Sectt. II-27--39,004—24-10-44.

Education & Public Health (194 5) Department.

Mis. SERIES.

23

G.O. No. 1116 Edn.,

1116

Dated 23rd July 1945.

23-7-45

[Despatch Abstract.]

Madras Record Office - Sri P. Thirukkuttalalingam Pillai, Upper Division Clerk - Permitted to draw pay in old scale.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go.	1772	Edn.	29-12-43	G.O.	1298	Edn. dated	15-6-37
"	1198	Edn.	7-9-43	" Press	1157	Pub(Ser) "	29-6-36
"	1798	Edn.	19-11-41	"	1274	Edn. "	16-6-36
" Press	1148	Public(Ser)	10-6-40	"	32	Finance(Confdl)	24-1-36
" Press	1146	Public(Ser)	11-7-39	"	755	Finance	7-12-34
"	1904	Edn.	9-8-38	" Press	1193	Pub(Ser)	29-11-34
"	977	Edn.	27-4-38	" "	686	Pub(Ser)	19-6-31
" Press	169	Pub(Ser)	29-1-38	" "	712	Public	2-7-29
"	2289	Edn.	1-10-37	" "	311	Pub(Ser)	13-4-33
"	2150	Edn.	16-9-37				
"	561	Pub(Ser)	19-3-37				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go.	2135	Edn.	18-12-45				

No.82.A/45-1.

Madras Record Office,
Chittoor, 13-2-1945.

From

Rao Bahadur Dr.B.S.Baliga, Ph.D.(Lond.)
Curator, Madras Record Office, Chittoor.

To

06883

The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

Sir,

Sub: ESTABLISHMENT - Sri P.Thirukkuttalalingam Pillai - Upper division clerk - Claims to the post of Referencer - Petition to the Government.

I have the honour to forward herewith a petition addressed to the Government by Sri P. Tirukkuttalalingam Pillai, an upper division clerk of this office. In it the petitioner calls into question a number of appointments and postings made in the office in the course of the last 9 years. The points raised by him are scattered all over his long and not well arranged petition and the numerous rules quoted by him in support of his contentions are those which were in force 12 to 15 years ago and which have long since been revised or superseded. So far as can be gathered from the petition his contentions are:

(1) that he was appointed to officiate as a Referencer and allowed to draw the scale of pay of Rs.65-4-125 attached to it from 4-2-33 to 31-5-36 and that therefore under explanation (6) of the old General Rules for Subordinate Services issued in G.O.No.712 Public (Services) dated 2-7-1929 and rule 2(a) of the old ministerial rules issued in G.O.No.686 Public (Services) dated 19-6-1931, he must be regarded as a direct recruit to the category of Referencers;

(2) that with reference to rule 6 (b) of the old General rules which prescribed a period of probation for a direct recruit he must be considered to have completed his probation on 3-2-1934;

(3) that as a direct recruit and approved probationer he became entitled for confirmation as a Referencer next to Mr. Hasan Sheriff, a similar direct recruit who had completed his probation earlier;

(4) that certain other individuals have in similar circumstances been considered to be direct recruits and have been confirmed directly as upper division clerks;

(5) that on 1-6-1936 he was reverted to the post of a lower division clerk and that Sri R. Thiagarajan who was not an approved probationer in the category of Referencers was appointed as a Referencer in his place and subsequently confirmed;

(6) that his reversion and the appointment of Sri R.Thiagarajan were done in contravention of rule 3(f) and (g) of the General Rules issued in G.O.No.947 Public (Service) dated 10-9-1934;

(7) that on the occurrence of a leave vacancy in the category of Referencers on 21-9-1937 Sri T.S.Padmanabha Rao who was not an approved probationer in the category of Referencers was appointed acting Referencer in contravention of rule 3 (g) of the Revised General Rules issued in G.O.No.947 Public (Services) dated 10-9-1934;

(8) that on the occurrence of a second permanent vacancy on

28-10-1940

28-10-1940 he should have been confirmed as a Referencer but that Sri T.S. Padmanabha Rao was confirmed in his place;

(9) that in consequence of these arrangements he has lost his claims to draw pay in the old scale of Rs.65-4-125.

2. The petitioner, by his own admission, was first directly recruited as a lower division clerk and he only contends that his subsequent promotion as officiating Referencer should also be treated as a direct recruitment. In the first place on the date on which the petitioner was promoted as officiating Referencer viz., 4-2-1933 he was over 25 years of age and, as such, under rule 4 of the Old General Rules for Subordinate Services issued in G.O.No.712 Public (Services) dated 2-7-1929, he was not eligible for selection by direct recruitment to the category of Referencers or to any other category. In the second place all appointments of clerks in this office have with a few exceptions been made to the lowest grade, i.e. lower division clerks' posts, a practice which is in accordance with rule 2(b) of the Old General Rules in G.O.No.712 Public (Services) dated 2-7-1929 and rule 3(a) of the revised General Rules issued in G.O.947 Public (Services) dated 10-9-1934. The clerks are then confirmed in the lower division and subsequently confirmed as Referencers or upper division clerks in their order of seniority in accordance with rule 14 of the Old General Rules in G.O.712 Public (Services) dated 2-7-1929. This fact has already been brought to the notice of the Government especially in connection with an appeal preferred to the Government by the petitioner himself in 1936. I invite a reference to G.O. Ms. No.1274, Education, dated 16-6-1936 in this connection. Of course, as has been stated above and as has been pointed out by the petitioner, there have been a few instances in which this principle was not observed and in which some clerks were confirmed directly in the upper division even though they had been recruited like the petitioner to the lower division in the first instance and one of them being more than 25 years old was not eligible to be regarded as a direct recruit to the upper division. These instances were however, then and there brought to the notice of the Government in connection with the appeals preferred by 2 individuals against the appointment of these clerks in the upper division. (Please see my letters read in G.O.No.Ms.1904, Education, dated 9-8-1938). It will thus be seen that the petitioner's claims to be regarded as a direct recruit to the category of Referencers are opposed to both rule and practice.

3. The next point raised by the petitioner is that on 1-6-1936 he was reverted from his post of officiating Referencer to that of a lower division clerk and that Sri R. Thiagarajan who was not an approved probationer was appointed in his place. Sri R. Thiagarajan was appointed to officiate as Referencer as early as 7th May 1928, that is about 2½ years before the petitioner was appointed as a lower division clerk and 5 years before the petitioner was appointed to officiate as Referencer. According to the instructions contained in para 6 of G.O. 1193, Public (Services) dated 29-11-1934 he had therefore to be confirmed before the petitioner could be confirmed. Sri R. Thiagarajan's appointment was brought to the notice of the Government in my letter No.655.A/37 dated 11-11-1937 and the Government, in view of the fact that he had actually done Referencer's work for more than 3 years, were pleased to relax the rule regarding probation and to approve his confirmation as Referencer from 1-6-1936 the date on which the permanent vacancy arose (Please see G.O.No.Ms.977, Education, dated 27-4-38). His work for 3 years as a Referencer having thus been considered as the equivalent of the required period of probation and he being the person who was entitled to confirmation under the instructions in para 6 of G.O.1193, Public (Services) dated 29-11-1934 by virtue of his officiating as Referencer earlier than the petitioner, the contention of the petitioner that he should have been appointed in Sri R. Thiagarajan's place cannot be upheld.

