

Law (educ.) (1926) Department.

Ordg. SERIES.

G.O. No. 140.

DATED

29.1.26.

14

[Despatch Abstract.]

Establishment -Paper transfers, confirmations and promotions
in the Educational Department -Orders passed.

BACK PAPERS.

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

FURTHER PAPERS.

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

EDUCATIONAL

DEPARTMENT.

CURRENT No.

Received 192 . Registered 192 .



Subject.

2887C
A. C. 3516 A
1579/75

ENCLOSURES.

No.....

Spare copies.....

No. Kis.1-81.

FORT ST. GEORGE,

Dated the 14th of Sept. 1925.

FROM J. C. NIXON Esq., I.C.S.,

THE ACCOUNTANT-GENERAL, MADRAS,

To

The Secretary to the Government of Madras,
Law, (EDUCATIONAL) DEPARTMENT.

Thro'

The Secretary to the Government of Madras,
FINANCE DEPARTMENT.

SIR,

I have the honour to state that since the year 1921, several cases have come to the notice of this office of paper promotions and confirmations, and transfers of liens made retrospectively by the Director of Public Instruction among clerks and subordinate teachers and such like of his department, which have the effect of frequently giving a man more pay than his length of temporary service warrants and in almost all cases, of starting him in a permanent post at a higher stage than is necessary. The effect is increased by the application of the Fundamental Rules which in certain circumstances --- brings a man on to a new scale at an increment above his existing pay. I have had some cases too where the Rs.5/- City allowance given to a man when transferred from a non-fussil rate of pay to Madras City has inadvertently or otherwise been liable to be included in fixing the man's pay on a new scale.

These paper transactions appear to be an insidious invasion of the intentions of Government as laid down in its rules although it is difficult to nail down the transgression. But -- apart from this, I feel that Government is thus caused to pay more for its services than it need, and that therefore the first canon of Financial Propriety is contravened. Several of my predecessors have attempted to restrain the Director of Public Instruction in this procedure but apparently without effect.

p3 infra
A typical case is contained in the Director of Public Instruction's No. R.C. No. 3668--C/24 dated 31-7-25, a copy of which I enclose. This was in continuation of a previous letter proposing alternative arrangements for the clerk. The financial effect in this case is not serious although it would apparently mean, if concurred in, the payment of certain sums of arrear pay.

I have the honour to enquire whether such procedures as these have the approval of Government. If not, I request that suitable instructions be issued to the Director of Public Instruction in the matter.

I have the honour to be,

Sir,

Your obedient servant,

J. M. V.

ACCOUNTANT GENERAL.

T.S.V.

3
OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, 14th of Sept. 1925.

Enclosures.

from the Director of Public Instruction
Copy of letter No. R.C. NO. 3668-C/24 dated
31st July 1925, to this office.

Refce:--Your communication No. Kis. 1-48
dated 28-7-1925.

--
I have the honour to state that it is proposed to confirm B. Govinda Rao, as Third Assistant, Higher Elementary Training School Ellore with effect from 1-3-22 to 5-10-22, as Third clerk office of the Inspector of Schools, Kistna District from 6-10-22 to 30-11-22, as Third clerk office of the District Educational Officer, Kistna from 1-12-22 to 31-5-23 as Clerk, Deputy Inspector's Office, Bezwa Muhammadan Range from 1-6-23 to 1-2-24, as Clerk, Deputy Inspector's Office, Jaggayyapeta Range from 2-2-24 to 31-5-1925 and as Clerk, Deputy Inspector's Office Gudivada -- Range from 1-6-25 without prejudice to his officiating appointment as Temporary Second Grade Assistant, Government Training School, Masulipatam.

4
-2-

Masulipatam. I request to be informed whether there is audit objection to the above confirmations being now ordered and whether with reference to Fundamental Rule 22 (a) B. Govinda Rao's pay on 6--10--1922 may be fixed at Rs. 44/- per mensem as third clerk, office of the Inspector of Schools, Kistna District, notwithstanding that he had not actually done duties as Clerk.

The favour of an early reply is requested.

TRUE COPY.

T.S.V.

