

Law (1925) Department.
Education?

Ordinary SERIES.

G.O. No. 81

DATED 20-1-1925

12
[Despatch Abstract.]

Establishment.

Pay of officers-appointed direct to posts to which
acting promotion is inadmissible.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	141	Rev Ed	28.1.24	G.O.	800	Prin Ed	3.7.22
G.O.	1502	Rev Ed	28.10.23	G.O.	400	Rev Ed	1.9.22
G.O.	1594	Rev Ed	19.12.22	G.O.	2	Rev Ed	3.1.24

FURTHER PAPERS.

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

C.F. 30-18,658-3-01-23.

Law(Education)

DEPARTMENT.

Received



Registered 192

Requesting Government to reconsider their orders disallowing officiating promotion with allowances to the post of Head clerk, Presidency college, madras and to issue a ruling regarding the pay admissible to outsiders appointed to officiate in clerks posts on Rs. 65- 4- 85 in this Department.

ENCLOSURES.

No.

R. C. No. 2484 C/24

Spare copies

Station Madras, Dated the 7- 10- 24 192

From (Name) R. Littlehailes Esq., M.A.,

(Designation) Director of Public Instruction,

Madras.

To The Secretary to the Government of Madras,

Law(Education)

Department.

Sir, Through the Accountant General, Madras.

Mr. N.Subramania Ayyar who was acting as a clerk on Rs.40 in this office and who holds no permanent appointment under Government was appointed to officiate as Head clerk in the Presidency college, Madras in July last in place of the permanent Head clerk on leave. Although the post carries a pay of Rs.65- 4- 85 the Accountant General has held that Mr. N.Subrahmania Ayyar can draw only the minimum pay of the lower scale of Rs.40- 40-1½- 55- 1- 65- vide copy of his letter No. T.2 Edn-P-A.1/395 dated 10- 9- 24 herein enclosed.

2. The Accountant General has apparently based his

his objection on para 2 of G. O. No. 1594 Law (Education) dated 19-12-22 wherein Government have declined to sanction the grant of acting promotions with allowances in respect of the posts of Head clerks of colleges. I would submit that this order applies only to persons who hold permanent appointments on lower rates of pay and are promoted to officiate as Head clerks of colleges. Outsiders or persons who hold no substantive appointment under Government if appointed to these posts on the ground of fitness appear to be eligible to draw the minimum pay attached to such posts in accordance with rules 17 and 31 of the Fundamental Rule. Mr. Subrahmania Ayyar's case is of this description.

3. The Head clerks post in the Presidency college is a very responsible post. The incumbent has not only to superintend the work of the other clerks but is also personally responsible for all the financial transactions such as collection of fees and their remittance into the Bank and the drawing and disbursement of salary, establishment and contingent bills. On account of the onerous duties attached to the post, I recommended a pay of Rs.85-4-125 for this post when submitting the proposition statement for the revision of the pay of the establishment of the Presidency college. But Government fixed the pay of the post at Rs.65-4-85 only- vide G.O. No.800 Law(Education) dated 3-7-22. Recently the clerical work in the college had increased considerably. Government were requested in my letter R.C.No.524 C/23 dated 12-5-23 to convert one of the clerks posts on 40-65 in the college into that of an Accountant on Rs.65-4-85 with a view to relieving the Head

clerk

clerk of the college of the financial portion of his work. This proposal was also negated by Government vide para 2 of G. O. No. 1502 Law(Education) dated 26-10-23.

4. If, as stated by the Accountant General, every person appointed to officiate as Head clerk of the Presidency college can be allowed only to draw pay in the scale of Rs.40-65 I beg to submit that it will become impossible to make satisfactory arrangements for the discharge of the Head clerk's duties whenever the permanent incumbent of the post goes on leave as no competent person would be willing to take up the responsible duties attached to the post, without being allowed to draw the minimum pay attaching to it. I have therefore the honour to request that Government will be pleased to reconsider the orders passed in para 2 of G. O. No. 1594 Law(Education) dated 19-12-22 and allow officiating promotion with allowances to the post of Head clerk of the Presidency college, Madras.

