Scott. II-48—33,702—27-11-23.

Law (Edn) (1925) Department.

Ordinary SERIES.

G.O. No. 91

DATED 23. 1. 25

10

[Despatch Abstract.]

Establishment - Narayana, R. L. - School Assistant - Initial pay - Auditor-General's ruling - Communicated to the Director of Public Instruction.

BACK PAPERS.

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

FURTHER PAPERS.

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

4 & 65 C.&.R.
23.10.24

O.F. 213—3,000—15-11-23.

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS, 2

Fort St. George, the 21st *of* October 1924.

No. T.M. 24-2519.

ENCLOSURES.

From
J.F.Mitchell Esqr., I.C.S.,
Accountant General,
Madras.

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

Sir,

p. 2 infra

In continuation of my letter No. T.M. 24-13-1741 dated the 29th August 1924 regarding treatment of pay drawn in Temporary posts as substantive pay for purposes of Fundamental Rule 22, I have the honour to state that the Auditor General, to whom the case of Mr. K.L.Narayana was reported has decided that, under Fundamental Rule 22 Mr. K.L.Narayana was entitled on his appointment to the scale of Rs. 75-5-100 on the 28th November 23 to a pay of Rs. 100/- being the maximum pay of the permanent post. He was therefore, entitled to a pay of Rs. 100/- on the date of his reversion viz., the 29th July 1924. He added that, if the personal pay of Rs. 25/- had been granted to him under Fundamental Rule 9 (23) (b), sanction need not be challenged in audit.

It is for Government to decide whether the personal pay proposed by the Director of Public Instruction, should be brought under Fundamental Rule 9 (23) (b).

p.r. 7 (b)

I have the honour to be,
Sir,
Your obedient servant,
J.F. Mitchell
Accountant General.

V.S.R. 21-10

MRS

Copy of letter from the Accountant General No.T.M.24-13-1741 dated 29th August 1924.

The case which has given rise to this reference is that of K.L.Narayana Row, a School Assistant in the Educational Department. He was first appointed to the temporary post of Assistant Lecturer on a fixed pay of Rs.125 sanctioned for a period of two years from 1st July 1922. Vide G.O. No.694 (Law (Education) dated 6th June 1922 and 729 (Law Education) dated 23rd May 1923. He was subsequently confirmed as a School Assistant in the scale of Rs.75-5-100 with effect from 28th November 1923 without prejudice to the temporary post held by him as Assistant Lecturer. This temporary post was also made permanent from 1st July 1924 on a time-scale basis on a scale of pay of Rs.125-5-175-7½-250. Vide G.O.No.662 Law (Education) dated 30th April 1924 but the incumbent was not appointed substantively to the post but continued to hold it in an officiating capacity. So long as he was holding the temporary post or officiating in the post after it was made permanent he was allowed to draw Rs.125. From 29th July 1924, however, he was reverted from the officiating post of Assistant Lecturer to his permanent post of School Assistant (Pay Rs.75-5-100). The Director of Public Instruction now proposes to fix the initial pay of the Government servant in his permanent post at Rs.125/- (Rs.100 plus personal pay Rs.25) apparently on the ground that the temporary pay drawn by him in the temporary post should be treated as 'substantive pay' for purposes of Fundamental Rule 22; but I have provisionally admitted only Rs.75 the minimum pay of the present permanent post pending orders of Government.

3

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Law (Edn) Deptt

K. L. Narayana Rao - Initial pay.

From the A.G. No. T.M. 24-2819 dated 21.10.24

Endt. No. 2915C/24-1 d. 5-11-24

Referred to the D.P.I. for remarks.

4.11.24

To

The D.P.I. (with c.f. in orgl. to be retd. with reply)

Dbd. 6/11.

3.11.24

Reminder 3 weeks hence.

C. 9—18,658—3-01-23. 4

Law (Education) **DEPARTMENT.** 5

Received .... 192 . *Registered* .... 192 .

ASSISTANT SECRETARY TO GOVERNMENT 16 NOV-1924 LAW DEPARTMENT

Subject.

Resubmitting the letters of the Accountant General, Madras regarding the grant of personal pay to officers confirmed in permanent posts while holding temporary posts.

