[E. / 13.]
300—9-11-00.

Educational (190/) Department.

ORDINARY PRINTED.

G.O., No. 177

DATED 27.3.01

INDEXED.

ORIGINAL

[Despatch Abstract.]

Exemption from the Ex^d rules

Lang, with remarks, the — of certain clerks in the office of the Examiner, P.W. accounts.

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.

Recd. } 1901. *Enclosures*

Regd. } *Spare copies*

ORIGINAL

G.O., No. 177, 27th March 1901.

MARCH.

Exemption from the Examination Rules.

Sanctioning, with remarks, the — of certain clerks in the office of the Examiner, Public Works Accounts.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers:—

Memorandum of the Public Works Dept., No. 132 C., dated 12th January 1901.

Read—the following papers:—

Office-note from the Examiner of Public Works Accounts, Madras and Coorg, dated Madras, 2nd July 1900, No. 695 A./E.

With reference to your office-note No. 2006 C., dated 10th April 1900, I would request that orders of Government be obtained to the alteration of the designation of seven out of the fifty clerks sanctioned for this office to five copyists and two type-writing clerks.

2. I find that the above number has been so recognised in practice for some years past, and all that is required is an order of Government confirming this recognised practice.

3. I would also request that the designation of the four temporary clerks applied for in my office-note No. 100 B./E., dated 17th January 1900, and No. 649 A./E., dated 26th June 1900, be changed also to "copyists" as the men are required mostly for copying in connection with the annual Finance accounts.

Office-note to the Examiner of Public Works Accounts, Madras and Coorg, dated Ootacamund, 16th July 1900, No. 651 D.

The sanctioned scale of your office establishment consists of accountants and clerks only and does not provide for copyists. Accountants should pass the entrance examination for the subordinate accounts branch of the Public Works Department before entertainment and clerks should pass at least the Matriculation examination with hand-writing test. If it was necessary in your office to employ unpassed men as clerks, the prior sanction of Government should have been obtained to their exemption from examination rules. If, instead of a few clerks, copyists had been required, similar sanction should have been obtained to the alteration of the designation from "clerks" to "copyists." On the other hand, your office appears to have ignored these two well-recognised rules and entertained unpassed men against the sanctioned appointments of clerks.

2. You now state that seven clerks of your office have been recognised in practice as copyists and typists for some years past, and that all that is now required is an order of Government confirming this recognised practice. In other words, you admit that the practice hitherto followed was unauthorized and requires the sanction of Government.

3. You now apply for the sanction of Government to the alteration of the designation of seven out of the fifty clerks sanctioned for your office to five copyists and two typists, but do not say what pay you propose for these men. Please therefore submit a proposition statement in the prescribed form.

4. The application for four temporary clerks referred to in paragraph 3 of your office-note having already been sanctioned, the question of altering their designation will be submitted for the orders of Government on receipt of your reply to this office-note.

Office-note from the Examiner of Public Works Accounts, Madras and Coorg, dated Madras, 23rd July 1900, No. 795 A./E.

After going through the papers in my office on the subject, it appears to me that the appointments of unpassed men as copyists in this office were made under a reasonable construction of the orders issued by Government.

2. The orders of Government prescribing that the examination rules were not applicable to the "appointment of copyists in all departments" were issued for the first time in G.O., No. 317, Educational, dated 9th May 1894, communicated with G.O., No. 1465 W., dated 12th June 1894. Previous to the issue of these orders, the establishment required for copying work was shown in proposition statements as "clerks," no distinction being made between "clerks" and "copyists." There was nothing in the above orders to show that, as regards establishments for copying, etc., already sanctioned, the new rule was not applicable until the desiguation was changed to "copyists" under sanction of competent authority.

3. The scale of the clerical establishment (fifty clerks) for my office having been sanctioned in G.O., No. 2162 W., dated 22nd August 1893, *i.e.*, prior to the receipt of the orders differentiating "copyists" from "clerks" as regards examination rules, the Educational Department order of 1894 was construed by my predecessors as applicable to that portion of the establishment already sanctioned for copying, etc., and it was apparently thought that there was no objection to the entertainment of unpassed men provided they were utilized as copyists and as copyists alone. This view of the case was also strengthened by the fact that in paragraph 3 of the late Mr. Sherlock-Hubbard's office-note No. 2054 A., dated 11th June 1895, the reading of the order was plainly stated and no exception was taken to it. I would invite special attention to the portions of the above office-note quoted in the margin and also to Mr. Rainier's office-note No. 1074 A./E., dated 4th September 1899, in which special allusion was made to the reading of the orders.