4. The

4. The next point raised by the petitioner is that on 21-9-1937, when an officiating Referencer's vacancy arose, he should have been appointed to officiate in it instead of Sri T.S.Padmanabha Rao and that subsequently on 28-10-1940 when a temporary subsequent vacancy arose he should have been confirmed in it temporarily and tantively instead of Sri T.S. Padmanabha Rao. Sri T.S.Padmanabha Rao was appointed as a lower division clerk in this office on 17-4-1928 and was first appointed to officiate as Referencer on 1-10-1928, that is two years before the petitioner was appointed a lower division clerk and nearly 5 years before the petitioner was appointed to officiate as Referencer. Sri T.S.Padmanabha Rao was, therefore, under the instructions in para 6 of G.O.No.1193 Public (Services) dated 29-11-1934, entitled to confirmation as Referencer before the petitioner. The only point of contention seems to be that the petitioner had completed his probation as Referencer earlier than Sri T.S.Padmanabha Rao. The reason why the petitioner was able to complete his probation earlier than Sri T.S.Padmanabha Rao is that before the issue of the revised Ministerial Service Rules in G.O.No.1148 Public (Services) dated 11-7-1939 the posts of Referencers and upper division clerks, though carrying the same scale of pay, were treated as two different categories and, therefore, while Sri T.S.Padmanabha Rao was holding a post of upper division clerk the petitioner was officiating as a Referencer. Any way the fact remains that on 21-9-1937 when the officiating Referencer vacancy arose the petitioner was an approved probationer in the category of Referencers, in as much as he had already officiated as a Referencer for 3 years and drawn the higher rate of pay, while Sri T.S.Padmanabha Rao was only a probationer, having officiated as Referencer till then only for a total period of about 3 months. But against this Sri T.S.Padmanabha Rao had, under the instructions in para 6 of G.O.1193 Public (Services) dated 29-11-1934, acquired a prior claim to confirmation as Referencer by virtue of his appointment as officiating Referencer before the petitioner.

5. In spite of this prior claim of Sri T.S.Padmanabha Rao to confirmation as Referencer the petitioner would, under rule 3(g) of the revised general rules in G.O.947, Public (Services) dated 10-9-1934, seem to have had a prior claim to be appointed when an officiating vacancy arose on 21-9-1937, since he was an approved probationer while Sri T.S.Padmanabha Rao was only a probationer. The rule appears to have been overlooked at that time. In fact there is no doubt that the petitioner would have been so appointed if he had raised this objection then. His reason for not raising it then is that he was at the time ignorant that Sri T.S.Padmanabha Rao had been appointed to officiate in the vacancy. How far this reason can be accepted is difficult to say. It will be seen that the petitioner has not only quoted a number of rules which were in force several years ago but that he has also accurately specified the dates and particulars of a large number of appointments and postings made in the office during the last 8 or 9 years. He has, besides, described the nature of the appeals presented to the Government by various individuals in the office from time to time and quoted the number and date and the contents of the orders passed by the Government upon them. Further in October 1937 the office order appointing him as an officiating upper division clerk which was communicated to him also contained the posting of Sri T.S. Padmanabha Rao as an officiating Referencer from 11-10-1937. As he did not raise any objection to the appointment of Sri T.S.Padmanabha Rao to this officiating vacancy it is doubtful whether it can be said that he would have objected to the other appointment of Sri T.S.Padmanabha Rao which was made 20 days earlier. It must also be stated that this is not the petitioner's first petition or appeal against the appointments and promotions made in the office. I invite the attention of the Government to my letters read in G.O.No.32 (Confidential) Finance dated 24-1-1936 and 1274, Education dated 16-6-1936.

6. There is no doubt that the real reason why the petitioner has raked up these various claims referred to in the beginning of this letter, after the lapse of 7 to 9 years, is that he was very

recently

ly been declared by the Accountant General to be eligible
aw only the revised scale of pay of Referencers and upper
ion clerks, viz. Rs.55-5/2-70-7½/2-100 instead of the old
e of Rs.65-4-125 to which he had all along considered himself
e entitled. Under the first proviso to rule 4 of the rules
ed in G.O.No.169, Public (Services) dated 29-1-1938 it was
d that though the petitioner had drawn the old scale of pay
n 1933 to 1936 he was not entitled to draw the old scale on
confirmation as he had not held the post of a Referencer or
upper division clerk without a break from 1-10-1937. He had
en holding an upper division clerk's post continuously only
om 11-10-1937. It will thus be seen that the period of 10 days
om 1-10-1937 to 10-10-1937 has become very important to him and
hen it is remembered that this is exactly the period for which he
s now claiming a right to officiate as a Referencer his reason
or raking up a 7 year old claim at present will be easily under-
stood.

7. There are however several facts in his favour. In the first place it cannot be said that he had official knowledge of the officiating appointment of Sri T.S.Padmanabha Rao which was made on 21-9-1937, an appointment by virtue of which Sri T.S.Padmanabha Rao became entitled to draw the old scale of pay, while he himself lost the benefit. In the second place the petitioner had actually held the post of a Referencer and drawn the old scale of pay of Rs.65-4-125 for no less than 3 years and 3 months at a stretch between February 1933 and May 1936 and earned 3 increments in that scale. Finally he was holding an upper division clerk's post (on the same time scale of pay as a Referencers' post and now falling in the same category as a Referencer's post) from 11-10-1937 until his confirmation in a temporary substantive vacancy in 1943 with retrospective effect and he is now a permanent upper division clerk. If he had begun to hold the post of an upper division clerk or that of a Referencer some 10 days earlier, that is, from 1-10-1937 instead of 11-10-1937 he would have become entitled to draw the old scale of pay.

8. Of course it may be said that it is now open to me to revise the arrangement made in 1937 and to consider the petitioner as having been appointed in the place of Sri T.S.Padmanabha Rao. But there are several difficulties in the way of making such a revision. For one thing it must be remembered that the original arrangement was made more than 7 years ago and Sri T.S.Padmanabha Rao has been drawing the old scale of pay from the date of his confirmation as far back as 28-10-1940 under the impression that he was legitimately entitled to it. Again by revising the arrangement and treating his appointment between 21-9-1937 and 10-10-1937 as invalid his pay will have to be refixed in the new scale and the amount overdrawn by him after 28-10-1940 may have to be recovered. Above all such a revision will lead to a serious and undesirable anomaly in that Sri T.S.Padmanabha Rao who is considerably senior to the petitioner will be forced to draw the reduced scale of pay while the petitioner will become entitled to draw a higher scale of pay and this will no doubt be felt as a great hardship and injustice by Sri T.S.Padmanabha Rao. I may point out in this connection that it was with a view to prevent such anomalies that the Government in their order No.Ms.1904, Education, dated 19-8-1938 relaxed the rules and permitted two other clerks of this office to draw the old scale of pay.

9. To obviate any anomaly I beg to suggest that the petitioner may be regarded as having held the post of an upper division clerk from the 1st to the 10th October 1937. There were in fact two vacancies of upper division clerks in existence during these 10 days. I invite the attention of the Government to G.O.No.Ms. 2289, Education, dated 1-10-1937 in which 2 posts of upper division clerks were sanctioned for the work of weeding out such of the records as are of no value. The petitioner himself was appointed to one of these two posts from 11-10-1937 and, therefore, since the order is dated 1-10-1937 there cannot perhaps be any

objection

objection to regarding him as having been appointed to one of these posts from 1-10-1937 itself. The objection that he did not actually perform the duties of the post will not hold because the duties and responsibilities of the lower division and the upper division clerks were at that time considered to be equal and no officiating allowance was admissible between the lower and the upper division posts. By this arrangement the petitioner will become entitled to draw pay in the old scale from December 1941 and no hardship will be caused to his senior Sri T.S.Padmanabha Rao.

10. The petitioner gave a petition addressed to me on 25th August 1944, but since the point of his contention involved a careful study of several rules and since the office was very busy attending to several items of special work, it was not possible to give it an early disposal. And it was when this disposal was about to be given that he presented the present petition to the Government.

ems.

15.2.45.

CURATOR
15-2-'45.

17 JAN 1945
82A/45

From

P. Thirukuttalalingam Pillai,
Clerk, Madras Record Office,
CHITTOOR.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.

Through

The Curator,
Madras Record Office, CHITTOOR.

Sir,

I beg to enclose copy of my petition dated 23-8-1944 to the Curator, Madras Record Office, and submit the following for consideration and orders.