5. Mr. N. Subrahmania Ayyar is a graduate and was acting as a clerk in my office prior to his appointment as Head clerk of the Presidency college. He was specially appointed by me to act as Head clerk of the Presidency college as he had shown himself to be fit for responsible work of this kind. As Mr. N. Subrahmania Ayyar holds no substantive appointment under Government it was presumed that under rule 31 of the Fundamental Rule he could draw Rs.65 the minimum pay attached to the post. He accepted the post on this understanding. It is not clear whether the Accountant General's objection will also hold good if Mr. N. Subrahmania Ayyar were appointed substantively to the post. But Mr. Subrahmania Ayyar cannot be appointed substantively to the post as it is not

This has been considered
twice definitely
Govt. may not
re-open the subject. In
the L.H. also
promotion from the lower to
the higher upper division has
since been stopped - vide
G.O. No. 2 in 1924, d/1
3.1.24

That is what
the A.C. means to
hold - p. 6 in 1924

p 39 (C)
G.O. 800 200
3-7-22

psqr (C)

H-1-39 (C)
G.O. 1502

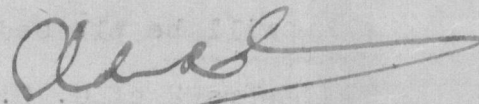
not permanently vacant at present.

Furthermore there are other clerical posts on Rs. 65- 4- 85 in this department to which persons without substantive appointments have been directly recruited and it is very desirable that suitable persons should be so recruited, on the analogy of direct recruitment to Upper division clerkships which appears to obtain in the Secretariat. I have therefore the honour to request the favour of a ruling on this point also ^{while} ~~which~~ orders are passed on the request contained in para 4 supra.

I have the honour to be,

S i r,

Your most obedient servant,



for Director of Public Instruction

A. R. 9/10/24

h/ 9.10

5 4
Copy of letter No. T.2- Mdn. P.A.1/395 dated 10th September 1924 from the Accountant General, Madras to the Director of Public Instruction, M a d r a s.

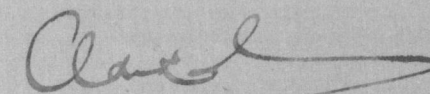
" With reference to your letter R.O.C. No. 2484 c/24 dated 18- 8- 1924, I have the honour to state that the cadre of the clerical establishment of the Presidency College, Madras is

1.clerk in the Rs. 65- 4- 85 grade

3 clerks in the 40- 40- 1½- 55-1-65 grade.

As officiating promotion has not been permitted by Government to the post on Rs.65- 4- 85, all the above posts should be considered to involve duties of approximately the same character or degree of responsibility and to be on the same scale of pay though they are on different rates of pay. A Government servant appointed to officiate in the post of head clerk in the Presidency college can draw officiating pay on the lower scale of 40- 40-1½- 55- 1- 65 ie., the lowest scale of pay attached to the posts. As Mr. N. Subrahmaniam Ayyar has no substantive appointment under Government, he can draw only the minimum pay in the lower scale fixed for clerks. The special sanction of the finance department is necessary to enable him to draw Rs.65 being the minimum of the higher scale.

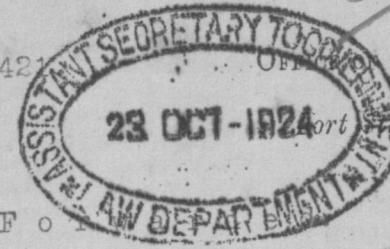
(True copy)



for Director of Public Instruction

h/ 9.10

No. Edn.P.A.1-421



THE ACCOUNTANT-GENERAL, MADRAS,

George, 21st October 1924.

Enclosures.

6 sheets

F O

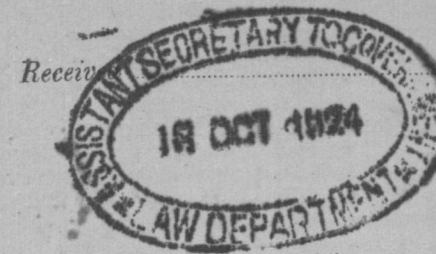
In view of the fact that officiating promotion has been declared to be inadmissible to the post of head clerk in the Presidency College, vide G.O.No.1594 Law (Education) dated 19.12.1922, all the clerical posts in that college including that of the head clerk should be treated as in the time scale of pay and an outsider appointed to officiate in a post on that scale of pay should start on the minimum of the time scale attached to it. If, however, Government is satisfied that the duties of the head clerk are of greater importance than, or of a different character from those of other clerks, there is no objection to their permitting officiating promotion to the post of the head clerk of the Presidency College.

