

Put Away.
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Edu. & P.H.

(1946) Department.

Ms. SERIES.

G.O. No. 1645

Dated 24.8.1946

[Despatch Abstract.]

Pay-Director of Public Instruction's Office orders transfer of from Educational Institutions and subordinate offices in the city and in the mofussil-Orders passed.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	
(ms)	1511	Edu	25-9-45				
	2040	Rev	7-7-43				
"	715	PH	26-3-43				
"	2975	PH	26-9-42				

Further Papers.

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

C.F. 80.

Education

DEPARTMENT.

Received



Registered

19

Subject.

43020

Establishment--Office of the Director of Public Instruction,
Madras--Grant of Personal pay to clerks transferred from subordinate
offices to the office of the Director of Public Instruction--
Sanction of.

ENCLOSURES.

No.

R. G. No. 207-F/45.

Spare copies

Station Madras, Dated the 29th July 1946.

From (Name) Dr. S. R. U. Saver, M.A., D.Sc., I.E.S.,

(Designation) Director of Public Instruction,
Madras.

To The Secretary to the Government of Madras,

Education and Public Health Department.
Fort St. George, Madras.

Sir,

I have the honour to submit herewith a copy of the
petition from the clerks of my office brought on transfer
from subordinate offices in the City. Prior to their transfer
to my office, they were drawing their pay in the scale of
Rs. 30-3/2-45-2/2-55 plus presidency allowance of Rs. 6-8-0
per mensem. On their transfer to my office, their pay was
fixed at the next higher stage without taking into account
the Presidency Allowance drawn by them.

Now these clerks, request that the loss in their
emoluments as the result of their transfer may be compensated
by granting them personal pay every time there arises
difference in emoluments between what they are entitled to

of Rs. 37-3/2-70 and what they

would have got in the subordinate offices in the scale of Rs. 30-3/2-45-2/2-55 plus Presidency Allowance but for their transfer to my office.

In this connection I invite a reference to G.O.No.Ms.1511-Edn., dated 25.9.1945 sanctioning the grant of personal Compensatory Allowance to some clerks of my Office to be absorbed in future increments to cover the loss in their emoluments on account of the transfer. It is now understood, that Government in their Orders Nos.Ms.715 P.H. dated 26.3.1943 and Ms.2040 Revenue dated 7.7.1943 have sanctioned the grant of Personal Pay to Lower Division clerks transferred to the Surgeon-General's Office and Board of Revenue from 'B' and 'C' Class offices in Madras City to compensate the loss in their emoluments due to the transfer. Further it has also been ordered that Personal pay should be altered every time there arises a difference between the emoluments which they would have drawn in the City had not they been so transferred and the emoluments drawn by them in the Surgeon-General's Office and the Board of Revenue. Government have also approved the proposal of the Surgeon-General that transferees from mufassal in the scale of Rs. 30-3/2-45-2/2-55 may be granted an increment of Rs. 5/- in their pay in cases where the clerks have drawn atleast 1 increment in the scale + vide para 2 of G.O.No.715 P.H., dated 26.3.1943.

In view of the fact that these clerks have been transferred to my office for administrative necessity, it is not fair to make them suffer loss of emoluments. I therefore request that Government may be pleased to accord sanction that transferees in the scale of Rs. 30-3/2-45-2/2-55 plus presidency allowance may be granted personal pay every time there arises difference in emoluments between what they are entitled to draw in my office in the scale of Rs.37-3/2-70 and what they would be eligible to draw in the scale of Rs.30-3/2-45-2/2-55 plus presidency allowance, had they continued in the subordinate offices and that transferees from mufassal in the scale of Rs.30-3/2-45-2/2-55 may be granted an increase of Rs. 5/- in their pay in cases where the clerks have drawn atleast one increment in the scale.

I also request that I may be granted general permission on these lines since the transfer of clerks from subordinate offices to my office is quite necessary for administrative reasons.

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

M. S. S. S.
1.8.46
For Director of Public Instruction

Madras

Dated 28th March, 1946.

To
The Director of Public Instruction, Madras
Sir,

We the undersigned taken by transfer to your office beg to submit the following for your kind consideration and necessary action.

