

*Pat* <sup>187</sup> <sup>26</sup> (194) ) Department.  
*Law (Edw)*

*MS* # *187* SERIES.

G.O. No. 773

Dated 3-5-26.

*To be retained until the  
original L.O. is received  
in M.R.O. Chicago*

[Despatch Abstract.]

*Public Service* - Subordinate Services & *unpaid clerks*  
Service - *Exemption from* Higher Division clerks in Electrical Engineer's  
Division - *Examination Rules* Passing of Account Test for Sub Officers, Part I.  
Special Rules - Amended.

*Public Service* - *unpaid clerks*  
*Exemption from* *Examination Rules*

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| Further paper |             |        |      |  |
|---------------|-------------|--------|------|--|
| No.           | Department. | Date.  | G.O. |  |
| 8699          | Res         | 5/8/41 |      |  |

பாதுகாக்கும் பறவு

செப்பனியுபவர் பெயர்: V.R. சிவசுப்ரமணியன்

செப்பனியுபதற்காக எடுத்துக் - 1/09 - 3/09

கொள்ளப்பட்ட நாள்.

25/12/09  
சுப்பிரமணியன்  
முதல் முதிபாள  
கையொப்பம்

25/12/09  
சுப்பிரமணியன்  
2ம் முதிபாள  
கையொப்பம்

25/12/09  
சுப்பிரமணியன்  
3ம் முதிபாள  
கையொப்பம்

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Board of Revenue,  
Chepauk, Madras,  
23rd April 1941.

Post Copy of Telephonic Message.

From The Superintendent,  
'D' Section,  
Board of Revenue.

To The Superintendent,  
Public (Services) Department,  
Fort St. George.

Ref. Your telephone message of yesterday's date.

A copy of G.O.No.773, Law (Education), dated the  
3rd May 1926 is being sent with the post copy of this tele-  
phone message.

*[Signature]*  
Superintendent.

T.D.R.23-4-.

Enclosure: Copy of G.O.

3 3T  
LAW DEPARTMENT.

(Education)  
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Fort St. George, May 3, 1926.

G.O.No.773, Law (Education).  
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No.161. In G.O.No.164, Law (Education), dated 4th February 1925, the Government pointed out that the following classes of clerks, not possessing the qualifications prescribed in Article I. of the Public Service Notification were not entitled to draw increments in the time scale of pay as a matter of course:-

(1) clerks specifically exempted from the provisions of the above article for promotion only up to a prescribed limit of pay in the old graded scale of pay; and

(2) clerks not exempted who were confirmed in posts on Rs.20 in the old graded scale of pay either with reference to G.O.No.991, Home (Education), dated the 29th July 1918 or with reference to the old Public Service Notification which required no educational qualifications for posts on Rs.20.

2. With reference to these orders heads of departments have made proposals which raise the following questions:-

(1) what pay in the time scale should be allowed to clerks exempted for promotion up to a specified limit in the old graded scale of pay;

(ii) whether exemption from examination rules may be granted to the unpassed clerks referred to in paragraph 1 above by the heads of departments themselves;

(iii) what principles should be followed in the grant of exemption in future;

(iv)

(iv) whether retrospective effect may be given to such exemption; and

(v) whether the recovery of the increments overdrawn by the clerks may be waived.

3. The Government are pleased to pass the following orders on these questions:-

(i) Pay to be drawn by clerks exempted up to a specified limit of pay.

The Government observe that some heads of departments have permitted unpassed clerks who have been exempted for promotion up to a specified limit in the old graded scale of pay, to draw increments in the new time scale in excess of that limit without further exemption. This is inadmissible. These clerks can, without further sanction, rise only up to the stage represented by the limit of exemption plus the temporary increase in pay subject to the efficiency bar at Rs.50/-. If, however, the aggregate of the pay up to which they have been exempted and the temporary increase is less than the minimum pay of the time scale, they may draw the minimum pay. Where for any special reason it is proposed that any of these clerks should be allowed increments above the stage referred to or the minimum pay, as the case may be, their cases should be submitted to Government for exemption from Article 1 of the Public Service Notification.

(ii) Grant of exemption by heads of departments.

It is observed that since the issue of G.O.No.164, Law (Education), dated 4th February 1925, some heads of departments have sanctioned the exemption of unpassed clerks in their departments with a view to enable the clerks to draw increments in the time scale of pay. Under G.O.No.722,

Law (Education), dated 13th June 1922, exemption can be given by heads of departments only if they can certify that 'bona fide' efforts were made without success to obtain passed candidates'. Under present day conditions it is very doubtful whether such a certificate can be truthfully given save in the most exceptional circumstances. It is necessary therefore to prevent inequalities of treatment in different departments that all such cases where exemption has been granted should be reviewed by the Government and continued only where the conditions stated in clause (iii) below are satisfied. All such exemptions will therefore be held in abeyance for the present pending orders on the lists to be submitted in accordance with the following instructions.