R.V.
To

M. Subramanyam
Deputy Accountant General.

The Secretary to Government,
Law (Education) Department.

b

192 : Registered *H. C. 2777C* 192*18/1/24*

Subject.

Officiating pay of Mr. P. Subramanya Sastri, clerk,
Registrar of Books, Madras.

Law (Edu) Dept
The letter said to have
been submitted thru the
H. G. has not yet been
received. The receipt may
be available.

ENCLOSURES.

No. *21/10*

Spare copies

R.O.C. No. 2484 C/24

Station *Madras*, Dated the *21.10.24* 16th October 1924From (Name) *R. Littlehales Esq., M.A.,*(Designation) *Director of Public Instruction*

To The Secretary to the Government of Madras,

LAW (EDUCATION) Department.

Sir,

In continuation of my letter R.C.No. 2484 C/24 dated 7th October 1924 (submitted through the -- Accountant General) regarding the officiating pay of M.R.Ry N. Subramanya Ayyar, acting Headclerk, Presidency College, I have the honour to submit herewith a copy of the Accountant General's objection Memo No. 373 T2 Edn P.A dated 29th September 1924 objecting to M.R.Ry P. Subramanya Sastri, acting III clerk and Reader, Office of the Registrar of Books, drawing the salary attaching to the post to which he has been appointed.

2. M.R. Ry P. Subramanya Sastri is a new entrant into the service and was specially selected for the post (after advertising the vacancy in the Gazette) in view of his special linguistic qualification. He is a graduate with Sanskrit literature and Early Indian History as his optionals and is acquainted with Malayalam and Tamil and especially literary Tamil. A man of this type was particularly needed for the office of the Registrar of Books. I request that if special sanction is considered necessary, Mr. Subramanya Sastri may be permitted to draw the pay of the post in which he officiates.

I have the honour to be,

Sir,
Your most obedient servant,

[Signature]
for Director of Public Instruction.

P.R.K. 16/10

Copy of letter No. 373 T2 Edn P.A. dated 29th September 1924 of the Accountant General to the Registrar of Books, Madras.

The Establishment Bill for Rs 466-3-0 is passed for Rs 447-13-0 and the balance of Rs 18-6-0 is disallowed for the reason specified below.-

As the officiating promotion has not been permitted by Government to the post on 65-4-85, all the clerical posts except the post of Headclerk should be considered to involve duties of approximately the same character ^{of} degree of responsibility and to be on the same scale of pay though they are on different rates of pay. A Government servant appointed to officiate in the post of 2nd or 3rd clerk of the office can draw officiating pay on the lower scale of 40-40-1½-55-1-65 that is, the lowest scale of pay attached to the posts. As Mr. P. Subramanyam has no substantive appointment under Government he can draw only the minimum pay in the lower scale fixed for clerks. The special sanction of the Finance Department is necessary to enable him to draw Rs 65/-.

*
sd, I.A. Paniker
Assistant Accountant General.
*
/True copy/ *[Signature]*

Law (Education) Deptt. 7

C.No. 2828 C - From the D.P.I., R.C.No. 2484 C/24 dated 7-10-1924.

Officiating promotion with allowances to the post of Head Clerk, Presidency College -

Two questions are raised in the Director's letter

(i) The propriety of allowing officiating promotions ^{with allowance} from clerical posts on Rs. 40--65 to clerical posts on Rs. 65-4-85 in Government colleges,

(ii) the pay to be given to direct recruits to clerical posts on Rs. 65-4-85 in the Educational Deptt.

2. The first question has been considered and rejected twice--please see notes sidelined at pages 21, 23 and Sir Charles Todhunter's notes at pages 26 to 27 of G.O.No. 400 Law (Education), dated 1-4-1922 and notes at pages 12 to 13 of G.O.No. 1594 Law (Education) dated 19-12-1922. Since the issue of the orders referred to above, the Government have issued orders prohibiting officiating promotions from the lower to the upper division of clerks in the Secretariat--vide G.O. No. 2 Finance, dated 3-1-1924. It does not appear that the Government will be prepared to reconsider the previous orders in respect of the clerks in question in the Educational Deptt.

3. In regard to the second point, clerks in the Educational Deptt. (barring those employed in the Office of the D.P.I., whose case is not now in issue) may be brought under two categories.