From the date of our joining this office, we are drawing a pay, less the Presidency Allowance which we were drawing in the offices from which we were transferred. We understand that the clerks and Typists taken by transfer in the past, have been granted a personal compensatory allowance to be absorbed in future increments to cover the loss in emoluments on account of their transfer from 'B' or 'C' class office in this office. A slightly different wording of the benefits conferred by the Government would have conferred on the transferees certain pecuniary advantages at a future date. The Government while sanctioning similar concessions to the clerks in the Surgeon-General's office and the Board of Revenue termed the difference in emoluments as "Personal Pay" instead of "Personal Compensatory Allowance" (Please vide copies of G.O.No.Ms.2975-P.H. dated 26.9.42 and G.O.No.2040-Revenue dated 7.7.1943 herewith submitted). Under the Fundamental Rules Personal Pay will be treated as part of pay for purposes of further financial consideration. Under the Civil Service Regulations the Personal pay will also count for pension. Further, the concessions granted by the Government in G.O.No.Ms.1511 Education dated 25.9.45 does not entirely redress the hardships and make good the pecuniary loss. The grant of personal compensatory allowance to be merged in future increments makes good only the immediate loss in emoluments but ultimately it makes the transferee a loser, the cumulative loss being in the arithmetical progression to his service. The following table will indicate the salary position of one of us in the subordinate office and in the Director's office.

Sri P. C. P. Somasundaram:-

Pay in the subordinate office in the scale of 30-3/2-45-2/2-55 plus Presidency Allowance.	Date from which drawn.	Pay as fixed in the Director's office.	Date from which drawn.
Rs. 33/- plus Rs. 6-8-0	21.6.45	Rs. 37 plus (2-8-0)	17.1.46
Rs. 36/- " Rs. 6-8-0	21.6.47	Rs. 40/- " "	17.1.48
Rs. 39/- " Rs. 6-8-0	21.6.49	Rs. 43/-	17.1.50
Loss:- From 21.6.47 to 16.1.48 at Rs. 3/- per mensem			
From 17.1.48 to 20.6.49 at Rs. 2-8-0 per mensem			
From 21.6.49 to 16.1.50 at Rs. 5-8-0 per mensem.			

It may be seen from the above that a transferee is made to suffer a loss in emoluments every time he earns a increment in the post from which he was transferred. A transfer to an 'A' class office naturally makes a transferee to assume duties of higher responsibilities and importance; and equity demands that he should not be made to suffer any pecuniary loss on account of their transfer. Further the undertaking that our seniority in this office would be fixed with reference to the date of our joining the Director's office obtained has deteriorated our status in this office as by such an undertaking, the chances of our promotion to

the Upper Division are few and far between. We are therefore made to suffer in either way namely pecuniary loss and retarding of promotion to the upper division. Of the two atleast the former deserves sympathetic consideration. On proper representation made to Government by the Surgeon-General and the Board of Revenue they have ordered in G.O.No.Ms.715-P.H., dated 26.3.45 and 2040 Revenue dated 7.7.45 as follows in cases analogous to ours:-

ORDER:- Sanction is accorded for the grant of personal pay to Lower Division clerks transferred to the office of the Board of Revenue, from any of the 'B' and 'C' Class offices in Madras City, to compensate for the loss, if any, in their emoluments due to the transfer. The amount of the personal pay should be altered every time there arises a difference between the emoluments which they would have drawn if they have not been so transferred and the emoluments drawn by them in the Board's office."

We request that Government may kindly be addressed for the sanction of similar benefit to us.

Lest we should be misunderstood, we may be permitted to state that our two requests are not unreasonable but have been based on what have already been sanctioned in two other 'A' Class offices in circumstances similar to ours. The Government have felt the hardships caused to the transferees and have rightly redressed them. In fine we request that the Director may be pleased to view our cases in their proper perspective and have the Government to grant us the benefits sanctioned to the transferees in the Surgeon-General's office and the Board of Revenue.

We beg to remain,

Sir,

Your most obedient servants,

sd. 1.P.C.P. Somasundaram,
29.3.46

2.M. Kandaswamy,
29.3.46

3.A. Naresimhachari
29.3.46

4.S. Natarajan,
29.3.46.

(True copy).

M. Channarayana
1.8.46

For. Director of Public Instruction.

sd
1/8

Pay - DPI's Office - Clerks transferred from
Eds. institutions and sub-ordinate offices in the
City and in the mufassal - orders passed

C.No. 43020 A/Hb, From the DPI, R.C. No. 207-F/U.S. & 29-7-46

Order No. 1645, Edn. & 24.8.1946.
MS

The Court approve the following
proposal of the DPI to remedy hardships
resulting from the transfer to ^{the} office of
Clerks from sub-ordinate offices and Eds.
institutions in the city and in the mufassal

(1) That transferees in the scale of
pay of Rs 30-55 plus Presidency Allowance
may be granted ^{compensatory allowance} personal pay every time
there arises a difference in emoluments
between what they are entitled to draw
in the DPI's office in the scale of Rs 37-3 1/2-70
and what they would be eligible to draw
in the scale of Rs 30-55 plus Presidency
Allowance but for the promotion and

(2) That transferees from the mufassal
in the scale of Rs 30-55 may be granted
an increase of Rs 5 in their pay in cases
where the clerks have drawn at least one
increment in the scale.