"As if he were employed as a copyist, the examination rules would not apply to him."

"When as a copyist, he would be subject to no such limit."

"Limiting salary of Rs. 50 which is the maximum in the copying branch of my office."

4. I find also that the question was fully discussed by Mr. E. A. Dennys, and while he agreed with the reading of the rule as above, he directed that in the next proposition statement that may be sent up the men employed on copying, etc., should be shown as "copyists" and "type-writing clerks". He even issued an office memorandum laying down the proportion of passed and unpassed men that should be maintained.

5. The orders received in your office-note No. 2006 C., dated 10th April 1900, on the reference made by the Executive Engineer, Chingleput division, showed for the first time that the approval of competent authority should apparently be obtained to change the designation from "clerks" to "copyists" even in the case of establishments already sanctioned as "clerks", and it was only on a consideration of this view that I asked in my office office-note, No. 695 A./E., dated 2nd July 1900, that orders of Government be obtained to the alteration of the designation of seven out of the fifty clerks sanctioned, so that the practice recognized by my predecessors might be confirmed.

6. On a careful reconsideration of the whole question with reference to the requirements of my office, I would not press for any change at any rate for the present. I intend that for all future appointments of even copyists the examination rules should be applied as if all were "clerks," individual exemptions being sought in necessary cases. The unpassed men already entertained will not be eligible for any promotion unless and until they qualify under the examination rules.

7. In respect to the four temporary clerks entertained in connection with annual Finance accounts, however, I would request that their designation be changed into "copyists," as the men have already been entertained and are engaged mostly on copying work.

Office-note to the Examiner of Public Works Accounts, Madras and Coorg, dated Ootacamund, 10th September 1900, No. 1217 D.

In paragraph 6 of your office-note you state that you would not press for any change, at any rate for the present, but nothing has been said as to how you propose to rectify the irregularity now existing. Please submit a proposition statement showing as copyists and typists the unpassed men now employed in your office against the sanctioned appointments of clerks.

2. The request contained in paragraph 7 of your office-note will be considered when the question about the unpassed men permanently employed is settled.

Office-note from the Examiner of Public Works Accounts, Madras and Coorg, dated Madras, 17th September 1900, No. 1048 A./E.

Under the view held by this office as explained in paragraphs 2 to 4 of Mr. Harrison's office-note No. 795 A./E., dated 23rd July 1900, the appointments of unpassed men as "copyists" already made were considered, under a reasonable construction of the orders issued by Government, not irregular.

2. In paragraph 6 of the above office-note, it was proposed that there should be no change in the existing scale of "clerks" sanctioned for this office even in respect of such of those as may be employed as "copyists". A proposition statement was under these circumstances considered unnecessary and was therefore not submitted.

3. From your present office-note, however, it would seem that the appointments of unpassed men already made were not in accordance with the intention of the orders on the subject, and that a list of such unpassed men with the rates of salary drawn at present is required to regularize their appointments by an order of Government.

4. The following are the unpassed men already entertained :—

C. Mahipathi Rao—Clerk on Rs. 40 permanent and sub. *pro tem.* Rs. 50 against a practically permanent vacancy.
Mr. A. G. Boyton—Clerk on Rs. 30 permanent and sub. *pro tem.* Rs. 40 against a practically permanent vacancy.
Mr. A. B. Conquest—Clerk on Rs. 20 permanent.
S. V. Kristnaswami Nayudu—Clerk on Rs. 20 permanent.

I would invite special attention to paragraph 6 of office-note No. 795 A./E., dated 23rd July 1900, in which it was stated that for all *future* appointments of even "copyists", the examination rules would be applied, and that the unpassed men already entertained would not be eligible for any promotion unless and until they qualify under the examination rules.

5. Out of the four temporary clerks entertained for annual Finance accounts, one has fully qualified, and three have passed the Matriculation but not the hand-writing test. These latter are virtually unpassed men, but the services of all four will cease by the middle of next month.

Office-note from the Examiner of Public Works Accounts, Madras and Coorg, dated Madras, 5th October 1900, No. 1110 A./E.

[Your office-note No. 1424 D., dated 2nd October 1900.]