Madras	Mufassal
Junior scale 40--65	35-60 65-85
Senior scale 65-85 65-85	60--80

Of the above, officiating promotions are ad-

admissible from the junior to the senior scale in the offices of District Educational Officers and the Inspector of European schools--paragraph 1 of G.O.No. 1594 Law (Education) dated 19-12-1922. It follows that persons appointed to the senior scale in those offices by direct recruitment or otherwise will start ^{on} the minimum in the scale (Rs. 60 or 65 as the case may be). In the case of the other offices the A.G. seems to hold that clerks should begin at the minimum of the lower scale. Taking (page 6 c.f.) the concrete instance of the Presidency College brought to notice, it may be mentioned that the clerical establishment of the college consists of:—

- (1) a head clerk on Rs. 65-4-85
- (2) a library clerk on 65-4-85
- (3) 2 clerks on 40---65
- (4) a junior librarian 40---65

The A.G.'s point is that the above establishment should be considered to be on one time scale of pay and that even persons without substantive appointment in Government service appointed to the posts on Rs. 65-4-85 should start on Rs. 40. It does not appear that this result was contemplated by Government in declaring officiating promotions inadmissible from posts on Rs. 40-65 to Rs. 65-85. So long as there is a post on Rs. 65-4-85 in the sanctioned scale it seems that any one appointed direct to it may draw the minimum of the scale. The analogy of the practice in the Sectt. referred to at 'A' on page 4 c.f. is in point. In the Sectt. there are two scales of pay for clerks, one on Rs. 40-80 and the other on Rs. 70-175. Though acting promotions from the former to the latter have been stopped in G.O.No. 2. Finedirect recruitment to the scale of Rs. 70-175 is still the practice and clerks so recruited start ^{on} the minimum viz., Rs. 70. The A.G.'s objection in the case under reference is not therefore understood. He may be requested u.o. to state whether in

This was not intended
No
VTK

Though promotions & allowances are not given to men placed in the lower scale and ag. in the higher, direct recruitment on the minimum of pay of Rs 65 to the upper scale is not barred.
VTK

Specis
Lamberton 2828C7
6.11.24



L. Di 3067C
14/11/24
14/11/24

view of the practice in the Sectt. he will agree to the minimum of the higher scales being given to clerks recruited direct to the higher scale in the Educational Deptt.

GA
4.11.24
VTK
5.11
Accountant Gen. u.o.

Office of the Accountant General,
 Fort St. George,
 Dated 13th November 1924.
 No. 1446d 13.11.24

There is no objection to Government declaring that the minimum of the higher scales may be given to clerks recruited in the Educational Department.

M. Chinnappa
 D. A. G.

To
 The Secretary to Government,
 Law (Education) Department, U.O.

Law (Edn)

A letter from the D.P.I regarding answer similar Case in the office of the Registrar of Books has been added to the cf.

2 In the case of the Secretaries the Govt have not ^{made a specific declaration} ~~declared~~ that clerks recruited direct to the upper division will get the minimum in the higher scale, though officiating promotions

promotions from the lower to the upper division have been barred. It is not clear why the A.G. considers

from
2 Finance
3-1-24 (4)

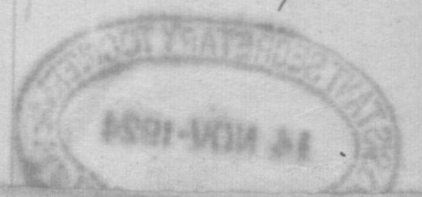
such a declaration necessary in the case of clerks recruited ^{direct} to posts in the higher scale in the educational department. He has not cited any authority for his statement.

The Finance Dept may be requested to offer its remarks on the point

15.11.24
15.11.24
18.11
Finance. U.O.



Lawrence 20280-2
19.11.24



Finance (C.S.R)

4824 GSR
19.11.24

The question in issue, stated in general terms, is as follows:-

If there are in an office, posts on two scales of pay between which officiating promotion is not admissible, can a person who holds no substantive post in Govt. service be appointed to officiate in a post in the higher scale and draw the pay of the higher scale?

The concrete case in issue is that of the office of the Presidency College where the junior clerks and the junior librarian draw Rs40-65 and the Head Clerk and Librarian draw Rs65-85, officiating promotion between the 40-65 and the 65-85 scales not being admissible.

