

Ms. SERIES.

G.O. No. 1008 Edm

Dated 9th July 1945.

10

[Despatch Abstract.]

Establishment - Municipal College and High School,
Salem - Certain members of the staff - Permitted
to hold honorary appointments.

G.O.

Department

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ms.	1618.	Edm.	12-10-45				

C.F. 32.

From (Name) Sri K.P. Kandaswami Pillai

Designation Commissioner,

Station Salem Municipality, Salem.

Received Registered

27 APR 1945

ASST. SECRETARY TO GOVT.
 The Government of
 Madras.
 Education & Public Health Department
 Fort St. George., Madras.

Enclosures:

No. C3-19034/45 dated 24th April 1945

Sir,

Sub:- Establishment-Municipal College, Salem and Municipal High School, Salem-Members of the staff-employment in institution other than Municipal-permission-grant of.

The following members of the staff of the Municipal College, Salem and Municipal High School, Salem are holding the employments noted against each in institutions other than Municipal.

1. Sri G. Samuel, M.A.L.T., Lecturer, Salem College. Member of the Vigilance Association Committee.
2. Sri P. Manickam Pillai Assistant, Municipal High School, Salem. Honorary Secretary of the Salem Chola Velala Kazhagam.

There is no provision in the conduct rules published in G.O.No. 1175 L.A., dated 30-4-41 permitting the Municipal employees to take part in such Associations and committees. Hence I solicit the instruction of the Government, whether the above persons may be required to give up the employments referred to above or whether they may be permitted to hold the posts.

ks/-24-4-45 pm.

COMMISSIONER.

Forwarded,

2-13-15, 26-4-45
 Vice-Chairman, Municipal Council, Salem.

EnA 19017-1.B Edu dated 21-5-45

Referred to the Director of Public

Instruction for remarks

Assistant Secretary to Govt.

There is no purpose in referring to D.P.G.

To the D.P.G.

Rule 6 - A/b ~~prohibits~~ prohibits private trade or employment carrying remuneration. The two offices mentioned in the previous page represent forms of social work. It is specifically stated that one is honorary; presumably the other also is. After all, the cabinet rules are not exhaustive and in the nature of things can not say about what is prohibited & not always about what is permissible. We may merely say that the holding of two offices does not offend against cabinet rules (and if the rule itself fails to do so, the association of these teachers with the office affects ^{regular} work or is otherwise prejudicial, interpreting "prejudicial" in a reasonable manner, it will be open to the C. to require the teachers to give up the extra work. L.A. may see.

L.A. in

12-5-45



of Rule 6 (b)

A/b

21/5

D.P.H. W.O. No. 19017-1.B. 21-5-45.

41/9.7.

21/7/45

(B)

page (H)

2.0.14 (13)

Establishment - Municipal College + High School - Salem
Certain members of the staff - Permitted to hold honorary appointments.

From the Commissioner Salem Mty No. C.3.19034/45 824.4.45

Order no 1008 Edu. D 9-7-45.

In exercise of the power ~~taken by them~~ ^{taken by means} ~~under the rule contained in Notification I~~ ^{published with} appended to G.O. no 3111 L.A. dated 12-11-41, the Govt hereby relax the provisions of rule 6 (i) of the rules relating to the personal conduct of officers and servants of municipal Councils in favour of the undermentioned employees of the Municipal

to enable them
Council, Salem to hold the honorary appointments
specified against their names:-

1. Sri G. Samuel, M.A.L.T. - Lecturer, Salem College - Member of the Vigilance Association Committee

2. Sri P. Manickam Pillai B.A.L.T. Asst Municipal High School, Salem. Honorary Secretary of the Salem Chola Velala Kazhagam.

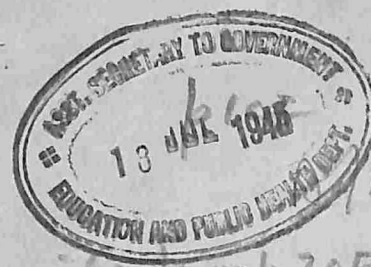
682
30.6.45

6.7.45

WJ
7/7/45

Despd
KM
9.7.45

To
✓ The Commr, Salem Mty
through the CMC, Salem



original note up 20F

E.& P.H. Dept (B)

ESTABLISHMENT -- Municipal College and High School, Salem -- Certain Members of the staff -- Permission to hold certain honorary appointments

From the Commr. Salem Mty. CB-19034/45 dated 24-4-46.

