

Law (1925) Department.
(Education)

Ordinary SERIES.

G.O. No. 1478-79

DATED 25-8-1925

[Despatch Abstract.]

Public Service Notification.

Clerks who are not qualified under article 1----grant of increments--G.O.No.184, Law(Education), dated 4th February 1925--reference as to the scope further orders issued.

BACK PAPERS.

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

FURTHER PAPERS.

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

DEPARTMENT.



CURRENT No.

192 . Registered 31112 ET 192 .

Subject.

16.6.25
Finance (ET)

Law (Ed.)

Fin no. 2112 ET 1
12.6.25

16.6.25

16.6.25

h. to 1504 B
17/6/25

ENCLOSURES.
No.....
Spare copies.....

No. T.M. 25-1134.

FORT ST. GEORGE,

Dated the 5th JUNE 1925.

FROM

THE ACCOUNTANT-GENERAL, MADRAS,

To

The Secretary to the Government of Madras,
Finance Department.

SIR,

Subject:- Grant of increments in the time scale of pay to clerks who are not qualified under Article 1 of the Public Service Notification.

I have the honour to invite a reference to G.O. No.

- (E) 164 Law (Education) Department dated the 4th February 1925 on the above subject and to enquire whether it is the intention that unpassed candidates who may be employed in officiating or temporary posts without limit of time as
- (K) laid down in para 3 of G.O. No. 222 Law (Edn) dated 13-6-22 should draw only the minimum of the time scale.

2. Clerks in certain offices who would fall under class
- (E) II of the order of the 4th February 1925 have been allowed increments and their pay has been now re-fixed at the minimum. I would enquire whether in such cases it is the intention of Government that the increments already allowed should be allowed to stand future increments being withheld until they are formally exempted from the provisions of

Article 1 of the Public Service Notification or that the pay should now be refixed at the minimum of the overpayments made in the past being waived.

3. The Government Order No. 164 Law (Education) dated 4-2-25 has not been communicated to this office through the Finance Department.

I have the honour to be,

Sir,

Your obedient servant,

Deputy Accountant General.

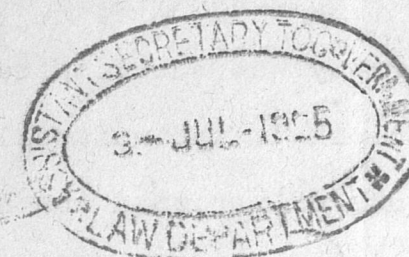
K.C.R/5-6.

DEPARTMENT.

Received 191 . Registered La. Em 1685-B 191 .

3.7.25

Subject.



ENCLOSURES.

No.

Spare copies

R.O.C. No. 723/25

Station Madras, Dated the 29th June 1925. 191

From (Name) Mir Amir-ud-din, Esquire, M.A., L.L.B.,
(Bar-at-Law),

(Designation) Deputy Registrar, High Court.

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

Sir,

Exemption from examination rules - G.O.No.164, Law (Education) dated 4th February 1925.

I am directed to invite a reference to G.Os dealing with exemption and to state as follows:-

D In G.O.No.1021, Home (Education) dated the 6th August 1917 it was ruled that the possession of a completed Secondary School leaving Certificate should be the minimum general educational qualification for admission to the Public Service to any post on Rs.20/- per mensem. This affected many of the unpassed candidates who were holding permanent ^{appointments} ~~candidates~~ in superior service and who, for not less than two years, had acted in permanent --

appointments on Rs.20/- per mensem or held temporary appointments on that pay. To relieve this class of unpassed men from hardship, G.O.No.991, Home (Education) dated 29th July 1918 was issued modifying the above G.O. by adding a note to Article 1 of Public Service Notification declaring that persons in the above class of unpassed men were not precluded from promotion to or confirmation in appointments on Rs.20 per mensem.

2 Then in 1921 a time scale of pay was substituted for the graded scale, and the minimum pay of a clerk in the mufassil was raised to Rs.35 per mensem and the above class of unpassed men naturally got Rs.35 per mensem as their minimum pay.

3 In 1923 when the grant of first increments of pay in the scale Rs.35-35-1½-50-1-60 became ripe, the question whether the above unpassed men were to get their increments of pay, was raised by certain District Judges and the matter was accordingly referred to the Accountant General. The Accountant General replied in his letter No.T.M.25-9-4095 dated 20/21st March 1923 that unpassed candidates could get their increments of pay with the sanction of the Heads of offices in all cases of approved service and his letter was communicated to all District Judges. A copy of Accountant General's letter is enclosed for information. As a result of this, many unpassed men (not exempted) have drawn Rs.38 (Rs.35 plus two increments-Rs.3). In this connection attention is invited to correspondence that passed between the Government and the High Court in letter No.R.O.C.3086/24 dated the 28th November 1924.