2. The A.G. contends that the refusal of officiating promotion ~~is~~ from the lower to the higher scale is tantamount to a declaration that the two form really only one scale, though there are two rates of pay.

3. F.R. 30 deals with the remuneration of a Govt. servant with a substantive post who is appointed to officiate in another post. Enhanced pay in respect of the officiating appointment can be drawn only if the appointment involves the assumption of duties or responsibilities of greater importance or of a different character. It has been held that this condition has not been satisfied in the case in question. This decision cannot, I think, be regarded as a recognition that there are not two separate time-scales. It is a decision merely in regard to the relative responsibilities of the two classes of posts.

4. Granting that there are two time-scales, F.Rs 31 and 35 will regulate the remuneration of a person who holds no substantive post and is appointed to officiate in the higher scale. He will be entitled to the presumptive pay of the post, i.e., the pay which he would draw if he held the post substantively--vide F.R. 9 (24), subject to the discretion vested in Govt. to grant a lower remuneration under F.R. 35. I should hold that in the case now in issue Mr. N.Subramania Ayyar is entitled to draw the higher scale viz., Rs65-85, while he is officiating as Head Clerk, Presidency College, to which the higher scale is attached. I should apply the same ~~reason~~ ^{decision} to all analogous cases. It must, I think, be left to heads of offices to see that the rule is not abused. In the present case, it is

definitely stated that Mr. Subramania Ayyar was specially selected for the post. On the other hand it would offend against the spirit of the rules if a proper appointment were made under which a raw hand was appointed to officiate in the higher scale while a clerk in the lower scale actually performed the duties of Head Clerk.

5. As the decision in this case will be of general application and will be adopted as a precedent, the case may be circulated to C.4.

L. En 3359 C
14/12/24
SECREARY TO GOVT. OF MADRAS
11 DEC 1924
LAW DEPARTMENT

K.R.

Fin. no. 4824-1689
11-12-24

Lam (a.m.)

Finance is inclined to consider that the appointment reported in the current file was regular and that the A. G's objection is untenable.

2 For orders as to circulation to M₂ & C₄.

4-12-24

11-12-24

12-12

SECREARY TO GOVERNMENT OF MADRAS
13 DEC 1924
LAW DEPARTMENT

M₂
C₄

The A. G's view seems to be fair.
12/12/24

The first criticism that suggests itself is that in view of the responsible nature of the head clerk's post it was scarcely proper to appoint to it a man holding no substantive appointment under Government and having presumably comparatively little experience. If, however, the man selected is so eminently superior as to make his appointment necessary or justifiable, I should say that it was proper to start him at the bottom of the superior scale. The objection does not seem to apply to a person acting as third clerk and reader in the office of the Registrar of Books. Presumably that is an appointment for which special qualifications are needed but which does not carry the responsibilities of a head clerk's post.

2. Of course it will be necessary to guard against any such abuses as are referred to in the Deputy Secretary's note.

14/12/24

A.S.

A draft order is subd. It may go to Finance & ~~Finance~~ who may/ probably/ desire to issue general instructions.

16-12-24
20-12-24

2 Public may also be made with ref: to P. Subramaniam's Subbar's case (pp 7-8, c.4)

20-12-24

Finance u.o.

Finance CSR

The draft may be accepted.

2. It does not appear necessary that any general

(may be circulated again to M₂ & C₄)

SECREARY TO GOVERNMENT OF MADRAS
13 DEC 1924
LAW DEPARTMENT

5376 CSR
24-12-24

post of head clerk.

Q. M. R. Ry. N. ~~Switzerland~~

Sukadamaraya Noyart and M. R. Ry.

P. Subramanyam Sastri referred to

in the letters of the D. P. J. read

above ~~with~~^{should} accordingly down in

allowed to draw ^{the sanction of} ~~the~~ ^{any} of the posts.

So long as they officiate as head

clerk of the Presidency college and

as third clerk and Reader in

the office of the Registrar of

books respectively.

B A

20.12.24 20.12.24.

V-TR
22.12

To the D.P. of ~~28-1-1944~~

$\therefore A - g. (\frac{4000}{2} : 7 \text{ km})$

copy to the ~~Genl.~~ Dupont:

.. Public Dept

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

192

READ AGAIN G.O. No. , DATED
192 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT . .

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.