2. I was selected for a clerk's post by the Staff Selection Board in 1929. After serving for short periods in some of the City Offices, I was appointed as a lower division clerk in this office for the first time in November 1930. My acting service in this office was as shown below:-

	Period	Appointment held	Scale of pay.
(1)	From 27-11-1930 to 23-12-1930.	Lower division clerk actually discharging the duties of a Referencer.	Rs. 40 - 80 (old scale)
(2)	From 4--1-1931 to 12--1-1931.		
(3)	From 1--4-1931 to 25--9-1931.		
(4)	From 3--3-1932 to 31--3-1932.	Upper division clerk.	Rs. 65-4-125. (old scale)
(5)	From 1--4-1932 to 3--2-1933.	Lower division clerk actually discharging the duties of a Referencer	Rs. 40 - 80 (old scale)
(6)	From 4--2-1933 to 31--5-1936.	R e f e r e n c e r.	Rs.65-4-125 (old scale) Rs. 65/- up to 4-1-1934. Rs. 69/- from 5-1-34 to 4-1-35 Rs. 73/- from 5-1-35 to 16-2-36. Rs. 77/- from 17-2-36 to 31-5-36. Pay in the scale of Rs.65-4-125 allowed in G.O.No.199 Finance, dated 28--3--1936.

In July 1937 I was confirmed as a lower division clerk with retrospective effect from 1-6-1936. From 11-10-1937 I was appointed as an Upper division clerk without acting allowance in the Rs.65-4-125 scale and continued in that post till December 1943. In December 1943 I was confirmed as an Upper Division clerk with retrospective effect from December 1941.

P. Thirukuttalalingam Pillai.

. According to Rule 1 (k), (m) and (n) of the Old Ministerial
rice Rules issued in G.O. No. 686 Public (Services) dated 19-6-1931,
posts of Upper Division clerks, Referencers, and Lower Division
erks constituted distinctly separate categories (please see pages
7 of Services Manual, Vol.II-1932 Edition and 288 -89 of Services
anual Vol.II- 1938 Edition). Service as an Upper Division clerk
did not then count for probation in a Referencer's post. Sri.
R. Venkatesalu served as an Upper Division clerk for more than two
years as a Reprint clerk and more than two years an an Indexing
clerk. He appealed to Government in 1933 against the confirmation
of Messrs. M.C. Subramanian and P.S. Ramachandran as Referencers.
When passing orders on that appeal, Government in G.O.No. 51 Finance
dated 24-1-1934 held that service as an Upper Division clerk cannot
count for probation in a Referencer's Post.

4. Under explanation (6) of the Old General Rules for Subordinate
Services issued in G.O.No. 712 Public (Services), dated 2-7-1929
(please see page 2 of the Services Manual, Vol.II-1932 Edition)
' a candidate is said to be "recruited or appointed direct" when at the
time of selection or appointment, he is not a member of a Subordinate
Service'. The term "member" meant only a permanent Government ser-
vant before 1-10-1934 (please see para 1 of G.O. No. 1193 Public
(Services) dated 29-11-1934). Rule 2 (a) of the Old Ministeraal
Service Rules (at pages 118 of Services Manual, Vol.II-1932 Edition
and 289 of Services Manual, Vol.II-1938 Edition) issued in G.O. No.
686 Public (Services), dated 19-6-1931 permitted direct appointment
to the category of Referencers. So my appointment as Referencer on
4-2-1933 (mentioned in item (6) in para 2 of this petition) should
be considered as direct recruitment to that category as I did not
then hold any permanent appointment . As a direct recruit to the cate-
gory of Referencers, I was continuously on duty in that category for
more than three years (item (6) of para 2 of this petition). Hence
I completed probation as Referencer on 3-2-1934 under Rule 6 (a) (i)
of the Old Ministerial Service Rules introduced by G. O. No.78, Public

(Services), dated 10-1-1936 read with Rule 6 (b) of the Old General
Rules for Subordinate Services issued in G. O. No. 712, Public
(Services), dated 2-7-1929 - vide pages 122 and 4 of Services Manual
Vol.II-1932 Edition. As an approved probationer in the category of
Referencers on 3-2-1934, I stood second in rank in the list of
approved probationers in that category next to Mr. Hassan Sheriff
under Rule 13 (a) of the Revised General Rules for Subordinate Servic
and the first proviso thereunder at page 75 of Services Manual, Vol.I
1938 Edition and paragraphs 4 & 5 of G.O.No.1193 Public (services)
dated29-11-1934. As under Rule 1 of the Old General Rules for Subordi
nate Services (at page 2 of Services Manual, Vol II - 1932 Edition)
and Rule 1 (b) (ii) of the Revised General Rules (at page 63 of
Services Manual, Vol.II- 1938 Edition), the General Rules are applicable
except to the extent otherwise provided in the special rules, Rule
2 (b) of the Old General Rules and Rule 3 (a) of the Revised General
Rules, requiring that all first appointments should be to the lowest
category, are not applicable to my appointment as Referencer on
4-2-1933. G. O. No.311 Public (Services), dated 13-4-1933 - page
58 of the G.O. - prescribed the qualification of a degree for direct
appointment to the posts of Referencers. This cannot adversely affec
me as I was appointed as a Referencer before the issue of the G. O.
and as a Service Rule does not have retrospective effect.

5. In the Revised Ministerial Service Rules issued in G.O. No.
1148 Public (Services), dated 11-7-1939 the two categories of
Referencers and Upper Division Clerks were merged into a single
category of Upper Division Clerks. G.O. No. 1148 Public (Services)
dated 10-6-1940 dispensed with probation for promotion not involving
assumption of higher duties and responsibilities, But the Revised
Ministerial Service Rules cannot adversely affect me under Rule 17
(a) (ii) and (b) of the Revised General Rules (at page 81 of
Service Manual, Vol.II 1938 Edition) and Rule 36 (a) (ii) of the
present General Rules for Provincial and Subordinate Services.
Government have also held in G.O. No.1798 Education, dated 19-11-1941
that " the order in G.O.No.1148 Public (Services), dated 10-6-1940

P. Thiruthalalingam Pillai

...e no retrospective effect." Therefore whenever an individual, who permanently held a post as Referencer before 11-7-1939 or an individual who was subsequently confirmed as Referencer solely on the ground that he was an approved probationer in the category of Referencers before 11-7-1939 vacated his post, I had a prescriptive right to be confirmed in it next to Mr. Hassan Sheriff.

6. The Accountant-General has declared that I am eligible as Upper division clerk only to the new scale of Rs.55-100 introduced in 1933 under the first proviso to rule 4 of the rules issued in G.O.No. 169 Public (Services), dated 29-1-1938 as I did not hold that post in an officiating or temporary capacity on 1-10-1937 but only from 11-10-1937 and has fixed my pay at Rs.77-8-0 from 7-9-1943. If the statutory rules had been strictly observed, I should not have been reverted from the post of Referencer on 1-6-1936 or at least I should have been reappointed as an acting Referencer from 21-9-1937 and I should have been eligible to the old scale of Rs.65-125 instead of the new scale of Rs.55-100 allowed by the Accountant-General. I am submitting the following facts with a request that I may be declared eligible at least to the scale of Rs.65 - 125 to which I should have been eligible.

7. On 1-6-1936 I (an approved probationer in the category of Referencers as a direct recruit) was reverted to a lower division clerk's post and on the same date Sri R. Thiyagarajan who was not an approved probationer in the category of Referencers was appointed as Referencer. Under rule 3 (f) and (g) of the Revised General Rules for Subordinate Services issued in G.O.No.947 Public (Services), dated 10-9-1934, I, a direct recruit and an approved probationer, should not have been reverted from the Referencer's post on 1-6-'36 and Sri R. Thiyagarajan, not even an approved probationer should not have been appointed in preference to me in a Referencer vacancy. My reversion from a Referencer's post and Sri. R. Thiyagarajan's appointment to the same post on 1-6-1936 were done in contravension of rule 3 (f) and (g) of the Revised General Rules for Subordinate Sevices. at page 65 of Services Manual, Vol. II - 1938 Edition. I never gave

my consent, express or implied, for my reversion to a lower division clerk's post or for any departure in respect of reappointment from the order laid down as required under sub-rule 3 (c) and the first proviso to sub-rule 3 (g). I do not know what reasons were recorded in writing and reported to the Commission for these departures as required under sub-rule 3 (f) (iii) and the second proviso to sub-rule 3 (g) as issued in G.O.No. 947 Public (Services), dated 10-9-1934 and before the amendment ordered in G.O.No. 1157 Public (Services), dated 29-6-1936.

