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Educational (190 /) Department.

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G.O., Nos 114 & 115

DATED 1st March 1901 ✓

INDEXED

18
ORIGINAL

[Despatch Abstract.]

Indian Educational Service

Directing that the Govt of India be
addressed on the subject of
personal allowances attached to
certain app'ts in the ———

The Notes
in these Proceedings have been printed.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1901} of Madras. EDUCATIONAL.

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Enclosures

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1901.

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ORIGINAL

G.O., &c., Nos. 114, 115, 1st March 1901.

MARCH.

Indian Educational Service.

Directing that the Government of India be addressed on the subject of personal allowances attached to certain appointments in the —.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers:—

From H. J. McINTOSH, Esq., Deputy Secretary to the Government of India, Home Department (Education), to the Chief Secretary to the Government of Madras, dated Calcutta, 9th January 1901, No. 2.

I am directed to forward, for the consideration of the Governor in Council, a copy of a letter from the Government of Bombay on the subject of the personal allowances which are attached to certain appointments in the Indian Educational Service.

The Government of Bombay recommend for the reasons given that the personal allowances of the three Principals and the two senior Inspectors in that Presidency should be declared to be for all purposes a portion of their substantive pay; and that an officer of the Indian Educational Service appointed to officiate as a Principal of a college or as one of the two senior Inspectors during the absence of the permanent incumbent on leave or on deputation, should be allowed acting allowance under article 125, Civil Service Regulations, on the assumption that the pay of the appointment in which he is officiating is the pay which he would receive if substantively appointed to that post.

2. The proposal to attach personal allowances to the senior appointments in the Indian Educational Service originated with the Secretary of State in 1892 when the scheme for the reorganization of the Education Department was under consideration. It was then suggested by His Lordship that it might be found preferable to attach to the office of Principal a special pay of Rs. 250 to Rs. 500 a month on account of the extra work and responsibility falling on the professor who undertakes it rather than to assign a higher rate of pay to the post of Principal. The Government of India, in accepting the suggestion, considered that the allowances should be strictly *personal* within the meaning of the Civil Service Regulations, *i.e.*, that they should be held continuously by officers whether on duty or leave, and not be given to acting incumbents, and orders were passed to this effect in paragraph 10 of Home Department Resolution No. ^{4 Edn.} 204-215, dated the 23rd July 1896.

3. In a recent case the Secretary of State questioned the fairness of this principle. His Lordship then remarked that the apparent intention of his predecessor with regard to these allowances was to assign them to the office, and not to the man, and that the reason by which he seemed to have been actuated in proposing a plan of special allowances, was that it had been found to be a grievance under the old graded system that a particularly able officer specially selected to officiate as Principal might be restricted to his professorial pay, while some other officer, on account of his seniority, received the acting grade promotion. His Lordship did not, however, desire to insist on a reversion to the original proposal unless further experience established its necessity, but he ruled in the recent case referred to above that, as the permanent incumbent going on leave other than privilege leave forfeited half or more of the allowance, the acting officer should receive whatever balance might be available not exceeding a moiety of the whole.

4. It appears to the Government of India, on reconsideration, that the principle of regarding the allowances sanctioned in paragraph 10 of Home Department Resolution of the 23rd July 1896 as strictly *personal* within the meaning of the Civil Service Regulations is inconvenient and inequitable, but, before making any change in the existing rules, they would be glad to be favoured with an expression of the views of the Governor in Council on the proposals now made by the Government of Bombay.

ENCLOSURE.

From J. D&C. ATKINS, Esq., I.C.S., Secretary to the Government of Bombay, Educational Department, to the Secretary to the Government of India, Home Department (Education), dated Bombay Castle, 22nd August 1900, No. 1251.

I am directed to submit, for the consideration of the Government of India, the following observations regarding the personal allowances attached, under the reorganization scheme of 1896, to five senior appointments, *viz.*, three Principalships and two Inspectorships in the Indian Educational Service.

