[Leg.]

250—21-3-03.

2

Educational

~~Legislative~~ (1906) Department.

ORDINARY MS.

G.O., No. 578

(13)

DATED 30-8-06.

INDEXED.

[Despatch Abstract.]

College of Agriculture - Stating that the Government are unable to accept the ~~Director's~~ propos of the Director of Public Instruction to modify the notification no 25 d/ ~~N~~ 1st November 1904 appointing Mr S. L. D'Sylva to act as First Assistant — in the ninth grade of the Provincial Educational Service.

BACK PAPERS.

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

FURTHER PAPERS.

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

[E.]
1,500—12-12-

EDUCATIONAL DEPARTMENT.

2

CURRENT FILE.

CONTENTS.

From	Number.	Date.	Pages.
[1293]. D. P. I.	3620.	3-8-06.	

[P. T. O. FOR PUT UP PAPERS.

PAPERS PUT UP WITH CURRENT No. ......

O

Papers of the department to which the current belongs.

Number.	Date.	Original (=O) or spare copy (=S. C.).	Remarks. (In this column such of the papers as have been removed for copying, printing, &c., should be marked with a cross.)	Initials of Referencer with date in token of return to Reference department.
17-18	12-1-06			
523	1-11-04			
431	15-9-03	docketh		

Papers of other departments.

Department.	Number.	Date.	Original (=O) or spare copy (=S. C.).	Despatcher to note the return of the papers to the departments concerned.

CURRENT No. 1293

3

Stock Form No. 135
3,700—17-6-05.

EDUCATIONAL DEPARTMENT.

434/06 copy.
19 mis/06.
620 R/04

Received ✓ 190 , Registered 7-8-1906.

Subject.

Submitting for orders of Government the question of granting acting allowance to Mr. D'Silva of the College of Agriculture Saidapet.

ENCLOSURES.
No. 2
Spare copies

Ref on Current No. 3620/06

Station Madras , *Dated the* 3rd August 1906.

From (Name) The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

(Designation) Director of Public Instruction

Madras

To The Secretary to the Government of Madras,
Educational Department.

Sir,

523
1-11-04 B.

In Gazette Notification No. 25 dated 1st November 1904 Mr. D' Silva, 2nd Assistant, College of Agriculture Saidapet was appointed to act as First Assistant in the 9th Class of the Provincial Educational Service vice G. Krishna Prabhu deceased; and he has been acting as such since 18th September 1904. As class 9 was specified in the notification the Accountant-General has restricted Mr. D'Silva 's salary to the pay of this class viz., Rs 200/- as shown below:-

Pay as permanent 2nd Assistant	Rs	195
Acting allowance	"	5
		200

In my letter Ref on Cur No 3620/06 dated 30th May 1906 /copy enclosed / I pointed out to the Accountant-General that in the case of Mr. Wilkinson appointed in Gazette Notification No. 72

Go 431R / 1529-03

C dated 22nd September 1903 to act as Headmaster of the Central High School, Mercara in the 10th Class of the Provincial Service a salary exceeding Rs 200 was allowed by the Comptroller of India Tresuries, Calcutta /vide copy of Audit slip attached/, although the class was specified, and that Mr. D'Silva deserved similar treatment. But the Accountant-General in his letter No. G. 420/2836 dated 8th June 1906 informs me that Mr. D'Silva having been appointed specifically to act in the last grade of the service his salary has been restricted to the pay of that grade /200/ under the ruling of the Government of India issued recently in No. 1 2 2 9-P. Financial dated 28th February 1906 and printed as correction No. XLVI dated 5th April 1906 in the supplement to the Civil Service Regulations. I am in doubt, however, as to whether this ruling can be held to operate retrospectively .

(not received by Govt.)

Please see ~~[illegible]~~ ~~[illegible]~~ addenda &c, Corrigenda to the Madras Supplement to CSR Second Edition No XLVI

D.

2. Mr. D'Silva requests that he may be re-appointed as acting First Assistant of the College without the class being specified so that he may draw in full the acting allowance of Rs 50/- admissible under Article 139 of the Civil Service Regulations in addition to his substantive pay with retrospective effect from 18th September 1904. His request seems to me to be reasonable and to deserve the favourable consideration of Government. He has, though placed in unfavourable circumstances, done his best in the management of the institution under his charge. The following revised notification omitting the words"in the 9th class of the " may be ordered to be published in substitution of the one issued in No. 25 of the 1st November 1904, if the Accountant-General cannot be prevailed upon to waive his objection :-

For Notification No. 25 dated 1st November 1904

Read

Mr. Severino Lawrence D'Silva, Second Assistant College of Agriculture Saidapet, to act as First Assistant Provincial Educational Service Vice M.R.Ry G. Krishna Prabhu deceased.