8. In July 1937 Sri K.R. Desikachari, a permanent Referencer, was promoted and confirmed as Assistant. In the Referencer vacancy that arose by the promotion of Sri K.R. Desikachari, Sri R. Thiyagarajan, who was not even an approved probationer in the category of Referencers, was confirmed as Referencer from 1-6-1936. This confirmation of Sri R. Thiyagarajan, who was not even an approved probationer in the category of Referencers, as Referencer in preference to two direct recruits and approved probationers (Mr. Hassan Sheriff and myself) awaiting confirmation in the same category was done in contravention of Rule 12 of the Old General Rules issued in G.O.No.712 Public (Services), dated 2-7-1929 and rule 11 (b) of the Revised General Rules for Subordinate Services and the proviso thereunder at page 74 of Services Manual, Vol.II- 1938 Edition. I understand that subsequently on the recommendation of the Curator that Sri R. Thiyagarajan had discharged the duties of a Referencer for more than three years before 1-6-1936, Government in G.O.No.977 Education, dated 27-4-1938 relaxed rule 14 (d) (i) of the Revised General Rules for Subordinate Services issued in G.O.No. 947 Public (Services),dated 10-9-1934 and exempted him from undergoing probation as Referencer. I do not know whether, when applying for exempting Sri R. Thiyagarajan from undergoing probation as Referencer, Government were informed of the existence of two direct recruits and approved probationers (Mr.Hassan Sheriff and myself) awaiting confirmation in the same category. In this place I beg to submit that If Sri R. Thiyagarajan had discharged the duties of a Refeencer for more than three years

P. Thirukuttalalingam Pillai

...hout actually being appointed to the post, I was appointed as and actually drew the pay of a Referencer for more than three years -vide item (6) in para 2 above. Even before my appointment as Referencer, during my service of one year and five months in this office (items (1) to (3) and (5) in para 2 above) as lower division clerk, I actually discharged the duties of a Referencer. According to a strict application of the Service Rules, I should have been continued as Referencer from 1-6-1936 till July 1937 with officiating pay, Mr. Hassan Sheriff should have been confirmed in the Referencer vacancy, I should have been confirmed as lower division clerk in the vacancy that should have arisen by his confirmation as Referencer, the lien of Mr. Hassan Sheriff (on other duty from 11-2-1933) should have been suspended as was subsequently done - vide para 11 below-and I should have been provisionally confirmed as Referencer from 1-6-1936 without any break or reversion. Sri R. Thiyagarajan's appointment and confirmation as Referencer in contravention of the statutory rules have deprived me of Referencer's pay in the Rs. 65 - 4 - 125 scale from 1-6-1936 to 22-12-1941 and I am now declared eligible only to the scale of Rs.55 -100.

9. On 21-91937 Sri P. Guruvayya, a permanent Referencer, went on leave on average pay. As Mr.Hassan Sheriff, the first approved probationer in the category of Referencers, was on that date and is still on other duty, I should have been appointed as Referencer in that vacancy under sub-rule 3 (g) of the Revised General Rules for Subordinate Services at page 65 of Services Manual, Vol.II - 1938 Edition. In contravention of this rule Sri T.S. Padmanabha Rao, who was not an approved probationer in the category of Referencers, had been appointed in that vacancy though I was then on duty. I never gave my consent, express or implied, for any departure from the order laid down in the first proviso to the sub-rule. There could not have been any justification for departure from the order under the second proviso to the Sub-rule as introduced by G.O. No. 1157 Public (Services), dated 29-6-1936 as there could not have been any expenditure on travelling allowance or exceptional administrative inconvenience as the entire office was then only at Egmore. I was never informed that Sri T.S Padmanabha Rao was appointed as Referencer on 21-9-1937. Therefore I could not

make any representation against his appointment as Referencer from 21-9-1937 to 10-10-1937. I do not know what report was sent to the Commission for this departure from a statutory rule as required under G.O.No.561 Public (Services), dated 19-3-1937. If I had been appointed as Referencer from 21-9-1937 to 10-10-1937 in accordance with the service Rules, I should have been eligible to the old scale of Rs.65-125 under the first proviso to Rule 4 of the Rules issued In G.O.No. 169 Public (Service), dated 29-1-1938. The mere fact that I did not hold a post in the Rs.65-125 scale from 1-10-1937 to 10-10-1937 has made me eligible only to the scale of Rs.55-100 instead of Rs. 65-125.

In this connection I also beg to submit that the vacancy between 21-9-1937 to 10-10-1937 in a Referencer's post was long before July 1939 when only the posts of Referencers and Upper Division clerks were merged into a single category of Upper Division clerks - vide para 5 above. Therefore there could not have been any justification whatever for the appointment of Sri T.S. Padmanabha Rao in a Referencer's vacancy between 21-9-1937 to 10-10-1937 in preference to me (a direct recruit and an approved probationer in the category of Referencers) when the posts of Referencers and Upper Division clerks were separate categories and when Sri T.S. Padmanabha Rao was not then even an approved probationer in the category of Referencers. By this appointment Sri T.S. Padmanabha Rao has become eligible to the old scale of Rs. 65-125 whereas I am deprived of the benefit.

10. I was appointed as acting Upper Division clerk from 11-10-1937. In the same appointment order Sri T.S. Padmanabha Rao was appointed as acting Referencer from the same date. I did not then make any representation against his appointment as Referencer from 11-10-1937 as I was also appointed as Upper Division clerk from the same date on an identical time scale of pay i.e., Rs.65-125 and I was a direct recruit had become an approved probationer in the category of Referencers on 3-2-1934.

11. Sri M.R. Sundararajan, a permanent Referencer, was promoted and confirmed as Assistant in October 1941 with retrospective effect from 28-10-1940. As represented in para 5 of this petition, the Revised

P. Thirukuttalalingam Pillai

Ministerial Service Rules issued in G.O.No.1148 Public (Services) dated 11-7-1939 and the orders in G.O.No.1148 Public (Services), dated 10-6-1940 have no retrospective effect. Following this principle even though the posts of Upper division clerks and Referencers were merged into a single category of Upper Division clerks in the Revised Ministerial Service Rules issued in 1939 and Mr. Hassan Sheriff had not completed probation as Upper division clerk before he left this office in February 1933, Mr, Hassan Sheriff was confirmed in this Referncer vacancy solely by the virtue of his having as a direct recruit become an approved probationer in the category of Referencers before 11-7-1939, when the posts of Referencers and Upper Division clerks constituted separate categories. At the time when Mr. Hassan sheriff was confirmed as Upper division clerk in a previously Referencer vacancy, Sri T.S.Padmanabha Rao had completed probation both as Referencer and Upper Division clerk. But his claim to the Referencer vacancy was not then considered as Mr.Hassan Sheriff as a direct recruit had become an approved probationer in that category long before him and Mr. Hassan Sheriff had a prescriptive right to be confirmed in it according to the Service Rules. Subsequently Mr. Hassan Sheriff's lien on the post of Upper Division clerk had been suspended. In this vacancy caused by the suspension of his lien, I, a direct recruit and the seniormost approved probationer in the category of Referencers, should have been confirmed provisionally as Upper Division clerk in the previously Referencer vacancy with reference to rule 11 (b) of the Revised General Rules for Subordinate Services and the proviso to the sub-rule (please see page 74 of Services Manual, Vol.II - 1938 Edition). In contravention of these rules Sri T.S.Padmanabha Rao had been provisionally confirmed as Upper Division clerk. In this place I beg to submit that a statutory right, though allowed to Mr. Hassan Sheriff, has been denied to me . I never knew that Mr. Hassan Sheriff's lien on his post in this office was suspended. I heard that Sri. R. Venkatesalu's(another permanent Upper Division Clerk's) lien on his post in this office was suspended and Sri T.S.Padmanabha Rao was confirmed provisionally substantive Upper division clerk in that vacancy. I had no oppurtunity of knowing

the fact as I was not in the Head Office from June 1941 to May 1944 but was employed at Poonamalle and Palmaner. The result of Sri T.S. Padmanabha Rao's appointment as acting Referencer on 21-9-1937 - vide para 9 above - and subsequent confirmation in contravention of the statutory rules in a previously Referencer vacancy is that I am declared eligible only to the new scale of Rs.55-100 and I have been deprived of the right of drawing pay in the scale of Rs. 65 - 125 from 28-10-1940 to 22-12-1941.