2. The superior Educational Service in this Presidency was formerly divided into grades, promotions from grade to grade being made as vacancies occurred and promotion to the two senior grades being specially ruled by selection and not by seniority only. For this was substituted, under the reorganization scheme of 1896, a system by which the pay of an officer rose by regular increments until in ten years it reached Rs. 1,000 per mensem. This change considerably improved the prospects of Educational officers in the earlier years of their service, but the Government of India recognised that discontent would be the inevitable result, if a considerable portion of the officers of the department were to attain after ten years the highest pay open to them. They therefore recommended in the first place that a special allowance of Rs. 100 per mensem should be given after 15 years' service to meritorious officers who were not drawing a *personal allowance*, and in the second place that *personal allowances* should be attached to five senior appointments, *viz.*, the three Principalships and the two senior Inspectorships. The following was the proposal made by the Government of India (in despatch No. 351 of 11th December 1895) and accepted by the Secretary of State, on the subject of these five personal allowances:—

"We think there should be two grades of allowances of Rs. 250—50—500 and Rs. 200—10—250 a month, respectively, so as to correspond to some extent with the higher rates of pay in the present graded list, which will be supplanted by the new system. We are of opinion that the allowances should be strictly personal, within the meaning of the Civil Service Regulations, *i.e.*, that they should be held continuously by officers whether on duty or on leave and not be given to those who act for them during their absence."

3. The Director of Public Instruction in this Presidency has reported that the working of the rules regarding the five personal allowances mentioned in the last preceding paragraph is unsatisfactory and calculated to cause discontent and hardship. It appears to the Governor in Council that there is considerable force in his representations and I am accordingly directed to invite the attention of the Government of India to the considerations set forth in the following paragraphs.

4. It will be observed from the sentences quoted in paragraph 2 above from the Government of India's despatch of 11th December 1895 to the Secretary of State that in the first place the object of granting these personal allowances was to make promotion under the new system very similar, for senior officers, to that under the superseded graded system; that in the second place the nature of the allowance was intended to be that of an allowance continuously (*i.e.*, permanently) attached to an individual; and that in the third place the meaning assigned in the Civil Service Regulations to the term "*personal allowance*" was applied to these allowances.

5. It appears to the Governor in Council that the use of the word "*personal*" in connection with these allowances and more particularly the order that the meaning assigned in the Civil Service Regulations to the term "*personal allowance*" should be applied to them, has had the probably unforeseen result of frustrating to some extent the intention that these allowances should represent, in the case of senior officers under the new rules, the grade promotion which they would have received under the previous ones, and that the allowances should be permanently drawn by the officers to whom they were assigned. The term "*personal allowance*" is not defined in the Civil Service Regulations, but in lieu of a definition it is explained in Article 47, Rule 1, that "*personal allowance*" is treated for the purposes of calculating leave allowances and pensions as part of an officer's substantive pay"; and it appears probable that the Government of India, in making a reference to the Civil Service Regulations, had no further object than that of providing for the application of Rule 1 of Article 47. It happens, however, that the Civil Service Regulations contain another rule on the subject of personal allowances, a rule which was apparently

drafted with reference to a quite different kind of personal allowance from those now under

Unless in any case it is specially ordered otherwise, a personal allowance should be reduced by any amount by which the recipient's pay or salary may be increased and should cease as soon as his pay or salary is increased by an amount equal to his personal allowance.

General in refusing to allow the Principal of a college to retain his personal allowance if he is selected to officiate temporarily as Director of Public Instruction.