4 E But now in view of G.O.No.164, Law (Education) dated 4th February 1925, which disallows increments of pay to unpassed men, District Judges have forwarded about 70 applications for exemption from these unpassed men and have raised a number of questions as to whether the G.O.164, Law (Education) dated 4th February 1925 takes effect from the date of its issue or from the date of the introduction of the time scale of pay (1-3-1921), and whether the excess amount drawn by these unpassed men by way of increments is to be recovered or waived. The Hon'ble the Judges think that it would be hard on these unpassed men to make them refund the increments they have drawn.

I am therefore to request you to be so good as to inform the High Court as to

- (1) whether the recovery of excess amounts drawn by way of increments may be waived,
- (2) and whether all unpassed men (not exempted) will have to revert to Rs.35.

Again, as regards the subject of granting exemption to these unpassed men, there are at present 70 applications pending for exemption and it is likely that many more will follow. This - naturally throws a great deal of work on the Hon'ble the Judges that could very well be done by District Judges. Moreover when recommendations for exemption are received in the High Court, it is very difficult to discriminate between the merits of particular cases, seeing that different standards of estimating what are "special reasons" for exemption may prevail in different districts or under different heads of offices. The Hon'ble the Judges therefore consider that heads of offices may well be empowered to deal with applications for exemption in the class of cases mentioned above, when exemption is sought only for the purpose of drawing increments of pay.

I have the honour to be,

S i r,

Your most obedient servant,

P.S. /CR

Th. A. Singh
Deputy Registrar.
(A.S.)

PROCEEDINGS OF THE HIGH COURT OF JUDICATURE
AT MADRAS.

400-3-4-23.

READ—the following paper :—

Letter from the Accountant-General, Madras, No. T. M. 25-9-4095, dated the 20th/21st March 1923, to the Registrar, High Court, Madras.

With reference to your letter No. R.O.C. 480/23, dated 12th March 1923, regarding the grant of increments to unparshed candidates, I have the honour to state that in all cases of approved service the sanction of the heads of offices is sufficient for the drawal of increments. The orders of the Head of the department are necessary only for the crossing of the efficiency bar at Rs. 50.

Order—Dis. No. 671, dated the 26th March 1923.

Communicated to all District Judges and the Judge, City Civil Court, Madras.

F. G. BUTLER,
Registrar.

To.

The District Judge, Guntur, (with reference to his letters Nos. 898 and 1022, Civil, dated the 13th February 1923, and 21st February 1923, respectively) with spare copies for subordinate courts.

All other District Judges, (with spare copies for subordinate courts).

The Judge, City Civil Court, Madras.



C.No 1504.
C.No. 1685.

[application from other
heads of dept concerned
have not yet been recd]

(E)

(F)

Tabulated on
11-9-100
9/10 at (E)

1X
Om No. 12188-2 Per
6.5.25
(Revised)

(E)

Law (Education) department.

From the Accountant General, T.M. 25-1134, d.5.6.25.
From the High Court, R.O.C. No 723/25 d.29-6-25.
----- 3-7

EXEMPTION FROM EXAMINATION RULES - INCREMENTS
OF UNPASSED CLERKS.

In G.O.No;164Law (Education), dated 4th February 1925
it was laid down that the clerks who had not been exempted
from Article I of the Public Service Notification but
who were confirmed in posts on Rs. 20 in the old graded
scales of pay either with reference to G.O. 991 H(Edn),
dd. 29-7-18 or with reference to the old Public Service
Notification which required no educational qualification
for posts on Rs. 20, were eligible only for the minimum
pay of Rs. 35 in the mufassal and Rs. 40 in the Madras
City in the new time scales and were not eligible for
increments on these scales unless they were specifically
exempted either by the Govt. or by heads of departments
who were competent to do so. From a reference to the
replies received from the departments of the Secretariat
in connection with the consideration of the question it
will be seen that in some ~~departments~~ ^{others} the increments were
sanctioned to unpassed clerks without any further exemp-
tion, while in some others specific exemption was granted.
In the former class would fall the High Court, Collector
of Salt Revenue, Supt. Govt. Press, Bishop of Madras, I.G. of
Prisons, the D.P.I., while the I.G. of Registration's
reply is obscure on the point. Out of these heads of
departments or officers, S.G.P. has already applied for and
obtained the exemption of unpassed candidates under
his employ from the Finance department. I.G. of Prisons
has also separately addressed Government in respect of
exemption of certain clerks of his, though not with spe-
cific reference to the G.O. 164 L.E. d. 4-2-25. No other
heads of departments besides the High Court have yet
addressed Govt.

