

Law (1925) Department.
Education
Ceding SERIES.

G.O. No.

1680

DATED

29/9/25

[Despatch Abstract.]

Delegation of powers

Educational department - District Educational officers -

Inspectresses of girls schools and Principals of colleges - proposal of the

Director of Public Instruction - not accepted

BACK PAPERS.

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

FURTHER PAPERS.

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

Letter from the D.P.I., No. R.O.C. 1428 C/22, dated 3-3-1925.

(B)

With reference to para. 2 of G.O.No. 237 Law (Education), dated 18th Feb. 1924, I have the honour to submit herewith a statement showing (a) the number of cases of leave to non-gazetted officers whose appointment vests in me which were dealt with by my office during the years 1921 to 1924 and (b) the number of such cases which were dealt with by officers subordinate to me during the years 1921 to 1923, that is, prior to the issue of the G.O. quoted above. It may be seen from the statement that the number of applications disposed of by my office during 1924 exceeded by 109 the number of applications dealt with by me in the previous year 1923 and the number for 1924 was nearly 2 and one fifth times the number of applications dealt with three years ago. This large increase of work in my office in the year 1924 was mainly due to the withdrawal from the officers subordinate to the Director of the powers they exercised in respect of the non-gazetted officers named above. Apart from the increase of work in the central office not to speak of the unnecessary expense by way of postage and stationery and the additional delay involved applications for leave for short periods such as a week or two have also to be submitted to me for sanction, although they can very easily be disposed of by officers of the status of Principals and District Educational Officers. Again when persons require leave urgently, it is found impossible for them to obtain the Director's sanction in time, as the application has to pass through more than one officer e.g. in the case of school assistants employed in the Govt. Secondary and Training schools. In such cases the controlling officers are obliged to permit the applicants to avail themselves of the leave in anticipation of my sanction. In like manner in the matter of a pointing substitutes in the place of the absentees the controlling officers make acting ~~xxxxxx~~ arrangements in order to carry on the absentee's work and report the fact to me for approval. Consequently I have necessarily to sanction the leave and the acting arrangements made, so that in effect the subordinate officers -- actually exercise the power supposed to be possessed by the Director and yet the Director's office has to deal with the case a second

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time after it has been once dealt with in the subordinate office. Besides the arguments adduced in the concluding portion of my letter C.No. 3925/20 dated 10-4-20 disposed of in G.O.No.932 Finance, dated 3.11-20 in support of the delegations made in 1920 still hold good. The expected increase in the number of Deputy Inspectors as a necessary result of the rapid increase in Elementary Schools and the scheme of expansion of Elementary education will necessarily add to the work devolving on my office in dealing with cases of the kind under consideration. In these circumstances, I request that Government may be pleased to reconsider the orders issued in G.O.No. 237 Law (Education), dated 18th February 1924 and to sanction the delegation to the District Educational Officers including the Agency Educational Officers, to the Inspectresses of Girls' Schools and to Principals of Colleges, the power to grant all kinds of leave (except special disability leave) for a period not exceeding four months to all the members of the Subordinate Educational Services whose appointment vests in me.

Statement of the number of cases of leave sanctioned by the Director during the years 1921 to 1924 and by officers subordinate to the Director during 1921 to 1923.

	1921	1922	1923	1924.
Sanctioned by the D.P.I.	130	179	175	284
Sanctioned by subordinate officers.	89	95	101	sanctioning power has been
	-----	-----	-----	withdrawn in
	219	274	276	G.O.No. 237
				L.E. dated
				18-2-24.)

(The number of cases dealt with by the Director in 1924 is 2 1/5 times the number dealt with by him in 1921.)

Endorsement No. 849 A/25.1, dated 16th March 1925.

Referred to the Accountant General for remarks.

B.O.

C.Ramanujachariar.

Assist.Secy. to Govt.

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From the Accountant General, Madras, No. T.M. 1-16 of 24-25/2900, dated 24th March 1925.