With the exception of Mr. A. G. Boyton who is employed chiefly as a type-writing clerk but at times works as a copyist, the three other unpassed men are employed as "copyists."

Office-note to the Examiner, Public Works Accounts, Madras and Coorg, dated Madras, 7th December 1900, No. 4897 C.

[Your office-note No. 1048 A./E., dated 17th September 1900.]

Please state whether there is any special reason as to why a clerk, who is a mere copyist, is thought fit for promotion to Rs. 50.

Office-note from the Examiner of Public Works Accounts, Madras and Coorg, dated Madras, 12th December 1900, No. 1461 A/.E.

The copying work in my office, involving as it does, the copying of audit notes, disallowance statements and also of a mass of figured statements, is very heavy and none of the above or even other correspondence is printed as in the Secretariat. The copying section required a man at its head, who not only was able to do the work of a copyist himself, but who was also capable of supervising the copying work in addition to doing other work of a miscellaneous nature. C. Mahipathi Rao was considered by my predecessor as a suitable man and was accordingly given the promotion to Rs. 50.

Memorandum—No. 132 C., dated 12th January 1901.

Transferred to the Educational Department.

2. In his letter No. 133 E.W., dated 12th March 1900, the Executive Engineer, Chingleput division, asked the Examiner of Public Works Accounts for opinion as to whether the appointments of clerks, 5th class, first grade (Rs. 15—1—20), who are virtually copyists, could be filled by unpassed men who write legibly. This letter was forwarded by the Examiner for orders, with the remark that there was no objection to the appointment of such men. The whole correspondence was forwarded unofficially to the Educational Department for remarks (*vide* endorsement No. 1645 C., dated 22nd March 1900).

3. The Educational Department in its unofficial endorsement, No. 150, dated 28th March 1900, remarked that unpassed men were not eligible for appointment to clerks' posts, that there would be no objection to the employment of such men if the designation of the appointments were altered from "clerks" to "copyists," and that otherwise individual exemption must be applied for. This decision was communicated to the Examiner in office-note No. 2096 C., dated 10th April 1900.

4. With reference to the above decision, the Examiner in his office-note No. 695 A./E., dated 2nd July 1900, applied for the sanction of Government to the alteration of designation of seven out of the fifty clerks sanctioned for his office to five copyists and two type-writing clerks, and stated that these numbers had been recognised in practice for some years past, and that all that was required was an order of Government confirming this recognised practice.

5. It was pointed to the Examiner in office-note No. 651 D., dated 16th July 1900, that the practice adopted by his office was irregular, and he was called upon to submit a proposition statement showing the pay of the men employed as copyists and typists.

6. In paragraph 6 of his office-note No. 795 A./E., dated 23rd July 1900, the Examiner stated that he would not, for the time being, press for the alteration of the designation of "clerks" to "copyists," that he intended that for all future appointments of even copyists the examination rules should be applied as if all were "clerks," and that unpassed men already employed would not be eligible for any promotion unless and until they qualified themselves under the examination rules.

7. The Examiner was told in office-note No. 1217 D., dated 10th September 1900, that it was necessary that the irregular practice adopted by his office should be rectified, and that he should submit a proposition statement showing as "copyists" and "typists" the unpassed men entertained in his office against the sanctioned appointments of clerks.

8. In his office-note No. 1048 A./E., dated 17th September 1900, the Examiner gives a list of unpassed men employed in his office against the sanctioned appointments of clerks and the rates of pay drawn by them.

9. As the Examiner does not wish that any change should be made in the designation of the men, the only course open to rectify the irregularity in question is by exempting the men from the examination rules, so far as their present permanent or sub. *pro tem.* appointments are concerned. It is requested that the necessary exemptions may be granted.

10. The names of the men and the pay drawn by them are given below :—

	Permanent pay.	Sub *pro tem.* pay.
	Rs.	Rs.
C. Mahipati Rao (exempted up to Rs. 40 in G.O., No. 545, Educational, dated 1st July 1895), copyist	40	50
Mr. A. G. Boyton, employed chiefly as typist and at times copyist	30	40
Mr. A. B. Conquest, copyist	20	..
S. V. Krishnaswami Nayudu, copyist	20	..

11. The designation of the four temporary clerks sanctioned for the compilation of Annual Finance accounts has been altered to that of copyists.

(By order.)

(Signed) H. E. CLERK,
Deputy Chief Engineer.

To the Educational Department.

Memorandum No. 24, Educational.

