

Law (Education) (1926) Department.

Ms. SERIES.

G.O. No. 214

DATED

10-2-26.

G.O. 1094
11/9/32 in
put up below

8

2nd

[Despatch Abstract.]

Establishment - Hanumantha Rao, Secondary Grade teacher -

Excess pay - Recovery - Waived.

BACK PAPERS.

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

FURTHER PAPERS.

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

30-000-8-24. 9m 29/18

Received 1925

LAW (EDUCATION) DEPARTMENT.

28 3865 e

Registered 1.12.1925

Subject.

Regarding the refund of pay of Y. D. Hanumantha Rao, a secondary grade teacher.



Snout No 3865 e-1 of 2.12.25

Referred to the Accountant General for remarks M4

To The AG

Assistant Secretary

R.C. No. 1853-C/24.

Station Madras, Dated the 26th November 1925-1926.

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

(Designation) Director of Public Instruction, Madras.

To The Secretary to the Government of Madras,

Law (Education) Department.
Fort Saint George.

Sir.

I have the honour to invite the attention of Government to their order No.1094 Law (Education) dated 19-9-1922. In para. one of that order it is stated that teachers in the cadre of Supervisors will be placed in the scale of of Rs.35-60, while in para.3 it is ordered that teachers holding only temporary posts can draw the minimum of the scale, viz., Rs.35, those drawing in excess of Rs.35 being allowed to draw that pay till they are absorbed in permanent posts or vacate their posts. It would appear that it was not the intention of Government to sanction the time scale of pay of Rs.35-60 for temporary posts also; otherwise para.3, it seems to me, would be superfluous.

I have so far acted on this interpretation in regulating the pay of the subordinate and this interpretation was accepted by the Accountant-General in his letter No. Bell. 4-244 dated 29-8-1924 a copy of which is herein enclosed. The Accountant General now states in his letter No. Edn. 1-99 dated 5-5-1925 (copy enclosed) that all posts in the cadre of Supervisors whether permanent or temporary, should be held to have been brought on the scale of Rs. 35-60 with effect from 1-3-1922. He has also reiterated this opinion in his letter No. Edn. 1-375 dated 15-7-1925 (copy enclosed). As this interpretation of the Accountant-General is not free from doubt, I beg to be informed clearly of the intention of Government.

Y.D. Hanumantha Rao is a secondary grade teacher and the lowest rate of salary drawn by him during the test period (1-12-1920 to 28-2-1921) was Rs. 40. His initial pay was hence fixed at Rs. 42½ on 1-3-1922. He was posted as temporary assistant in the Government Training school, Hospet on Rs. 40 plus 12 in the old Supervisors' cadre on 4-11-1921 and is still continuing in the same post. He was allowed to draw Rs. 52 in this temporary post as the Accountant General held that there was no audit objection to his being allowed the full pay of the temporary post, vide copies of his letters Nos. A.B.H. 12 Edn. dated 4-12-1922 and Bell. 4-258 dated 13-10-1924 herein enclosed. According to the interpretation now put by the Accountant-General on G.O. No. 1094 Law (Education) dated 19-9-1922 he says that Y.D. Hanumantha Rao should not have drawn pay at Rs. 52 and that the excess pay drawn by him from 19-9-1922 to 30-6-1925 should be recovered, vide Accountant-General's letter Bell. 15-36 dated 1-10-1925 (copy enclosed). Since however the teacher drew pay at the enhanced rate in consultation with the Accountant-General it will not be equitable to ask him now to refund the excess pay drawn by him. I therefore recommend that in the circumstances stated above the recovery of the amount over-drawn by him may be waived.

I have the honour to be,
Your most obedient servant,

A. R. M. Rao
30/11/25
For Director of Public Instruction

I have the honour to be,
Sir,
Your most obedient servant,

For Director of Public Instruction.

D.H.P.

Copy of letter No. Bel. 4-244 dated 29th August 1924 from the Accountant-General, Madras, to the Director of Public Instruction, Madras.