1/2 ante
1/2 ante

In returning herewith letter No. Ref. on Cur. 1428 C/22, dated 3rd March 1925 from the Director of Public Instruction referred to me for remarks with Government endorsement No. 849 A/25-1, dated 16th March 1925, I have the honour to state that there is no audit objection to Government sanctioning the proposal of the D.P.I. to delegate to the District Educational Officers including the Agency Educational Officer, the Inspectresses of Girls' Schools, and Principals of Colleges the power to grant all kinds of leave (except special disability leave) for a period not exceeding four months to all the members of the subordinate educational services whose appointments rests in the Director. If the proposed delegation is sanctioned the necessary amendment to subsidiary rule 3 to Fundamental rule 66 will also have to be issued.

Law(Education)

DEPARTMENT.

Received 192 . Registered 192 .



Subject.

Delegation of powers to subordinate Educational
Officers- regarding Grant of leave etc.

J. Gu 26/4H
21/7/25

ENCLOSURES.

No.

R. C. No. 1428 C/22

Spare copies

Station Madras, Date the 16-7-25 192 .From (Name) R.G.Grieve Esq., M.A.,(Designation) Ag. Director of Public InstructionMadras.

To The Secretary to the Government of Madras,

Law(Education)

Department.

Sir.

I have the honour to invite your kind attention
to my letter R.C.No.1428-C/22 dated 3- 3- 25 regarding
the delegation to the District Educational Officers,
Inspectresses and the Principals of the power to
sanction leave up to a certain limit to the subordinates
whose appointments vest in me and to request the
favour of early orders thereon.

I have the honour to be,
Sir,

Your most obedient servant,

A Rama Rao
(18/7)

for Director of Public Instruction

Where is this?
844A-4
no. 4 by 21.5.25
to Man
at 11-3 of D
in the file
no

U.O. Note No. 14254-1 C.S.R., dated 29th April 1925.

Fundamental Rule 66 - Subsidiary rule 3 - authority competent to grant leave - proposal to extend the delegation.

The Public Works Department have proposed a revision of subsidiary rule 3 to Fundamental Rule 66 as follows : --

" In the case of non gazetted officers, any leave other than special disability leave, may be granted.

(a) By the competent authority, or

(b) by the authority lower in rank than the competent authority empowered to transfer the officer provided no extra expense is involved thereby and the arrangements for carrying on the absentee's work can be made within the staff in his jurisdiction".

2. The proposal is intended to reduce unnecessary work in the Chief Engineer's and Supg. Engineer's offices. It is not known whether the necessity for an extended delegation of powers has been felt by any other department and whether the extended delegation is at all desirable in the case of other departments. The proposal is therefore referred to all departments of the Secretariats other than P.W.D. for remarks.

3. It is requested that a reply to this reference may be furnished before 30th May 1925.

J.B.B.
27-4-25.

To all departments of the Secretariat (Except P.W.D.)

Law (Education) Department

The D.P.I. has separately raised the question of ~~amending~~ amending subsidiary rule 3 to Fundamental Rule 66 and his ^{further} remarks are being invited. Submitted

W/1-20.F.

the Director's reply may be awaited.

E.A.V.
7-5-25.

C. R.
7-5-25-

The attention of Finance may be invited to the notes in the Linked File where the question of delegation to officers in the Educational department is dealt with.

E.A.V.
18.5.25.

C. R.
19.5-25.

V. T. K.
20-5-25.

* * * *

C.849. From the D.P.I. No. 1428 dated 3rd March 1925.
C.878 From the A.G. No.T.M. 1-16/4900, dated 24-3-25.

Subject- Delegation of power to the D.E.Os, Inspectresses of Girls' Schools and Principals of Colleges to grant leave to members of subordinate educational services.