The Chief Engineer is requested to be good enough to ascertain and communicate the dates of entertainment and of appointment to present posts of the four unpassed men named in paragraph 10 of Mr. Clerk's memorandum, No. 132 C., dated 12th January 1901.

A. T. PRINGLE,
Asst. Secretary to Government.

25*th January* 1901.

To the Chief Engineer, Public Works Department.

Office-note from the Examiner, Public Works Accounts, Madras and Coorg, dated Madras, 7th February 1901, No. 136 A./E.

[Your office-note No. 490 C., dated 31st January 1901.]

The information required is noted below :—

Name.	Date of entertainment.	Date of appointment to present grade.
C. Mahipati Rao, sub. *pro tem.* copyist on Rs. 50	23rd June 1880.	6th Dec. 1899.
Mr. A. G. Boyton, sub. *pro tem.* copyist on Rs. 40	1st May 1898.	Do.
Mr. A. B. Conquest, copyist on Rs. 20	3rd Feb. 1899.	3rd Feb. 1899.
S. V. Krishnaswami Nayudu, copyist on Rs. 20	13th Sept. 1899.	13th Sept. 1899.

Memo. No. 882 C., Public Works.

Transferred to the Educational Department, with reference to its Memorandum No. 24, dated 25th January 1901.

(Signed) H. E. CLERK,
Under Secy. to Govt., P.W.D.

16*th February* 1901.

Order—No. 177, Educational, dated 27th March 1901.

The four clerks named in paragraph 10 of the first of the papers read above will be exempted from the examination rules, so far as their present appointments—permanent or sub. *pro tem.*, as the case may be—are concerned. They should receive no promotion unless they qualify.

2. The Governor in Council observes that the Examiner of Public Works Accounts, who as the head of his office is responsible for carrying out the orders of Government, has himself infringed the orders relating to qualifications for admission to the public service. His Excellency in Council trusts that there will be no such infringement in the future.

(True Extract.)

C. J. WEIR,
Ag. Secretary to Government.

To the Public Works Department.

Exd. T. K. Narayana Aiyangar.

NOTES CONNECTED WITH G.O., No. 177, EDUCATIONAL, DATED 27TH MARCH 1901.

[SUBJECT.—*Exemption from the Examination Rules.*]

From the Public Works Department, No. 132-C., dated 12th January 1901.

The Public Works Department brings to notice that the Examiner, Public Works Accounts, has irregularly appointed four unpassed men as clerks in his office and requests that, in order to rectify the irregularity, these unpassed men may be exempted from the examination rules so far as their present permanent or sub. *pro tem.* appointments are concerned.

2. The names of the unpassed men and the pay drawn by them are as follows:—

Name.	Permanent pay.	Sub. *pro tem.* pay.
	RS.	RS.
(1) C. Mahipati Rao	40	50
(2) A. G. Boyton	30	40
(3) A. B. Conquest	20	..
(4) S. V. Krishnaswami Nayudu	20	..

3. The first named clerk C. Mahipati Rao has already been exempted from the examination rules with a view to his holding an appointment on pay not exceeding Rs. 40 *per mensem* in the Public Works Examiner's office (*vide* G.O., No. 545, Educational, dated 1st July 1895). In 1896, and again in 1899, the Examiner requested that the concession granted to C. Mahipati Rao might be extended up to a limit of Rs. 50; and on both the occasions the Government refused to grant the extension (*vide* G.O., No. 332, Educational, dated 2nd June 1896, and G.O., No. 650, Educational, dated 26th September 1899). The irregularity in this clerk's case therefore consists in his appointment to a post on Rs. 50 a month.

4. Orders are solicited as to whether the recommendation of the Public Works department may be accepted and the clerks exempted from the examination rules, so far as their present permanent or sub. *pro tem.* appointments are concerned.

T. KANAKASUNDARAM PILLAI.
19-1-01.

P. T. THARYAN.
19-1-01.

Under the circumstances the recommendation of the Chief Engineer may be accepted and the four men named, exempted. The Examiner of Public Works Accounts has engaged, it is understood, not to allow such an irregularity to be repeated.

2. Permanent exemption, however, appears desirable. The plan of partially exempting is unwise where clerks in such an office as the Examiner's are concerned. It is hard on the men themselves to draw an arbitrary line, and to allow them (say) Rs. 40, but not Rs. 41; and it inevitably leads to correspondence and modifications from time to time of what Government have ordered.

