Scott. II-48—22,303—17-1-18.

Home (1918) Department.

(Education)

Ordinary SERIES.

G.O. No. 1358-59

DATED 22-10-1918

INDEXED

[Despatch Abstract.]

Mr.P.I.Painter,I.C.S.,

Directing the publication of a notification appointing Mr.H.C. Papworth and--------------as Professor and Additional Professor of English respectively in the Presidency College and addressing the Government of India in regard to the salary to be allowed to Mr.Painter while in the College.

Home (Edn) C. No. 1909A 22.7.18

21/7/18

C.F. 305 (e)-100-11-7-18

Recommendations to His Excellency the Governor regarding Appointments and Postings.

CONFIDENTIAL. Home (Education) DEPARTMENT Camp No. 7/1918 Dated 21st July 1918.

Secretary to Government Home Department Madras 23 JUL 1918

Officer's name.	Appointment and posting now or last held	Period for which held.		If returning from leave, duration of leave.		Proposed appointment and posting.	Date on which to take effect.	Probable duration of appointment.	Qualification in language of area in which to be employed.	Length of service.	Remarks by the head of the department [including cause of vacancy and reasons for supersession (if any) of officers and for transfers of officers otherwise than on promotion or reversion].
1	2	3		4		5	6	7	8	9	10
		Y.	M.	Y.	M.					YRS.	
1) Mr. Harold Charles Papworth	acting additional Professor of English Presidency College Madras.	2	6	..	..	To act as Professor of English Presidency College, Madras.	16 July 1918	.	.	2½	The post of Professor of English, Presidency College, Madras, having been vacant by the transfer of Mr. J. M. Hunter as Director of Public Instruction Burma, it is proposed that Mr. H. C. Papworth who has been acting as additional Professor of English in the College since 29 January 1916 be appointed to act as Professor of English and that Mr. P. D. Painter I.C.S. whose services have been placed at the disposal of this department (vide G.O. no. R. 80 Public dated 22nd June 1918 communicated with Endorsement No. 1635A-1 Home (Education) dated 25 June 1918) be appointed to act as additional Professor of English, Presidency College vice Mr. Papworth. As his joining time had almost expired and a substitute for Mr. Hunter was urgently needed I have in anticipation of sanction permitted him to take charge of the new office on the forenoon of the 16 July 1918. His total emoluments as officiating Sub Collector appear to have been Rs. 735/- (vide page 43 of the [illegible] Civil List) and he requests that he should not be made to lose pecuniarily by his transfer to this ~~De~~ Department. I leave the matter for the decision of Government.
2) Mr. Percy Dunstan Painter	Acting Sub Collector in the I.C.S.					To act as additional Professor of English Presidency College Madras vice no (1)	16 July 1918	.	.	(P)	

J H Stone

Director of Public Instruction

To

The Hon'ble Dewan Bahr. R. Ramachandra Rao avl.

Secretary to Government Home (Edn) Dept.

3

Home (Edn.) Deptt.

G.O. 882 / 23.9.13 (H)

This Govt. can fill temporary appointments in the Indian Edl. Service in any way which may be considered desirable up to a period in each case of six months. ~~[illegible]~~ Mr Painter may therefore be appointed as Professor in the Indian Edl. Service for six months without reference to the Govt. of India.

2. Mr Painter's salary in the I.C.S cadre is Rs 766.10.8 exclusive of tentage:—

Pages 4 & 43 of Quarterly Civil List

Pay as Asst. Collr. —— Rs 500.

Acting allowance as Sub. Collr., 2nd grade } - Rs 266.10.8

Total Rs 766.10.8

His salary while officiating in the I.E.S. will be regulated by the provisions of Arts. 155 (b) ~~[illegible]~~ of the C.S.R.

~~[illegible]~~

It is not clear whether ~~[illegible]~~ in the ordinary ~~[illegible]~~ course he can draw the salary he is now dra ~~[illegible]~~ as acting Sub Collector or ~~[illegible]~~

~~[illegible]~~

J.C.S.

~~[illegible] will have to~~ whether he be placed on special duty in the Presidency College, ~~there are three~~ one appt. in the I.E.S being left vacant. ~~[illegible]~~ ~~[illegible]~~

SK
30.7.18.

We may submit the roll to H.E. the Governor for approval.