12. In G.O. No. 1298 Education dated 15-6-1937 the Government ordered the permanent retention of the temporary posts of four upper division clerks in this office. Four of the approved probationers (Messrs. R.Venkatesalu, M.Natesan, R.P.Alwarappan and P.Kannan Menon) in the category of Upper division clerks who had been recruited direct to that category were confirmed in these four posts. Two of these direct recruits (Messrs. R.P.Alwarappan and P.Kannan Menon) were first appointed as lower division clerks like myseld in this office and were then appointed as upper division clerks before their confirmation in the lower division. They had completed probation in the upper division much later than two other promotees (Messrs. M.C.Subramaian and P.S.Ramachandran) to the Upper division. As direct recruits Messrs. R.P.Alwarappan and P.Kannan Menon were also directly confirmed in the Upper division not only in preference to their seniors in the lower division but also in preference to the two promotees who had completed their probation much earlier than them in the Upper division. By this direct confirmation in the upper division Sri P.Kannan Menon, one of the Junior recruits to the upper division became senior to four of his seniors(including myself) in the establishment list. Besides the direct confirmation entitled Sri. P.Kannan Menon to a higher pay than six of his seniors in the office and still his direct confirmation was not considered a hardship to six of his seniors in service. In as much as the appointments of Messrs. R.P.Alwarappan and P.Kannan Menon were considered as direct recruitment to the upper divisionm, my

P. Thiruthalalingam Pillai

...intment as Referencer has also to be considered as direct recruitment. Under an application of the same rules, I beg to submit, that I should have been confirmed as Referencer in preference to Messrs. R. Thiyagarajan and T.S. Padmanabha Rao, Rule 2 (b) of the Old General Rules for Subordinate Services and Rule 5 (a) of the Revised General Rules for Subordinate Services, requiring that all first appointments should be to the lowest category, cannot be applied against me alone when they were not applied in the case of Messrs. R. Venkatesalu, M. Natesan, R.P.Alwarappan and P.Kannon Menon.

13. I was appointed as temporary upper division clerk on 3-3-1932 before Messrs. R. Thiyagarajan and T. S. Padmanabha Rao and was actually reverted to a lower division post on 1-4-1932 to give place to them. If permanent vacancies of upper division clerks had arisen both of them would not have relinquished their right to confirmation in my favour on the ground that I was appointed as upper division clerk before them. In the same way, I beg to submit that I should not be deprived of the statutory rights to reappointment and confirmation as Referencer in preference to Messrs. R. Thiyagarajan and T.S. Padmanabha Rao though they had held the posts of Referencers before me for sometime in 1928. Further both preferred to be temporary substantive upper division clerks and drew pay as upper division clerks when I was appointed and underwent probation as Referencer. If they had worked as Referencers they could have drawn pay only as lower division clerks. Therefore my claim for confirmation as Referencer before them cannot be said to be a hardship to them.

Mr. Hassan Sheriff was directly appointed as Referencer after Messrs. R.Thiyagarajan and T.S. Padmanabha Rao held the posts of Referencers. Still by virtue of his completing probation as a direct recruit in the category of Referencers before 1-10-1934 earlier than the other two, he was confirmed in a Referencer vacancy before Sri T.S. Padmanabha Rao, This statutory right, though allowed to Mr.Hassan Sheriff has been denied to me.

14. In para 4 of G.O. No. 1193 Public (Services), dated 29-11-1934, Government have declared that persons who have been holding posts for

which under the rules in force at the time of their first appointment thereto a period of probation had been prescribed and who at the time of the issue of the new rules had completed their probation satisfactorily and had acquired under the old rules a right to substantive appointment to the service, class or category concerned in the order in which they so completed probation will preserve this right and their seniority as determined by the old rules. In para 5 of the same G.O. Government have held that "All approved probationers will of course rank above probationers." Therefore Messrs. R.Thiyagarajan and T.S. Padmanabha Rao who had not completed probation as Referencers before 1-10-1934 cannot be considered as seniors to me as, I had, as a direct recruit, completed probation as a Referencer on 3-2-1934 before the Revised General Rules for Subordinate Services came into force. But I beg to submit that I have been miserably deprived of the right, seniority and rank "as determined by the old Rules". Para 1 of the explanatory instructions to G.O. No.794 Public (Services) dated 25-9-1933 says that statutory rules have the force of law and have therefore to be strictly complied with, as any infringement of a statutory rule constitutes an illegality. Sub para 3 of para 2 of the same instructions says that "An irregular appointment is not therefore recongnised as any appointment at all for the purposes of the rules." So the appointments and confirmations of Messrs. R.Thiyagarajan and T.S. Padmanabha Rao in contravention of the service rules cannot give them any right of adverse possession.

15. In 1934 Sri K. Govinda Rao was promoted to officiate as Upper Division clerk in this office in the Rs.55 - 100 scale in preference to Messrs. G.K.M. Achutha Kurrup and G. Jayapalsamy who were his seniors in the upper division. Three years after the appointment was made, Government in Education and Public Health Department Memo. No.1460-C-5 dated 11-9-1937 held that Sri K. Govinda Rao's appointment was irregular as it was not in accordance with the service rules, declared Messrs. G.K.M. Achutha Kurrup and G. Jayapalsamy as seniors to Sri K. Govinda Rao and ordered the revision of the appointment made

P. Thiruthalalingam Pillai

contravention of the service rules. Consequently Messrs.G.K.M. Achutha Kurrup and G. Jayapalsamy were deemed to have held the upper division posts in preference to Sri K. Govinda Rao. By this arrangement Sri G.K.M. Achutha Kurrup was declared eligible to the old scale of Rs.65 -125 as upper division clerk.

16. The petition to the Curator - vide para 1 above - to revise the orders under which Sri T.S.Padmanabha Rao was appointed as Referencer from ~~xxx~~ 21-9-1937 and confirmed as Referencer was presented on 25-8-'44. As I have not yet been favoured with a reply, I have to appeal to Government so that there may not be much delay.

