close
MS

Sectt. II-27-[illegible]906—23-11-42.

Ed. P.H. (1945) Department.

MS. SERIES. ①

G.O. No. 359 Edu.

Dated 10-3-1945 9

Error at p.20

[Despatch Abstract.]

Establishment - Office of the Director of Public Instruction - Sri P.V.Ramanaiah, Clerk - Seniority - Appeal rejected.

Back papers.

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

Further papers.

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

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(2)

From

P.V.Ramanaiah, B.A. (Hons).,
Clerk, Office of the Director of Public Instruction,
M A D R A S.

To

The Secretary to Government,
Education and Public Health Department,
Fort St.George, MADRAS.
through
The Director of Public Instruction, ✓
MADRAS.

C.472 F/44
1-NOV1944

gk

Sir,

I beg to request the favour of your kind leave to submit the following few lines for your kind perusal, sympathetic consideration and favourable orders.

2 I beg to appeal to the Government against the orders of
the Director of Public Instruction, Madras, contained in his
p 13 infra proceedings L.Dis.No.427-F/44, dated 18-10-44 (copy enclosed).
The orders, Sir, are somewhat strange. The proceedings read
p 17 infra a reference from the Madras Public Service Commission with
which I was not at all expected to be acquainted, nor was
a copy of it enclosed to me along with the proceedings. Even
after securing a copy of the Service Commission's letter in
question, I find in it no reference to me or to the question
of my seniority. I submit herewith a copy of the Service
p 17 infra Commission's letter for kind reference and perusal. Anyway
there is a similarity in subject-matter between the proceedings
in question and my petitions dated 22-8-44 and 29-8-44, addressed
pages 9-12 infra to the Deputy Director (Personnel) to reconsider and revise
the orders regarding my seniority contained in the Office
p 13 infra Order No.110/44, dated 17-8-44, which I considered was unjust
to me. (copies of my petitions and of the Office Order mentioned
pages 9-13 infra above are enclosed for reference and perusal). I am therefore
led to believe that the orders in the proceedings mentioned
above really relate to my petitions, although the petitions
are not quoted in the proceedings. And with this belief I am
submitting this appeal to Government.

The

p 13 infra

3 The Office Order No. 110/44, dated 17-8-44 declared me junior to one N. Balasubramanian who was given precedence over me in the matter of promotion from the lower division to the upper division. As this was unjust to me, I petitioned to the Deputy Director (Personnel) (Vide my petitions dated 22-8-44 and 29-8-44--copy enclosed) to reconsider and revise the orders in the office Order No. 110/44 dated 17-8-44 so as to grant me my just seniority over Sri. Balasubramanian. In reply to my two petitions of August last, I believe, I have been favoured with the proceedings of the Director L. Dis. No. 427-F/44, dated 18-10-44 with the orders that my present seniority needs no revision, which I should take it to mean that I must be ~~gx~~ junior to Sri. Balasubramanian. Hence my present appeal.

pages 9-12 infra

p 13 infra

p 13 infra

4 Sri. Balasubramanian's case vis-a-vis mine has been represented at length, with all the details that I could muster, in my petitions dated 22-8-44 and 29-8-44 (copies enclosed). None of the facts contained in my petitions have been refuted in the orders served to me. I therefore take them to be correct.

pages 9-12 infra

5 When Sri. Balasubramanian was proposed to be promoted to the upper division in July last (he was then a probationary lower division clerk), the office does not appear to be without doubt as to Sri. Balasubramanian's eligibility to the proposed promotion. This can be evidenced from the fact that the office referred Sri. Balasubramanian's case then to the Madras Public Service Commission for their opinion. Even before the receipt of the Service Commission's reply, even with the doubt persisting as to Sri. Balasubramanian's eligibility for promotion, and even overlooking me who was eligible to that promotion without the least shadow of doubt, Sri. Balasubramanian was promoted to the upper division on 12-7-44. Later on the Service Commission's

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reply in the matter was received in the Commission's letter No. 3134-E.4/44, dated 19-7-44 (copy enclosed), to the effect that Sri. Balasubramanian was not eligible to promotion till the completion of the probation which he was then undergoing as a lower division clerk in this office. As stated in my petitions the probation of Sri. Balasubramanian was a statutory obligation on him. Even in the face of the Service Commission's letter dated 19-7-44 mentioned above, Sri. Balasubramanian was continued in the upper division post till its cessation for him. The slighting of the Service Commission's opinion did not stop there; for, irrespective of the Service Commission's letter mentioned above, Sri. Balasubramanian was again promoted to the upper division on 7-8-44, again overlooking my case. No thought seems to have been bestowed by this Office on the above obvious irregularity until I appealed against it in my petitions dated 22-8-44 and 29-8-44 (copies enclosed). Sri. Balasubramanian's case seems to have been again referred to the Service Commission (with a view perhaps to leave no stone unturned for him) and the latter's reply seems to be the reference quoted in the Director's proceedings L. Dis. No. 427-F/44, dated 18-10-44 of which° I enclose a copy. There is an astonishingly marked difference between the opinion contained in the Service Commission's letter dated 19-7-44 and that contained in their letter dated 4-10-44, and the two in their conclusions even seem to be contrary to each other. This difference and contrariety appears strange and somewhat unaccountable, for there has been absolutely no change between July last and now in the circumstances affecting Sri. Balasubramaniam's case under reference. No rule or G.O. is however quoted in the Service Commission's letter dated 4-10-44 to support their justification of Sri. Balasubramanian's promotion irrespective of the completion of

p 15 infra

p 15 infra

pages 9-12 infra

p 13 infra

° i.e. Service Commission's reference.