2. The pay of transferees from the Mufassal should be fixed in the scale of Rs 37-70 according to rules 22(a)(i) and 31 of the Fundamental Rules. The difference between the pay so fixed and the total emoluments of the transferee comprising his pay in the scale of Rs 30-55 plus Rs 5 referred to in para (12) should be treated as personal ^{compensatory allowance} pay to be absorbed in future increments. The statement in the appendix ~~illustrates the position in regard to the order in this para.~~

3. The pay of the signatories in the petition enclosed with the Director's letter cited should be fixed in accordance with the foregoing orders.

14/8/46
16-8-46
14/8/46
15-8-46

Appendix
14/8/46
15-8-46

The draft above follows the precedent in G.O. 715 P.H. 826.3.43. May be sent to Finance for acceptance.

14/8/46
15-8-46
15-8-46

Finance

44490CM
16 AUG 1946
ADVANCED DEPARTMENT

To The D.P.I.
A.C. and Fin

c/6ef
Ednvo 43020 A/W
15-8-46

3
7 in (C.S.A.)

The draft order may be accepted subject to the following remarks.

According to F.R. 9(23)(a) personal pay is granted to protect a Govt. servant from a loss of substantive pay. In the cases in question the loss proposed to be made good is not in substantive pay but in some allowance. Hence the allowance sanctioned to protect the loss may be ^{treated as} called personal compensatory allowance. E.P.H. may be requested to make suitable alterations in the draft.

20/8
20-8-46
17/8/46

No effect to callig it 'pay' as in @ 14.30.
The draft accepted as is.

44490CM
20-8-46

16 AUG 1946
22 AUG 1946
EPH
EDUCATION AND PUBLIC HEALTH DEPT.

2
= 2 =

I have in my letter R.C.No.207 F/45 dated the 29th July 1946 fully explained to Government how the transfer of these clerks was found necessary for administrative reasons and that therefore they should not be made to suffer financial loss by the transfer. Since Government servants would have continued in the offices from which they were transferred had it not been for their transfer to my office and drawn as pay the amount claimed as arrears, my action in having claimed the arrears due from the date of their transfer to this office is in order. As regards the other objection, it is submitted that the officiating clerks who were transferred were approved probationers and therefore there is no need to treat them differently from permanent Government servants for purposes of drawing the amount of arrears which they would have received had they continued in the offices from which they were transferred.

In the circumstances, I request that Government may be pleased to order that the arrear claims drawn on behalf of all the clerks are regular.

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

P. M. V.

for DIRECTOR OF PUBLIC INSTRUCTION.

Copy of letter T.9.VI.Edn.72. dated 16th June 1947 from the Accountant-General, Madras to the Director of Public Instruction, Madras.

SUBJECT: Establishment = Office of the Director of Public Instruction, Madras = Fixation of pay of certain clerks in the Office who were transferred from subordinate offices in the City and in the mufassal with reference to G.O.No.1645, Edn., dated the 24th August 1946.

REFERENCE: This office letter No.T.9.VI. Edn.17 dated the 17th April 1947 and your reply RC.No.5044 Fl/46 dated the 21st May 1947.

It is not clear from a perusal of the Government Order that it has been the intention of Government that the revision of pay of clerks should be with retrospective effect. The drawal of arrears of pay in the absence of specific Government orders to that effect is irregular and it may kindly be regularised by obtaining the necessary sanction. It is also noticed that the orders in paragraph 2 of the Government order have been applied to officiating Government servants also. The overpayments made in these cases require to be regularised.

2. A certificate to the effect that the Government servants would have continued in the subordinate offices but for their transfer to the Director of Public Instruction's Office should also be furnished in the case of officiating men to whom paragraph 1(1) has been applied and arrears drawn.

3
= 3 =

The entire amount drawn towards arrears of pay with reference to the Government order under reference is held under objection pending recovery of the amounts overpaid or regularisation under proper sanction of Government.

/True Copy/

P. M. V.

for DIRECTOR OF PUBLIC INSTRUCTION.

KAN.7/7

7-7

EdPH Dept.

Memorandum 55689 A-3 Edud. 3.12.47

Estt - Office of the D.P.G. Fixation of pay of certain clerks transferred from the subordinate officers in the City and in the mufassal.