Secretary— A. T. PRINGLE.
19-1-01.

The men appear to have been appointed under a mistaken impression that no exemption was necessary, and now they have been in the office so long, it is reasonable that they should be exempted. Submitted that exemption should be given, but only up to appointments carrying Rs. 50. There is no hardship in giving the concession this limit.

Honourable Member.

M. HAMMICK.
22–1–01.

There appears to have been a scandalous disregard of the orders of Government. Please note against each man when he was entertained.

A. T. A[RUNDEL].
23–1–01.

The memorandum placed below may issue.

P. T. THARYAN.
24–1–01.

A. T. PRINGLE.
25–1–01.

Memorandum No. 24, Educational.

The Chief Engineer is requested to be good enough to ascertain and communicate the dates of entertainment and of appointment to present posts of the four unpassed men named in paragraph 10 of Mr. Clerk's memorandum, No. 132 C., dated 12th January 1901.

A. T. PRINGLE.
25–1–01.

To the Chief Engineer, Public Works Department.

From the Public Works Department No. 882 *C., dated* 16*th February* 1901.

The information called for by the Honourable Member in his note above has been obtained from the Public Works department, and is given on page 50 of the current file. It is as follows:—

(1) Mahipati Rao was first entertained on 23rd June 1880.
(2) Boyton „ „ 1st May 1898.
(3) Conquest „ „ 3rd Feb. 1899.
(4) Krishnaswami Nayudu „ 13th Sept. 1899.

P. T. THARYAN.
21–2–01.

Secretary.

A. T. PRINGLE.
22–2–01.

Honourable Member.

M. HAMMICK.
23–2–01.

I think that sanction may be given to the employment of the four men on the salaries they are now drawing; no increase to be given unless they qualify under the examination rules. Sanction has already been refused to an increase in the case of No. 1, Mahipati Rao.

2. Similar restrictions exist throughout the Revenue and Judicial branches of the service. The fact is that none of these men should have been admitted to Government service and apparently one Examiner, Public Works Accounts, after another has knowingly infringed the orders of Government.

3. When giving the limited sanction noted above, I think a remark should be added that Government observes with disapproval that the Examiner of Public Works Accounts, who as the head of his office is responsible for carrying out the orders of Government, has himself infringed the orders relating to qualification for admission to the public service, and His Excellency in Council trusts that no such infringement will be permitted in future.

4. The Government Order should be counter-initialled by the Secretary, Public Works department. Let His Excellency see before issue.

A. T. A[RUNDEL].
25–2–01.

The standing rules in G.O., No. 854, Public, dated 28th October 1889, require * a preliminary reference "for remarks" to the Public Works department.

* Regarding the Public Works department, as the "department to which" the Examiner "belongs."

2. The Examiner presumably stands in the same relation to that department as the Accountant-General does to the Financial department. If the Accountant-General gave serious cause for complaint, it would be a matter for consideration whether any censure should be passed on him except through the medium of the Government of India. If the orders in the present case, communicating the disapproval of the Madras Government, are to iss in the Educational department, we should, I think, know exactly what is the position of the Examiner, in order that there should be nothing in those orders to which exception might be taken by the Supreme Government. We may ask the Public Works department to note on this point, when replying.

Secretary.

A. T. PRINGLE.
26–2–01.

To the Public Works Department u.o. for favour of opinion.

M. HAMMICK.
26–2–01.

PUBLIC WORKS DEPARTMENT.

The Examiner's position and responsibilities are defined in Vol. I, Chapter III, and paragraph 106, *et seq.*, of the Public Works Code. Paragraph 107 says: "The Examiner will exercise his functions under the orders of the local Government." There seems nothing in the Code which places the Examiner beyond the censure of the local Government, except when he is acting as independent auditor on behalf of the Government of India (*vide* paragraph 111). He was not acting in such capacity in the present case.

R. PARSONS.

H. E. CLERK.
28–2–01.

W. B. DEWINTON.
6–3–01.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft below may issue with the concurrence of the Public Works department.

P. T. THARYAN.
13–3–01.

We may ask Mr. deWinton to be so good as to let His Excellency the Governor see the draft in the Public Works department.

To the Public Works Department u.o. — A. T. PRINGLE. 14-3-01.

PUBLIC WORKS DEPARTMENT.

Draft Educational G.O. submitted.

