

Home (1918) Department.
Education

Ordinary SERIES.

G.O. No. 1680

DATED 11. - 12 - 18

INDEXED

[Despatch Abstract.]

Delegation of powers.

Recording notes connected with the resolution of the Government of India regarding the recruitment of officers for a service other than in accordance with the rules.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

GOVERNMENT OF MADRAS.

Received 1918 Registered 1918

Abstract.

Delegation of powers.

Recording resolution of the Government of India, Finance Department, No. 513 E.A., dated 5th November 1918, regarding the duties of audit officers in connection with the appointment of an outsider to a post ordinarily reserved for a member of a particular service or the recruitment of an officer for a service other than in accordance with the rules.

FINANCIAL DEPARTMENT.

G.O. No. 626

Dated 20th November 1918.

Read the following papers:-

G.O. No. 676 Financial, dated 16th August 1918.

From the Government of India, Finance Department, No. 513 E.A., dated the 5th November 1918.

The Government of India have recently had under their consideration the question how far it is the duty of an audit officer to call for the sanction of the Government of India or the Secretary of State to the appointment of an outsider to a post ordinarily reserved for a member of a particular service, or to the recruitment of an officer for a service otherwise than in accordance with the rules approved by the Government of India or the Secretary of State for that service. It was laid down by the Secretary of State in 1889 that it is the primary duty of the officers of the Accounts Department to disallow all charges in contravention of standing orders, and this principle is of general application. The restrictions on the filling up of appointments have been imposed mainly on grounds of efficiency, e.g., for certain posts training in England or a special technical training may be made desirable. An officer who does not comply with these conditions is *prima facie* not so efficient as one who does, and to pay both officers at the same rate may involve unnecessary expenditure on the latter.

public funds. The Government of India have, therefore, decided that audit officers must be held responsible for the correct observance of rules regarding recruitment and appointments as well as of other rules.

2. The action of audit in such cases must however, from the point of view of expediency, be limited. After consultation with the Comptroller and Auditor General the Government of India are pleased to lay down the following procedure which, in their opinion, will meet all practical audit requirements:-

(a) When the rules for recruitment explicitly declare that higher sanction is necessary either to the ~~appointment~~ appointment of officers to certain posts or to their being filled otherwise than in the manner specified therein (e.g., in the case of High Court Judges, etc.) an audit officer should call for the requisite sanction.

(b) When the rules for recruitment, approved by a higher authority, merely prescribe a certain procedure to be followed in making appointments, but are silent as to the authority competent to sanction departures therefrom, an audit officer should call for higher sanction only when in his opinion a material departure from the rules is involved. For instance in the case of a service regarding which it is laid down that three-fourths shall be filled by direct appointment and one-fourth by promotion from the subordinate ranks, it will not be necessary for the audit officer to object to a single appointment from either source in excess of this proportion. If he finds, however, that the ~~proportion~~ proportion is systematically disregarded, he should call for higher action.

(c) It is not necessary for an audit officer to see that the selected candidates possess the prescribed educational qualifications. This may be left to the appointing authorities.

(d) When an audit officer is of opinion that an appointment has been reserved by the Government of India or the Secretary of State for members of a particular service and an outsider is appointed, he will call for the sanction of the authority which reserved the appointment.

The question whether an appointment has been so reserved is a question that to be settled after consideration of the law or rules, if any, bearing on the case, and the orders of the Government of India or the Secretary of State creating the appointment. The fact that the pay of the appointment has been fixed on the ~~assumption~~ assumption that it will be held by a member of a particular service tends to show that it was intended to reserve the appointment for that service but by itself it is not conclusive evidence.

(e) The checks need not be applied in the case of non-gazetted officers as, in their case, sectional audit only is conducted and consequently the audit office is not aware of the names of the officers.

The Government of India trust that the above procedure will in future be carefully observed in all audit offices.