No: They explain rules.

pages 15 and 17 infra

The former letter did not have bearing on promotion.

p 17 infra

of his probation as a lower division clerk. This justification appears to me, Sir, a bit engineered and manoeuvred. It is not known what meaning his probation as a lower division clerk has or can have if, even without and prior to its completion, he is eligible for promotion to the upper division and has actually been promoted to the upper division;--for, is this not at variance with the spirit of the general rules of Public Service? Does this not violate the provisions of rule 34 (a) (ii) of the Madras Ministerial Service Rules, which lays on Sri.Balasubramanian the obligation of probation? Sri.Balasubramanian's first appointment as a lower division clerk was itself subject to the condition that he should put in a fresh probation as a lower division clerk. So his promotion to the upper division during the period of his probation as a lower division clerk, overlooking the undoubted claims of fully qualified approved probationers like myself to that promotion in preference to him, is still not free from doubt and objection. I have already endeavoured in my petition dated 29-8-44 ~~the~~ to show how Sri.Balasubramanian does not come under the purview of the concession given in G.O.No.4254, Public (Services), dated 7-5-43.[⊗] I have also shown, Sir, how Sri.Balasubramanian's promotion cannot be considered as from a typist to an upper division clerk under statutory rules and with particular reference to G.O.No.4254, Public (Services), dated 7-5-43, and how it has to be considered as from a lower division clerk to an upper division clerk, for was he not, prior to his promotion, transfered as a lower division clerk and placed under an obligation of putting in a fresh probation as a lower division clerk? and where is the authority under

p 273 of the Madras Services Manual vol III (Book No 29 b)

pages 11-12 infra

(A)

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which

[⊗] The application of this G.O. to the case of Sri Balasubramanian would, it will be clearly seen, be foisting on the G.O a certain measure of retrospective effect which does not seem to have been contemplated or intended by the authors of the G.O., i.e. the Government.

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9

which this obligation can be relaxed? It is therefore for the Government (who framed the statutory service Rules) to kindly adjudicate the case under issue.

6 Now a word, Sir, regarding promotion during probation. In the Secretariat lower division clerks are promoted to the upper division during their probation as lower division clerks. But they are not allowed the full benefits and privileges of regular upper division clerks; for, they are given a sort of semi-upper division status inas-much as they are given a pay of Rs.50/- per mensem (whereas the regular upper division scale starts from Rs.60/- per mensem) and their service till their completion of probation as lower division clerks does not count for increments in the upper division scale of pay. But the promotion got by Sri.Balasubramanian in the case under issue is not to any such semi-upper division status but to the full upper division status with all the benefits and privileges admissible to regular upper division clerks. Such a full promotion to the upper division during the period of probation in the lower division, thus rendering the probation meaningless, does not seem to be in consonance with the statutory service rules.

Please see however p17 & infra

7 So far in regard to justice. Even in cases where a deal of literal justice involves real hardship, there is the well-known equity, which the Government are aware, has had as much recognition as justice (by rule or law) itself. Even granting, with respect to the latest opinion of the Service Commission in the case of Sri.Balasubramanian, that he is eligible to promotion, am I not, eligible, Sir, in fair equity, to the same consideration as was shown to Messrs.M.R.Doraiswamy, M.Abdul Hamid and V.D.Chelliah, who

p 17 infra

were

were promoted to the upper division before and in preference to Sri.Balasubramanian during the current calendar year? I beg to state, Sir, that I am just on a par with the three clerks mentioned above, as we are all approved probationers in the category of lower division clerks with full qualifications for promotion to the upper division which are Pass in the Account Test for Subordinate Officers (Part I) and the Deputy Inspectors' Test. When the above-mentioned three clerks were considered senior to Sri.Balasubramanian and were promoted to the upper division in preference to Sri.Balasubramanian, I am painfully at a loss, Sir, to understand what really stood in the way of the Office extending to me the same consideration as was shown to them, for I do not lack any of their qualifications for promotion, nor did I ever lag behind any of them in the acquisition of any of the qualifications required for promotion from the lower division to the upper division. I am sore aggrieved, Sir, to find that out of the four (myself and the three clerks mentioned above) I alone should have been made a poor shameful victim of partiality in having been considered a junior to a probationer in the cadre to which the promotion in question relates, when the three above have been favoured with an escape from it. It may also be mentioned in this connection that whereas the promotion of Sri.Balasubramanian in preference to me is, as shown above, really a hardship to me, it would not have been equally hard to either of us or to any one else if his promotion were to come after mine, for there is no approved probationer below me who has all the qualifications required for promotion from the lower division to the upper division and whose claims would have to be considered just like mine vis-a-vis Sri.Balasubramanian's. Sri.Balasubramanian's promotion after mine would not have so much grievously affected any one, as its priority to mine has done me. Is it therefore, Sir, anything extraordinary that I am asking for in my humble request to grant me seniority over Sri.Balasubramanian in the matter of promotion from the lower division to the upper division? This is a case of comparative qualifications for promotion from lower division to upper division (clerks)--my completed and approved probation in the category of clerk to which the promotion in question relates versus Sri.Balasubramanian's confirmed status as a typist plus unfinished probation as a clerk (the other qualifications such as tests requisite for promotion being common to us). If, however, Sri.Balasubramanian's confirmed status as a typist with unfinished probation as a lower division clerk were at all to be preferred to completed and approved probation as a lower division clerk for promotion as an upper division clerk, I submit, Sir, that the three clerks mentioned above (Messrs.M.R.Doraiswamy, M.Abdul Hamid and V.D.Chelliah) should have also been considered junior to Sri.Balasubramanian as has been done in my case. But it was not so. I may also state in this connection that all of us were fully qualified for regular promotion to the upper division on the same date in virtue of our passing the Deputy Inspectors' Test in June 1944.

pages 299 and 308 of the Madras Services Manual vol III (Book No 296)

30-6-43 (para 3 on p 9 [illegible])

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p 5 ante (bottom)

8 I therefore request that Government may take a fair and equitable view of this case and grant me seniority over Sri.Balasubramanian.