Ref:- Letter from the D.P.G No 5044 F1/46 d 6.7.47.

The Govt direct that in the circumstances stated by the D.P.G in the letter read above, the orders in Go no 1645 Edud 24.8.46, be given retrospective effect. The A.G is requested to admit the arrears of pay claimed by the D.P.G on behalf of the clerks referred to in the letter read above.

pp1-2 CF 3/12

pp1-2 n 6 (U)

See on pp1-2

lps in 11.12.47

To The A.C. (Pro Fin)
The D.P.G.

CP
24.11.47
28/11/47

Copy of D.P.G's letter on pp1-2 CF

7437 11963

Memorandum
 To: The A.G. & The D.P.G.
 From: The D.P.G.
 Subject: Fixation of pay of certain clerks transferred from the subordinate offices in the city and in the mufassal.

Ref:— Letter from the D.P.G. no 5044 F1/46 d 6.7.47

The A.G. is informed that the demand of arrears of pay by the D.P.G. on behalf of the clerks referred to in the letter read above is in order.

To The A.G. & The D.P.G.
 (with encl.)
 The D.P.G.
 15.11.47

pp1-2 of ①

not to issue

Memorandum

Ed. d: 9

Estt - Office of the D.P.G. - Fixation of pay of certain clerks ~~also~~ transferred from the subordinate offices ~~and~~ in the city and in the mufassal.

Ref:— Letter from the D.P.G. no 5044 F1/46 d 6.7.47

The A.G. is informed that the demand of arrears of pay by the D.P.G. on behalf of the clerks referred to in the letter read above is in order.

CP
 15.11.47
 17/11/47

To The A.G. & The D.P.G.
 (with encl.)
 The D.P.G.
 15.11.47

Note:— The intention of the Govt in issuing the orders in G.O. no 1645 B. d 24.8.46 appear to be that the clerks who were transferred

Fin. (C.S.R.)

Please see the orders in G.O. 1645 EPH d. 24-8-46 and the A.G.'s objection on pp 2-3 CF. In the absence of specific orders sanctioning retrospective effect, the A.G.'s objection seems valid. But in the circumstances explained by the D.P.I. on pp 1-2 CF, Finance may agree to sanction being accorded for the drawal of arrears of pay and allowances in respect of the clerks and offy. clerks transferred to the D.P.I.'s office from the dates of their transfer to that office. E.P.H. may be requested to modify the draft memo suitably. Subject to the above remarks, the draft memo may be accepted.

22.11.47.

ASST. SECRETARY TO GOVERNMENT
EPH

The order can take effect only from the date and not retrospectively unless the intention to give retrospective effect is specifically ~~intended~~ stated. It cannot be said that the D.P.I.'s action is "in order". In view of the considerations ~~from~~ set forth by the D.P.I. retrospective effect may be given to the orders contained in G.O. no 1645 EPH dated 24/8/46. The draft may be suitably amended

Fin. no. No. 69546-CR.
22/11/47

EPH

MR
26/11/47

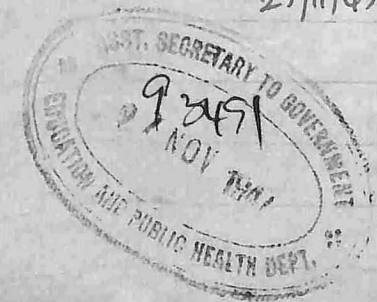
Ed PH Dept

With reference to the note of Finance above, a revised draft memo is submitted for approval.

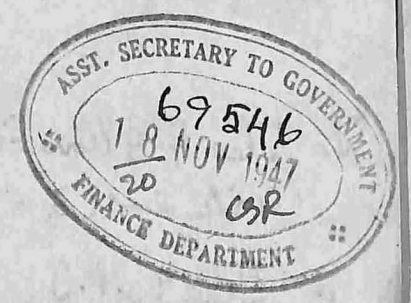
29.11.47
23/11/47

2/12/47

[Add papers
L.D. after issue]



from the subordinate officers in the City and in the annexal to the D.P.I.'s office for reasons of administrative convenience should not be made to lose in their emoluments on their transfers to the D.P.I.'s office. In the circumstances explained by the Director in para 2 of his letter on p2 CF, his action in drawing the arrears of pay of clerks from the date of their transfer to his office is in order. The A.G. may be informed accordingly. ~~Adopt~~ The draft memo enclosed is for approval. Finance may see the for a issue.



EPH no 55689A-2
18-11-47

15.11.47

17/11/47 Finance