I have the honour to state that Mr. Y.D. Hanumantha Rao, Assistant, Government Training school, Hospet, has been drawing pay at the uniform rate of Rs. 52 per mensem from 4th November 1921, while as per initial pay statements forwarded to this office he seems to have been entitled only to Rs. 41 42-8-0 and Rs. 44 respectively for the periods shown in the margin. The excess pay drawn by the teacher in the temporary post was admitted in audit on the authority of G.O. No. 1094 Law (Edn) dated 19-9-1922 which permitted such of the teachers as did not enter the scale of 35-35-1½-50-1-60 to continue to draw their present pay plus temporary addition to pay until they are absorbed in permanent posts or vacate their posts. As however in your Proceedings R.O.C. 844-C/23 dated 7-3-1924, the initial pay of the teacher has been definitely fixed at Rs. 44 from 1-3-1923 in the scale of 35-60, I would request that the circumstance under which the pay of the teacher had to be fixed at an amount less by Rs. 8 than the pay he was already drawing may kindly be explained so as to enable this office to determine if any recoveries have to be effected from the officer concerned.

From 4th November to end of February 1922	Rs. 41
1-3-1922 to end of 1-3-1923	42½
1-3-1923 to end of 1-3-1924	44

Copy of letter No.Bdn.1-99 dated 5th May 1925 from the Accountant-General, Madras, to the Director of Public Instruction, Madras.

With reference to your letter No.R.C.24-C/25 dated 22nd April 1925, I have the honour to state that under para. 1 of G.O. No.1094 Mis. Law (Education) Department, dated 19th September 1922 all posts borne in the cadre of Supervisors (whether permanent or temporary) should be held to have been brought on the scale of 35-35-1 $\frac{1}{2}$ -50-1-60 and the sanction will take effect from 1st March 1922 as amended in para.1 of G.O.No.389 L.E., dated 12th March 1923. As Mr.K. Subrahmanyam was appointed on 22nd May 1922 to the post of temporary 3rd assistant, Government Training school, Narasaraopet, included in the Supervisor's cadre & Vide G.O. No. 837 Home (Bdn) dated 23rd July 1920 he can draw only the pay of his substantive post while he was holding the post of temporary 3rd assistant.

2. The pay of men who were holding temporary posts included in the Supervisor's cadre should be revised and the amounts shown in excess should be reported to this office, necessary orders being issued to the officers concerned to refund the amounts overdrawn.

3. Para. 3 of G.O. No.1094 L.E., dated 19th September 1922 will apply to men without permanent posts holding only temporary posts in the Supervisor's cadre.

Copy of letter No.Bdn.1-375 dated 15th July 1925 from the Accountant-General, Madras, to the Director of Public Instruction, Madras.

Reference:- Correspondence ending with his letter No.R.C.1853 C.24 dated 2-6-1925 regarding the arrear pay bill of K. Venkatasubbiah, Assistant, Government Training school, Chittoor.

Both the permanent and the temporary posts included in the old supervisors cadre should be treated as having been-revi-

For Director of Public Instruction

- 5 -

been revised on a scale of pay of Rs.35-60. A permanent supervisor can therefore draw only the pay fixed for him under para 1 of G.O. No.1094 Law (Education) dated 19-9-1922 when he holds a post of either nature referred to above. In this connection letter No.Gun.1-27 dated 6-7-1925 may be referred.

The pay of Y.D. Hanumantha Rao should similarly be regulated. The excess pay drawn by him should be reported to this office for recovery.

Copy of letter No.12 Bdn dated 4-12-1922 from the Accountant-General, Madras.

Reference:- Letter No.R.C.311-C/22 dated 14-11-1922 from the Director of Public Instruction requesting information as to whether Messrs. P.Gangadara Rao and Y.D. Hanumantha Rao who do not hold any substantive appointment under Government be allowed the full pay of the two temporary appointments of Rs.65 or Rs.52 respectively to which they were appointed.

There is no audit objection to the above two men being allowed the full pay of the temporary posts.

Copy of letter Bell.4-258 dated 13th October 1924 ^{to} ~~from~~ the Director of Public Instruction, Madras, from the Accountant General.

With reference to your letter R.C.844-C/23 dated 3rd September 1924, I have the honour to state that there is no audit objection to Mr. Y.D. Hanumantha Rao being allowed to continue to draw Rs.52/- as long as he holds the temporary post.

Copy of letter Bell. 15-36 dated 1st October 1925 ~~dated~~ from the Accountant-General, Madras.

Reference: Your letter No.R.O.C.1853-C/24 dated 31-8-25 regarding recovery of excess pay drawn by T.D. Hanumantha Rao temporary assistant, Government Training school, Hospet.

6
It is presumed that the reference made in the last portion of your letter regarding the interpretation of para. 3 of G.O. 1094 Law (Education) dated 19-9-1922 pertains to this office letter No. Guntur 1-27 dated 6-7-1925. It has no bearing on the case under reference. The excess amount overdrawn from 19-9-1922 to 30-6-1925 may therefore be recovered at an early date and the fact intimated to this office.