9 Thanking you in anticipation of early favourable orders,

Please see overleaf for a list of enclosures.

Madras,
Dated. 1-11-44

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

Copy submitted direct to save delay.

8/

List of enclosures.

Copies of the following are enclosed.

(1) Director's proceedings L. Dis. No. 427-F/44, dated 18-10-44 — p 13 infra
(2) My petition dated 22-8-44 — pages 9-10 infra
(3) My petition dated 29-8-44 — pages 11-12 infra
(4) Office Order No. 110/44; dated 17-8-44. — p 13 infra
(5) Service Commission's letter No. 4299-E.4/44-1, dated 4-10-44. — p 17 infra
(6) Service Commission's letter No. 3134-E.4/44, dated 19-7-44 — p 15 infra

P. V. Ramanaiah
1-11-44

E&O H (B)

The receipt of the original submitted through the D.P.I.P. may be awaited till 1-12-44?

5/
1-11.44

point 8 overleaf

The clerk's request is that he may be declared senior to another clerk by name Sri N. Balasubrahmanian employed in the D.P.I.'s office. The order of seniority has been issued by the Dy. D.P.I (Personnel) who is the authority empowered to make appointments to posts of Supdts, clerks and Typists in the Director's office. The appellate authority is the D.P.I and not the Govt. It does not therefore seem necessary to await the original of this 'appeal'. May be lodged.

p 13 infra

p 284 of the Madras Services Manual Vol III (Book No 29-(b))

Last item on p 57 of the Madras Services Manual vol I (Book No 29)

2-11-44

from 2 on p 1 ante

But is there not an order of D.P.I. at top of p. 13 c. f.? Await orl. until 1/12/44

6.11.44

Copy of petition dated the 22nd August, 1944.

⑥ 9

From
P. V. Ramanaiah, B.A. (Hons),
Clerk, War Section.
To
The Deputy Director of Public Instruction (Personnel).
Through
The Senior Superintendent.

Sir,

1. Appealing, with ~~th~~ your kind leave, to your good sense of justice and equity, I beg to submit the following few lines for your sympathetic consideration and favourable orders.

2. I beg to appeal to you, Sir, for kind redress of the grave injustice perpetrated on me by the Office Order No. 110/44, dated the 17th August, 1944 which, while regularising the emergency appointments of some four of us, lower division clerks, to the upper division, unjustly concedes seniority to one N. Balasubramanian over myself. Ø I beg to submit the following facts and particulars which will bear out my case.

p 13 infra

3. I started probation as a lower division clerk in the Madras Ministerial Service on the 15th May, 1941 in the Surgeon-General's Office at Madras. After a break of five days in my service, I entered this office on 2-6-41 and has since been continuing in service as a lower division clerk without break. I satisfactorily completed probation as a lower division clerk in this office on 30-6-43. I passed the Account Test for Subordinate Officers (Part I) in June, 1943 and the Deputy Inspectors' Test in June, 1944. I am officiating in the upper division from 10-8-44.

4. I submit the following particulars regarding Sri Balasubramanian which have come to my knowledge from time to time. His first entertainment in this office was some time prior to my own entry herein in June, 1941. He was first entertained in this office as a typist and was later confirmed as such. In 1942 for the first time he was appointed by transfer as a lower division clerk in this office and later continued to act in that capacity off and on till his first promotion (under emergency powers) to the upper division on 12-7-44. I understand that his transfer from a typist to a lower division clerk in this office in 1942 was made in consultation with the Madras Public Service Commission and that the Commission then held that though he (Sri Balasubramanian) had been a confirmed typist, he should still put in a fresh probation of two years as a lower division clerk as required in the Service Rules (statutory). I understand also that Sri Balasubramanian's first appointment as a lower ~~divisi~~ division clerk in this office in 1942 was subject to the condition that he should put in a fresh probation as a lower division clerk as required in the statutory rules. This probation required of him he has not yet completed. I further understand that at ~~thexti~~ the time of his first promotion (under emergency powers) to the upper division in July, 1944, his case was again referred to the Service Commission and that the Commission held again that, inasmuch as service as a typist and service as a clerk belong to two different categories, he (Sri Balasubramanian) must put in a fresh satisfactory probation of two years as a lower division clerk as required by statutory service rules before he could be promoted to the upper division. The foregoing are factual statements culled from the best of my knowledge which may kindly be verified from the connected papers in the office which may kindly be called for and perused. I request that, among others, the decisions of the Service Commission mentioned above may be paid particular attention, although they are but explanatory corroborations of the statutory service rules concerned.

XX

p.t.o.