2
The High Court now seeks orders on two points which also form the subject of reference by the A.G. in respect of such clerks in departments generally, they are : --

(1) whether the recovery of excess amounts drawn by way of increments may be waived, and

(2) whether all unpassed men (not exempted) will have to revert to Rs. 35.

① Attention is here invited to the notes at page 105 of G.O.No. 164 L (Edn) d. 4-2-25 in which this point was raised. No orders have been specifically passed on it.

It is perhaps the intention to waive the recovery of overdrawals.

As regards the exemption of the unpassed clerks it was suggested therein that as the Heads of Departments will not have power of exemption they may be asked to submit their cases for the orders of Govt. with a statement of service, educational qualifications, opinion as to character, work of clerks, etc. The High Court however suggests that for the reasons stated in the concluding portion of the letter ~~from~~ Dist Judges may be granted the power of exemption. ~~unlimited~~ As stated above even the High Court would not have the power. Delegation to the District Judges would not in the circumstances be justified. For orders whether the High Court may be asked to submit the cases. of exemption to Government for sanction.

As regards (2), it has already been decided that only the minimum pay should be allowed to unpassed clerks not specifically exempted. The High Court may also be informed accordingly, and a copy communicated to the Accountant General.

Before however orders issue Finance department may be consulted u.o.

H-3-6 CF
H-1-2 CF

45 CF

(E)

IM

106 of (E)

45 CF

S 45 CF



25616 BX
20.7.25

Land Em 14. 1504 B. 1
20.7.25
SKM

18.7.25

CA
18.7.25

V.T.K.
18.7

Fin u.o

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1
-3-
Finance (E.R.).

The Law Department have invited the remarks of Finance on the following two issues raised by the High Court in connection with the grant of increments to unpassed men in the Judicial Department:--

(i) whether all unpassed men (not exempted) will have to revert to Rs.35,

(ii) whether the recovery of excess amounts drawn by way of increments by the unpassed men may be waived.

A on page 5 CF.

(E)

Portion K on page 2 ante.

Page 4 C.F.

Page 6 C.F.

No objection as the
drawal was in accordance
with audit instructions
M on page 2 ante

Page 1 CF

(K)

(E)

2. Item (i). The orders in para 4 of G.O. 164 Law Edn. dated 4-2-25 are clear on the point. Finance may, therefore, agree with Law that only the minimum should be allowed to these men unless they are exempted from the provisions of article 1 of the Public Service Notification.

3. Item (ii). It will be seen from para 3 of the High Court's letter that increments have been allowed to these men in the time scale owing to a wrong interpretation of the rules by the Accountant-General. It may be mentioned in this connection, that the Govt. have recently agreed to waive the recovery of amounts overdrawn owing to a wrong application of the rules relating to preferential treatment to graduate clerks. As the overdrawals in the present case are also due to a wrong application of the rules, Finance need not, perhaps, object to the waiver proposed.

4. In para 1 of his letter, the A.G. ^{also} enquires whether unpassed candidates who may be employed in officiating or temporary posts without limit of time, as laid down in para 3 of G.O. 722 Law Edn. dated 13-6-22, should draw only the minimum of the time scale. As pointed in para 2 above, para 4 of G.O. 164 Law Edn. dated 4-2-25 precludes unpassed men holding

holding substantive appointments from drawing more than the minimum of the time scale, unless they are specifically exempted. It does not ^{therefore} seem that unpassed men holding only acting appointments can have better claims than permanent men. On the analogy of this rule the pay of the acting unpassed men should, it is submitted, be limited only to the minimum of the time-scale, irrespective of the period for which they are employed.

5. With reference to para 3 of the A.G.'s letter, Law Education may be requested to communicate a copy of G.O.No.164 Law Edn. dated 4-2-25 to the A.G. through the Finance Department.

24.7.25

Law (Edn)

Law (Edn) Dept

Please see the Finance Dept's remarks on the points dealt with in the file. It agrees with this department that only the minimum of the scale of pay should be allowed to all unpassed clerks, who have not been exempted from the provisions of article 1 of the Public Service Notification. That Dept has likewise no objection to the proposal to waive the recovery of excess amounts already drawn by way of increments.

With reference to the Accountant.