R. J. S. Munda
MANAGER, CORRESPONDENCE SECTION.

5-
NOTES.

Page

(4) Nam (am)

C. 2887/e.

Encl: No 2887 C-287 X.25

Letter from the A.S.,
No. Kw-1-81, dt/ 14.9.25.
Retrospective effect to
promotions, confirmations
etc.

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

DESPATCHED

7 OCT 1925

To the D. P. J. (with
C. in origl: to be
retd: with reply)

B
25.9.25

CR
[Signature]

LAW (EDUCATION) DEPARTMENT.

283350C

Received 192 . Registered 20.10. 1925.



Subject.

Retrospective confirmations and promotions.

ENCLOSURES.

No.

R.C.No. 3668-C/25.

Spare copies

Station Madras, Dated the 19th October 1925 192- .From (Name) R.G. Grieve, Esq., M.A., F.R.G.S.(Designation) Ag. Director of Public Instruction,
Madras.

To The Secretary to the Government of Madras,

Law (Education) Department,
Fort Saint George.

Sir,

In submitting herewith the letter No.Kis.1-81-

bpl-2 amb

dated 14-9-1925 of the Accountant-General, forwarded for
remarks with your endorsement No.2887-C-2 dated 7-10-1925

p.5 amb

I have the honour to state that in this department the
fixation of initial pay has for the following reasons -
involved a large number of intricate and difficult
questions:-(1) abolition of the Agency of supervisors and the
consequent withdrawal of the revised scales sanctioned
for them.(2) withdrawal of the scale of pay first approved in
certain cases and their replacement after a lapse of

- 27 -
time by reduced scales of pay.

(3) delay in sanctioning proposition statements.

(4) doubts as regards the date from which the revision should take effect.

(5) varied ^{decisions} ~~discussions~~ given by the Accountant-General on the questions referred to him.

2. With reference to the case of Mr. Govinda Rao reported by the Accountant-General as typical of the cases of an "insidious invasion (sic) of the intentions of Government", I have to submit that confirmation with retrospective effect was considered justifiable in the circumstances of the case. Mr. Govinda Rao entered service on 2-3-1914 and worked as supervisor on Rs.30 plus 10 till the abolition of that Agency. When that Agency was being abolished in 1922 and 1923, he was transferred as temporary assistant on his own pay in the Government Training School, Masulipatam. His confirmation could have been made earlier and would have been ordered by the Director but for the fact that the abolition of the Agency of supervisors was under contemplation. In view of this contemplated abolition, orders were issued to subordinate officers not to fill permanently posts of secondary grade teachers and clerks that might fall vacant as these posts would be required for supervisors who could not be provided for otherwise. But for this precaution taken by the Director, the Government would have been put to very heavy expenditure on account of gratuity and pensionary charges to displaced supervisors. As it is, although the scheme involved the abolition of over 225 posts there was no expenditure to Government on account of gratuity or pension. When matters got settled, the Director was anxious to consider favourably the cases of officers whose confirmation was delayed for the above reason. M.R.Ry. Govinda Rao failed to secure confirmation after a service of over 11 years, and his case appeared to be a really hard one. It was therefore thought equitable and right to

8
- 8 -
(6)
confirm him with retrospective effect. But action was not taken pending receipt of the Accountant-General's views in the matter. I may here observe that the appointing authority has power to confirm a subordinate with retrospective effect if the vacancies exist and if the officer is qualified for such appointment.

In this however, as also in other instances wherever doubt was felt, the Accountant General was invariably consulted as regards the admissibility of the action proposed to be taken. In view of this fact, I submit there is no question of an "insidious invasion of the intentions of Government". My office does not claim to be infallible and is always ready to abide by the rulings of the Accountant-General. I therefore take exception to the implication of the Accountant General that there is something insidious in the action of successive Directors of Public Instruction, so insidious that successive Accountant-Generals have attempted to "restrain the Director of Public Instruction in this procedure but apparently without effect". I repeat that, in this case which is given as typical, the Accountant General has been consulted, as always, and while mistakes are admitted - they occur in all offices - the first instance of which this is typical, might well have been reported by the Accountant General to Government with the request that orders might issue for the guidance of the Director. I therefore request that Government will now be so good as to pass orders for the guidance of my office as regards the correct procedure to be adopted in cases of this nature.