5 I beg to complain therefore that in spite of the statutory service rules, and notwithstanding also the decisions of the Service Commission (which seem to have been deftly brushed away into obscurity), Sri Balasubramanian was twice promoted to the upper division--on 12-7-44 and again on 7-8-44--overlooking my seniority to him and my consequent claims to those promotions in preference to him, with the result that I was made to suffer an amount of monitory loss which I least deserved. The iniquity, Sir, did not stop there. For, even when our emergency promotions were regularised in Office Order No.110/44, dated 17-8-44, he was conceded seniority over myself. This, I beg to submit, is not only highly unjust to me but also in contravention and violation of statutory rules. According to rule 34(a)(ii) of the Madras Ministerial Service Rules he (Sri Balasubramanian) cannot even be promoted to the upper division as he has not yet completed his probation as a lower division clerk. This being so, it is not clear, Sir, how not only has his emergency promotion been regularised, but he has also been granted seniority over myself, who is his senior according to the statutory rules, while otherwise we both possess the same qualifications requisite for promotion to the upper division in this office, viz., Account Test and the Deputy Inspectors' Test. There is however this all-decisive difference between us in that I have long ago (on 30-6-43) completed my probation as a lower division clerk and is therefore fit for promotion to the upper division, while he (Sri Balasubramanian) has yet to complete his probation as a lower division clerk. It may not be irrelevant or superfluous here, Sir, to mention that no one can have regular and full promotion from a lower cadre to a higher one during the period of one's probation in the lower cadre--this is according to the general rules of service.

p 13 infra

p 273 of Madras Service Manual Vol II (Book Nº 29-b)

pp 299 and 308 ibid

6 I therefore humbly beg to request you, Sir, to take a sympathetic view of the grave injustice and the serious iniquity done to me, to kindly reconsider the Office Order No.110/44, dated 17-8-44 and to revise it so as to kindly concede me my rightful seniority over Sri Balasubramanian, for which kind act I shall ever be grateful to you.

p 13 infra

7 I pray for early orders in this matter--if possible, before 31-8-44 on which date one of us two (myself according to the orders already passed*) has likely to be reverted. This request of mine, I beg to submit, is only out of anxiety that I should not suffer another iniquity while I can help it.

*i.e. the Office Order No.110/44 d.17-8-44

p 13 infra

I beg to remain,
Sir,
Your most obedient servant,
(Sd) P.V.Ramanaiah.

-True Copy-
P. V. Ramanaiah
1-11-44

Copy of petition dated 29th August, 1944.

From
P.V.Ramanaiah, B.A.(Hons),
Officiating Upper Division Clerk, War Section.
To
The Deputy Director of Public Instruction (Personnel).

Sir,

In my petition dated the 22nd August, 1944 I have submitted to you, through the Senior Superintendent, an appeal against Office Order No.110/44, dated the 17th August, 1944 which had conceded, unjustly and in contravention of statutory rules, seniority to Sri N.Balasubramanian over myself in the matter of recent promotions from the lower to the upper division among clerks in this office. Anticipating and apprehending my reversion to the lower division on the 31st August, 1944 in consequence of my juniority with reference to the Office Order cited above, and with anxiety that I should not be made to suffer one more injustice (I have suffered injustice already on two occasions, as shown in my petition dated 22-8-44), I prayed for early orders on my petition dated 22-8-44---if possible, before 31-8-44. But with deep anguish of disappointment I beg your kind leave to bring to your notice that I have heard nothing in reply to my petition, nor am I given to reasonably hope for orders before tomorrow's evening, while the Damocles's sword of my reversion on the morning of the day after tomorrow threateningly hangs over my head.

pages 9-10 ante

p 13 infra

pages 9-10 ante

do

2 Since the submission of my appeal petition dated 22-8-44, I am given to understand that Sri Balasubramanian's claims for seniority over myself are being sought to be justified with reference to G.O. No. 4254, Public (Services), dated 7th May, 1943. Let me, Sir, humbly point out that the above-cited G.O. has absolutely no application in or relevancy to the case of Sri Balasubramanian. For, the G.O. does but give a concession allowing candidates who have passed the Madras Public Service Commission's competetive test for selection as typists and steno-typists in the Madras Ministerial Service and who are working as such to be transferred as lower division clerks or promoted as upper division clerks without being required to pass the Service Commission's clerical examination. While the G.O. is so purported, Sri Balasubramanian's case is that of a typist who had, prior to the issue of the G.O. cited above, appeared to and passed the Service Commission's competetive test for selection as clerks. Thus Sri Balasubramanian has no need for the concession given by the G.O.

(A)

3 Besides Sri Balasubramanian was undergoing probation as a lower division clerk at the time of his emergency promotions to the upper division on 12-7-44 and on 7-8-44 as also at the time
of

of the regularisation thereof on 17-8-44. (He has not yet completed the probation.) This probation as a lower division clerk was required of him by the statutory rules (Madras Ministerial Service Rules) and, as I understand, by the Public Service Commission's clarification of the rules as also by the Office Order first appointing him as a lower division clerk in 1942. So his promotion as an upper division clerk is not from the rank of a typist but from that of a lower division clerk; and the irregularity about it is that the promotion to the upper division was during the period of his probation. The G.O. is thus, again, inapplicable in his case inasmuch as no relaxation of the rule in regard to the putting in of a fresh probation as a lower division clerk is made therein. His promotion as an upper division clerk and its regularisation while he has not completed probation as a lower division clerk (as it were by seeking to abruptly terminate it*) is against the statutory rules and cannot therefore be justified or ratified under the G.O. No. 4254, Public (Services), dated the 7th May, 1943 which is not at all relevant to the case under issue.

*i.e. the probation

(A)

4 My chief claim for seniority over Sri Balasubramanian lies in the fact that, both of us possessing the required qualifications regarding academic qualifications (in this I am better qualified than he) and the special and departmental tests, I have satisfactorily completed my probation as a lower division clerk long ago on 30-6-43 and am thus fully qualified for promotion to the upper division, whihe Sri Balasubramanian has yet to complete his probation as a lower division clerk. This and allied issues and points in question have been clearly and detailedly represented in my petition dated 22-8-44.

pages 9-10 ante

5 I once again earnestly pray for early orders and to save me from further injustices in this regard.

I beg to remain,
Sir,
Your most obedient servant,
(Sd) P.V.Ramanaiah.