As regards the pay of Mr. Painter we will have to consult the A.G. as to the best course to be adopted to give effect to Mr. Painter's request that he should be given at least his pay as ag. Sub Collector. The D.P.I may be asked to raise the question separately and address Govt. after consulting the A.G.

CA
1-8-18

Cannot Mr. Painter's allowances be regulated by the "next below" rule?

2/8/18

Submitted that the 'next below' rule' is usually applied in the case of officers deputed for military or other special duty. ~~[illegible]~~ can be applied ~~[illegible]~~ in the present case, if Mr Pa

NOTES.

is placed on Special du
Educational Deptt. The
in this case is however to
him to a specific post in
A Presidency College carrying
of Rs 500-50-1000 p.m.

SK
3/8/18.

NK
3/8/18

A
3/8/18

I am not sure that A is strict
correct. One of the chairs in English — usually filled by the I.E.S. — is vaca
Presumably the D.P.I. cannot get any one already in the I.E.S. or elsewhere (outside the I.C.S.) to fill the vacancy. So the services of Mr. Painter have been drawn on for the Edl Dept.

I think the 'next below' rule may be adopted. Otherwise, as it is obvious that Mr. Painter should not lose by the transfer (for possessing special qualifications to fill an Educational appointment) we shall have to fix his salary at the rate at which he was drawing & revise it at every chance of his getting a promotion. My suggestion amounts to the same substantially but with additional convenience.

Bub

ue (E.S.)
o No. 1909A-1
5-8-18

6. Cf 2229

Public Deptt

× under disposal in Finl. Deptt.

(V)

In Finance Deptt. letter No. 6

d/ 10.7.18, since received×, Provincial Govts have ~~has~~ been empowered, for the duration of the War and 6 mont after its termination, "to relax .. all "rules & orders reserving posts for mem "of a particular service unless the "appointment has been so reserved "by law or by rule having the force "of law." As appointments in the I. E. S. are not reserved by law or by rule having the force of law, this communication apparently supersedes India's letter in Fo. No. 882 Edl, d/ 23. 9. 13. But by the term "to relax all rules & orders reserving "posts for members of a particular "service" it is not clear whether the Provincial Govts. have a free hand in fixing the emoluments, ~~[illegible]~~ for example, of an officer of I.C.S. appointed to the Indian Educational Service, otherwise than ~~that~~ at the prescribed scale of Rs 500-50-1000.

(H)

2. Mr Painter's (No. 160) salary in the regular line

NOTES.

1

ASSISTANT SECRE
10.AUG.1918
GOVT. OF MADR.

line in the I.C.S. is Rs $766\frac{2}{3}$ (excluding tentage) as follows:—

	Rs
Pay as Asst. Collr.	500
Ap. allce as Sub Collr., 2nd	$266\frac{2}{3}$
	$766\frac{2}{3}$

Mr. Painter's ~~is~~ salary in the regular line is not likely to exceed Rs 1000 p.m. at least for a year more, which is the maximum pay of an Officer of the I.E.S.

3. So far as Public is concerned there appears to be no objection to the Home Secy's suggestion viz to ~~fix~~ allow Mr. Painter's ~~salary~~ to draw, while in the Educational Deptt, the salary in the regular line, but presumably this should be subject to the maximum limit of Rs 1000. India's sanction will apparently be necessary for this course.

AH
10.8.18

C.S.
U
Thro' Finl

Publ. No. 2229-1
10.8.18.

CURRENT No.
~~1890~~ 6817
FINANCIAL

S.A.

Regd 10.8.18.

Recd
12.8.18
AH

vide Home Secy's note on file

Ep

Financial Dept.

The proposal of the Home Dept. is to appoint Mr. P. I. Painter I.C.S. to officiate in a post reserved for the Indian Edl. Service and to permit him whilst so officiating to draw his salary and allowances in the regular line.

As pointed out in the Public Dept. notes on page 5 ante, the Local Govt can, under the delegation sanctioned in the Finance Dept letter No. 636 C.S.R. d/10-7-18, appoint Mr. Painter to a post reserved for the I.E.S. for the duration of the war and six months after its termination. The delegation does not however give more power in the matter of fixing the emoluments of ~~offi~~ 'outside' officers so appointed; these emoluments have therefore to be fixed under the ordinary rules.

2. Mr. Painter ~~'s~~ draws salary in the regular line as shown below:-

page 6 ante

Pay as Asst. Collr.	Rs 500 p.m.
Aq. allce as Sub Collr. 2nd Gr.	.. 266⅔ ..
	766⅔.