(iii) Principles for the grant of exemptions. The Government do not consider that exemption should be granted as a matter of course to the clerks in question. There is prima facie no justification for the grant of exemption to clerks who were employed in service prior to 1st March 1921, the date on which the new time scale of pay was introduced. For, if any such clerk was deserving of exemption his case would have been recommended at the time for special treatment. As regards clerks appointed after the above date, if the head of the department considers that exemption should be granted to any particular individual he should submit his recommendations to Government explaining

(a) why an unpassed man ~~was~~ was appointed at all having regard to the number of passed men by that time generally available and the attraction of the enhanced time scale of pay introduced, and

(b)

(b) the special qualification of the individual concerned.

H heads of departments should submit all such cases for the orders of Government in consolidated lists which must reach the Government before the 1st August 1926.

(iv) Retrospective effect to orders sanctioning exemption.

The question of giving retrospective effect to the orders sanctioning exemption will be considered by Government on receipt of recommendations of heads of departments with reference to the previous paragraph.

(v) Waiver of recovery of increments overdrawn. The Government are pleased to sanction the waiver of the recovery of all increments drawn by the unpassed clerks referred to above before 1st March 1925 by which date G.O.No.164, Law (Education), dated 4th February 1925 had been communicated to all offices. Where, however, a head of a department had pointed out to heads of offices under him the inadmissibility of increments in the cases referred to earlier than the above date, recovery of increments drawn up to the date of receipt of the orders of the head of the department may alone be waived.

In cases where recoveries of increments drawn prior to the dates referred to above have already been affected, the Government direct that such recoveries be refunded.

4. From the list of unqualified clerks received from heads of departments the Government observe that a large number of such clerks have been employed in Government service. The Government are unable to believe that qualified candidates were not available for all the posts held by the unpassed clerks. Having regard to the number of

qualified

qualified candidates now available they consider that unpassed men should be employed in Government service only in very special circumstances and in such cases the sanction of Government should be obtained. They therefore withdraw the power of granting exemption from the examination rules delegated to heads of departments and offices in G.O.No.722, Law (Education), dated 13th June 1922. If there are specially backward localities where it is even now really difficult to get qualified candidates, heads of departments may report, the names of such localities so that the Government may consider whether an exception should be made in respect of those localities.

(Sd.) V. T. Krishnama Achariyar,  
Secretary to Government.

10/5/24/4



14701 MA 15/4 GT a  
PUBLIC (SERVICES) DEPARTMENT.

U.O. NOTE NO. 11400/41-1, DATED 10th APRIL 1941.

Records - Missing - Search for.

G.O.No.773, Law (Education), dated 3-5-1926, the subject matter of which is given in the margin, is found to be

|                              |   |                                                                                                                                                                            |
|------------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public Service               | } | missing. Departments of the Secretariat may be requested to make a search for it in their files and return it to this department, if found. This may be treated as urgent. |
| Notification                 |   |                                                                                                                                                                            |
| Unpassed                     |   |                                                                                                                                                                            |
| clerks exemp-                |   |                                                                                                                                                                            |
| tion from examination rules. |   |                                                                                                                                                                            |

V.P. Echunni Menon,  
Asst. Secretary to Government.

To The Departments of the Secretariat (all Sections)

Forwarded/By order  
Education & Public Health Deptt. *K. J. N. K. N.*  
vjr. Superintendent.

C.No 14704

- 2 -

Ed of P. H. Syst (3)

Sections are requested say whether they <sup>have</sup> got the G.O. referred to at page 1 and, and if they do to put it up.



2/4/41

21/4/46

Public (Sec) may be informed that the G.O. is not put up in this Dept.

25/4/41

30/4

Public (Sec) may

Ed of P. H. 14704-1-8.  
1/5/41

Public (Services) Department.

The original of G.O.No.773 Law (Education) dated 3-5-1926 is missing from the records. Departments of the Secretariat were requested to make a search for it in their files but the search proved to be useless. It would <sup>be</sup> desirable to have the copy of the G.O. kept below which was obtained from the office of the Board of Revenue, docketed and kept in the M.R.O. for reference until the original G.O. finds its way to the records.

For orders whether A above may be done.

No objection.

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