Submitted to the Senior Superintendent in continuation of my petition dated 22-8-44, for early submission to the Deputy Director (Personnel).

(Sd) P.V.Ramanaiah,
Clerk, War Section.
30-8-44.

—True Copy—
Ro. Jamanadh
1-11-44

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(8)

Copy of the Proceedings of the Director of Public Instruction, Madras, L.Dis.No.427-F/44, dated the 18th October, 1944.

Subject: Upper Division - Promotion of - Appeal petition of Sri P.V.Ramanaiah, Clerk.

Read: Letter No.4299-E.4/44-1, dated the 4th October, 1944 from the Secretary, Madras Public Service Commission. p17 infra

The petitioner, Sri P.V.Ramanaiah is informed that his present seniority needs no revision.

Vide below

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Copy of the Office Order No.110/44, dated the 17th August, 1944 of the Office of the Director of Public Instruction, Madras.

Office Establishment - Officiating Promotions - Clerks (Upper Division) - Office of the Director of Public Instruction, Madras.

The Deputy Director of Public Instruction (Personnel) is pleased to regularise the emergency appointments to the Upper Division of the following clerks with effect from the dates noted against their names.

1. Sri M.R.Doraiswamy. . . . . . from 12-6-44.
2. Mr. Abdul Hamid. . . . . . . " 22-6-44.
3. Sri N.Balasubramanian. . . . . " 12-7-44.
and 4. Sri P.V.Ramanaiah. . . . . . " 10-8-44.

(Sd) P.Bhadriah,
Deputy Director of Public Instruction (Personnel).

—True Copy—
Ro. Jamanadh
1-11-44

⑨ 15

Copy of letter from the Secretary, Madras Public Service Commission, to the Director of Public Instruction, Madras No. 3134-E.4/44, dated 19-7-44.

Refce:-(Director's) letter R.C.No.290.F/44, dated--July 1944.

With reference to your letter cited above, I am to invite attention to rule 34 (a) (ii) of the Madras Ministerial Service Rules and to say that the period of probation prescribed in it is applicable except to the extent specified to each category in the Madras Ministerial service. As the posts of clerk and typist in the Madras Ministerial Service are included in different categories, a typist transferred as lower division clerk (which is not a case of promotion) must undergo the prescribed period of probation afresh. Sri.N.Balasubramanian should therefore be required to put in the period of probation in the category of clerk.

p 273 of the Madras Services Manual Vol III (Book No 29-6)

categories 15 and 18 (Pp 257 and 258 of the Manual)

- True copy -

1-11-44

16

True copy

16

17

Copy of letter from the Secretary, Madras Public Service Commission to the Director of Public Instruction, Madras, No. 4299-E.4/44-1, dated the 4th October, 1944.

Refce: (Director's) letter Rc.No.290-F/44, dated 12-9-44.

p 199 of the Madras Services Manual Vol I (Book No 29)

p 259 of Vol III (Book No 29 (b))

With reference to your letter cited, I am to say that General Rule 30(a) has no application to the case of Sri N.Balasubramanian, as he is already a full member of the category of typist and under rule 4 of the Special Rules for the Madras Ministerial Service, promotion is admissible from the category of typist to the category of upper division clerk.

2. Although he has to put in a fresh period of probation in the category of lower division clerk from the date of his transfer to that category, it is not necessary that he should complete his probation in that category as a condition precedent to his promotion to the upper division, as, quite independently of his position as a lower division clerk on probation, he is eligible for promotion to the upper division in his capacity as a permanent typist. His promotion is therefore unobjectionable.

rule 20(c) on pages 193-194 of Vol I

3. I am to add that his service in the upper division will count for his probation in the lower division.

-True copy-

R. Ramanathan 1-11-44

18

.65
4/12 @

(11) 19 E+H(B)

p.l.c.f.

CM 52055 from Sri O.V. Ramanaiah, clerk
Office of the D.P.I. d. 1.11.'44.

Appeal. Sri O.V. Ramanaiah, clerk office of the D.P.I. - For seniority.

52055 B/44-1 Edn. d. 4.12.44

Memo

An advance copy of the petition read above has been received in the Secretariat.

The D.P.I. is requested to expedite the submission with his remarks of the original ~~appeal~~ ~~referred to above, but~~ sent through ~~him~~ the Director.

2-12-44

To
The D.P.I./ ~~D~~ ~~.12.44~~ 5.12.44
2-12-44

20

~~25/10.3~~

Edn & P H Deptt (B)

Dis. 57721/44. Endt. of ~~the~~ D.P.I, R.C No 290 F44 of 7-12-44.

p 21 infra

Establishment – Office of the D.P.I – Sri P.V. Ramanaiah, Clerk – Seniority – Appeal – rejected.

Order MS No. 359 Edn dated 10th March 1945.

9/3/45

The D.P.I is requested to inform Sri P.V. Ramanaiah that the Govt. see no grounds to interfere on his behalf.

29-12-44

30.12.44

To
The D.P.I.

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(12) 21

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.C.NO.290-F/44, dated 7-12-44.

ASST. SECRETARY TO GOVERNMENT
8 - DEC 1944
EDUCATION AND PUBLIC HEALTH DEPT.

SUBJECT:- Appeal - Sri P.V Ramanaiah, Clerk, Office of the Director of Public Instruction, Madras - for seniority.

REFERENCE:
Appeal petition of Sri P.V.Ramanaiah, dated 1-11-44

Submitted.