General's enquiry whether unpassed candidates who may be employed in officiating and

Yes. Unpassed men can be discharged readily if they are only acting
Page 2 of 2
2874

(E) L. Edn 1951 B
30/7/25

[many of the men made a new entry]

Recd. 25/6/25
29.7.25



(paragraph 3 of note on p. 3 ante)

(E)
Go 164 L (Edn)
4.2.25

temporary posts without limit of time the applicability of the order in respect of permanent clerks appears to be beyond question. This point may be specifically referred to in the order to clear the point raised by the Act General & referred to in Finance Dept. note on the 3rd ante. As doubts similar to them raised by the A.G. and the High Court may be increasing the minds of other heads of departments or officers referred to on page 1 ante and who have not yet come up with recommendations for exemption of their clerks falling within this category, a circular draft to all depts of Govt. for approval.

A draft letter to the High Court is also sent for approval.

vid S on page 2
ant

KW
8.8.25

CR
10.8.25

VJE
11.8

Law (Edn) re 150 G. B. 2
11.8.25



For U.O.

28116
11.8.25

Finance (ER)
[Previous Finance note on page 3-4 ante]
The draft order provides for waiving the recovery of excess amounts already drawn by ^{unpassed} clerks (not exempted) by way of increments in all depts. It is for consideration whether the

15.8.25.

$\frac{1}{15} - 8.25$

In no. 28162A-1
 18-8-25

$\frac{R_{11}}{15.8.25}$

When despatched

READ AGAIN G.O. No dated 192

READ ALSO:—

C. No. 15043, From the _____, No. _____, dated _____ 192_____

” ” ” ” ” ” 192

” ” ” ” 192 .

ORDER.

Mis

No. 1428 dated 25-8-1925

In this reference to the orders
 issued in G.O. 164 L (Edn) 8
 4.2.1928 regarding the grant
 of increments in the time scale
 of pay to clerks who are not
 qualified under Article I of
 the Public Service Regulations,
 reference has been received
 by the Government on the
 following points :-

(1) Whether all unpassed clerks not exempted from the provision of Art I of the Public Service Commission should draw only the minimum in the scale

of pay of clerks; and

14

② whether the amounts drawn in excess by them by way of increments should be recovered

~~As regards~~ ^{the first question} ~~this order~~

in paragraph 4 of the G.O. ^{quoted} ~~lay down~~ above clearly indicates that only the minimum pay in the scale should be allowed to such clerks until they are specifically exempted from the provisions of Art I of the P.S. notification. These orders vis-à-vis apply to clerks in officiating or temporary posts also.

^{to the second point relating to} In regard ~~to~~ the excess amounts already drawn by the clerks by way of increments in the scale of pay allowed to them, the Govt. are ^{prepared to consider applications for waiver} ~~pleased to waive~~ ^{of recovery of such overpayments made} ~~recovery~~.

K.M.
8.8.25

C.R. V.T.K.
10/8 11.8

recd Finance D.S.
with on 16/8/25

DESPATCHED

16 AUG 1925

All Dpts of Secretariat (all sections)

A.G. Mr. Finance.

with copy of G.O. 1479

Copy to Finance. 14.2.25

" to D.G. I.

" Pl. Librarian Comptroller Public Library.

" B.G.E.

When given
When copy
When examined
When

15

Lawson

10

12/8/25

Letter
No.

1479

25-8-25

2.

DESPATCHED

16 AUG 1925

The Honble Mr. Chief Justice
of the High Court of
Madras

Madras Sir,

Exemption from
examination rules - G.O. 1479
L (Gen) & 4.2.1925 - Mr
Ameri. ind. Dis. letter No
723 & 29.6.25.

I am directed to
enclose for the information of
the Honble Mr. Justice a copy
of the further orders issued
by Govt. on the above subject.
These orders, if all be observed, cover
the two points raised in the
above paragraph 5 of the
letter.

As regards the question of
delegation to the District Judges

16
 The power to exempt unpassed
 clerks employed in the civil
 courts under them, I am directed
 to say that the power of exemption
 is restricted to Heads of Departments
 as defined in the Fundamental
 Rules ~~and~~ subject to the
 limits laid down in paragraph
 2 of G.O. 722 (Eon) & 13.6.22. (K)

~~No further delegation has
 been granted by Gov.~~

Recommendations for exemption ~~are~~ in respect of cases not covered by those ~~and~~
 being received by Govt ~~the~~
^{Heads of}
~~Departments.~~

~~Concerned in respect of their clerks
 in those cases they give of opinion
 that such a concession is called~~

~~For~~ To secure uniformity of procedure the Govt. desire that the
~~orders referred to above should be~~
^{causing}
~~I am~~ request that
 the Honble the Judges may be
 so good as to forward ^{to Govt for consideration} the
 case of those clerks deserving
 of exemption with a statement
 indicating their service, educational
 qualifications, opinion as to
 character, work etc and their
 recommendations thereon.

8.8.25
 CR
 1028

When given for copying
 When copied
 When examined
 When signed

192

READ AGAIN G.O. No. 192
 DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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