6. Article 77 of the Civil Service Regulations was, it is believed, originally drafted with the object of providing for the class of cases in which personal allowances are ordinarily granted, viz., cases in which, for some reason or other, usually a "block" in the service, an officer's promotion has been unduly delayed and his reasonable expectations have been disappointed. In such cases it is of course reasonable that when the delayed promotion at length arrives, the allowance which was temporarily granted in lieu of it should cease to be drawn. But the circumstances are entirely different when, as in the case of the Indian Educational Service, the personal allowance, so far from being a temporary solatium for delayed promotion, represents the actual and regular and permanent promotion received by all senior officers who are fit for the more responsible work of their department. The most senior college Principal, in receiving a personal allowance of Rs. 250—50—500 in addition to his pay of Rs. 1,000, is getting his ordinary permanent (or substantive) promotion in exactly the same way as he would get it if under the old rules he were promoted to the first grade, to which a pay of Rs. 1,250—50—1,500 was attached. Principal Selby of the Deccan College draws a pay of Rs. 1,000 and a personal allowance of Rs. 250—50—500 under the new rules, whereas Principal MacMillan of the Elphinstone College draws under the old rules a single consolidated pay of Rs. 1,250—50—1,500. If the latter officer acted as Director of Public Instruction he would as a matter of course continue to draw the whole of his pay in addition to acting allowance; and it appears equitable that Principal Selby (who is also senior in the service), if selected to act as Director, should receive similar treatment and should similarly be allowed, in addition to acting allowance, to draw the whole of his permanent income of Rs. 1,250—50—1,500, even though that income is made up of two distinct portions, one of which has been declared to be a personal allowance.

7. For the reasons mentioned above, I am directed to recommend that the personal allowances of the three Principals and the two senior Inspectors (the case of Inspectors being similar to that of Principals) may be declared to be, for all purposes, a portion of their substantive pay.

8. I am next directed to advert to a subject which presents more difficulty, viz., the emoluments of a professor of a college appointed to act as Principal during the absence of the permanent incumbent. The quotation given in paragraph 2 above, from the Government of India's despatch to the Secretary of State, shows that it was not intended that the personal allowances of Principals and Inspectors should be given to officers who acted for them during their absence. A declaration to this effect was expressly made in paragraph 10 of the Government of India's Resolution No. 4-EDCL—204—215 of 23rd July 1896, and it may be admitted that, if any one of the allowances in question could equitably be regarded as a personal allowance within the meaning of the Civil Service Regulations, there would be a justification for refusing to withdraw it from the substantive holder for the purpose of assigning it to an officer temporarily officiating for the holder during his absence. If, however, the views of this Government as set forth in the preceding paragraphs of this letter, that the term "personal allowance" cannot appropriately be applied to an allowance which represents the ordinary permanent promotion of a senior Educational Officer, and that it must properly be regarded as a portion of his substantive pay, are accepted by the Government of India, there will be no necessity to regard a proposal to give a professor compensation for increase of responsibility as equivalent to a proposal to withdraw an allowance from an officer for the purpose of giving it to his *locum tenens*. It will, on the contrary, be possible to consider as *res intacta* the question whether arrangements can be made to enable a professor, who temporarily officiates as Principal of a college, to receive by way of acting allowance some extra remuneration for his increase of work and responsibility. His case will not differ from that of an officer in any other department who officiates in a higher appointment than his own.

9. That it was exceedingly inequitable that a professor, appointed to officiate as Principal of a college during the absence of the permanent incumbent, should receive no extra remuneration whatever for his extra work and responsibility, was urged by this Government last year in connection with the case of Professor Sharp. The Secretary of State concurred in this view and as a solution of the difficulty, decided, in his despatch communicated with your letter No. 57, dated the 3rd February 1900, that, as a Principal absent on furlough could only draw half his personal allowance, the other half, which was "saved" could be allotted to his *locum tenens*. This decision, however, only partly covers the cases of officers who act temporarily as Principals. It provides that a professor, acting for a Principal absent on furlough, shall not go entirely without his reward. But it does not provide for the case in which the Principal goes on privilege leave. Nor does it provide for the case in which the absent Principal is acting as Director of Public Instruction. Moreover, it involves the anomaly that, even when a professor acts for a Principal

on furlough, the allowance drawn by the former is dependent, not on his seniority or on his duties, but on the quite irrelevant question of the seniority of the absent Principal. A senior Principal draws an allowance which rises gradually from Rs. 250 to 500 per mensem and a junior Principal an allowance rising from Rs. 200 to 250; hence the acting Principal, when entitled to draw an allowance equal to half the absentee's allowance, may draw any sum from half the minimum of a junior Principal's allowance (Rs. 100) to half the maximum of the allowance of a senior Principal (Rs. 250).