(True copies)

A Rama Rao

— 30/14/25 —

For Director of Public Instruction

7
5
Rb 52
No. Bell. 15-53. OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS, 12.1.26

Fort St. George, 11th January

1926.

4
Enclosures.

Refce. Govt. Endorsement no 3865C-1 of 9.12.25 forwarding to this office letter no R 1853 C/24 of 26.11.25 for remarks

para 3 of G.O. 1094 Law Edn. dated 19th September 1922, applies to men who held temporary posts only and not to those who had a lien on a permanent post at the time the G.O. issued.

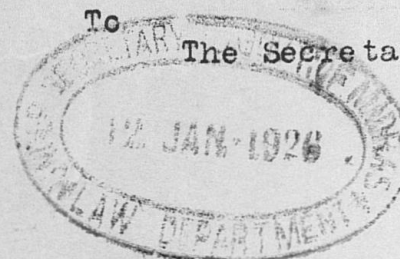
2. Y.D. Hanumantha Rao can therefore draw the pay of his substantive post in the scale of Rs. 35-35-1½-50-1-60 which was correctly fixed at Rs. 42½ from 1-3-22 and the excess pay drawn by him as temporary assistant with a permanent lien from 1-3-1922 will have to be recovered.

3. There is no audit objection to Government waiving the recovery of the amount overdrawn.

K.C.R/11-1.

J. H. C. Williams
Deputy Accountant General.

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



C. No. 3865 C - From the D. P. I., R. C. No. 1853 C/24, dated 26-11-1925.

C, No. 87 C - From the Accountant General, No. Bell. 15-53, dated 11-1-1926.

Y. D. Hanumantha Rao, Secondary Grade teacher - Refund of pay.

Y. D. Hanumantha Rao is a permanent Secondary grade teacher, and ⁱⁿ the scale of Rs. 35 - 60 sanctioned for such teachers ^{in 1922} he was eligible for an initial pay of Rs. 42½ on 1-3-1922. But he was appointed on 4-11-1921 as a temporary assistant in a Government training school on a pay of Rs. 40 plus 12 in the old supervisors' cadre and is continuing in this post. In G.O. No. 1094 Law (Education), dated 19-9-1922, the Government directed that teachers in Government training schools in the cadre of supervisors should cease to be borne in that cadre, that their pay be fixed ~~at~~ in the scale of Rs. 35 - 60 (sanctioned for secondary grade teachers) and that teachers who held only temporary posts in the cadre of supervisors ~~shall~~ be permitted to draw the minimum, Rs. 35/- of the revised scale, such of them as ~~now~~ draw in excess of Rs. 35 ^{being allowed to} continue to draw their then pay plus temporary addition, until they were absorbed in permanent posts or vacated their posts. With reference to the ~~conclusion of the above order~~ ^{concluding order of the above order} Hanumantha Rao has been allowed to continue drawing Rs. 52 with the approval of the A. G. -- vide his letters dated 4-12-1922 and 13-10-1924.

In May 1925, however, the A. G. informed ~~that~~ the D. P. I. that the orders regarding holders of temporary posts in paragraph 3 of G.O. No. 1094 Law (Education), dated 19-9-1922 applied only to those who had no lien on permanent posts and ~~that~~ ^{well} that as Hanumantha Rao

page 5 c. f.

page 4 c. f.

was a permanent secondary grade teacher the pay drawn by him from 19-9-1922 to 30-6-1925 in excess of that he was eligible for in the scale of Rs. 35 - 60 should be recovered. The D.P.I. desires to be informed of the intention of the Government in regard to the interpretation of paragraph 3 of the G.O. referred to above.

Attention is invited to the Finance Deptt's note at page 13 and the statement on page 11 of the notes in G.O. No. 1094 Law (Education), dated 19-9-1922, from which it would appear that the orders in paragraph 3 related only to the holders of temporary posts in permanent and temporary ~~xxxx~~ schools irrespective of the question whether they had any permanent lien on any other appointment under the Government. Attention is also invited in this connection to the ~~xxx~~ remarks made by the former Finance member ~~xxxxxx~~ on an analogous case at page 17 of notes with G.O. No. 67 Law (Education), dated 19-1-1925. The A. G.'s present interpretation restricting to those who have no substantive appointment is not correct. ~~Submitted that~~ the D.P.I. may be informed accordingly with the concurrence of Finance.

page 6 c. f.
page 2 c. f.