4. The next complaint of the Accountant General is that persons holding temporary appointments have been confirmed in regular cadres and have thereby in some cases been enabled to draw pay higher than that which they would have got had they acted in the regular cadre from the beginning. In this department, the number of temporary appointments more

20-10028
29-8-22
This was an
doubt as
open issue

D.H.P. 19-10.

Law (Education) Deptt.

Memo No. 2887 C/25-4 dated 26-11-28.

Govinda Rao, B - Confirmation -

Refce. Paragraph 2 of the letter from
the D. P. I., R. C. No.3668 C/25, dated
19-10-1925.

• • • •

The D. P. I. is requested to ~~report~~
~~to~~ furnish information on the following
points:-

(1) the pay actually drawn by B. Govinda Rao in ~~each~~ of the appointments held by him ^(from time to time) in the Department, and

(ii) the pay which the D. P. I.

proposes to give the officer in each of
the appointments, both substantive and
officiating, referred to in the Director's
letter to the Accountant-General, R. C.
No.3668 C/24, dated 31-7-1925

To) pages 3 - 4 c.f.

The D. P. I.

Reminder: Two weeks after
issue.

22/11/30

J. B. M.

25.11.2

CR

267 11

received

9-DEC-1925

Registered

39730

9-12-1925

EDUCATION DEPARTMENT

Subject.

Initial pay-B. Govinda Rao.

8

ENCLOSURES.

No.

Spare copies

R.CN^o3668-C/24

Station M A D R A S. Dated the 4th December 1925

From (Name) R. Littlehales Esquire, M.A.

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras

Law (Education Department).

Sir,

With reference to Government Memorandum No. 2887C/25-4, dated the 26th November 1925, I have the honour to submit - herewith two statements containing the particulars called for.

2. In case the application of Fundamental Rule 22(a) referred to in my letter R.C. No. 3668-C/24, dated the 31st July 1925 to the Accountant-General is considered inadmissible, B. Govinda Rao is eligible to draw pay at Rs. 42-8-0 on 1-3-1922, Rs. 44/- on 1-3-1923, Rs. 45-8-0 on 1-3-1924 and Rs. 47 on 1-3-1925.

I have the honour to be,

Sir,

your most obedient servant,

R. Rama Rao

For Director of Public Instruction.

S.S.S. 6/12

12

a

Appointments held by B. Govinda Rao from time to time in the
Department and the pay drawn by him.

Serial Number.	Appointments held.	Periods.	Amount.
1.	2.	3.	4.
1.	S.P.T Supervisor of elementary schools, Guntur sub-range.	2-3-1914 to 4-1-1915	Rs. 30/- per mensem.
2.	S.P.T Supervisor of elementary schools, Gudivada sub-range.	5-1-1915 to 3-8-1917	-do-
3.	In transit.	4-8-1917 to 6-8-1917	-do-
4.	S.P.T Supervisor of elementary schools, Kovvur sub-range.	7-8-1917 to 31-3-1920	-do-
5.	-do-	1-4-1920 to 22-1-1921	Rs. 30 plus 10 T.A. or Rs. 40 per mensem.
6.	In transit.	23-1-1921 to 25-1-1921	Rs. 40 per mensem
7.	S.P.T Supervisor of elementary schools, Pentapadu sub-range.	26-1-21 to 28-2-21	Rs. 40 per mensem
	-do-	1-3-1921 to 31-1-1922	Rs. 50 per mensem
	-do-	1-2-1922 to 1 6-3-1922	Rs. 40 per mensem
	In transit.	17-3-1922 to 23-3-1922	-do-
	S.P.T Supervisor of elementary schools, Ellore sub-range.	24-3-1922 to 5-10-1922.	-do-
	In transit.	6-10-1922 to 8-10-1922.	-do-
	Third assistant (Secondary grade teachers' Cadre) Higher Elementary Training school, Masulipatam. (Temporary).	9-10-1922 up to date.	-do-