10. On the assumption based on the Secretary of State's decision in Professor Sharp's case, that it is undesirable that a professor appointed to act as Principal should get no remuneration by way of acting allowance, it appears necessary to draw up a rule which will not only completely cover the ground (and provide for vacancies other than the furlough vacancies to which alone the Secretary of State's decision applied), but will be free from the objection, remarked above, of basing an acting Principal's remuneration on so fortuitous a circumstance as the number of years during which the absentee had served as junior or as senior Principal. The ordinary rule governing the salary of an acting officer is that he draws his own substantive pay plus an acting allowance based on the minimum pay attached to the appointment in which he is acting. The difficulty in applying this rule to the case of an acting Principal consists in the fact that no pay is actually attached to the appointment of Principal, and inasmuch as the permanent Principal's pay is based on his seniority in the service and is constantly rising, it would not be possible or reasonable to assume that the pay actually drawn by him in any particular year was the pay of his appointment of Principal, and therefore a proper basis for calculation of the acting allowance of his *locum tenens*. After very careful consideration the Governor in Council has come to the conclusion that a reasonable and convenient solution of the difficulty would be to regard the pay of a Principal's appointment, for the purposes of calculating the allowances of an acting officer, as equivalent to the pay which the acting officer would actually receive if he were confirmed in the Principal's appointment.

11. For example, Principal Selby is a senior Principal with emoluments amounting to Rs. 1,250; but, if owing to death or retirement, Professor Sharp were confirmed as Principal, the latter would receive Rs. 950 pay plus Rs. 200, the minimum allowance for a junior Principal, i.e., Rs. 1,150 in all. I am to suggest that it would be reasonable, if Professor Sharp were acting as Principal, to base his acting allowance for the purpose of making the calculation required by Article 125, Civil Service Regulations, not on the pay actually drawn by Professor Selby, but on the assumption that a pay of Rs. 1,150 was the pay of the appointment.

12. This solution of the difficulty is of course open to the objection that some increase of expenditure will be involved. It will be found, however, that in almost every case a saving, which may fairly be taken as a set off against this expenditure, will be effected. If, for example, the Director of Public Instruction were now to go on furlough and were succeeded by Professor Selby who was succeeded by Professor Sharp, whose place was taken by a native, the financial result would be as follows—Rs. 1,300 representing the saving in the pay of the Director of Public Instruction, would be available; against this there would be an extra expenditure of Rs. 500 for the acting allowance of Principal Selby and of Rs. 200 for Professor Sharp and a balance of Rs. 600 would remain to pay the salary of a temporary native professor. Similarly, if Principal Selby went on furlough and were succeeded by Professor Sharp, whose place was taken by a native, the result would be that there would be a saving of Rs. 625 in Principal Selby's pay; Rs. 200 would be received by Professor Sharp and Rs. 425 would be available for a native professor.

13. It seems probable that the only cases, in which there would be any actual net increase of expenditure, would be those in which the Director of Public Instruction or a senior Inspector* went on privilege leave on full pay, but the vacancies would be rare and would at most last for three months, during the first of which no acting allowances would ordinarily be admissible. It may be mentioned that there would be no such increases in the event of Principals taking privilege leave; for they are only entitled to it under special circumstances and on half pay.

14. The recommendations, then, which the Governor in Council desires to make for the consideration of the Government of India are as follows:—

(1) that an officer of the Indian Educational Service, appointed to officiate as a Principal of a college or as one of the two senior Inspectors during the absence of the permanent incumbent on leave or on deputation, be allowed acting allowance calculated under article 125, Civil Service Regulations, on the assumption that the pay of the appointment, in which he is officiating, is the pay which he would receive if substantively appointed to that post; and

(2) that, for the reasons advanced in paragraphs 2 to 6 of this letter the so-called personal allowances assigned to the officers substantively appointed to be Principals of colleges or senior Inspectors, may in future be treated in all respects as a portion of the substantive pay of those officers.