As stated in the last sentence of para 8 above, the appointment and confirmation of Sri. R. Thiyagarajan as Referencer from 1-6-1936 has deprived me of the statutory right of drawing pay as Referencer from 1-6-1936 in the old scale of Rs. 65 - 125. Again as submitted in the last sentence of the two sub-paras of para 9 above, the appointment of Sri T.S. Padmanabha Rao as Referencer from 21-9-1937 to 10-10-1937 in contravention of the statutory rules has debarred me from drawing pay in the Rs. 65 -125 scale; his confirmation as Upper Division Clerk in a previously Referencer vacancy from 28-10-1940 in contravention of the statutory rules - vide para 11 above - has deprived me of the benefit of drawing pay as Referencer from 28-10-1940 to 22-12-1941. If I had not been reverted from the post of Referencer on 1-6-1936 in contravention of the statutory rules as stated in para 7 above, if Sri R. Thiyagarajan had not been confirmed as Referencer from 1-6-1936 in contravention of the statutory rules and if I had been confirmed as Referencer from 1-6-1936 in accordance with the statutory rules as stated in para 8 above, I will be drawing Rs.109 in the Rs. 65 - 125 scale from 17-2-1944 onwards as shown below:-

Rs. 77 from 17-2-1936 to 16-2-1937
" 81 from 17-2-1937 to 16-2-1938
" 85 from 17-2-1938 to 16-2-1939
" 89 from 17-2-1939 to 16-2-1940
" 93 from 17-2-1940 to 16-2-1941
" 97 from 17-2-1941 to 16-2-1942
" 101 from 17-2-1942 to 16-2-1943
" 105 from 17-2-1943 to 16-2-1944 and
" 109 from 17-2-1944 onwards.

Instead of drawing Rs.109 from 17-2-1944 in the Rs. 65 - 125 scale, I have now now to draw Rs.77-8-0 from 7-9-1943 in the scale of Rs.55 - 100 as allowed by the Accountant -General - vide para 6 above. Not only have I lost the higher rate of pay that I should have been paid till now, but also I have to lose much by the fixation of the maximum Rs.125/- in the scale of pay at Rs. 100 in the Rs 55- 100 scale instead of at Rs. 65 - 125. The fixation of my pay in the Rs. 55 - 100 scale has inflicted a great and undeserved hardship on me.

As a direct recruit, I completed probation in the category of Referencers on 3-2-1934 and fall under Class (1) (a) referred to in para 4 of G.O. No. 1193 Public (Services) dated 29-11-1934. Hence from 3-2-1934 I had and still retain the prescriptive right to substantive appointment to and seniority in the category of Referencers as determined by the old Rules. Therefore anything contained in the Revised General Rules for Subordinate Services which came into force only on 1-10-1934 cannot adversely affect me with retrospective effect.

So I beg to pray that Government may be pleased to declare me to have held the post of Referencer at least from 21-9-1937 to 10-10-37 to which I should have been appointed in accordance with the service rules - vide para 9 above - as was done in the case of Messrs. G.K.M. Achutha Kurrup and G. Jayapalsamy - vide para 15 above -, cancel the confirmation of Sri. T.S. Padmanabha Rao as Upper Division Clerk in a previously Referencer vacancy done in contravention of the statutory rules - vide para 11 above - and confrim me as Referencer at least from 28-10-1940. If this is done I will be eligible to the scale of Rs. 65 - 125 and I can draw pay in that scale from 28-10-1940. If Government for any reason are not pleased to cancel the confirmation of Sri T.S.Padmanabha Rao as Upper Division clerk from 28-10-1940, I beg to request that I may be declared to have held the post of Referencer from 21-9-1937 to 10-10-1937 so that I may become eligible to the scale of Rs.65 - 125 and draw pay in that scale from December 1941 at least. I beg to submit that there will be no hardship to anybody by the grant

alternative request and that my hardship will be mitigated to certain extent.

I beg to remain,
Sir,
Your most obedient servant,

P. Thirukuttalalingam Pillai
17th January 1945.

21

CHITTOOR,
23rd August 1944.

12

MADRAS RECORD OFFICE 17 JAN 1945 MADRAS

From
P. Thirukuttalalingam Pillai,
Clerk,
Madras Record Office,
CHITTOOR.

To
The Curator,
Madras Record Office,
CHITTOOR.

Sir,

In February 1933 I was appointed as Referencer in the Rs.65-4-125 scale and that appointment was a direct appointment to that category under the Statutory Service Rules then in force. I became an approved probationer in the category of Referencers in February 1934 and continued as Referencer till 31-5-1936 on which date I drew a pay of Rs.77/-. After that date ~~nobody~~ nobody should have been appointed as Referencer unless he was a senior to me as an approved probationer in the category of Referencers. Till the reissue of the Ministerial Service Rules in 1939 Referencers and Upper Division Clerks constitute separate categories. I now understand that in September 1937 Sri.T.S. Padmanabha Rao (not an approved probationer in the category of Referencers but only in the category of Upper division clerks) was appointed as Referencer contrary to Statutory Service Rules and was subsequently confirmed as provisionally substantive Referencer in 1940. Under the Statutory Service Rules he should not have been appointed as Referencer in preference to me in 1937. Further he should not have been confirmed provisionally substative in a Referencer vacancy in 1940 in preference to me, a direct recruit and an approved probationer awaiting confirmation in that category.

So I beg to request that the orders referred to above may kindly be revised and I may be declared to have held the Referencer's post from 21-9-1937 and that I may also be confirmed as provisionally substative Referencer from 28-10-1940.

I beg to remain,
Sir,
Your most obedient servant,
Thiru
Sd. P./Kuttalalingam Pillai.

True Copy.

P. Thirukuttalalingam Pillai
17-1-1945.

56/20/4

13

Edn and P.H. De[pt.]

Memo 6883C/45-1 Edn., dated 20-4-45.

Madras Record Office - Sri. P. Thirukuttalingam Pillai, U.D. clerk - Claims to the post of Rofer[ence ...]

Ref letter from the Curator, M.R.[O.] No: 82A/45-1 dt 13.2.45

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[initials] 20/4 cf pp 1-21 ante.

The Curator, M.R.O, is requested to forward to Govt. the service registers of Sri T.S. Padmanabha Rao and Sri. P. Thirukuttalingam Pillai for reference. He is also requested to state whether Sri. ~~Kuttalingam~~ Thirukuttalingam Pillai was ever declared to have satisfactorily completed his probation.

[initials] 15/4/45

[signature] 18/4/45

To The Curator, M.R.O.

Despd K.H 21-4-45

Registered Post-Ack.Due.

No.588 A/45. Madras Record Office,
Chittoor, 23-4-1945.

From

Rao Bahadur Dr.B.S.Baliga,Ph.D.(Lond.),
Curator, Madras Record Office, CHITTOOR.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.

SECRETARY TO GOVERNMENT
EDUCATIONAL & PUBLIC HEALTH DEPT.
25 APR 1945

Sir,

Sub:- Madras Record Office - Sri.P.Thirukuttalalingam Pillai, Upper Division Clerk - Claims to the post of Referencer.

--

Ref:- Education and Public Health Department Memorandum No.6883 C/45-1 Education dated 20-4-45.

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The Service Register of Sri.P.Thirukuttalalingam Pillai is enclosed. The Service Register of Sri.T.S. Padmanabha Rao has been sent to the office of the Controller of Naval Accounts, Bombay, where he has been employed since 1st June 1943. I am asking the Controller of Naval Accounts to return it urgently and as soon as it is received I shall forward it to the Government.

P.T.O

-25-

2. Sri.P.Thirukuttalalingam Pillai was declared to have satisfactorily completed his probation as a Clerk in the lower division in this office order No.457 A/36 dated 2-7-36, a copy of which is enclosed. An entry to that effect has also been made in his service book. No such order was issued on his completing probation as a Referencer. However, under rule 9(c)(iv) of the Old General Rules for Subordinate Services issued in G.O.947 Public Services dated 10-9-1934, when no order was issued within 3 months after the expiry of the prescribed period of probation, the individual had automatically to be deemed to have satisfactorily completed his period of probation.

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CURATOR.
24-4-1945.

SA/

Copy of Office Order R.Dis.No.457 A/36 dated 2-7-36.

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OFFICE ORDER.

The following individuals are deemed to have completed their probation satisfactorily in the Madras Ministerial Service as Clerks Lower Division on the dates specified against each.