L. Ed 3096 C
17/11/24

ENCLOSURES.
No. 2 sheet
Spare copies

R.O.C. No. 2684 C/24

Station Madras, *Dated the* 12th November 24 192 .

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

(Designation) Director of Public Instruction

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

In resubmitting herewith the letters of the Accountant General referred to me for remarks with Government endorsement No. 2915 C/24-1 dated 5th November 1924, I have the honour to state that in cases similar to that of M.R.Ry K.L. Narayana, personal pay has been granted in accordance with the opinion of the Accountant-General. Such personal pay does not apparently come under Fundamental Rules 9(23) (b) as it is not given in exceptional circumstances on personal considerations.

p 3 Supra

p 8 of D

2. The Accountant General has not enclosed a copy of the Auditor General's instructions referred to in his

= Since forwarded
- f 4 infra

DEPARTMENT Finance (F.R.)

letter. If the pay in the temporary appointment is considered as substantive pay for purposes of rule 22 of the Fundamental Rules, as once agreed to by the Accountant-General, personal pay has to be granted whenever the maximum pay of the appointment in which a person is confirmed falls short of the pay drawn by him in the temporary post held by him at the time of such confirmation.

I have the honour to be,

Sir,

Your most obedient servant,

for Director of Public Instruction.

P.V.S. 14/11.

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No. OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, 5th Decr. 1924.

Enclosure Copy of letter No. 709C/87-24, dated 2nd October 1924, from the Auditor General, Delhi, to the Accountant General, Madras.

Subject:- Treatment of pay drawn in a temporary post as substantive pay for purposes of F.R.22.

With reference to your letter No.T.M.24-13-1740, dated 29th August 1924 regarding the fixation of the initial pay of Mr.K.L.Narayan in his permanent post, I have the honour to state that under Fundamental Rule 22, Mr.Narayan was entitled, on his appointment to the scale of Rs.75-5-100 on the 28th November 1923, to a pay of Rs.100/- being the maximum pay of the permanent post. He was, therefore, entitled to a pay of Rs.100/- on the date of his reversion viz. the 29th July 1924 and if the personal pay of Rs.25/- had been granted to him under Fundamental Rule 9 (23) (b), the sanction need not be challenged in audit.

Future references bearing on Fundamental Rules and Supplementary Rules should henceforth be made to the Government of India direct.

To be communicated in copy to the D.P.I.

V. Devarajan

Superintendent,
Correspondence Section.

Finance (C.S.R.)

[C. No. 4465 (C.S.R.)] From the A.G. No. T.M. 24-2519 d 21.10.24
Initial pay – Mr. K. Narayana Rao.

p 1 c.f.

This may be sent to Law (Edn) for consideration in the first instance, along with a copy of para 2 of A.G's letter No. T.M. 24.13-1741 d 29.8.24 in the linked file. –
(p 1. f.07)

p 2 c.f.

24.10.24

28.10.24

Law (Edn.) uo

Fin. u.o. 4465 (C.S.R.)
29.10.24

It is for the Director to say whether there are any personal considerations in this case cf: rule 9 23 (b) of the Fundamental Rules
— p.8 (D)

L-En 2915 C
31/4/24.

Law (Edn) sopts.

The remarks of the D.P.I. may be invited in the first instance. A draft endt. is for approval.

4.11.24

~~L-En 4078 H~~
~~30/11/24~~

3/11
3.11.24

no note
Sent to Ag on 21-11-24
(2915-C-2)

p.f.o.

TM 24 - 2519 Dt. 21-10-24

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Law (Education) Deptt.

page 3 c. f. — (Issued as Endt. No. 2915 C-24-1 dated 5-11-1924)

pages 4-5 c. f. — C. No. 3096 C - From the D. P. I., R. O.C. No. 2684 C dated 12-11-1924.

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page 1 c. f.

para. 1, page 4 c. f.

Under the Auditor General's ruling the pay of Mr. Narayana ~~Rao~~ can be fixed at Rs. 125 only if the personal pay of Rs. 25 had been granted under Rule 9 (23) (b) of the Fundamental Rules. From the Director's letter it appears that the personal pay does not fall under this rule. Mr. Narayana ~~Rao~~ would therefore seem to be eligible for an initial pay of Rs. 100 only.

pages 4-5 c. f.