*The Inspector would however usually be succeeded by a native in the Provincial Service during the short vacancy.

15. I am further directed to say that His Excellency in Council is of opinion that only by such modifications of the existing rules, as have been proposed above, can the present anomalies be removed, and the position of the senior and selected officers of the Indian Educational Service be restored to that which they would have held, had the former graded system been continued. The object of the reorganization was avowedly the improvement of the Service, and His Excellency in Council is confident that a full consideration of present conditions will demonstrate that the attainment of that object is being partially frustrated by the application to the senior officers of the Educational Department of a rule which was created to regulate entirely different conditions of service.

Endt. No. 21.

Referred to the Director of Public Instruction for favour of remarks.

(By order.)

(Signed) A. T. PRINGLE,
Asst. Secretary to Government.

19th January 1901.

From the Hon'ble Mr. G. H. STUART, M.A., Barrister-at-law, Director of Public Instruction, to the Secretary to Government, Educational Department, dated Madras, 6th February 1901, Ref. on C. No. 551.

With reference to endorsement No. 21, Educational, dated 19th January last, herewith resubmitted, referring to me for remarks a letter from the Government of India, No. 2, Home Department, dated 9th *idem*, on the subject of the personal allowances which are attached to certain appointments in the Indian Educational Service, I have the honour to say that I see no objection to the proposal made by the Government of Bombay that the personal allowances of the three Principals and the senior Inspector should be declared to be a portion of their substantive pay, and that acting allowances be allowed under article 125 of the Civil Service Regulations.

ORDER—No. 114, Educational, dated 1st March 1901.

The Government of India will be addressed.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

LETTER—No. 115, Educational, dated Fort St. George, 1st March 1901, to the Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter, No. 2, Educational, dated 9th January 1901, forwarding for consideration a copy of a letter from the Government of Bombay on the subject of the personal allowances which are attached to certain appointments in the Indian Educational Service. In reply I am to state that the Governor in Council concurs with the suggestion made by the Government above named.

M. HAMMICK,
Ag. Secretary to Government.

Exd. A. F. Eccleston.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., NOS. 114, 115, EDUCATIONAL, DATED 1ST MARCH 1901.

[SUBJECT.—*Personal allowances to certain officers of the Indian Educational service.*]

From the Government of India, Home Department, No. 2 (Education), dated 9th January 1901.

From the Director of Public Instruction Ref. on C. No. 551, dated 6th February 1901.

In the scheme of reorganization of the Indian Educational service provision was made for the payment of allowances of Rs. 250—50—500 to the Principal of the Presidency college and the Senior Inspector of schools and of Rs. 200—10—250 to the Principals of the Kumbakonam and Rajahmundry colleges. An option was, however, given to this Government to pay one of the lower allowances to an inspector of longstanding and approved service.

2. The two higher allowances are now enjoyed by Messrs. Bilderbeck and Marsden and the two lower allowances by Messrs. Stone and Logan: Messrs. Bilderbeck and Stone are principals of colleges and Messrs. Marsden and Logan, inspectors of schools.

3. These allowances are personal (*i.e.*), they are held continuously by officers whether on duty or leave and are not given to acting incumbents. The Bombay Government propose that they should be declared to be portions of substantive pay and that officiating incumbents should be given acting allowance calculated on such pay and allowance. In a case that recently arose where an officer with a personal allowance went on leave other than privilege leave, the Secretary of State decided (G.O., No. 70, Educational, dated 13th February 1900) that the balance of the allowance available after meeting the claims of the absentee officer might be paid to the acting officer.

4. The Government of India now consider that the principle of regarding the allowances as strictly personal is inconvenient and inequitable but desire to have the views of this Government on the proposals of Bombay before making any change in the rules.