(H)

A

(T)

page 7. c. f.

Law Edn. No. 38652-2
22.1.26.



(H) 2394

Under para 3 of G.O., No. 1094, Law (Edn), dated 19-9-22, teachers in Govt. Training schools for Masters holding temporary posts in the cadre of supervisors can draw only the minimum of Rs. 35 i.e. without any increments. It is clear that the time-scale of Rs. 35--60 sanctioned in para 1 of the G.O. applies only to permanent posts, as pointed out by the D.P.I. on page 1 C.F.

2. With reference to the portion marked A above, it is submitted that the concession allowed in para 3

of G.O., No. 1094, Law (Edn), 19-9-22 to holders of temporary posts to continue to draw pay in excess of the minimum of Rs. 35 is applicable only to men without any lien on a permanent post. It does not apply to men with permanent appointments elsewhere, as the question of absorption in permanent posts does not arise in their case.

3. As regards the question of waiver referred to by the D.P.I. on page 2 C.F., the excess amount drawn by the teacher comes to nearly Rs. 245. Under the general orders in G.O. 647, Fin: dated 6-9-24 the amount is recoverable. In view, however, of the fact that the overpayment was occasioned by a wrong interpretation of the orders of Govt. it is for consideration whether the recovery of the amount may be waived, as has been done recently in a similar case where the overpayment was caused by the mistake in the D.P.I.'s office.

28.1.26.

28.1.26.

The man's initial pay should have been fixed with reference to his substantive pay. As the audit objection is belated, Finance will not object to waiver, recovery. - but C₄ should see as the case does not come within the scope of G.O. 647 Fin. d. 6.9.24

29.1.26

Law (Edn)

Law (Edn) sept

For orders as to circulation to H2 and C4.

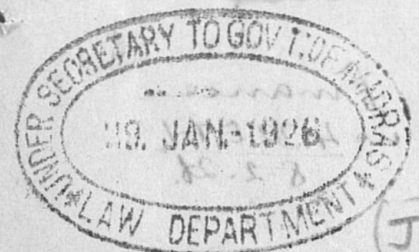
1/2/26

1.2.26

M2
C4

G.O. No. 130 dE (V)
25.1.26

VDC



Finance
no 239467-1
29.1.26.

Lb 2450
29.1.26

SECRETARY TO GOVERNMENT OF CANADA
3-FEB 1978
LAW DEPARTMENT

2. As the a.g.'s interpretation is not ~~the~~ accepted, the question of waiver does not arise.

$\frac{C_2}{412}$ $\frac{V.TK}{5.2}$

Fin U.O.

Finance E.T.

May be perused and
returned to Law (Eon) no.

5.2.26.
unc
6.2.26

Lawrence (Ed.)

Laws (Eon) Sept 19

The draft order may
be issued.

$$\frac{200}{9/2}$$

$$\frac{2}{9/2}$$

Can Est. No. 38650/25-3
5.2.26



L. Cu 363c
4132 872/26

Finance
no 4132 ET-1
8-2-24



DEPARTMENT.

When despatched

Date.

Initials

Establishment - Hanumantha Rao,
Secondary Grade teacher - Excess pay -
Recovery - Waived.

READ AGAIN G.O. No., dated 192

” ” ” ” ” 192

READ ALSO:—

C. No. 3864 C From the _____, No. _____, dated _____ 192

87 C

” ” ” ” ” ” ” 192

" " " "

192

ORDER.

No. 214, dated 10. 2. 1926

Misc.

The D. P. I. is informed that paragraph 3 of G.O. No.1094 Law (Education), dated 19-9-1922, is applicable to persons who hold temporary posts and also to those who had a lien on a permanent appointment at the time of the issue of the G. O.

To The D.P.I. (with refce. to his letter R.C. No.1853 C/24 dated 26-11-1925)

" A. G. thro' the Finance Deptt.
(with refce. to his Endt. No. Bell
15-53 dated 11-1-1926).

" Copy to the Finance Deptt.

DESPATCHED
12 FEB 1926

$\frac{6}{3/2}$
 $\frac{a}{4/2}$

 $\frac{V.TK}{5/2}$

When given for copying
 When copied
 When examined
 When signed

192

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

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BEING [unclear] FOR DISPATCH IN ORIGINAL.

N.B.—

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