With reference to paragraph 2 of the Director's letter, the file may be sent u. o. to the A. G. for remarks.

B.H. 19/11

19.11.24

20.11.24

(This page alone to go to D.P.I.)

A.G. u.o.

U.O. No. 1511

Landsur. 2915 C-2
21-11-24.

Office of the Accountant General,
Fort St. George. 3rd December 1924.

The view taken by this office to the effect that the grant of personal pay in the present case should be regulated under Fundamental Rule 9 (23) (b) is in accordance with the latest decision of the Auditor General on the subject.

2. I have placed below a copy of the Auditor General's letter.

p6 c.f. same as 1 c.f.

D.A.G.

L.Edn 3298 C
6-12-24

Encl. one

To

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

Law (Education) Deptt.

pp 4-5 c.f.

Since the D.P.I. has stated that the personal pay granted to Mr. Narayana ~~Rao~~ does not come under Fundamental Rule 9 (23) (b) he seems ~~to be~~

9

to be entitled to ~~xxxixxitixx~~ a pay of Rs. 100 ^(also) from 29th July 1924. The file may now be returned to Finance.

p 6 c f.

B.M. 8/12. 8.12.24 8.12.24 V.T.K. 9.12

Finance (O)

Law (Edn.) 2916 C-3 / 10-12-24

Finance (C.S.R.)

5110 C.S.R. / 10-12-24

If pay drawn in a temporary post is considered "substantive pay", Mr. Narayana will, as stated by Law (Edn), be entitled to a pay of Rs. 100 in the scale 75-100. The A. G. has separately raised the question whether it will not be desirable to issue a rule that all occupants of temporary posts should be considered as holding the posts in an offg. and not in a substantive capacity, so that the mere fact of a Govt. servant having for a short time held a higher paid temporary post should

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not secure him an unduly great benefit - vide linked file. (Brie distinguished by Finance)

If such a rule should be issued, Mr. Narayana will be eligible for an initial pay of Rs. 75 only. For orders whether Finance can agree to anything more.

26.12.24 2/1/25

The Auditor Genl. has ruled that R101 is admissible. That must be accepted.

2 There is no case for personal pay in addition

9.1.25

Law (Edn)

UNDER SECRETARY TO GOVT. OF MADRAS LAW DEPARTMENT 14 JAN 1925

L. Dis. 134 C / 14/1/25

Finance No. 5110-1 C.S.R. / 10/1/25

Law (Edn) supplt.

A copy of the Auditor General's letter (p. 6, c. f.) with the omission of the last six lines may be communicated to the D.P.I. and he be requested to re-fix the pay of Mr. K. L. Narayana at Rs 100. A draft is submitted.

20.1.25 21.1.25 V.T.K. 22.1

11

Sectt. II-10 (a)—36,502—27-11-23 (c)

	Date	Initials.
When received for Fair-copying.		
When copied ..	23/1	
When examined ..		
When signed ..		M 23/1
When despatched ..		

Law (Edn) DEPARTMENT.

Establishment.

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Narayana K. L. — ~~initial~~ School Asst: — initial pay — Auditor General's ruling — Communicated to the D.P.I.

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

" " " " .... " ....192 .

READ ALSO:-

C. No. 2915/L-24, From the A. G., No. T.M.-24-2519, dated 21.10.1924.

" " 3096 (Edn)/24 " D.P.I., R.O.C. " 2684/L-24 " 12.4.1924

" " 134/L-25 " " 192

ORDER.

Ms.

No. 91, dated 23-1-1925

A copy of the ~~Accountant~~ Auditor General's letter, No. 709-c/87-24, d/ the 2nd October 1924 addressed to the Accountant General, Madras, is communicated to the D.P.I. who is requested to re-fix the ~~pay~~ pay of M.R.Ry. K. L. Narayana at Rs 100 a month ~~with effect~~ from the 29th July 1924, the date on which he was reverted to his permanent post in the School Assistants' cadre, third grade.

p.b, c.f.

Dkd-Ag 22/1.

To the D.P.I. (with copy of p.b, c.f., as edited)

Copy to the A.G.

20.1.25

21.1.25

V.T.K. 22.1

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	A	A	A	A	A	A	A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BEING MEANT FOR DESPATCH AS ORIGINALS.

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