5. The Director to whom the letter from India was referred for remarks sees no objection to the proposal made by the Government of Bombay. It is submitted however that before anything further is done, the Accountant-General may be consulted *u.o.* in the matter.

P. T. THARYAN.
11-2-01.

The views of the Accountant-General should be requested.

Accountant-General *u.o.*

A. T. PRINGLE.
12-2-01.

ACCOUNTANT-GENERAL'S OFFICE.

I understand that I am only required to note from an audit and account point of view, and I confine my remarks accordingly. The proposed plan of treating the extra allowances attached to the appointments of principals of colleges and inspectors of schools presents no audit difficulties and can be applied without difficulty. The effect of the proposal is, generally speaking, to raise the salary of an officer acting as Director by Rs. 83½ a month, and to give to officers officiating in the appointments to which the extra allowances are attached the full extra allowances. I have assumed that only officers drawing the higher of the two rates of extra allowances will officiate as Director, and only officers drawing the lower of the two rates will officiate in the appointments to which the higher rates are attached.

W. DOBBIE.
16-2-01.

EDUCATIONAL DEPARTMENT.

The Accountant-General says that the effect of the Bombay proposal is to give officiating officers the full extra allowances which they may be entitled to if they hold the places permanently. As this is all that is required the proposal may be approved.

P. T. THARYAN.
18-2-01.

Yes.

Secretary.

Honourable Member.

A. T. PRINGLE.

M. HAMMICK.
19-2-01.

I concur with the suggestion of Bombay.

A. T. A[RUNDEL].
20-2-01.

The draft placed below may issue.

P. T. THARYAN.
22-2-01.

Yes.

Secretary.

A. T. PRINGLE.
22-2-01.

Yes.

M. HAMMICK.
23-2-01.

[F. 16] 1,500-20-10-00.

Financial (190/) Department.

CURRENT No. 157 66

From

[Name]

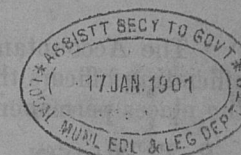
Govt of India

[Designation]

Deputy Sec. to Govt

[Station]

Calcutta



No.

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Dated

9 - 1 - 1901.

Enclosures

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S.C. Series of Govt

as to 7-1

SUBJECT.

Forwarding a copy of letter from Bombay Govt respecting personal allowances attached to certain appointments in the Indian Educational Service, and an expression of opinion on the proposals made by the Bombay Govt of India on the matter.

BACK PAPERS.

670-13-2-00

480-10-5-96

479-10-5-96

694-11-11-96

273-11-11-96

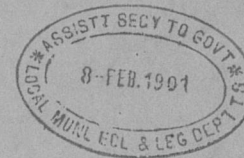
FURTHER PAPERS.

2 #

Educational (190/) Department.

CURRENT No. 163 7

From

[Name] The Honble Mr. G. H. Stuart, M.A. Bar-at-Law,[Designation] Director of Public Instruction,[Station] MadrasRef. No. 551 of 1901Dated 6th February 1901.Enclosures 4Received 8-2 1901.Registered 8-2 1901.

SUBJECT.

Submitting remarks on letter from the Government of India, Home Department, on the subject of the personal allowances attached to certain appointments in the Indian Educational Service -

BACK PAPERS.

FURTHER PAPERS.

Educational Department.

Your most obedient servant,

Director of Public Instruction.

I am directed to acknowledge
the receipt of your letter no. 2 & En-
closure, of 9th January 1901 forwarding
for consideration a copy of a letter
from the Govt. of Bombay on
the subject of the personal
allowances

32nd Copies
delivered.
6/13

allowances which are attached
to certain appointments in the
Indian Educational service. In
reply I am to state that the
Governor in Council concurs
with the suggestion made by the

~~Board~~ Government above named

24
22/11

22/11

23
22/11

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READ AGAIN G.O., No.

1

DATED

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ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DUTO.

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