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

For Director of Public Instruction.

B.P. 2-2-06

4

Office of the Comptroller, India Treasuries
No. S.S./58 x
Calcutta, the 4th Novr: 1904.

With reference to letter No.252 D/20 - x -'04 Mr. C.A. Wilkinson, Headmaster, Central High School, Mercara Coorg, is informed that he is entitled to draw salary at the monthly rate shown below, with effect from 14th November 1903 until further orders.

Details of Calculation	Rs.
Pay	175
Acting Allowance	50
Total	Rs. 225/-

N.B.

He is requested to draw the difference of salary between that now advised and that already drawn.

(Sd.) Illegible
Assistant Comptroller, India Treasuries.

B.P.

~~4~~

5

Edl. R. 9 2,500—12-5-05.

Please quote this in the reply.

Ref. on C. ~~Dis.~~ No. 3620 of 1906.
Dated 30-5-1906.

The Old College,

Dated 190 .

From

THE HON'BLE MR. A. G. BOURNE, D.SC., F.R.S.,
DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

The Accountant General.

Enclosures.

SIR,

With reference to your letter No. G.130/936 dated 24th April 1906 stating that Mr. D'Silva, acting First Assistant, College of Agriculture, Saidapet, having been appointed to act in the last grade of the Provincial Service cannot be allowed a salary exceeding Rs. 200, the pay of that grade, I have the honour to state that Mr. Wilkinson who was gazetted in Notification No. 72 dated 22nd September 1903, to act as Headmaster of the Central High School, Mercara, in the last grade of the service, was allowed by the Comptroller of India Treasuries, Calcutta, a salary exceeding the pay of the grade as will be seen from the copy of the audit slip herein enclosed. The cases of these two officers are analogous and Mr. D'Silva's claim for the full allowance of Rs. 50 per mensem in addition to his substantive pay seems admissible under article 139 of the Civil Service Regulations;

and it should be allowed to him from 18th September 1904 the date from which he has been acting as First Assistant of the College. I request you therefore to be so good as to see if you can waive your objection in his case and pass his salary in full with retrospective effect.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) A.G. Bourne,
Director of Public Instrucion.

(True copy)

For Director of Public Instruction.

[E/2]
1,500—3-12-04

EDUCATIONAL DEPARTMENT.

C. No. 1293 From the D.P.I. No. 3620, dated 3-8-1906.

SUBJECT.

The payment of an Acting allowance of Rs 50 to Mr. D' Sylva Second Assistant, College of Agriculture appointed to act as First Assistant.

Mr. D' Sylva, Second Assistant, College of Agriculture, An ~~appointment in~~ Officers of the Madras the Subordinate Educational Service,

B. was appointed in Notification no 25 dt 1st November 1904 to act as First Assistant in the 9th grade of the Provincial Educational service vice G. Krishna Prabhu deceased & he continues to act there still. The Accountant General has accordingly restricted his acting allowance to Rs 5 the amount required to make up the salary to Rs 200 the pay of the 9th grade. In the case of Mr. Wilkinson however who was in the Subordinate Service & who was appointed to act as Headmaster of the Central High School, Mercara, in the [illegible] last grade of the Provincial service (then the 10th grade) the Comptroller of India Treasuries allowed an acting allowance of Rs 50 under Article 139 of the C.S.R. The Director requested the [illegible] A.G. that Mr. D' Sylva ~~may~~ might be granted the same concession but the A.G. has refused quoting (as his authority) the Govt. of India letter no 1229.P dt 28th February 1906 vide correction slip

D. no XLVI to the Madras Supplement to the CSR 2nd Edition. The Director doubts whether this ruling of the Govt. of India can have 'retrospective effect.'

2. Mr. D' Sylva now requests that he may be re-appointed as Acting First assistant without any mention of the grade in which he is to act and the Director submits the draft of a revised notification omitting the grade for publication if the [illegible] A.G.

cannot be prevailed upon to waive his objection.