If he is appointed to ~~act as~~ officiate in an I.E.S. post (pay Rs 500-50-1000), it seems ~~[illegible]~~ that, under arts. 96 and 155 (b) C.S.R., he cannot draw anything more than Rs 500. p.m. for the present. If this is correct, the proposal of Home Dept to permit Mr. Painter to draw the salary in the regular line while officiating in the I.E.S. will require the sanction of the Govt. of India.

page 4 ante

3. If, on the other hand, Mr. Painter is considered as being on special duty in the Presidency College, instead of holding a

sanctioned post in the I.E.S., the Local Govt. can permit him to draw his salary in the regular line, under Rule 10 (4) (a) on page 302 of the Madras Supplement to the C.S.R. In this case there will be no objection to Mr. Painter discharging the duties of Additional Professor of English while he is considered as on "special duty".

x He has been appointed for this post – [illegible] ande

4 Submitted that the Home Dept. may be requested to consult the Acct. Genl. before orders are issued fixing Mr. Painter's emoluments in the Edl. Dept.

17.8.18.

It seems to me that the proposal in para 3 above is barred by C.S.R. Art: 77. We may ask Home Dept: to consult the A.G. in the first instance.

C.S.

12/8/18.

Yes, please. This best to get the account view clearly defined.

Home (Edn.) w/o

Fnl/fco 6817-1
19-8-18.

Home (Edn)
u.o. No. 1909A-2
3. 9.

Home (Education) Dept

A draft u.o.x note to the A.G. is submitted for approval.

28/8/18

31/8/18

21.8.18

AK
22/8

Please send the u.o. note to the A.G. and return the file

HOME DEPARTMENT
19 AUG 1918
OF MADRAS

Home (Education) Department

P

In G.O. R. No.80 Public, dated 22nd June 1918, the services of Mr. P.I. Painter, I.C.S., were placed at the disposal of the Educational Department, from the date of his relief at Hospet. Mr. Painter joined the Presidency College, Madras, on the 16th July 18 last and has been doing the duties of Additional Professor of English in the College. As a Member of the I.C.S. he was in receipt of a salary of Rs.766-10-8 per mensem (exclusive of tentage) calculated as shown below.

Pay as Assistant Collector	Rs.500/-
Acting Allowance as Sub-Collector, 2nd Grade ..	Rs.266-10-8.
	Rs.766-10-8.

2. It is essential that Mr. Painter should not, by his transfer to the Educational Department, suffer in emoluments and it is accordingly proposed to allow him, while serving in the Presidency College, to draw the pay and allowances admissible to him in the regular line. The Accountant-General may, it is submitted, be asked U.O. whether there is any audit objection to this course. It may be mentioned in this connection that Mr. C.A. Innes, I.C.S., who is now the head of the department of Industries, has been permitted to draw the pay and allowances admissible to him in the regular line and has also been granted a deputation (duty) allowance.

31/8/18

MS
23/8/18

28/8/18

Home (Edn) U.O.
No. 1909A-E
3.9.18

Accountant General (U.O.)

A

NOTES.

Mr. Painter while employed as Professor of English in the Presidency College (an appointment reserved for the Indian Educational Service) can start only on the minimum pay of the service, i.e. Rs 500. He may however be allowed, with the sanction of the Government of India, his salary in the regular line (vide Goverment of India No. 482 E.A., Finance Department dated 21st September 1916 recorded in G.O. 582 Financial dated the 9th October 1916). The case of Mr. Innes is not analogous, as he was placed on special duty for the reorganisation of the Department of Industries while Mr. Painter is employed in a sanctioned post.

E

A. G. 11/9/18.

To No 183 11-9-18

The Secretary to the Government of Madras,
Home (Education) Department.

DEPARTMENT
12 SEP 1918

K.S.G.

