

Col (1915) Department.

Ins SERIES.

G.O. No. 826dl

DATED 2-8-15.

✓

[Despatch Abstract.]

Delegation of powers! - declining to sanction
the — of exemption from the
examinations rules sought for by Chief
Presidency Magistrate.

8102

JUDICIAL DEPARTMENT.

2018

JUDICIAL



Received

191

Registered

1

7

1915

Subject.

Requesting Government to delegate to the Chief Presidency Magistrate the power to exempt certain members of his establishment from the examination rules for a period of not more than three months.

ENCLOSURES	
No.	<i>21</i>
Extra copies	<i>21</i>

Ref on No. 396/gent

Station Egmore, Madras, Dated the 26th June 1915

From (Name) C.B.N. Pally Esq., B.A.,

(Designation) A.E. Chief Presidency Magistrate.

To The Secretary to the Government of Madras,
Judicial Department.

Sir,

I have the honor to invite reference to my predecessor Mr. Bird's letter, reference on No. 1363/gent. dated the 21st November 1913 in which Government was requested to delegate to the Chief Presidency Magistrate the power to grant exemption from the examination rules to the members of his establishment, for acting periods of not more than six months, and to request that Government will be pleased to reconsider the order passed thereon in G.O. 59 Educational Mis. dated the 15th January 1914 and to delegate to the Chief Presidency Magistrate such power at least for a period of not more than three months.

2. In the letter of Mr. Bird quoted supra it has been brought to the notice of Government that there are

11-2 280 59
154-16

two Chief Clerks, two Accountants and four Interpreters in the Presidency Magistrates' Courts of Egmore and Georgetown who must be men that have passed the Special Tests, -- prescribed for the respective posts under the Educational Rules. Whenever one of these subordinates is granted short leave it is not always possible to procure the services of qualified men from other offices for such short periods. In the establishment of these Courts there are several experienced members who have not either fully qualified themselves or who cannot qualify themselves for those posts but who, at the same time, are quite competent to perform the work pertaining to those posts. When vacancies are for several months, endeavour is made to secure the services of qualified men by advertisement. But when the vacancies are short and occur unexpectedly, it is next to impossible to secure the services of qualified men for such ^{short} periods. Sometimes it so happens that the man who is granted leave for a month only subsequently applies for extension of the leave by a like period and so it is not known at the beginning how long the vacancy is likely to last. Within the past three years i.e., 1913, 1914 and 1915 Government had to be approached thrice for temporary exemption of the clerks who acted in the leave arrangements of the late Chief Clerk of this Court.

3. Again the Chief Clerk of the Georgetown Court had unexpectedly to be granted privilege leave for two months from the 23rd instant and the Accountant, Georgetown Court, is performing his duties and another member of the establishment is doing the Account work. Also one of the Interpreters of the Egmore Court is on leave for 3 weeks and his work is distributed among the members of the staff, no substitute being appointed for him. Work suffers for want of competent hands in the office. Difficulty is always experienced whenever one of the eight subordinates referred to supra is granted short leave. The scope for promotion being limited in this office.

4. In order that applications need not be made frequently to Government for temporary exemption from the -

Page 90 59
15.1.16

Govt. in Singapore
(not sure)
1 in 1914
while is not
much

examination rules of the Clerks who act in such arrangement, I request that Government will be pleased in the interest of public service to delegate to the Chief -- Presidency Magistrate the power to grant exemption from the examination rules to the members of his establishment for a period of not more than three months. This will not only save trouble in correspondence and facilitate the disposal of work in the office but also ~~will~~ be an incentive to the members of the establishment for efficient discharge of work.

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

Chunally
28-6-15
Ag. Chief Presidency Magistrate
CS
26-6-15

FD Department

Subject : Delegation of Powers

[Oct 2018] From the Ag Chief Trendsmay Mapishah, Ref. 0396 Sam
26.6.18

WS

Subm. No. 11. Policy does not advance any fresh or added reasons for reconsidering the order passed in S.D. No. 59 S.S. D/15 1.44 wherein the Board's request for Delegation of Powers in respect of the grant of Exemption from examination rules to his establishment for a period of 6 months was negatived, ~~the only~~ ^{difference} ~~distinction~~ observed from the former application being in regard to the period for which the exemption is now sought, only ~~three~~ ^{against 6 months asked by Mr. Board} ~~3 months~~ ^{3 months}. Abandonment is however

mirrored the pages 2-4 of letter to CO 59 580)
 15. 1. 14, and the file may be transferred
 to Edle for consideration. It is for orders

10/11/47
6.7.15

When the application which is now
only four months should be supported
in this dept. in view of the difficulty that
is said to exist really in filling up short-
vacancies of chief clerks, Agents - &
Interpreters -

Prd
6-7-15

Sec/ There may be real difficulty in
this small establishment. Should
support the report.

ϕ_p
2/2

Bmo ①
9-9

Exlcmo. 2394

10-7-15
SECRETARY OF THE ARMY

A circular ink stamp from the Government of Madras, Educational Department. The outer ring contains the text "GOVERNMENT OF MADRAS" at the top and "EDUCATIONAL DEPARTMENT." at the bottom, separated by two small stars. In the center of the stamp, the date "10 'UL 1915" is stamped. The stamp is slightly tilted and shows signs of age and wear.