3. It is submitted ~~that the Accountant General's~~ Mr. D'Sylva's case is not the only one of its kind in this Presidency. The practice here has been that "When a "temporary vacancy occurs in the higher grades of the "Provincial Educational service officiating promotions "from the lower grades are not made, the proviso to article "140 C.S.R. being considered applicable, but an excess "appointment is made in the last grade against the vacancy "in the higher grade and an officer of the Subordinate Educational "Service is promoted to it and appointed to officiate in one of "the posts in the chain of appointments".

Para. 2 of the letter from the Govt. of India on page 2 of G.O. No 17-18 Edl dd 12th Jany 1906. F.

4. M.R.Ry M. Venkataratnam an officer of the Subordinate service appointed to act in the Provincial service similarly claimed the allowance of Rs 50 admissible under article 139 C.S.R. but the A.G. held that "it was" open to question that an "officer appointed to officiate in a particular grade may "during his acting tenure, be allowed salary in excess of "the pay he would draw if confirmed in the grade", and he made a reference to the Govt. of India who have now, after consulting this Govt., issued ~~[illegible]~~ instructions on the subject which are embodied in the correction slip No XLVI to the Madras Supplement to the C.S.R. ~~under these instructions~~ It is not likely therefore that the A.G. will re-consider his decision.

A.G.'s letter on pages 2 & 3 of G.O. Nos 17-18 Edl dd 12th Jany 1906. F.

Letter in G.O. Nos 17-18 dd 12th Jany 1906. F

D.

5. As to the director's alternative proposal to re-gazette Mr. D'Sylva's acting appointment omitting the grade in which he is to act, ~~[illegible]~~

the instructions of the Govt. of India are — "The provisions
" of article 139 of C.S.R. should not be applied so as to give an officer
" (a) if appointed to act in a particular grade of the Provincial
" Educational Service, salary in excess of the pay he would
" receive on being confirmed in that grade, and
" (b) if appointed merely to act in the Provincial Educational
" Service, no particular grade being specified, salary
" in excess of the pay of the officer for whom he acts".

These instructions have apparently no retrospective effect but the A.G. cannot but be guided by them in passing Mr. D'Sylva's allowance if he is re-gazetted as ~~[illegible]~~ proposed by the D.P.I. Condition (a) of the instructions will not then apply but condition (b) will. The difficulty then is what is to be considered as the pay of the officer for whom Mr. D'Sylva acts. Mr. Krishna Prabhu the permanent First Assistant died ~~in~~ (September 1904 and his place in the 4th grade ~~grade~~ ~~in list~~ (Rs 450) has been filled up to the last grade. If Mr. D'Sylva is appointed to act in the 4th grade all the permanent promotions will have to be cancelled.

vide verified list at flag 64.

6. Submitted therefore that the Director's proposal is inadmissible and that nothing can be done to help Mr. D'Sylva. He is now in charge of the Principal's duties & gets an allowance of Rs 50 for it. This seems sufficient —

H.Q.

G.O. No 434 E&L dt 19th June 1906.

7. Mr. Wilkinson's case quoted by the D.P.I and by Venkataratnam before this (vide A.G's letter no G.O. No 17-19 E&L dt 12th January 1906) is not parallel. His appointment is made in Madras but he draws pay from Coorg which is under a separate Accountant General & a separate Circle of Audit.

F

5. Nothing apparently ~~can be done~~

P.J. 18/9/08

without infringing the service rule or upsetting all the arrangements made.

10. 8. 06

The post of 1st Asst. Agricultural College is included in the cadre of the Provincial Edl. Service which is a graded service, and acting appointments are usually made to the lowest grade.

2 Mr. D. Sylva ~~was~~ draws R 195 in a scale of R 150-5-200 as 2nd Assistant, the pay of the lowest grade in the Prov. Edl. Service ~~P.E.S.~~ being R 200.

There is no permanent ~~Vice Principal~~ 1st Asst. and hence Mr D'Sylva cannot be held, in any case, to be acting for an officer in any particular grade.

3 The Govt. of India are not likely to make any special exception in respect of past service outside the rules conveyed in their recent Slip XLVI. – nor could this be done without great practical inconvenience. The Agricultural College is, moreover, a moribund

Lastly Supp' C.S.R 139. D

Institution, and is only marking time until the new Agricultural Institute at Coimbatore is completed.

4. Mr. D'Sylva is in charge of the College, the Principal - Mr Keess - who is an officer of the Indian Educational service - being absent on leave.

