.R., dated 20th September 1913. I would in this connection forward

herewith for the information of Government a copy of an extract from the Secretary of State's despatch No. 44, Public, dated 5th March 1915, received from the Government of India with their Finance Department endorsement No. 824-C.S.R., dated 13th July 1915.

## ENCLOSURE.

*Extract of paragraph 2 of despatch*—from His Majesty's Secretary of State for India.  
*Dated*—the 5th March 1915.  
*No.*—44-Public.

\*

2. I approve also your recommendation that, as a special case, "A" shall be exempted from the operations of article 63, Civil Service Regulations, during his preliminary temporary service, but this concession must not be regarded as applicable, without special orders, to the case of other Indians who may be appointed temporarily to posts in the Indian Educational Service.

## Order—No. 1351, Educational, dated 8th December 1915.

The Government of India will be addressed.

(True Extract.)

C. G. TODHUNTER,  
*Ag. Secretary to Government.*

To the Accountant-General.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

No. 1352.

From

THE HON'BLE MR. C. G. TODHUNTER, I.C.S.,  
Acting Secretary to the Government of Madras,  
Educational Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,  
DEPARTMENT OF EDUCATION.

*Dated Fort St. George, the 8th December 1915.*

SIR,

I am directed to address the Government of India on the subject of the rate of pay admissible to M.R.Ry. M. A. Candeth, a native of this Presidency who has been appointed temporarily to the Indian Educational Service under the sanction accorded by the Secretary of State in his telegram, dated the 23rd April 1914, a copy of which is enclosed.

2. In accordance with the agreement executed by Mr. Candeth, the form of which was furnished for the purpose by the Secretary of State, the former is to be paid the full salary admissible to an officer of the Indian Educational Service of Rs. 500 per mensem with annual increments of Rs. 50 each after the first year of service; and Mr. Candeth is now being paid on this scale.

3. The Accountant-General, Madras, copies of whose letters are enclosed, contends that the special sanction of the Secretary of State should be obtained for the full payment of salary referred to above as required by article 63 of the Civil Service Regulations under which the salary of a native of India appointed to an office, which has been, as in the case of the Indian Educational Service, usually filled by nomination in England, is, in the absence of special orders to the contrary, two-thirds of that assigned to a European. The Accountant-General also draws specific attention to paragraph 2 of the Secretary of State's despatch No. 44, Public, dated the 5th March 1915, of which an extract is annexed, which reiterates the need for special sanction for the payment of full salary in such cases.

4. I am accordingly to request that the sanction of the Secretary of State may be obtained to the payment to Mr. Candeth, as a special case, of the full salary of an officer of the Indian Educational Service.

I have the honour to be,

Sir,

Your most obedient servant,

C. G. TODHUNTER,  
*Ag. Secretary to Government.*

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O. Nos. 1351, 1352, EDUCATIONAL,  
DATED 8TH DECEMBER 1915.

[SUBJECT.—Regarding the scale of pay to be given to M.R.Ry. M. A. Candeth while acting in the Indian Educational Service.]

Previous papers :

|      |        |              |                |       |
|------|--------|--------------|----------------|-------|
| G.O. | 479,   | Educational, | 10th August    | 1896. |
| "    | 759    | "            | 14th "         | 1913. |
| "    | 882    | "            | 23rd September | "     |
| "    | 139    | "            | 5th February   | 1914. |
| "    | 490    | "            | 30th April     | "     |
| "    | 952    | "            | 13th August    | "     |
| "    | 966    | "            | 15th "         | "     |
| "    | 1110   | "            | 24th September | "     |
| "    | 1289   | "            | 16th November  | "     |
| "    | R. 153 | "            | 12th May       | 1915. |
| "    | R. 235 | "            | 9th August     | "     |

From the Accountant-General, dated the 10th September 1915, G.A. 67-11868.

M.R.Ry. M. A. Candeth, a native of India, was, with the previous approval of Secretary of State, appointed to act as additional Professor of History in the Presidency College, in the Indian Educational Service and in the agreement\* entered into with him the usual scale of salary of the Indian Educational Service, viz., Rs. 500 with annual increments of Rs. 50, was provided. The Accountant-General now observes that Mr. Candeth's pay should be fixed at two-thirds of that assigned to European members of the service with reference to article 63 of the Civil Service Regulations and suggests that the confirmation of the Secretary of State may be obtained for the grant of pay at the rate assigned to the European members.

2. Article 63 of the Civil Service Regulations runs :

"The salary of a native of India appointed to an office which has been usually filled by a member of the Indian Civil Service, or of the Indian Army or by nomination in England, or otherwise with specific approval of the Secretary of State, is, in the absence of special orders to the contrary, two-thirds of that assigned to the European"

Appointments to the Indian Educational Service are made by the Secretary of State and in some cases European officers already serving in India are appointed by him. It seems also open to him to appoint to the Indian Educational Service natives of India whom he considers fit, and these officers will presumably, like the native members of the Indian Civil Service, get the same pay as that fixed for European members. The only criterion to be observed in regard to the scale of pay

† The application of Mr. Candeth for the Indian Educational Service and the papers connected with it were already with the Secretary of State when the recommendation was made by this Government.

appears to be whether the appointment was made by the Secretary of State or by the Local Government. In the present case the appointment was sanctioned by the former on the recommendation † of the latter.