(A)

p 17 ante

57721

2) The promotion of Sri N.Balasubrahmanyam, a permanent typist of the Office, to the Upper Division was made with reference to G.O.No.4254, P.S., dated 7-5-43 and in consultation with the Madras Public Service Commission. The total service under Government put in by Sri N.Balasubrahmanyam was taken into consideration in fixing his seniority for promotion, regard being had to the claims of those who had already been acting in the Upper Division. Since Sri P.V.Ramanaiah had his chance of acting as an Upper Division clerk only after Sri N.Balasubrahmanyam's promotion, there is no ground to revise the seniority of the petitioner in so far as promotion to the Upper division is concerned.

p 13 ante

7.12.44
for Director of Public Instruction.

To
The Secretary to Government,
Education and Public Health Department.

Eddy. 7-12.

7/12

C A B

Please retain a clean copy for file

71/4

(13) 22

Edn. & P.H. Deptt (B)

C.No. 5772/44. Endt. of the D.P.I., R.C. No. 290 F44, d. 7-12-44.

Office of the D.P.I. – Sri P.V. Ramanaiah, Clerk – Seniority.

p 21 cf

Memo No. 520 55 – 3. B. Edn., dated, 8-1-45.

~~In his~~ endt. read above, the D.P.I. has stated that the total service under Govt. put in by Sri N. Balasubrahmanyam was taken into account in fixing his seniority, regard being had to the claims of those who had already been acting ~~in the category of~~ Upper Division Clerks. The Director is requested to give details of the service put in by the clerk and also say how exactly ~~was~~ the total service was ~~reckoned and under what rule~~ dealt. He is further requested to say whether the same method of ~~reckoning~~ was applied in relation to Messrs. M.R.

The endt. cited above shows that Sri N. Balasubrahmanyam was promoted to the Upper Division earlier than Sri P.V. Ramanaiah on ~~grounds~~ considerations of seniority; ~~presumably~~ their merit and ability were ~~approximately~~ equal. The D.P.I. is requested to say how exactly ~~exactly~~ the seniority ~~of the two individuals~~ to Sri Balasubrahmanyam, with refer: to his 'total service' was taken in relation to Sri

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1931-32.

Forwarded to the Secretary to Government, Law (Education) Department, with copies of the Chairman's replies and the resolution of the Municipal Council.

L.F.5380
5.XI.32

Para 8 of the Audit Report. The entire sum of Rs.201-4-0 is still pending clearance in the objection books of the Audit Office.

G.V.Vyagrapuri Ayyar,

Dy:Examiner of Local Fund Accounts

(True copy)

Superintendent.

23

Duraiswami, M. Abdul Hamid and V. D. Chelliah, and if not, to specify the reason. ~~Particulars~~ about the service and ~~qualifications of these~~ clerks should, also ~~in addition~~, be ~~furnished~~.

p.7 f

Ve
6-1-45

S
6.1.45

To the D.P.I.

Call 80

Ramaniah ~~was fixed~~ and under what rule.

---

(14) 24

Government of Madras.
Education and Public Health Department.

.....

Memorandum No. 52055 - 3 B. Education, dated 8th January 1945.

Endorsement of the Director of Public Instruction, Re.No.290F/44, dated 7th December 1944. p.21 ante

Office of the Director of Public Instruction - Sri P.V. Ramanaiah, Clerk - Seniority.

*****

The endorsement cited above shows that Sri N. Balasubramanyam was promoted to the Upper Division earlier than Sri P.V. Ramanaiah on considerations of ~~senirety~~ seniority; presumably their merit and ability were approximately equal. The Director of Public Instruction is requested to say how exactly the seniority of Sri Balasubrahmanyam, with reference to his total service was fixed in relation to Sri Ramaniah and under what rule. The Director is further requested to say whether the same method of reckoning was applied in relation to Messrs. M.R. Duraiswami, M. Abdul Hamid and V. D. Chelliah, and if not, to specify the reason.

M.V. Subramanian,
Secretary to Government.

To the Director of Public Instruction.

Forwarded
/By order/

jn.

Superintendent.

Read the following paper:—

G.O. No. dated 19 .

DEPARTMENT.

Enclosures.

No.

Abstract.

Received 19 . Registered 19 .

25

B

(15)

R.C.No.290 F/44.

Office of the
Director of Public Instruction,
Madras, dated 24-1-1945.

03594
25-1-45

From

Dr. B. B. Dey, D.Sc.(Lond.), F.R.I.C.
Offg. Director of Public Instruction, Madras.

To

The Secretary to Government,
Education & Public Health Department, Madras.

Sir,

Sub: Appeal Sri P.V.Ramaniah, Clerk, Office of the Director of Public Instruction for seniority.

@@@@@

p 24 ante

With reference to Govt. Memo.No.52055-3.B. Edn., dated 8-1-45 I have the honour to state that for purposes of promoting the clerks mentioned in the Govt. Memo. quoted above, their total service was taken into consideration. The following statement shows the dates of their first appointment in the service and that of their promotion to the upper division.

			Date of first appointment. ~~(to the lower division)~~	Date of promotion.
1.	M.R.Doraiswami	...	4--5--38	12-6--44
2.	C. Abdul Hamid	...	27--6--40	22-6--44
3.	N.Balasubramanyan	...	10--7--37	12-7--44
4.	P.V.Ramaniah	...	15--5--41	10-8--44.

p 13 ante

It is therefore seen that Sri P.V.Ramaniah is the Junior-most of the clerks and that his promotion to the Upper Division after all the other clerks had been promoted, as ordered in my office order No.110/44, dated 17-8-44 (a copy of which has been furnished to Government by the petitioner), is in order. The name of Sri V.D.Chelliah is not found there, because, owing to his long leave for undergoing L.T. training, he had not acted as Upper Division Clerk after the June⊗examination of 1944 in which he fully qualified himself for promotion.