R. W. LYONS. — H. E. CLERK. 19-3-01.

His Excellency the Governor. — A. W. SMART. 19-3-01.

A[MPTHILL]. 22-3-01.

The draft has been passed by His Excellency and is herewith returned.

R. W. LYONS. — H. E. CLERK. 25-3-01.

To the Educational Department u.o. — A. W. SMART. 25-3-01.

2,000—5-11-00.

Educational (1901) Department.

8

CURRENT No. 59

SECRET SECY TO GOVT. MUNI. EDL. & LEG. DEPTTS. 16 JAN 1901

From

[*Name*]

[*Designation*] Public Works Department.

[*Station*]

261-177-27/3/01

No. 1326 — *Received* 16.1. 1901.

Dated 12th January 1901.

Enclosures 5 — *Registered* 16.1. 1901.

SUBJECT.

Transferring correspondence from the Exam. Branch P.W. Accounts regarding the appointments of unpassed men as Copyists.

BACK PAPERS.

1356 cd 11-3-01	
882 c 16-2-01 + papers	
650 Rem 26-9-99	
332 " 2-6-96	
545 " 1-7-95	
920 " 16-12-91	

FURTHER PAPERS.

187	7-4-87
737c	9-4-83

89 161

2

To

The Secretary to Government,

Educational Department.

Sir,

3,000—12-11-00.

Edl 249

Public Works (1901) Department.

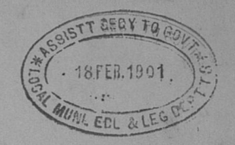
CURRENT No. ~~1039~~ 227

From

[Name] A.G. Harrison, Esq.

[Designation] Examiner P.W. Accounts, Madras & Coorg.

[Station] Madras.



No. 136 A/2

Dated 7th February 1901.

Received 8-2- 1901.

Registered ~~March~~ 18-2. 1901

Enclosures { Plans / Others 2 } Total 2.

Spare copies

SUBJECT.

Copyist —— Gives information re. the dates of enterlainment & appointment to present post of the 4 —— in Examiners Office.

BACK PAPERS.

FURTHER PAPERS.

Ed 10/2

490 C/01 W 511/01

577 C/01

To

The ~~Chief Engineer~~ Secretary to Government, Public Works Department.

~~Sir~~,

Office Note.

Your O.N.No.490 C. dated 31st. Jany. 1901.

The information required is noted below :-

Name	Date of entertainment	Date of appointment to present grade
C.Mahipathy Rau Sub-Pro-Tem -- Copyist on Rs.50	23rd. June 1880	6th.December '99
Mr. A.G.Boyton Sub-Pro-Tem-- Copyist on Rs.40	1st. May 1898	6th. December'99
Mr. A.B.Conquest Copyist on Rs.20	3rd.February '99	3rd.February '99
S.V.Krishnasami Nayudu - Copyist on Rs. 20/-.	13th. September '99	13th.September'99

No:882 C dated 16th Febr 01

Transferred to the Edn=

A.G.B. =cational Dept. with reference to its Memorandum No. 24 dated 25th Jany 1901.

Recd. 7/2/01

For C.

18l. 7/2/01

Under Secretary to Govt, P.W.D.

Pl.

C. No: 5329 P.W. Department

80 177/27-3-01

Note

In the accompanying office note, the Examiner requests that the orders of Government may be obtained to the alteration of the designation of 7 out of 50 clerks sanctioned for his office into 5 copyists and 2 typists, and states that 7 clerks have for some years past been "recognised in practice" as copyists and that all that is now required is an order of Government confirming this "recognised practice". He does not however explain what led to this practice and by whom it was recognised.

The sanctioned scale of the Examiner's office establishment

establishment consists of accountants and clerks only, and does not provide for copyists. As for accountants, they should pass the entrance examination for the subordinate Accounts branch of the P. W. Department before entertainment. Clerks should pass at least the Matriculation examination with hand-writing test. If it was necessary in the Examiner's office to employ unpassed men as clerks, the prior sanction of Government should have been obtained to their exemption from examination rules. If instead of a few clerks, copyists had been required similar sanction should have been obtained to the alteration of the designation from "clerks" to "copyists". On the other hand the

the Examiner appears to have ignored these two well recognised rules and entertained unpassed men against the sanctioned appointments of clerks. If any officer other than his had employed unpassed men against sanctioned appointments of clerks, he would have at once disallowed their pay, and insisted upon the sanction of Government being obtained to their exemption from the examination rules. The salary bill of his office is audited by his own office and there is thus no further check.