3. In support of his opinion, the Accountant-General quotes the ruling in India's letter in G.O. No. 882, Educational, dated the 23rd September 1913, in which the Government of Madras has been authorized to fill temporary appointments in the Indian Educational Service in any way up to a period in each case of six months, provided that the pay of the officer so appointed is fixed in accordance with the rules in chapter VI of the Civil Service Regulations or with general sanction of the Secretary of State in Council. There is no reference in this ruling to article 63 in chapter III of the Civil Service Regulations. Moreover this ruling appears to relate to appointments made by the Local Government in exercise of the powers granted to them.

4. From the above it would seem that there is not much force in the Accountant-General's arguments. The views of the Financial Department may, it is submitted, be invited.

S.A.—16-9-15.

5. Mr. Candeth's appointment is the first of the kind in this Presidency. In Bengal, however, two Indians, Messrs. J. C. Bose and P. B. Mukherji, are in the Indian Educational Service and both of them draw the full pay allowed for that service. Please see page 2 of notes with G.O. No. 139, Educational, dated 5th February 1914.

C.R.—20-9-15.

Will Financial please advise?

C. G. TODHUNTER—21-9-15.

To the Financial Department.

#### FINANCIAL DEPARTMENT.

In his letter G.A. 67-8266, dated the 23rd July 1915, disposed of by G.O. R. No. 235, Educational, dated 9th August 1915, and in his letter G. A. 67-11868 of the 10th instant the Accountant-General refers to despatch 188, Public, dated 25th July 1913, of the Secretary of State read \*  
\* I don't find it read in the Government Order. July 1913, of the Secretary of State read \*  
in G.O. 882, Educational, dated 23rd September 1913. The despatch is not printed in the Government Order. The Educational Department may be requested to put up the despatch and the previous correspondence.

L. E. KERSHAW—27-9-15.

T.H.R.—24-9-15.

Despatch No. 188, dated 25th July 1913, is not read in G.O. No. 882, Educational, dated 23rd September 1913. Perhaps Educational have not got the despatch; in which case we must get it from the Accountant-General; but will Educational first kindly say whether the despatch is available?

L. E. KERSHAW—27-9-15.

To the Educational Department.

#### EDUCATIONAL DEPARTMENT.

Submitted that the despatch referred to was not communicated by the Government of India to the Madras Government. Please see the original.

S.A.—1-10-15.

C.R.—1-10-15.

E. A. HARVEY—2-10-15.

To the Financial Department.

Telephonic message—from the Financial Superintendent, Chief Secretariat, Madras.

To—the Chief Superintendent, Accountant-General's office.

Dated—the 6th October 1915.

Reference your office letter G.A. 67-11868, dated 10th September 1915. Will you please send a copy of the despatch from the Secretary of State, No. 188, Public, dated 25th July 1913 (G.O. No. 882, Educational, dated 23rd September 1913), referred to therein as the despatch has not been received in the Secretariat.

Telephonic message—from the Financial Superintendent, Chief Secretariat, Madras.

To—the Chief Superintendent, Accountant-General's office.

Dated—the 11th October 1915.

Reference my telephonic message of the 6th asking for a copy of Secretary of State's despatch No. 188, Public, dated 25th July 1913 (G.O. 882, Educational, dated 23rd September 1913). Will you kindly send copy of the despatch as the disposal of a current is delayed?

#### FINANCIAL DEPARTMENT.

Copy of paragraph 2 of despatch from the Secretary of State No. 188, Public, dated 25th July 1913, obtained from the Accountant-General's office (on 13th October 1915) has been added to G.O. No. 882, Educational, dated 23rd September 1913. The extract does not help much. The Secretary of State says in his telegram of the 23rd April 1914 that he sanctions the temporary appointment of Mr. Candeth (as

Page 6 of G.O. 490, Educational, 30th April 1914.

Letter 996, Educational, 15th August 1914.

additional Professor of History at Presidency College, Madras) in the Indian Educational Service. The Under Secretary of State was asked to send the form of agreement. The Secretary of State in sending the form of agreement would have drawn attention to article 63, Civil Service Regulations if he had intended that Mr. Candeth should be brought under that article. In the absence of any specific declaration to the contrary, the presumption is that the Secretary of State intended that Mr. Candeth should be treated in the same way as he would have been if appointed in England.

2. If the Accountant-General is not prepared to accept the view, Educational will have to address the Government of India.

T.H.R.—13-10-15.

I see nothing in the extract from the Secretary of State's despatch No. 188, Public, dated the 25th July 1913, to support the view taken by the Accountant-General. Section 1 of chapter VI refers

to Indian Educational Service officers and there is no provision there similar to section 63. However whether section 63 applies or not Government are bound by the compact they have entered into with Mr. Candeth, and I would report the matter to the Government of India asking them at the same time whether in a case like this article 63 applies.

L. E. KERSHAW—15-10-15.

Yes, we must address India and I do not see how we can get outside article 63 the principle of which is quite sound in my opinion and which ought to be observed. The incident shows the need for watching appointments in other departments and when we hear from India we should draw the attention of all departments pointedly to this rule.

A. BUTTERWORTH—16-10-15.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

A draft letter to the Government of India is submitted for approval.

P.R.—25-10-15.

C.R.—29-10-15.

Draft for approval.

The paper has been delayed for the purpose of obtaining from the Accountant-General an extract of the despatch which he relied upon.

The agreement seems to be defective inasmuch as clause (3) makes no provision for any cessation of increments. This question will be taken up on a separate file.

C. G. TODHUNTER—3-12-15.

P[ENTLAND]—5-12-15.

[G.O. Nos. 1351, 1352, Educational, dated 8th December 1915.]