3. The strict enforcement of the rules regarding appointments would at the present time be impracticable owing to the depleted condition of the cadres of many services. The Secretary of State, however, has authorised the Government of India and Provincial Governments, for the duration of the war and six months after its termination, to relax, where special circumstances justify this, all rules and orders reserving posts for members of a particular service, unless the appointment has been so reserved by law or by rule having the force of law; and separate orders have issued on the subject. Provincial Governments will therefore have ample power to meet the exigencies arising from the war.

When new rules of recruitment for the various branches of the public service come to be framed as a result of the recommendations of the Public Services Commission, it will be desirable to make it clear how far the Government of India, Provincial Governments and other administrative authorities may deviate therefrom without higher sanction or may make temporary and acting appointments for a service apart from the ordinary rule. The Government of India will be glad if local Governments will bear this in mind when dealing with the recommendations of the Public Services Commission.

Home (Education) Dept.

C. No. 2906-A.

From the Financial Department, G.O. No. 926,
dated the 20th November 1918.

Subject.- Delegation of powers.

Recorded.

2. The attention of the departments of the Secretariat is drawn to the concluding portion of paragraph 3 of the resolution of the Government of India, read above.

(True Extract)

for Chief Secretary

To the Accountant-General

" " Departments of the Secretariat
(except Separate Revenue and Pension)

Art. 139 of the G.S.R

printed in fo 88235. (e)
23.9.13

With reference to the portion marked A on page 3 c.f. the case of ^{the} I.E.S. alone need be considered. The strength of the cadre is at present 30 and, in normal times, recruitment for the cadre is made only in England by the Secy. of State.

2. The Local Govt. are however empowered to appoint P.E.S. officers to act temporarily in I.E.S. vacancies without limit of time and to grant them an allowance of Rs. 100 p.m. They can also under the authority conveyed in Govt. of India letter No. 1742, dated 10-9-13 fill

temporary vacancies in the I.E.S. in any ^{fit} ~~any~~ ^{up to} ~~up to~~ a period of six months. If the period of the temporary employment exceed six months but does not exceed 2 years, the sanction of the Govt. of India is necessary to the arrangement. In all other cases the sanction of the Secretary of State will have to be obtained.

3. The views of this Govt. on the recommendations of the Public Services Commission in regard to the reorganization of the Educational services have already been communicated to the Govt. of India in letter No. 951, Home (Edn), d/17-7-18. If the proposals made therein are accepted, class I of the new service will consist of 80 members of whom 48 will be recruited in

Europe

para. 15 of letter

Europe and 32 in India. There will be no change in the present powers of the Local Govt. as regards the posts to be filled in England. As regards posts to be filled in India, the Local Govt. can promote a class II officer to class I without reference to higher authority, but where direct appointment is proposed ~~the~~ to class ~~II~~ ^I the sanction of the Govt. of India will be necessary. The position will be clear only when the final orders of the Secretary of State and the Govt. of India on the recommendations made are received.

4. It is for consideration whether the present opportunity should be availed of to press for ~~the~~ larger powers to the Local Govt. in respect of appointments to class I of the proposed service (corresponding to the present I.E.S.). But ^{it is only recently in connection with} the Public Service Commission's recommendations themselves that we accepted the above in regard to recruitment. We may not be justified in reopening the question in respect of service alone so soon after. Any general order that may be passed in regard to the services may be sought to be applied to the service later on. The same question is being raised separately in connection with the ^{Subject} ~~Service~~ Committee. No action seems necessary on the present current.

LDs
7.12.18
9.12.18

Paras. 19 + 20
of letter (n)

NOTES.

Page 3.

~~Records Section~~ The papers may
now be "recorded".

28h
9-12-18
KJ
10/12/18

GA
11.12.18

Order 1580 of W. 12.18
mis

It is now nearly ten months since
the Public Land Commission was
established in Missouri. That we
creeped the above in regard to
land. We may not be justified in
regarding the present in regard
to the same. It is a fact
that we have seen that we have
found in regard to the same
may be brought to the office & to
be in the same. The same
being so, separated from
with the same.

When given for copying

When copied

When examined

When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO G. O. No.

ORDER OF GOVERNMENT

.. ..

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B.—

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