The Examiner now states that the practice of appointing unpassed men as copyists against the sanctioned appointments of clerks, which has been recognised for some years past

past by his own office should now be confirmed by Govt.. In other words, he himself admits that the practice hitherto followed by his office was unauthorised and requires the sanction of Government. Why this sanction was not applied for previous to the commencement of the practice has not been explained.

The Examiner simply states that the designation of 7 of the clerks should be altered into copyists and typists. He does not mention what their pay is and submits no proposition statement as he should have done under the rules. He apparently wants Government to permit him to employ copyists and typists on any rate of pay he chooses, but

but this permission cannot be granted. In the case of typists, separate orders are being issued in the Financial Department fixing the maximum pay at Rs 25-1-35. No proposal to grant any pay in excess of this limit can be sanctioned. In the case of copyists, the highest pay allowed in the various offices of Government is Rs. 25. It is therefore necessary to call upon the Examiner to submit a proposition statement before his request can be complied with.

The application referred to in para 3 of the Examiner's office note is now with His Excellency, and it is not known why he should have applied for clerks, if he really wanted copyists.

This is not the first occasion that the Examiner's office has ignored the orders of Govt. vide para 4 of G. O. No: 1864 Way 25th July 1898.

Submitted for orders

Maj 12/7/00

W. This may be done

Hll 12/7/00

Ys. Point out the irregularity

12.7.00

W this Dw.

Draft office note submitted accordingly.

Maj 13/7/00

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C.No.6357.

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N O T E.

(Flag A)

In reply to Office-Note No.651 D., dated 16th July 1900, the Examiner - states that the appointments of --- unpassed men as copyists were made - under a reasonable construction of the orders issued by Government. That this statement is not correct will be shown by the following remarks against the arguments adduced by the Examiner.

Examiner's arguments. (A)

(a) The orders of Government prescribing that the examination rules were not applicable to the "appointment of copyists in all departments" were issued for the first time, in G.O., Educational Department No.317, dated 9th May 1894, communicated with G.O.No.1465 W dated 12th June 1894. Previous to the issue of these orders, the establishment required for copying work was shown in Proposition - Statements as "clerks", no --- distinction being made between - "clerks" and "copyists". There was nothing in the above orders to show

Remarks.

(a) According to the Examiner's own admission, the establishment required for copying work in his office was shown in proposition statements as clerks, no distinction being made -- between "Clerks" and Copyists", or in other words no separate establishment for copying work in his office was -- sanctioned. When G.O., No.317, Educational, dated 9th May 1894 differentiat--ing "Clerks" from "Copyists" was ---

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issued, it was the duty of the Examiner to have obtained the sanction of Govt: to the separation of the copyist establishment from the clerical establishment of his office, before he could avail himself of the concession granted to copyists. It is very strange that the Examiner should have been the only - officer in the whole Presidency who did not think that the new rule was - applicable only after the designation was changed to "Copyists" under sanction of competent authority.

(b) The Examiner speaks of "that portion of the establishment already sanctioned for copying &c." This was never fixed by Government. All that was -- sanctioned was a scale of 50 clerks for his office. When laying down this scale the requirements in respect of copying work were not separately considered. It was not therefore within the competence of the Examiner to fix the number and pay of the copyists required in his

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that as regards establishments for copying &c., already sanctioned, the new rule was not applicable until the designation was changed to "copyists" under sanction of competent authority.

(b) The Educational Department order of 1894 was construed by my predecessors as applicable to that portion of the establishment -- already sanctioned, for copying &c., and it was apparently thought that there was no objection to the entertainment of unpassed men provided they were utilized as -- copyists and as copyists alone.

(c) This view of the case was also strengthened by the fact that in para 3 of the late Mr. Sherlock Hubbard's O.N. No.2054 A., dated 11th June 1895, the reading of the order was plainly stated and no exception was taken to it. I would

"as if he were employed as a copyist, the examination rules would not apply to him". "when as a copyist, he would be subject to no such limit". "limiting salary of Rs 50/- which is the maximum in the copying branch of my office".	invite - special attention to the portions of the above

O.N. quoted in the margin and also to Mr. Rainier's O.N.No.1074 A/E., dated 4th September 1899 in which special allusion was made to the reading of the orders.

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office and he should have obtained the orders of Government on the subject.