8A

[illegible]

p.10 ante

Home (Education) Department

The A.G. is of opinion that Mr Painter may be allowed, with the ~~[illegible]~~ Sanction of the Govt. of India, his Salary in the regular line of the I.C.S. while employed as additional Professor of English in the Presidency College. It appears doubtful whether an application to the Govt. of India on Mr Painter's behalf will be successful (or necessary). A possible way of avoiding a reference to the Govt. of India seems to be to treat Mr. Painter as being "on Special duty" in the Educational Department. Under the resolution of the Govt. of India, recorded in f.o. no 284 Fin. of 5.5.17, (I) Provincial Govts. can sanction creation of temporary appointments or deputations necessitated by the war, provided that any such appointment or deputation shall not extend beyond six months after the conclusion of the war and that the remuneration in any case shall not exceed Rs 2.500 a month. Mr. Painter's special duty is therefore within the sanctioning powers of the local Govt. In order to provide for the additional cost that may be involved by the special duty, one of the vacant posts in the I. E. S. may be left completely unfilled, in which case the allowance (of Rs. 100 p.m.) given to a P. E. S. officer for acting in the I. E. S. will also be available. It is submitted that the Financial department may be requested to advise whether this course could be adopted

25.9.18

CR
26.9.18

To appoint Mr Painter to the specific vacancy & then give him I.C.S allowances requires the sanction of India. But this sanction can be avoided if Mr Painter's appointment be treated as special duty. This may look as getting round the rules; but when the literal enforcement of the rules leads to saving of time, I do not see why the local Government should not act when well within them. The only further question here will be funds; & if Finl agrees, I shall ask the DPI to point out a source.

Mg
26/9/18

ASSISTANT SECRETARY 27 1918 GOVT OF MADRAS

CHIEF SECRETARIAT 27 SEP 1918 MADRAS GOVT

Home (Edn) No.
No. 1909A-3
26-9-18

~~8317~~ 8182
FINANCIAL
Regd 27-9-18

Finl (mg)

Financial Dept.

pp11-12 above

Submitted with reference to C.S's note of 19-8-18 on page 8 ante. The present proposal of the Home Dept. is to treat Mr. Painter as on 'special duty' ~~wk~~ in the Educational Dept while he is doing the duties of Additional Professor of English in the Presidency College (for which there is a sanctioned post in the Indian Educational Service)

2 As pointed out by the Asst. Secy on page 8 ante, the proposal will not be quite in accordance with ~~the~~ art. 77 C.S.R. To treat Mr. Painter as on special duty ~~will~~ may, as pointed out by Home Secy, probably amount to an evasion of the rules. The Home Dept have also definitely told the Acct. Genl that

X above

page 9 ante

Mr. Painter is doing the work of Additional Professor of English in the Presidency College. It is not therefore quite clear whether the Acct. Genl. will agree to the "special duty."

3 Submitted that Home Dept. may be requested to ~~[illegible]~~ consult the Acct. Genl. as to whether he has any objection to the Local Govt. issuing orders placing Mr. Painter on 'special duty' during the period of his employment in the Presidency College, and permitting him to draw the salary in the regular line. If the Acct. Genl ~~agrees~~ does not object, Financial may agree to the Home Dept's present proposal. If it, however, the Acct. Genl. does not agree to the course mentioned at A above, the sanction of the Govt. of India will have to be applied for. for granting Mr. Painter the salary in the regular line

A

LD

Thell
4.x.18.

LD
5.x.18

Fin. No 8182-1
6.10.18

Home a/p

REGISTRAR HOME DEPARTMENT
9 OCT 1918
GOVT. OF MADRAS

Home (Education) Dept.

A draft u.o. note to the A.G. (in continuation of the previous x note to him & his reply) is submitted for approval.

x pages 9 & 10 ante now added to the separate u.o. note

Sa
8.10.18

Please put up u.o. note at once
A
8/10

A
8/10/18

Let this issue: but I presume Mr. Painter is allowed to draw Rs 500/- at least. It will be hard not to permit [illegible] to draw any salary pending the disposal of this question

NOTES.

Home (Education) Dept.

With reference to his note of 11.9.18 the A.G. may, it is submitted, be requested u.o. to state whether there is any objection to the local Govt. issuing orders ~~[illegible]~~ placing Mr. Painter on "Special duty" in the Educational Department during the period of his employment in the Presidency College and permitting him to draw the salary in the regular line ∴ This appears to be within the sanctioning powers of the local Govt.

8.10.18.

8/10/18

Mr. Painter will not be considered as filling up the vacancy in the I.E.S. As a matter of fact, other steps are being taken to fill up this vacancy.

9/10/18

Home (Edn.) U.O.
No. 1909 A-4
9.10.18.

Accountant General (u.o.).

Please see Article 77 of the Civil Service Regulations. As the duty on which Mr. Painter is now employed is one for the performance of which there is a sanctioned appointment, he cannot, I think, be considered to be on "deputation" in the Education Department. Whether an officer may be considered to be on "special duty" or "deputation" is a question of fact in each case, and depends on the work he is actually doing.