Rule 6-A/6 prohibits private trade or employment carrying ^{remuneration} enumeration. The two offices mentioned on the previous page represent ^{forms} persons of social work. It is specifically stated that one is honorary: presumably the other also is. After all, the conduct rules are not exhaustive and in the nature of things can only say about what is prohibited and not always about what is permissible. We may merely say that the holding of the offices does not offend against conduct rules but if the Mcl.Cl. feels that the association of these teachers with the office affects their regular work or is otherwise prejudicial, interpreting "prejudicial" in a reasonable manner, it will be open to the Cl. to require the teachers to give up the extra work. L.A. may see.

Z.A.V
19.5.45

3
LADEN

Please see the letter from the Comr. of
the Salem mpty on p. 1 ^{of} ante and the note of
the E. & P. H. Dept. on p. 1 ante.

A/6

2 Rule 6(1) of the rules relating to the
personal conduct of officers and servants of
mbl. cl. prohibits mbl. officers and servants
from undertaking any ^{other} employment other than
his public duties - i.e. mbl. work. The employ-
ment need not necessarily be one carrying remun-
eration ^{as stated on p. 2 ante.} Whether the employment carries
any remuneration or not, acceptance of any
employment other than official duties is
prohibited ^{by the rule.} Nor has the mbl. cl. power to
permit any officer or servant to accept or
hold any employment other than his official
duties. If it is considered that the employees
may ^{in particular cases} be permitted to hold the appointment

4

which are of the nature of social service,
then rule 6(1) will have to be relaxed in
their favour.

3 With the above remarks, the file may
be referred to E.S. H. no.

Mr
22/5/45
H.S. 25

23/5/45

E.S.H.

12295-1A

23/5/45

It is still not clear that rule 6(1) - A/6
applies to casual temporary work of this type. I think
that it would be reasonable to hold the view
that the contract rules do not govern the
case. But L.A. suggests relaxation of rule 6(1)
for orders.

AS' view is
correct.

23/5/45
24/5/45



L.A.
view is
correct.

24/5

B

A/6

23 MAY 1945

5

6

Maybe sent to L.A. for perusal of the above in context

A/6

26/5/45

26.5.45

L.A. 24/5

L.A. Deptt.

Please see para 2 of this Department note on
pp.3-4 ante, the note of the A.S., E. & P.H. and the
orders in circulation on p.4 ante.

2. In connection with the question of sale of
National Savings Certificates by servants of local
bodies, Legal held the view that rule 6 on pp.2 and 6
of (A) would have to be amended if such officers should
undertake the work even without remuneration. The
remarks of this Department on pp.3-4 ante were based
on the above ruling of the Legal Department. If it is the
intention that only work carrying remuneration should be
brought within the ambit of rule 6(1) on pp.2 and 6 of (A),
then it is submitted that the above rule will have to be amended



12988

11/7/45 to 12/7/45

LA 9/6/45 (K)

3. The personal conduct rules at (A) are in the main modelled on the G.S.C.rules. Rule 6 on pp.2 and 6 of (A) corresponds to rule 13 of the G.S.C.rules. A typed copy of the relevant portions of the ^{G.S.C.}rules is put up at (X) for facility of reference. While ~~the~~ G.S.C.rule 13 permits a Govt. servant to engage himself in a private trade or to undertake any employment with the previous sanction of the Government, rule 6 of the Munl/L.B. rules is absolute and lays down that an officer shall not engage in any trade or undertake any employment other than his public duties. While the first proviso to G.S.C.rule 13 enables a Govt.servant to undertake honorary work of a social or charitable nature without the sanction of Govt., there is no corresponding provision in rule 6(2) of the rules on pp.2 and 6 of (A). At the time of confirming the rules in (A), ^{was made} ~~the~~ suggestion that acceptance of honorary offices such as trusteeship of temples or honorary magistrates posts should be prohibited. It was then pointed out that acceptance of honorary office would amount to undertaking employment other than regular

R-1113
A
p 477 (14)

duties. In the light of these facts, it would seem desirable to obtain the opinion of the Legal Department and circulate the file to H.E's A-4 also before orders are issued in this case.

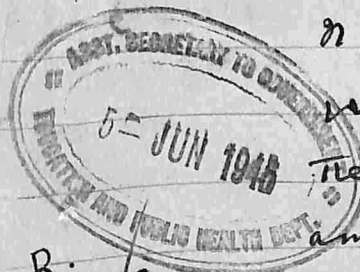
4. With the above remarks, the file may be returned to

E.& P.H.U.O.