1. R.Venkatesalu	--	30-4-29
2. M.Natesan	--	8-9-30
3. R.P.Alwarappan	--	21-10-30
4. P.Thirukuttalalingam Pillai		13-5-31.
5. R.Nageswaran	--	13-6-31
6. P.Kannan Menon	--	8-8-31.
7. V.Varadachari	--	10-8-31.
8. G.Jayapalsami	--	11-10-32
9. G.K.M.Achutha Kurup		9-11-32.
10. K.Govinda Rao	--	23-6-36.

(Sd) B.S.Baliga,
Curator.
23-7-36.

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Regd. Post. Acknd.

-27-

No.588 A/45.

Madras Record Office,
Chittoor, 12-5-1945.

16

From

Rao Bahadur Dr.B.S.Baliga,Ph.D.(Lond.),
Curator, Madras Record Office,CHITTOOR.

To

The Secretary to Government,
Education and Public Health Department,
Fort St.George,MADRAS.

21931

POST. SECRETARY TO GOVT.
15 MAY 1945
EDUCATION AND PUBLIC HEALTH DEPT.

Madras Record Office - Sri.P.Thirukkuttalalingam Pillai - Upper Division Clerk - Claim to the post of Referencer.

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Ref:- Education and Public Health Department Memorandum No.6883-C/45-1 Edn., dated 20-4-45 and this office letter No.588 A/45 dated 23-4-45.

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In continuation of this office letter cited above,

-28-

-2-

above, the service book of Sri.T.S.Padmanabha Rao, which has been received from the office of the Controller of Naval Accounts, Bombay, is forwarded herewith for reference and return.

CURATOR.
12-5-1945.

SA/ 12.5.45

48/23/7.

17-28

Edn. & P.H.

Madras Record Office - Sri P.Thirukkuttalali Pillai, Upper division clerk - Permitted to dra pay in old scale.

From Sri P.Thirukkuttalalingam Pillai, Clerk, Madras Record Office, dated 17-1-45.
From the Curator, M.R.O., No.82 A/45-1 dated 13-2-45

ORDER Ms. 1116 Edn., dated 23.7.45

His Excellency the Governor directs, in exerci of the powers conferred by sub-section (5) of Section 241 of the Government of India Act, 1935, [redacted] be relaxed the relevant rules to the extent necessary to permit Sri P.Thirukkuttalalingam Pillai, Upper divisi clerk, Madras Record Office to draw pay in the old scale of Rs.65--4--125 with effect from the date of

-2-

order.

2. The Curator is requested to inform ~~the~~ Sri P.Thirukkuttalalingam Pillai that his other requests cannot be complied with.

21/7/45

20/7/45

To the Curator, M.R.O. (with ...) Chittoor.
To the A.G., thro' Fin.
To the Public (Ser) Deptt.
" Secretary, M.P.S.C.

C.No.68830/45, From the Curator, M.R.O., No.32 A/45- 13-2-45.

Establishment - Madras Record Office - Sri P.Thi... lingam Pillai, Upper division clerk - Claims to ... of Referencer.

The Curator, M.R.O. has forwarded a petition from Sri P.Thirukkuttalingam Pillai, Clerk, M.R.O., questioning certain appointments made by the Curator. The Curator has boiled down the petitioner's contentions into 9 in number. They are examined below:-

Contention (1).- According to para 1(6) of the old general rules for Subordinate Services issued in G.O.712 Public (Ser) dated 2-7-1929, a candidate was said to be "recruited or appointed direct' when at the time of selection or appointment he was not a member of a subordinate service. Membership of service was then confined to persons who had been appointed substantively thereto - see para 1 of G.O.1193 Public (Ser), dated 29-11-34. The petitioner in this case was first recrui[ted] as a lower division clerk and had not been confirmed ~~xxxxx~~ in that post when he was promoted as Referencer in 1933. He therefore claims that his appointment as a Referencer should be regarded as having been made by direct recruitment.

Para 2 of the Curator's letter answers this contention. This department may agree with the Curator's conclusion that the petitioner's claim to be regarded as a direct recruit to the post of Referencer is not tenable.

A 12/7/45

Contentions (2) to (4).- At the time of his officiating promotion as a Referencer (1933), there was no probation for promotion from the posts of L.D.clerks to those of Referencer[s]. Probation for persons promoted from one category to another was introduced for the first time in the revised general rule[s] issued in 1934 - see rule 14(d) (i) of those rules. The petitioner's contention that he had completed probation in t[he] post of Referencer on 3-2-1934 and had acquired a right for confirmation in that post is not valid. The petitioner rais[ed] the same point in 1936 - see G.O.1274 Edn., dated 16-6-1936.

B 12/7/45

Contentions (5) and (6).- Please see para 3 of the Curator's letter. In G.O.No.977 Edn., dated 27-4-1938 the rule regarding probation was relaxed in favour of Thyagarajan t...

...confirmation in the post of Referencer. His confirmation cannot therefore be questioned now.

~~~ons (7) and (8).- Please see paras 4 and 5 of the ...'s letter. Presumably Sri Padmanabha Rao did not officiate *until 1937* ...e post of Referencer subsequent to 1928. It seems that his ... should be regulated by clause (d) of rule 17 of the ~~...~~ ...eral rules *issued in 1934*. Clause (c) of the above rule does not seem to ...ly to him as he was neither on duty as Referencer on the date ... issue of the Madras Ministerial Service Rules nor was he absent ...n duty in such post on that date on leave. Under the proviso ... rule 17(d) he could not by virtue of his service as Referencer ...n 1928 claim to be regarded as a probationer in the category of ...eferencers on 21-9-37 when an officiating vacancy arose in that ...tegory. His service *in 1928* could not also count for seniority in that ...tegory - see the proviso to general rule 13 (1934). In this ...ew the petitioner being an approved probationer in that category ...ould have been appointed to the vacancy. It was this ~~wrong~~ ...pointment which entitled Padmanabha Rao to be confirmed in the ...rmanent vacancy which arose in 1940. For the reasons stated ... paragraph 8 of his letter the Curator considers that it will ... **difficult** to revise now the office arrangements made several ...ears before. His suggestion that the petitioner may be regarded ... having held the post of upper division clerk from the 1st to ...e 10th October 1937 is opposed to facts. In view however of ...e special circumstances of the case an order under section 241(5) ...f the Government of India Act, 1935, may perhaps be issued ...eclaring that the petitioner is entitled to the old scale of ...ay in the category of upper division clerks.

The file may be sent to Public (Services) and Finance for ...emarks.

(Margin notes: A; B 19-6-31; C. Was he ever declared to have satisfactorily completed his probation? [initials] 12/4/45; p 24 of the pamphlet (printed); p 23 cf; p 3 cf; p 4 cf; X)

[initials] 10/4/45

On pps 7 & 8, I think further information is necessary in the form of confirmation of the presumptions at A & B. We want a history of Padmanabha Rao's service from 1928 onwards. Also the petitioner's services. Better call for the 2 service registers & also for a reply to C above.

[initials] 12/4/45

A draft memo to the Curator, M.R.O., is below for approval.

[initials] 15-4-45 [initials] 16/4/45 [initials] 18/4/45

[Issued as Memo. 6883C/45-1 Edn., dated 20-4-45]

C.No.18658, From the Curator, M.R.O., No.588 A/45 dated 23-4-45

Please see the reply from the Curator, M.R.O., on pp. 24-25 cf. He has stated that the service register of Sri T.S. Padmanabha Rao has been called for from Bombay. This may lie over till the service Register is received.

[initials] 25/4/45 [initials] 26.4.45 [initials] 27/4/45

C.No. 21931, From the Curator, M.R.O., No.588 A/45 dated 12.5.45 (p. 27-28 cf)

The Service Registers of Sri T.S. Padmanabha Rao and Sri P.T. Kuttalingam Pillai are placed below. The statement at (5) shows the history of service of these two clerks in so far as it relates to the petition in question.

2. 'A' and 'B' on p 2 ante.

(i) Sri T.S.P. Rao officiated as Referencer for the first time from 1-10-1928 to 21-12-1928 and drew pay at Rs 65/- p.m. On 9-8-1933 he was confirmed as L.D. Clerk and thereafter no officiating pay would have been admissible if he had again acted as Referencer. It is apparently for this reason that he was not promoted as Referencer till 21.9.37. He acted as such from 21.9.1937 to 10.5.42 and was given during this period only his substantive pay as L.D. Clerk (Rs 40-80). But from 10.4.32
~~~

...5-36 he acted as U.D. Clerk (Rs65-4-85) (Print Section) and drew pay in that scale.