DEPARTMENT 16 OCT 1918 GOVT. OF MADRAS

15/10

Newmarch
A. G. 15/10/18

To

The Secretary to the Government of Madras,
Home (Education) Department. U.O.

Box No 14
Recd 19/X
Retd 21/X

Home (Edn.) Deptt.

In view of the A.G's remarks on the previous page it is for orders whether the Govt. of India may be addressed. If so, the drafts already submitted are for approval.

SK
18/10/18.

NK
18/10/18

CR
19.10.18

19/10/18

21 OCT 1918

21/10/18

* Issued as [illegible] No. 1358-9
d 22-10-18.

See page 14. I presume Mr. Painter is drawing some salary now 22/10/18

Ascertained from the A.G's office that Mr. Painter draws Rs 500 p.m.
SK

Scott. II- 10 (5)—12-1-15.

Home (Education) DEPARTMENT

READ AGAIN G.O. No.………, dated ………191 .

" " " " ………, " ………191 .

READ ALSO :—

C. No. 1909-A, From the ………, No. ………, dated ………191 .

" " ………, " " ………, " ………, " ………191 .

" " ………, " " ………, " ………, " ………191 .

ORDER. No. 1358 dated 22-10-1918.

Mis.

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

Notification.

Mr. Harold Charles Papworth, Ag. Addl. Professor of English, Presidency College, to act as Professor of English ~~in the same~~ College with effect from the 16th July 1918.

Mr. Percy Instan Painter, I.C.S. to act as Addl. Professor of English, Presidency College, with effect from the date on which he assumed charge of the office.

2. The following letter will be despatched to the Govt. of India:-

Recd [illegible] 23.10.18

To the D.P.I.
,, A. G.
,, S.G.P. for publication of Notn.
R.B. Gazetted on 29.10.18

Letter:- No 1359 of 22-10-18.

To

The Secy. to the Govt. of India,
Dept. of Education.

Recd. in S.O. M.V.S. 23.10.18

Sir,

I am directed to address you on the subject of the emoluments of Mr. P.I. Painter of the I.C.S. during the period he performs the duties of Addl. Professor of English in the Presidency College, Madras.

2. ~~[redacted]~~ Consequent on the transfer of the services of Mr. J.M. Hunter, Professor of English in the Presidency College, to the Govt. of Burma for employment as Director of Public Instruction, Burma, Mr. H.C. Papworth, Addl. Professor of English was appointed to act as principal Professor of English [redacted] on the reopening of the College in July last and it became necessary to post to that institution Mr. P.I. Painter of the I.C.S. [redacted] to do the duties of addl. Professor as no other suitable arrangement was possible. Prior to his transfer to the Presidency College, Mr. Painter was in receipt of a salary of Rs. 766-10-8 per mensem (exclusive of a tentage allowance of Rs. 35 p.m.) as shown below:-

Scott. II-8 (f)—25,005—27-4-15.

	Rs	a	p
Pay as Asst. Collector	500	0	0
Acting allowance as Sub-Collector, 2nd grade.	266	10	8
Total	766	10	8

The sanctioned scale of pay of an officer of the I.E.S. is Rs. 500-50-1,000 per mensem and, under a strict application of the rules, Mr. Painter can, to begin with, draw only a salary of Rs. 500 p.m. as ag. Addl. Professor of English. Mr. Painter's transfer to the Educational Dept. was made not for his convenience but to secure the efficient working of the English dept. of the premier educational institution in the Presidency and the Governor in Council considers it but equitable that he should not suffer in emoluments in consequence of the transfer. He therefore proposes to permit him to draw, while employed in the Presidency College, the salary and allowances admissible to him in the regular line as a member of the I.C.S. The A.G., Madras, states that, under Finance Dept. Resolution No. 482-E.A., dated the 21st September 1916, the sanction of the Govt. of India is necessary to the proposal and I am directed to request that you will be so good as to obtain the necessary sanction and communicate it to this Govt. at an early date.

I have, etc.

fo 582 9-10-18 (E)

NK 18/9/18

CR 21-9-18

29/10/18

22/10

When given for copying
When copied ——— } 191 .
When examined 22/10
When signed

READ AGAIN G.O. No. 191 , DATED

C[illegible] 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.

N.B.—
A = Copy in full.
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