100
2.6.45

leg
EJP4

25359



R.

L.A. 12988-1A
4/6/45

It will be noticed that rule 6 (a) does not provide for a ^{local bodies'} Govt. servant undertaking honorary work of a "social or charitable nature". It does provide for ^{honorary} work of a literary or artistic nature. In other words there is an omission in the rule as framed which can be corrected only by an amendment. It is this aspect of this case which has been stressed in the L.A. Dept notes above. It is obvious that such work also ought to be included in the ambit of the rule. 4/6/45 EJP. H

As2

S

ETPH(3)

Please see the L.A. Depts' note from p5 ante. They consider that Rule 6(2) of the rules relating to personal conduct of officers and servants of local bodies should be amended if honorary work of a 'social or charitable nature' is to be permitted. Legal may be consulted on.

A

682
6/6/45

9.6.45

Legal Department.

3472

Rule 6 is intended to prohibit a person from engaging himself in any business or work with or without remuneration which may hamper the discharge of his public duties. In the note at page 11 of Flag (K) it was only intended to point out that the sale of National Savings Certificate cannot be deemed to be part of public duties of a municipal servant.

ETPH. No. 10

19017-3B 27w
11/6/45

ASSISTANT SECRETARY I

1 2 JUN 1945

LEGAL DEPARTMENT.

CTV

B

9

If the intention is to enable an officer or servant of a municipal council to undertake any honorary work of a social or charitable nature, specific provision may be made in this regard by amending rule 6(2).

Legal 03472-1
19-6-45



MP

19.6.45 E & PH

ETPH(3)

28503

MP

Please see the letter from the Commr. Salem City on page 1 cf. and this Dept's note on p 4 ante. Both the L.A. and Legal Dept consider that if an officer or servant of a municipal Council is to be permitted to undertake any honorary work of a social or charitable nature, specific provision should be made in this regard by amending rule 6(2) of

Extracts at (X)
p 29 (A)

the rules relating to the personal conduct of officers & servants of local bodies.

Orders may now be taken in circulation whether the rule may be amended. It is considered sufficient to accord permission in individual cases, then rule 6(1) of the rules mentioned above may be relaxed in favour of the officers mentioned on p 1 of

Rule 6 (1) may be relaxed in this regard L.A. may

21.6.45



16731

19017-ABEdu 10/7/45

A draft order is submitted below for approval. After issue, the file may be sent to L.A. for taking up the question of amending 6(2) of the rules relating to the personal conduct of officers & servants of local bodies.

20/6/45

6.7.45

S/L 11/7/45 L.A. (4th)

(Previous note of this Dept. on pp. 5-7 ante)

31952

The notes on pp. 8-10 ante and the order in circulation on p. 10 ante may be passed.

Relevant extracts from this file have been taken and a separate file started for amending the rules for the Personal Conduct of Officers and servants of Local Bodies and C.B.

This file may be referred to E.P.H. no.

16731-1A 13/7/45

127.45

13/7/45 EDPH

E.P.H. (B)

Please see the S.A. note above. A separate file has been started in that department for amending the rules for the Personal Conduct of Officers and servants of S. Bds & M.B. C.B. The file may now be closed.

14.7.45

17.2.45

Government of Madras

PUBLIC (SERVICES) DEPARTMENT

G.O. No. 1218, 11th June 1941

Public Services—Provincial and subordinate services—Selection by Commission—G.O. No. 484, Public (Services), dated 5th March 1941—Amended.

READ—the following paper :—

G.O. No. 484, Public (Services), dated 5th March 1941.

Order—No. 1218, Public (Services), dated 11th June 1941.

The following will be substituted for paragraph 8 of G.O. No. 484, Public (Services), dated 5th March 1941 :—

“ 8. Heads of departments in the case of subordinate services and the Government in the case of provincial services will intimate to the Commission the number of candidates required for each service both by direct recruitment and by transfer from the normal feeder subordinate service, according to a fixed programme. The number of candidates to be selected by direct recruitment under each community and the language with which they should be conversant will also be intimated to the Commission along with the estimates. The estimates and other particulars required in respect of provincial services should be supplied to the Government by heads of departments.”

(By order of His Excellency the Governor)

S. V. RAMAMURTY,
Chief Secretary.

To the Secretary, Madras Public Service Commission (with C.L.).
“ all heads of departments.
“ Departments of the Secretariat (all sections).