A on p.7 ante

⊗ Deputy Inspector's Test Part I.

2/ As regards Sri N.Balasubrahmanyan who takes the third rank, though he is the senior-most, having put in the longest service, the following facts explain the position. Sri N.Balasubrahmanyan, a permanent typist of my office was transferred as a lower division clerk. Though his seniority as well as his satisfactory work entitled him to the promotion he could not be promoted to the upper division because he had not completed his probation as a clerk and being a typist could not be promoted to the upper division direct. This was the position prior to the issue of G.O. No.4254, Public Service, dated 7-5-43. After the issue of the Government Order the status of Lower Division Clerks and Typists became identical in so far as promotion to the upper division was concerned. But, notwithstanding the order, there was still doubt with reference to service rules whether the typist, a probationer in the lower division, could be promoted. When, however, he put in a petition to me for considering his case for promotion, I promoted him under the emergency rule on 12-7-44 and at the same time made a reference to the Madras Public Service Commission in the matter. When it was known that his promotion was unobjectionable under the rules, his emergency promotion was regularised from the date of his promotion. In the circumstances, I am of the opinion that as the promotion of these clerks had been made with due regard to their total service, their present seniority in the upper division needs no revision.

(A)

p 17 ante

for Director of Public Instruction. 24.1.45

Sol
24/1

ANNEXURE II.

*Old Tinnevelly District Board, the North Tinnevelly District Board and the Major Panchayats in North Tinnevelly—Summary of transactions under the General Accounts—*1936–37.

	Old Tinnevelly District Board from 1st April 1936 to 4th January 1937.	New North Tinnevelly District Board from 5th January to 31st March 1937.	Total of all panchayat boards.
	RS.	RS.	RS.
A.—General Account—Receipts—Ordinary—			
(1) Taxation and miscellaneous revenue	2,89,612	32,803	52,300
(2) Government grants excluding grants in aid of general resources	1,04,076	33,672	..
(3) Contributions	5,317	24	366
(4) Remunerative enterprises	50,603	5,994	8,023
(5) Other receipts	1,75,378	68,476	3,189
Total ..	6,24,986	1,40,969	63,878
(6) *Deduct*—Contribution from General Account — Ordinary—to—			
(i) Lighting Account—Ordinary	..	..	..
(ii) Elementary Education Account—Ordinary ..	45,830	..	..
(iii) Water-supply and drainage account—Ordinary ..	..	..	..
(7) Receipts—Ordinary—General Account	5,79,156	1,40,969	63,878
(8) Total ordinary expenditure	5,52,928	1,00,468	52,224
(9) Surplus or deficit	+ 26,228	+ 40,501	+ 11,654
(10) Government grants in aid of general resources ..	..	..	..
(11) Net surplus or deficit	+ 26,228	+ 40,501	+ 11,654
B.—General Account—Capital—			
(12) Government grants	48,780	15,835	..
(13) Endowments and contributions	7,040	65	..
(14) Loans	..	12,000	..
(15) Other receipts	63	..	..
(16) Total receipts	55,883	27,900	..
(17) Total expenditure	79,328	25,868	1,608
(18) Net expenditure [item (17) *minus* item (16)]	23,445	— 2,032	1,608
(19) *Add*—Contribution from General Account—Ordinary—to—			
(i) Lighting Account—Capital	..	..	..
(ii) Elementary Education Account—Capital ..	..	..	..
(iii) Water-supply and Drainage Account—Capital.	..	..	..
(iv) Town-planning Account—Capital	..	..	..
(20) Total Capital expenditure from general revenues ..	23,445	— 2,032	1,608
(21) Net surplus or deficit after meeting Capital expenditure [item (11) *minus* item (20)] ..	+ 2,783	+ 42,533	+ 10,046
(22) Opening balance	2,950	16,595 *	11,669
(23) Closing balance	5,733 *	59,128	21,715
(24) Difference [item (23) *minus* item (22)]	+ 2,783	+ 42,533	+ 10,046

		RS.	RS.
NOTE.—Arrears (tax and non-tax items)	Not available.	7,911	8,421
Unpaid bills	..	5,090	..

* The difference between the closing balance on 4th January 1937 of the Old Tinnevelly District Board and the opening balance on 5th January 1937 of the North Tinnevelly District Board is due to the manner of division of the cash balance between the North and South Tinnevelly District Boards.

(17) E+PH(B)

pp1-7CF Cor. 52055 from Sri O.V. Ramaniah, clerk office of the D.P.I. d 1.11.44

p21 CF Cor 57721 from the D.P.I. Rc No 290-F/44 d 7.12.44

Appeal - Sri O.V. Ramaniah, clerk, office of the D.P.I - for seniority.

The appellant - Sri O.V. Ramaniah acting Upper Divn. clerk in the office of the D.P.I.. requests that he may be given seniority over Sri N. Balasubramanian another acting U.D. clerk in the same office.

para 3 on p9 CF

2. The appellant commenced probation as a L.D. clerk on 15.5.1941 in the office of the Surgeon-General. After a break of five days, he was appointed on 2.6.41 as a L.D. clerk in the office of the D.P.I. and completed ~~his~~ probation on 30.6.43. He was appointed to act as an Upper Divn clerk on 10.8.1944, in that office.