(c) The Office-Notes quoted here were in connection with the exemption from examination rules of clerk Mahipathy Row of his office. As this question was entirely one for consideration in the Educational Department, the Office-Notes were transferred in original to that Department for disposal. It was not until the receipt of the Examiner's Office-Note No.695 A/E, dated 2nd July 1900, that this office came to know - that he had been entertaining unpassed men as copyists against the sanctioned appointments of clerks, and there was thus no opportunity for questioning the accuracy of the statements made in his Office-Notes. The Examiner states that the reading of the Educational order of 1894 was plainly stated in Mr. Sherlock Hubbard's Office-Note of 11th June 1895 and that special allusion was made to the reading of the orders in Mr. ---- Raineer's Office-Note of 4th Sept:

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1899.These Office-Notes have been -- obtained from the Educational Department and a perusal of them will clearly show that no reference whatever was made to the Educational Department order of 1894, and that bare statements were made without any mention of the order.

(d) This statement conclusively proves that Mr. Dennys saw that the procedure adopted by his office in - appointing unpassed men as copyists against the sanctioned appointments of clerks was irregular and directed that in the next proposition statement to be sent up to Government, the men employed on copying should be shown as "Copyists" and Type-writing Clerks". To do so he need not have waited till the next proposition statement was sent up. In -- laying down the proportion of passed and unpassed men i.e., in fixing the number of clerks and copyists, Mr. - Dennys assumed the powers of Government.

(e) The change involved is not

for

(d) I find also that the question was fully discussed by Mr. E.A. Dennys and while he agreed with the reading of the rule as above, he directed that in the next rpoposition statement that may be sent up, the men employed on copying &c., should be shown as --- "copyists" and "Typewriting -- clerks". He even issued an office memo laying down the proportion of passed and unpassed men that should be maintained.

(e) The orders received in your --

2 0 (Slag D)

O.N.No.2006 C dated 10th April 1900 on the reference made by the -- Executive Engineer, Chingleput - Division showed for the first time that the approval of competent authority should apparently be obtained to change the designation from "clerks" to "copyists" even in the case of establishments already sanctioned as "clerks".

merely that of the designation from "Clerks" to "Copyists", but the -- question of fixing the number and pay of the copyists was also intermingled, on which orders of Government were -- necessary.

2. From the above, it will be -- evident that the reasons assigned by the Examiner for adopting and ----- continuing the irregular procedure in question are not satisfactory.

3. In para 6 of his Office-Note, the Examiner states that he would not press for any change at any rate for the present, but does not say how he proposes to rectify the irregularity now existing. If the matter were not -- brought to the notice of this office, the irregularity might continue. After it has once come up, it cannot be --- suppressed and should be set right. Submitted therefore that a proposition statement showing as copyists the - unpassed men now employed in the --

Examiner's office may be called for.

4. The request contained in ~~page~~ para 7 of the Examiner's office note may be complied with when the question about the unpassed men permanently employed is settled.

Submitted for Orders.

[E. 4 1,500—8-11-00.]

EDUCATIONAL DEPARTMENT.

READ AGAIN G.O., No. , dated 190 .

" " " " , " 190 .

READ ALSO:—

C. No. 59 , From the P. W. D. , No. 132 C, dated 12th January 1901 .

" " 227 , " " Do , " 382 C, " 16th February 1901 .

" " , " " , " , " 190 .

His Exy. the Governor

ORDER No. 177, dated 27. 3. 190 1.

The four clerks named in paragraph 10 of the first of the papers read above will be exempted from the examination rules so far as their present appointments — permanent or sub. *pro tem.* as the case may be — are concerned. They should receive no promotion unless they qualify.

2. The Governor in Council observes ~~with disapproval~~ that the Examiner of Public Works Accounts, who as the head of his office is responsible for carrying out the

(6)

the orders of Govt. has himself infringed the orders relating to qualifications for admission to the public service. His Excy. in Council trusts that there will be no such infringement in the future.

(from orders.)

DSP
13/3/01

AHH 14/3/01

14.3.1

To.

The P. W. D. DSP 17/4

with original note & enclosures

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No. 1 , DATED

CURRENT No.

ENCLOSURES TO C. No.

NUMBER OF COPIES REQUIRED. Order complete. 40
Letter only.
Order complete with Letter.

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27-3-01
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ER OF GOVERNMENT.

STATEMENT WITH DITTO.

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