(ii) As regards Sri P.T.K. Pillai, he first acted as Referencer on 4.2.1933, more than four years after Sri T.S.S. Rao had acted in that capacity; but he completed his probation as Referencer earlier than Sri Rao. On the latter was all along holding a post of Upper Division clerk. When an officiating vacancy in the Referencer's post arose on 21.9.1937, Sri Pillai had a prior claim to be appointed in the vacancy in as much as he was an approved probationer.

'C' on p 2 ante.

The Curator states that order was issued declaring Sri Pillai to have satisfactorily completed his probation as a Referencer. In the absence of such an order, Sri Pillai should be deemed to have satisfactorily completed this period of probation on the due date. vide 9(c) iii) of the Ed genl rules for Subordinate services.

p 25 cf

p/14-15 of Pamphlet (Part 4)

4. The file may be sent to Pub.(Ser) and Fin for remarks, whether on A/B on f1 ante & Y on f2 ante & also whether X on f2 ante may be accepted.

19.5.45

22/5/Ser

Pub(Ser)
Finance

6883C/45-2 Edn
24.5.45

ASSISTANT REGISTRAR TO GOVT. 19275 24 MAY 1945 CHIEF SECRETARIAT

Atonp 1 cf

(I-1) (F4)

see top of p 4 c.f

(P) p2

Public (Services) Departm

Please see the petition on pp.7-20 c.f. from Sri P.T. kuttalingam Pillai, an upper division clerk in the Madras R Office. The petition is a long drawn out one and contains m unnecessary material. But the Curator, Madras Record Office, analysed it and has offered his remarks on the import ant points raised in it -- see the Curator's letter on pp.1-5 c.f. As observed by him, the petitioner calls in question a series of appointments and postings made in the Madras Record Office during the last 8 or 9 years and calls to his aid several rules which were in force from 1929 onwards, and which have been amended and re-amended several times. So, at this distance of time it is difficult to estimate the correctness of many of his contentions and the interpretation put on many of the rules. Ordinarily, such a petition ought not to be considered at the present time -- see the instructions issued in U.O. Note No. 1189(O)/42-1 dated 17-11-1942. But, as the subject matter of the petition relates to his pay it may be considered now. If it is deferred for future consideration, the position will become only worse.

2. It would appear that the petitioner himself would have allowed matters to lie over. But a ruling of the Accountant-General deprives him of the old scale of pay of Rs.65-4-125 and allows him only the new revised scale of pay of referencers and upper division clerks in the Madras Record Office, namely, Rs.55-5/2-70-7½/2-100 under the first proviso to rule 4 of the rules in G.O.No.169, Public (Services), dated 29-1-1938. If he had begun to hold the post of an upper division clerk or that of a referencer some 10 days earlier, that is, from 1-10-37 instead of from 11-10-37, he would have drawn, under the rules, the old scale of pay. This is the reason why he had ranked up this old matter.

3. The requests of the petitioner are summarised in the concluding paragraph of his petition on pp.19-20 c.f. They requests are:-

(1) that the confirmation of Sri T.S.Padmanabha Rao be cancelled and the petitioner be declared to have held the post of referencer from 21-9-37 to 10-10-37 and confirmed as referencer at least from 28-10-40.

or alternatively

(2) he may be declared to have held the post of Referencer from 21-9-37 to 10-10-37 so that he may become eligible to draw pay in the scale of pay of Rs.65-4-125. He contends that he may be regarded as a direct recruit to the category of Referencers from 4-2-33 and considered to have completed his probation from 3-2-34 and established a prescriptive right to be confirmed in his turn. How far this contention is sustainable is discussed in para 2 on p.2 c.f. This department may accept the view taken by the Curator and agreed to by the E.& P.H. Dept. that this contention is opposed to both rule and practice. It may also be emphasised that the irregular appointments referred to by the petitioner as well as the Curator were made at a time when the Service Rules were in a fluid condition and ~~were~~ not adhered to strictly.

This department may also agree that there is no case for reopening the question of Sri T.Thiagarajan's confirmation.

The Curator is prepared to admit that technically the petitioner had a better claim than Sri T.S.Padmanabha Rao, to be appointed on 21-9-37 in the officiating Referencer's vacancy which arose on that date -- see paras 4 and 5 on p.3 c.f. In para 8 on p.4 c.f., ~~the Curator~~ he points out that there are considerable difficulties in revising the appointments made several years ago. To avoid all the difficulties ~~the~~ he Curator suggests that the petitioner may be regarded as having held the post of an upper division clerk from the 1st October to the 10th October 1937. He adds that there was actually a vacancy during those days. It is for consideration how far it would be proper for Govt. to say that a person held a post when actually he did not perform the functions attached to it, nor was he shown on paper at least to have been appointed to it.

4. As shown in para 7 of the Curator's letter on p.4 c.f. the petitioner's case is a hard one and would justify a relaxation of the relevant rules in order to enable him to draw the old scale of pay. This department may therefore agree to the suggestion of the E. & P.H. dept. at 'X' on p.2 ante and pass on the file to Finance Dept.

This dept. may ask for the circulation of the file to A-1 also.

23.6.45

The petitioner seems to have a case. As stated by E+P.H at C on p 2 ante + at N on p 4 ante he had a better claim for reappointment as referencer on 21.9.37 than Sri T.S. Padmanabha Rao. If he had been appointed then he would have been entitled to the old scale of pay of Rs 65-4-125. In the circumstance the rules may be relaxed in his favour so as to enable him to draw that scale of pay now.

25/6/45 CS

30/6/45

This needs (F.I.)

Pub (Ser)
No 19275/45-I
2.7.45

ASST. SECRETARY TO GOVERNMENT
2 JUL 1945
FINANCE DEPARTMENT

Fin No 30052 Ed. I.
6.7.45

12/7

10 JUL 1945

30933

Accepted
12/7/45

The proposals of E+P.H at A, B & Y of ff 1-2 above are purely administrative matters with which this deptt is not concerned.

As regards their proposal at X of p 2 above this deptt may accept the suggestion of Pub (Ser) at A above.

3.7.45

14 JUL 1945

9/7/45

5.7.45

Edu and P.H Dept

The file may be circulated to A4 and A1. The case is not within the rule of Public Dept at 8-7 ante. The proposal at Y above may be accepted.

10/7/45

A4/A1

E4 P.M.(C)

A draft order is submitted below for approval. ~~Finance~~ ~~may see before issue~~.

SR
18/7/45

20/7/45

21/7/45

No.588 A/45. 31 JUL 1945 34428 Madras Record Office, Chittoor, 30-7-1945. 22

From

Rao Bahadur Dr.B.S.Baliga, Ph.D.(Lond.),
Curator, Madras Record Office, CHITTOOR.

To

The Deputy Secretary to Government,
Education and Public Health Department,
Fort St.George, MADRAS.

Sir,

Sub:- Madras Record Office - Sri.P.Thirukuttalalingam Pillai - Service Book - Receipt - Acknowledged.

Ref:- G.O.Mis.No.1116 Education dated 23-7-1945.

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I acknowledge the receipt of the Service Book of

of Sri. P. Thirukuttalingam Pillai, Upper Division Clerk, Madras Record Office, returned with the Government Order cited above.

B. George
FOR CURATOR.
30-7-1945.

SA/

30.7.45.

Edn & P.H. Dept (C)

May be filed with G.O. 1116 Edn., dated 23.7.45.

1/8/45

SR 31/7 1/8/45

23