In his letter No. 3925, dated 10th April 1920, the D.P.I. proposed that Inspectors of Schools should be empowered to grant to sub-assistant (now deputy) inspectors, ~~or~~ leave of all kinds for periods of three months and to make acting arrangements in their place and that similar powers should be granted to Principals of Colleges with regard to their assistants borne on the cadre of the S.E.S., collegiate branch. In support of ~~his~~ proposal the D.P.I. stated that the delegations proposed would throw a large amount of responsibility on the Inspectors and Principals of Colleges which they ought rightly to exercise and would leave more time to the D.P.I. to devote to questions of general policy and to the expansion of education. The proposal was accepted by Govt. and in G.O.No. 932 Finance, dated 3.11-1920 Inspectors and Inspectresses and Principals of Colleges were empowered to grant leave for periods not exceeding

(See note ^x to be kept below)

(See note to be kept below)

(B)

(D)

(B)

(M-2(f)).

(D)

(D)

1-30-f.

three months to officers of the S.E.S. under their control and to make acting appointments in place of the officers granted leave, such appointments being reported to the D.P.I.

2. The above delegation of powers continued to be in force till the issue of G.O.No. 237 Law (Education), dated 18th February 1924. In that G.O. it was held that under subsidiary rule 3 to Fundamental Rule 66 leave other than special disability leave should be sanctioned only by authority competent to appoint the Govt. servant concerned. and that the delegation of powers made in G.O.No. 932 Finance, dated 3rd November 1920 was no longer in force. In communicating the above ruling Govt observed in para. 2 of G.O.No.237 dd. 18-2-24 that the Director ^{might} come up later with proposals for the delegation of powers as regards grant of leave to members of the S.E.S., if facts and figures justified such delegation.

3. In his letter in the current file, the Director has conclusively shown that the withdrawal of the powers exercised by the Inspecting officers and Principals of Colleges in respect of the grant of leave to officers of the S.E.S. has thrown much unnecessary work on his office, that in many cases of urgency leave is granted in anticipation of sanction and that in such cases his sanction is merely reduced to a formality serving only to throw unnecessary work on his office. He therefore suggests that D.E.Os, Inspectresses of Girls' Schools and Principals of Colleges may be empowered to grant all kinds of leave (except special disability leave) for periods not exceeding four months to members of the S.E.S. under their control. Apparently the Director also intends that acting appointments in place of the officers granted leave should be made by the Officers to whom it is proposed to delegate powers. The A.G. states that the Director's proposal, if accepted, involves an amendment to subsidiary rule

3 to Fundamental Rule 66,

4. It is submitted that the Director's proposals may be supported in this department and the file forwarded to Finance u.o. for the issue of necessary orders N.K.
4-5-25.

C. R.

4-5-25.

I should like to know whether the proposal is that Principals and D.E.Os (including Inspectresses of Girls Schools) should be empowered (i) to grant leave up to four months and (ii) to appoint ~~ag.~~ ag. men for this period.

2. Such a proposal is open to administrative objection. It is essential that all the appointments made to the S.E.S. should be of men carefully selected by the D.P.I. himself. The grant of the powers referred to will enable a Principal or D.E.O. to start a man in the S.E.S. and keep him on in it for some months with the result that he will eventually have a claim to be confirmed. I do not think this would be in the interests of the S.E.S. No such power is delegated to officers of the same grade in other departments.

3. The delegation of powers to grant leave alone will not meet the case as the acting appointment will in any case have to be referred to and made by the D.P.I.

4. I presume leave for short periods can in most cases be granted ~~without~~ without making acting appointments. No objection can be taken to delegation of powers to grant leave for one month provided that no substituted is required.

Will this meet the majority of the cases that arise. ?

V.T.K.

6-5-25.

D.P.I.u.o.

U.O.Reply No. 23 C/25, d.13.5.2

As regards the Secretary's note para (1) the answer is in the affirmative.