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Appointments in which it is proposed to confirm B. Govinda Rao from 1-3-1922 and the pay it is proposed to give him. (10)

Serial Number.	Appointments in which B. Govinda Rao is proposed to be confirmed from 1-3-1922.	Periods.	Pay to be allowed.
1.	Permanent third assistant, Higher Elementary Training School, Ellore and (officiating supervisor, Pentapadu from 1-3-1922 to 23-3-22 and officiating supervisor Ellore from 24-3-1922 to 5-10-1922.	1-3-1922 to 5-10-1922.	Rs. 42-8-0 per mensem.
2.	Permanent third clerk, office of the Inspector of schools, Kistna District (office of the District Educational Officer Kistna from 1-12-1922) and temporary third assistant, Government Training school, Masulipatam from 6-10-1922 to 31-5-1923.	6-10-1922 to 31-5-1923	Rs. 42-8-0 per mensem from 6-10-1922 to 8-10-1922 and Rs. 44 per mensem from 9-10-1922.
Note:- 6-10-1922 to 8-10-1922 (period of transit).			
3.	Permanent clerk, Deputy Inspector's office Bezwada - Muhammadan range and (temporary third assistant, Government training school, Masulipatam from 1-6-1923 to 1-2-1924)	1-6-1923 to 1-2-1924.	Rs. 44 per mensem from 1-6-1923 to 8-10-1923 and Rs. 45½ per mensem from 9-10-1923 to 1-2-1924.
4.	Permanent clerk, Deputy, Inspector's office, Jaggayyapeta range and (temporary third assistant Government Training school Masulipatam from 2-2-1924 to 31-5-1925.	2-2-1924 to 31-5-1925.	Rs. 45-8-0 per mensem from 2-2-1924 to 8-10-1924 and Rs. 47 from 9-10-1924 to 31-5-1925.
5.	Permanent clerk, Deputy Inspector's office, Gudivada range and (temporary third assistant, Government Training school, Masulipatam from 1-6-1925 to 30-11-1925.	1-6-1925 to 30-11-1925.	Rs. 47 per mensem from 1-6-1925 to 8-10-1925 and Rs. 48½ per mensem from 9-10-1925 to 30-11-1925.

666

A Rama Rao
7/12/25
For Director of Public Instruction.

5
7/12/25

Law (Enr) ¹¹ Sept.

101-206... C. No. 2887C - From the
Accountant-General, No. Kis.
1-81, dated 14-9-1925.

Retrospective promotions,
confirmations and transfers
of liens by the S.P.D.



A draft Enst. to the
S.P.D. is submitted.

The letter of the A.G.
is intended to be sent to this
dept. through Finance. As the
letter has been received in
this dept. in the first instance
the draft Enst. to the S.P.D.
may be issued after perusal
by Finance.

20/9/25
21/9/25

L. En 2887C-1
29/9/25-

Finance no.

L. En 3133C



Finance (C.R.)

The draft Enst. may be perused + ~~at~~ the
file returned to Law/Enr.

L. C. No. 34279 CBR
30.9.25

20/9/25
2/10
Would have please send the file back to
Finance before it is disposed of

Law (Enr.)

20 34279-1 CBR
5.10.25

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CEAR

Law (Edw)

These drafts end: may issue.

B
5.10.25
A
6/10

Endorsement No. 2887 C-2, dated 7th October 1925. p. 5, c +
C.No.3350 C - From the D.P.I., R.O.C. No. 3668/c/25, pp 6-9, c +
dated 19-10-25.

In his letter at pages 6 - 9 c.f. the Director has entered into a justification of the action taken by him. He says that whenever doubts were felt in fixing the pay of officers he used ^{invariably} to consult the Accountant-General. It has also been explained how the fixation of initial pay in the Educational Department involved a large number of intricate and difficult questions. In the light of the explanation offered it does not appear to be necessary to issue any general orders. The letter may first be sent to the Finance department for remarks.

B
11.11.25
A
12.11.25

Law (Edw), no. note
no 2887 C/25-3
13.11.25

Finance no.