Jun. E.O. 2018-1
 9.7.15

Educational Dept.

A draft order is submitted for approval.

PA
14-7-15
16-7-15

In view of the high salaries attached to the officers in question and of the fact that the grant of the power will mean repeated exemptions of the same persons, I don't think the request should be granted. The Senior Superintendent will please examine the file from this point of view and advise me.

C.G.T.

19-7-15.

Submitted that there does not seem to be sufficient reason to justify the request. Power to grant exemptions from special tests is sparingly given; and paragraph 5 of the notification, which specifies the officers to whom such power is given, shows that it is generally limited to certain appointments carrying certain fixed salaries. So far, in the case of ordinary ministerial offices and in the case of officers and heads of departments, except the High Court and the Board, the limit is only Rs.50. The power now asked for is without any limit and is intended to cover appointments carrying Rs.100 and Rs.120 also. This is without

pages 15 to 17 of
slip (P).

vide page 85 of the
C.B.E. put up.

c.f. clauses (10) and
(11) on pages 16 & 17
of (F)

* The Board have usually
ruled that a man
may be exempted for
the purpose of acting
as Revenue Inspector
only for 6 months in the
aggregate § 23.7. 15
c.f. the Hon'ble Mr.
Cardew's note on p.6
of notes to G.O. No.
839 Edl., d/18-7-14. (Q)

page 2 of C.F.

without precedent.

2. The period of exemption proposed, viz: three months, has however been allowed in some cases.

There is nothing to prevent the grant of repeated exemptions to the same person. The consolation is that the exemptions should be only temporary and might be for broken periods.

3. Powers to grant exemptions are given only to competent officers in order to avoid inevitable and frequent applications to Government for exemptions. None of these conditions exists in the present case. As pointed out above, other officers of higher or equal rank do not enjoy the privilege to the extent asked for by the Chief Presidency Magistrate. There have not been many applications to the Government for exemptions. It is stated that from 1913 up to date there have been only three applications. This is too insignificant a number to warrant any delegation of power. The absence of power to the Magistrate does not prevent him from preferring applications to Government for exemptions in cases where outsiders

could

could not be secured and competent subordinates (unqualified) are available in the office itself. It cannot always be the case that vacancies are suddenly created without previous notice to admit of adequate arrangements for carrying on the work. The office is situated in the city itself and very urgent requisitions generally receive prompt attention.

4. The plea for the power is made chiefly on two grounds, viz:

- (a) that the office is small, and
- (b) that the incumbents of the lower posts are unqualified for promotion.

It does not appear that the first reason is borne out by facts. The combined office of the two Courts seems to be big enough. Excluding the copying section, but including the interpreters, there are twenty-nine posts and the scale is also suitable enough to admit of an easy flow of promotion as will be seen from

below

page 2 of c.f.

■
Egmore and Georgetown

below:--

Pay. Rs.	Number of posts.
20	1
25	2
20-1-35	2
30	3
35	5
40	4
45	2
50	2
55	1
60	1
70	2
Interpreters 80	1
100	1
100	1
120	1
--	29
--	--

6. As regards the other point, that the office is manned by unqualified men and persons who cannot qualify for higher posts is due not a little to the management itself. The prospects are not gloomy for persons entering this office. The remedy for the present state of affairs lies in the hands of the head of the office. If he takes care to recruit only men who have the requisite general educational qualifications and exhorts them to qualify themselves for the higher posts by

passing the prescribed special tests, the difficulties now experienced will not occur.

6. Further, it is not necessary or desirable to seek permanent powers to grant exemption to meet the present situation, which can only be temporary. If the future recruits are better qualified there may not be any need for exemptions at all.

C.R.
20-7-15.

I should be disposed to say----

The general power of exemption sought for by the Chief Presidency Magistrate in respect of offices carrying salaries of Rs.100 and upwards is without precedent, nor is the necessity for it made out. There are 24 offices in the two Courts carrying salaries of Rs.30 and upwards and it should not be difficult in the Presidency town to secure in these a sufficient number of officers possessing the qualifications required by Government. Nor has any real

inconvenience been caused by the sub-
mission of applications for exemption,
only three having been received by
Government in the past three years. The
proposal of the Chief Presidency
Magistrate cannot be approved.

23.7.15

H. E. and H. M. (3rd)

P.
26.7.15

Aug
29.7.15



11 11 12
Educational Department.

Read again G.O.No. 59 Edl., dated the 15--1--1914.

Read also--

C.No.2394, from the Chief Presidency Magistrate, Egmore, Madras,
Ref.on No.396-Genl., dated the 26th June 1915.

ORDER:--
22.7.15
The

24/7/15
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sought for by the Chief Presidency
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12 12 7 13
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proposal of the Chief Presidency
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8.
2.8.15

To the Chief Presidency Magistrate.

" ~~Secretary~~ Judicial Department.

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2/8/15

9/2
2/8/15

9/2
2/8/15

When given for copying—
 When copied—
 When examined—
 When signed—

191 .

READ AGAIN G.O. No.
 191 .

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

F.E.—

A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.