-do-

Para 4 on p9 CF

3. Sri N. Balasubramanian was appointed as a typist in the D.P.I's office and was confirmed in that post. In 1942 he was appointed as a L.D. clerk by transfer and continued to act as such till he was promoted as U.D. clerk on 12.7.44 under emergency provisions. This promotion was regularised subsequently.

p13cf

4. The appellant's grievance is that Sri N. Balasubramaniam was promoted as U.D. Clerk on 12.7.'44 even before he had completed his probation as L.D. clerk and in preference to the appellant overlooking his seniority. He appealed to the D.P.I. who and was informed that his present seniority needs no revision.

pages 9-12 cf

p13 cf

5. Against the orders of the D.P.I. the present appeal has been preferred. The D.P.I.'s remarks are on p ~~23~~ 21 cf. He states that the promotion of Sri N. Balasubramanian was made in consultation with the Madras Public Service Commission and that the total service put in by him was taken into consideration in fixing his seniority for promotion and that there is therefore no need to revise the seniority of the appellant.

pp 1-7 cf

p21 cf

6. The post of a U.D. clerk in the office of the D.P.I is a "selection post", appointment to which is made only on grounds of merit and ability, seniority being considered only where the merit and ability are approximately equal. The petitioner has therefore no right of appeal. Further the appointment of Sri N. Balasubramanian as acting U.D. clerk

Item 4 under Edn Dept in Annexure I on p. 280 of the Services Manual Vol III (Book No. 29(E))

rule 5 on p 259 ibid

B (18)

in preference to the appellant ~~is in~~ has been agreed to by the Public Service Commission ~~accordance with rules~~ and there ~~is~~ seems to be no case for interference.

p17 cf

7 ~~For orders~~ Public (Services) may see the case for remarks.

13.12.44

15-12-44

16.12.44

Pub: (Ser:)

E&PH wo no 52055 B/44-1 dt 18.12.44

61795 B/ 18.12.

ASSISTANT SECRETARY TO GOVT.
18 DEC 1944
CHIEF SECRETARIAT

Public (Ser.) Deptt.

Please see the E.& P.H. department's note above. As pointed out by the Commission in paragraph 2 of its letter on page 17 C.F. Sri Balasubramaniam's promotion as an upper division clerk while he was a probationer in the lower division was unobjectionable as he was already a permanent typist. As the posts of upper division clerks in the Director's office are 'selection posts', this department may agree with E. & P.H. that there is no case ~~case~~ for interference.

p 280 of MS Manual, Vol III (Bk. 45A)

The file may be returned to E. & P.H.

21.12.44

22.12.44

28/12/44

E&P.H.

Pub (Ser) wo no: 61795/44-1 28/12/44

11198

Edn. & P.H. Dept (B)

A draft order is submitted on p20 cf.

29-12-44

30.12.44

Consultation with the Commission was mainly on the question of the eligibility of Sri N. Balasubramanian for promotion to the U.D. & not on any question of comparative merits or seniority as between him & other candidates.

D.P.I.'s report on p. 21 cf. does not indicate that the choice was made on the ground of outstanding ability: on the other hand it shows that it was seniority that weighed (other things being presumably equal) and that for the purpose of reckoning seniority 'total service' was taken into account. How exactly was this reckoned, and under what rule? Was the same reckoning applied in relation to the other clerks mentioned at A at p.7 cf, and if not, what was the reason?

para 5 on p10 c.f.

4/1/45.

A draft Memo to the D.P.I is submitted.

6-1-45

6-1-45.

(Issued as Memo No 52055-B-3 d 8-1-45) p 24 cf

C No 3594. From the D.P.I, R.C No 290 F 44 d 24-1-45. p 25 cf

The D.P.I has answered the points raised in Secy's note above. Public may see again perhaps with refce. to further facts elicited at p. 25 c.f. and advise whether the D.P.I.'s action was correct.

27-1-45

29.1.45 S/ Pub.

There is no clear answer to the point how 'total service' was reckoned and with reference to what rule.

M.V.S.
30.1.45.

Rule 29(a) of the General rules says that the seniority of a person in a service, class, category or grade, shall be determined with reference to the date of his first appointment to such service, class, category or grade. Posts of upper division clerks and lower division clerks belong to different categories in the Madras Ministerial service. Sri M.R.Duraiswami and Md. C.Abdul Hamid are senior to Sri Ramaniah in the lower division, with reference to the dates of first appointment. The position of Sri Balasubramanyan is explained in para 2 of the Director's letter on p.25 c.f.

p 198 of the Madras Services Manual Vol I (Book No. 29)

categories 14 & 15 on p 257 of the Services Manual Vol III (Book No 29A)

V.R.
31.1.45

8.2.45 S/Pub.

It is not necessary to go here into the question whether Sri Balasubramaniam has a case as against Messrs Duraiswamy & Abdul Hamid. As far as Sri P.V. Ramaniah, the present appellant, is concerned, it is clear he has no case as against Sri Balasubramaniam.

9/2/45

Pub (Ser) Dept.

(Previous note of this dept. on p.3 ante)

The further notes on pp 3-5 above and the D.P.I.'s letter on p.25 c.f. may be perused and the file returned to E.P.H.

13.2.45 15.2.45

17/2/45 E & P.H.

06919
12/2/45
E.&P.H. R.O. No.
52055-4B.
12-2-45.
ASSISTANT SECRETARY TO GOVT.
12 FEB 1945
CHIEF SECRETARIAT

Pub(Ser) R.O.
6919/45
20.2.45

07332
20 FEB 1945
EDUCATION AND PUBLIC HEALTH DEPT.

E.&P.H. (B).

For orders whether the draft order on page 20 c.f. may issue.

20/2/45.
21.2.45

May issue. I agree.

6.3.45 S