G

5. From the A.G's ~~letter~~ end. on p 3 of G.O. 434 Ed. Dh 19th June 06 it appears that Mr D'Sylva might have been appointed to act as Principal during Mr Keess' absence with an acting allowance of R75., or considered as being "in charge" of the office with a charge allowance not exceeding R50. Govt. accepted the latter proposal, and Mr. D Sylva should apparently draw R195 + 50. The ~~present~~ case appears to be quite different from the Jullundur case. The posts of First Assistant, ~~Vice Principal~~ and Principal, though in the same College are in different services - and the work & responsibility of each post is distinct.

He appears to be drawing
R195 - pay as 2nd Asst
" 5 - acting allowance as 1st Asst - in the Rs 200 grade
50 - Charge allowance for doing duty as Principal

6. The Director's reference is incomplete - it does not appear that the A.G. is objecting to the charge allowance of R50 as sanctioned by Govt. but only to the

payment of an acting allowance in excess of Rs 51.

G G.O. 434 Ed. d 19/6/06 does not appear to have been accepted in the Fin. Dept. The file should go to Fin. for remarks.

H.D.
14.8.06.

Fin. u.o

Edn. No. 566. D
14.8.06

CURRENT NO
3656
FINANCIAL

Recd / Regd 14.8.06

Financial Dept:

It is submitted that the Acctt.-Genl. is not objecting to the grant of the charge allowance of Rs. 50 p.m. ~~to Mr~~ sanctioned by G.O. 434 Edncl. d 19.6.06 to Mr. D'Sylva, acting First Asst., College of Agriculture, for being in charge of the office of the Principal of the College with effect from the 22nd Jany 1906. Mr. D'Sylva is now in receipt of a pay of Rs. 195, an acting allce. of Rs. 5 as acting 1st Assistant and a charge allowance of Rs. 50. The D.P.I now requests that the acting allce. of Rs. 5 may be raised to Rs. 50 with effect from the 18th Septr. 04 ~~and~~ this request cannot, it is subd., be complied with for the reasons adduced in paras: 4 to 6 of Ednl. office note d 10.8.06 on pp. 2-3 supra.

Apparently not
22.VIII

G

D.P.I.'s letter 3620, 3.8.06 on pp 1-2 of current.

Incl. no.
3656-1
22.8.06

17.8.06.

I agree
22.VIII

20.8.06

Ednl. No

The view taken in Financial may be accepted. DPI's proposal would upset all arrangements recently made

HDJ
23-8-06

24

The DPI's proposal is to modify notification of appointment No 25 dt 1st Nov 04. The file is accordingly circulated to His Excellency the Governor as it indirectly concerns an "appointment". No vacancy now exists which would fit in with DPI's proposal and the adoption of that proposal would be productive of great practical difficulty and inconvenience.

HDJ
24.8.06

H.E. the Governor.

I agree that the D.P.I.'s proposal cannot be accepted.

25.8.06.

Please draft accdy

HDJ
27-8-06

The draft placed below is submitted for approval.

PH
27/8/06

13 13

[E. / 12]

1,000—24-9-04.

EDUCATIONAL DEPARTMENT.

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

" " " " " 190 .

READ ALSO:—

C. No. 1293, From the D.P.I., No 3620, dated 3-8-1906.

" " , " " , " , " 190 .

" " , " " , " , " 190 .

ORDER No. 578, dated 30-8-1906.

Mis

The Govt. ~~regret that they~~ are unable to accept the Director's proposal to modify notification no 25 dt 1st November 1904 appointing Mr. S. T. D'Sylva to act as First Assistant, College of Agriculture, in the ninth grade of the Provincial Educational service.

P.T.J. 27/8/6 No vacancy now ~~exists~~ appears to exist in the Provincial services which would fit in with this proposal.

Clm 28/8/06

HDJ 29.8.06.

Desp 29/8/6

To the D.P.I. ✓
" A.G. ✓

Despd 30/8/6

When given for copying
When copied
When examined
When signed
190 .

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

CURRENT No.

1293 899 3620 3 - 8 -

ENCLOSURES TO C. No.

Mis

ORDER OF GOVERNMENT .. .. .. A A A A A A A

The Govt. ~~regret that they~~ are unable to accept the Director's proposal to mod… notification no 25 dt 1st November 1904 appointing Mr. S.K. De Sylva to act as … Assistant Coll. of Agriculture, in the … Gra… the Provincial Educational …

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
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Q = Copy heading only.