In para (2) of his note it is stated that the proposal is open to administrative objection and that no such power is delegated to officers of the same grade in other departments. I may point out that the present proposal is not a new experiment. Such powers were delegated and exercised for over three years by Principals and D.E.Os and the powers were not withdrawn on account of any abuse on the part of those who exercised the powers. There are in fact safeguards against ~~abuse~~ ^{abuse} in that officers who make appointment in the acting vacancy put in men who have the minimum necessary qualifications ~~in~~ ⁱⁿ the case of a college, an M.A. or Honours B.A., in the case of school assistants, a B.A.L.T. and in the case of a deputy inspector a B.A.L.T. or a secondary grade teacher qualified to act as deputy inspector. A further safeguard consists in the fact that copies of the leave orders and consequent appointments are submitted to the D.P.I. and are liable to be reversed if the appointments are unwisely made. I do not regard the point that the grant of powers referred to will enable the Principal or a D.E.O. to start a man in the S.E.S. with the result that he will eventually have a claim to be confirmed as necessarily detrimental to administrative efficiency. In fact the delegation may act in precisely the opposite ~~way~~ ^{way} because it will enable the D.P.I., on the report of the Principal or the D.E.O., to have cognizance of men who after trial have shown themselves fit for employment in the public service. In other words it enables us to test men without giving them any guarantee of employment, at the same time enabling us to employ them if found fit.

As regards para.4 of Secy's note the delegation of the power to grant leave for a month or less provided no substitute is required would not meet the majority

6
of cases that arise. In such cases the work is generally carried on without a substitute and the majority of applications are for periods longer than one month. The limit of four months was proposed in the D.P.I's letter on the ground that the maximum amount of leave on average pay that can be given under Fundamental Rules at one time is four months without the production of a medical certificate. In 1919 when proposals were submitted to Government the limit of the power to grant leave was taken as three months since the rules then in force allowed the maximum of three months privilege leave at a time.

R. G. G.

13-5-25-

Law (Edn) Deptt.

Submitted. Please see para. 4 of the office note on page 4 ante.

N.K. 16.5.25.

C. R.

18.5.25.

I support the D.P.I's recommendation, in the light of his explanation above.

V.T.K.

20-5-25.

Finance u.o.

p. 1 of note
in linked file

p. 4 of note
in linked file

pp 10-11 of note in
linked file

p. 19 of note in
linked file

7
i.e. this Deptt. General
file in this subject (linked) 8

Finance (C.S.R.) Departt.

The present case arose out of the recommendation of the P.W.D. Enquiry Committee that powers should be delegated to Executive Engineers to grant leave to subordinates other than sub-divisional officers up to a maximum of one month provided that no substitute is required. The P.W.D. wanted delegation of powers in excess of those contemplated by the P.W.D. Enquiry Committee referred to above, namely, the delegation of power to superintending engineers to grant leave up to one month to assistant executive engineers and assistant engineers and up to four months to upper subordinates. The question was examined and it was found that the latter delegations were not in accordance with subsidiary rule 3 under Fundamental Rule 66 which recognised only delegation to a competent authority as defined in subsidiary definition (1) under Fundamental Rule 9. The orders of Government were taken and it was decided that further delegation might be made provided that a reasonably uniform rule could be framed for all departments. It was eventually suggested that the delegation might be made to a limited extent to an authority lower in rank than the competent authority and it was considered that this might be the authority competent to transfer subject to the proviso that no extra expense was involved by the arrangement. The P.W.D. proposed a rule as suggested at N. above and the remarks of the Departments of the Secretariat were invited thereon vide u.o. note on page 1 ante.

2. The replies received show that only the Law (Education), Development, and Judicial and Public departts are prepared to consider further delegation. Their recommendations are examined below.

3. Law (Education) department. It is understood that Principals of Colleges are not empowered to effect transfers of officers of the subordinate educational service and that district educational officers alone are

empowered to transfer deputy inspectors of schools within their jurisdiction. Under the proposed rule therefore it is only the D.E.Os. that can exercise the extended power and only when no extra cost is involved. The Law department's proposals are that Principals of Colleges and Deputy Inspectors of Schools should be empowered to grant leave and at the same time make acting arrangements. The proposed delegation therefore will not satisfy the Law department. It does not also appear that their proposals can be given effect to as all departments have according to the decision arrived by the Government, to work on uniform rules.

7. It is quite clear that a number of departments (including the Revenue department) do not desire any further delegation, and that the proposed delegation does not satisfy the Police department, and the Law (Education) department, - or even the Development department. In some cases it goes beyond their wishes though in others they are quite content to accept it.