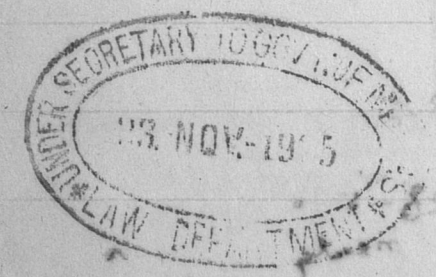
Finance (C.N)

In the particular Case in question Confirmation with retrospective effect has involved several transfers from one office to another. On the occasion of each transfer from the assistant's cadre to clerk's cadre the Govt servant will become entitled to an increment merely by such transfer. Such accrual of increment is obviously against the intention of F.R.S. In the particular



0571 C8N
13-11-25

34299
Fin no no. 40571-26SR
23/11/25



Case however, augmentation need not be raised in view of the special circumstances governing it and in view of the fact that the financial effect is not serious. Best law may be requested to rule that if there is any arrears pay due to the clerk, it need not be paid to him. They may also be requested to ask the D.P. to avoid paper from him and confirm him, specially such as that now in question, and to tell him that he may bring up to Court hard cases which, he considers, deserve special treatment.

On general grounds I think that transfers from the teaching to the clerical line should be deprecated. Would Law please furnish information as to the pay actually drawn by the gentleman up to date (if in that capacity) & what D.P. proposes to give him in his subsequent re-appointment. The series of proper appointments is made to the extent of the work which is done. Law (Edw)

A draft Memo to the D.P. is subd. Bm 25/11/25 A 26/11

174

cor

Issued as Memo No. 2887C/23-4
 d. 26. 11. 25 p 10 c. b.
 C. No. 3973C. From the D. P. O.,
 R. C. No. 3668C/24 d. 4-12-25 p 11-13 c. b.

The information furnished
 by the D. P. O. was called
 for at the instance of the
 Finance Dept. to whom the
 file may be sent.

Law No. 2887C-5
 15.12.25

14/12

19/12

Finance

Finance (C.S.V.)

The accompanying statement of his
 pay actually drawn and the
 pay permissible in consequence of
 the series of later appointments.

44370 BSR
 17/12

Period.	Pay drawn Rs	Pay proposed to be allowed. Rs	Total Amount of excess pay proposed Rs
13-22 to 8-10-22	40	42-8-0	2-8-0 nearly
9-10-22 to 8-10-23	do	44-0-0	48
9-10-23 to 8-10-24	do	45-8-0	66
9-10-24 to 8-10-25	do	47-0-0	84
9-10-25 to 31-12-25	do	48-8-0	23-5-0 nearly
			239

5

13

It will be seen from the foregoing
 statement that the excess amount payable
 on account of the paper appointments
 up to 31/12/25 aggregates to Rs 239
 nearly.

2. Subd. with reference to
 D.S. note at p 3 ante.

Ency

15/12-6

Surely FR 17 bars him from drawing
 anything extra in consequence of the
 paper appointments

Resubmitted:

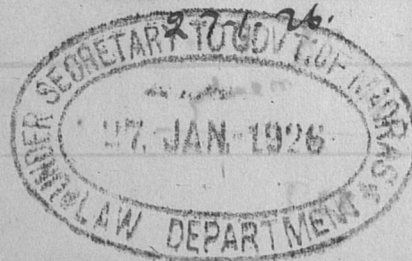
Attention is directed to art. 52(b)
 of the Civil Service Regulations and
 the remarks against this art. at
 p 29 of explanatory memorandum
 at (xvi). It seems to follow
 that F. R. 17 ~~bars him from~~ ^{bars the clerk}
 in question from drawing enhanced
 pay.

Ency 26/11/26
 26/12-6

In this particular case Finance agree
 that the art. are special and not applied
 to the paper appointments.

24246C
 27.12.26

File No 34729-2C82



Law (C.S.V.)

Law (C.S.V.) Dept

A draft order is subd.

Ency 28/12/26
 28/12-6

28/1
 5

29.1

V. TK
9.

When given for copying _____
 When copied _____ } 192
 When examined _____
 When signed _____

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENTS WITH DITTO.

PAPERS NOT WILDED OF, BRING WANT FOR DESPATCH
 IN ORIGINAL.

14

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