In these circumstances, it is for consideration whether it is worthwhile to proceed with this proposal for a further delegation applicable to all departments. As regards the objections raised on the score of the work involved in insisting that leave applications should come to the competent authority, reference is invited to the countervailing objections from the Audit stand point.

8. It is observed that the D.P.I wishes to delegate not only the power to grant leave but also the power to appoint acting incumbents in the consequential vacancies. If the latter power is delegated, it would meet the requirements of the Law (Education) department if power to grant leave were delegated to the authority competent to fill up the acting

T D.E.Os are means

vide note on pp 10-11 in linked file

x Fin. Dept file linked

page 5 of notes in linked file
pp 10-11 of notes in linked file

vide Sir Charles Todhunter's note on pp 10-11 of notes in linked file

vacancy; but I doubt whether any such proposal would avoid the objections raised by Sir Charles Todhunter. It would be just as simple to compile an annexure specifying the authority competent to grant leave in the various cases arising in each department. It is for consideration whether the matter need be pursued further.

J.B.B.
1-9-25.

This case has been under consideration for nearly 3 years and I will venture to say that it has given far more work than the rule ~~concerning~~ the alteration of which it has centred. The ~~figures~~ figures on page 5, show how little justification there was on the plea of work, and pages 10-11, how little reason there is to suppose that the actual volume of work need be diminished. All sorts of contingent questions have been raised, of course to no purpose, and I see no reason to pursue the matter further.

T.E.M.
1-9-25.

Circulated to C-1 and M-2 as the matter was raised in connection with the P.W.D.

J.B.B.
3-9-25.

The question need not be pursued.

C. P. R.
3-9-25.
A.P.P.
9-9-25.

Finance (C.S.R.) Departt.

Submitted that the file may first be sent to Law (Education) department and they may be requested ~~to issue orders~~ to issue orders negating the proposals made by the D.P.I. and then return the file to this department.

J.B.B.
14-9-25.

Fin U.O. 14254-2 C.B. R.
15-9-25.

A draft order is submitted for approval

This
22.9.25
24.9.25

CA
25/9/25

V.T.K.
28/9

(Law Education)

[C no. 2614 A] from the D. P. D.,
N.C. no. 1428 of 22 & 16.7.25
Subject: Delegation of power
A subordinate Educational
officers - regarding grant &
leave etc.

The file on the subject
is linked with the file dealing
with a general reference
from the Finance Department
on the question of extension of
delegation regarding the
authorities competent to grant
leave etc. The files were sent
to Finance on 21.5.25. That
department may be requested
to state in what stage the
matter is at present

40 no 849 A-4
(law/edu)

Law edn no

2614 A-1

28.7.25



26591

His
24/7/25

My
24/7/25

27.7.25

Finance no

Finance (con)

The main file is linked above.
The attention of Law may be invited
to the note at p 37 of the m. f. in the
main file.

Law
11/9/25

Date. 2/1 Initials.

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Delegation of powers. —

Educational Department

St. Educational Officers—

Inspectresses of girls' schools &
Principals of Colleges - proposal
of the D. P. S. - not ¹⁹²accepted.

... dated

, dated of the D. O. I - not 192 accepted.

" " " " ~~~~~ "

192

READ ALSO :—

C. No. 849A
3526A } From the D. P. I., Noc., No. 1428 ^{9/22} dated 3.3. 1925.

” ” ” ” ” ” ” 192 .

[illegible]

ORDER.

Mis.

No. 1680, dated 29-9-1925.

The Government see no sufficient reason to sanction the delegation of powers proposed by the D.P.I. in his letter ~~read above~~ ~~in favour of~~ ~~Dr. Educa-~~ ~~tional officers, inspectors~~ ~~of Girls' Schools and~~ ~~Principals of Colleges.~~

His
229.20

$$\frac{81x}{24 \cdot 9 \cdot 25}$$

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~~V.TK~~

DESPATCHED
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30 SEP 1925

The D. P. L. (920)

When given for copying _____
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 When examined _____
 When signed _____

192

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

CURRENT No.

ENCLOSURES to G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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 IN ORIGINAL.

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