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Sectt. II-27-39,004-24-10-44

EdH (1946) Department.

He SERIES.

G.O. No.

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Dated

8.1.1946

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[Despatch Abstract.]

Public Services - Madras Educational Subordinate Service -
Sri M. Ramanathan, Officiating Assistant Professor - Confirmation -
Relaxation of rules - Refused.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
"	2615	Pub (sen)	31-10-45				
"	1967	Edu	1-11-45				
"	60	"	19-1-46				

Further Papers.

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

From

EDUCATION DEPARTMENT.

Dr. S. R. U. Savor, D.Sc.M.A., I.E.S.,
Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

R.C.No.578-C/45 dated 30-10-1945.

Sir,

Sub: Sri M. Ramanathan, Officiating Assistant Professor,
Presidency College, Madras - Request for confirmation
in the Subordinate Educational Service - Collegiate
Branch.

In submitting herewith the petition dated 12-10-1945 from
Sri M. Ramanathan, Officiating Assistant Professor of Physics
Presidency College, Madras I have the honour to state as follows:-

Sri M. Ramanathan, was selected for the post of Assistant
Lecturer in Physics as early as 1930. He was entertained for the
first time in January 1936 for a period of only 6 months from 10-1-36
After a break he has been continuously officiating in the subordinate
Educational Service Collegiate branch with effect from 18-8-39
The post of assistant Lecturer in physics, Government Arts College,
Rajahmundry fell vacant from 11-4-1943 consequent on the confirma-
tion of Sri M. Chayyappa in the Madras Educational Service. With
reference to the recent orders of Government all vacancies arising
on or before 1-4-43 should be left unfilled until further orders.
Hence Sri M. Ramanathan, could not be confirmed. As the case of
Sri M. Ramanathan is really hard, I request you to obtain the
sanction of Government permitting me to confirm him in the vacancy
referred above.

BR, 1-11. 11/11

[Signature]
1.11.45
for Director of public instruction.

(3) 113

M a d r a s, 10--10--45.

From: M. Ramanadham, M.Sc.,
Assistant Professor of Physics,
Presidency College,
M a d r a s.

To: The Secretary to ~~the~~ Government,
Education and Public Health department,
M a d r a s.

Through The Director of Public Instruction,
M a d r a s.

Through The Principal,
Presidency College,
M a d r a s.

S i r,

Subject:- Request for confirmation
as assistant Lecturer.

I beg to place before you the following facts in respect
of my confirmation which has been pending and which has not
been ordered so far, for your sympathetic consideration.

A I was selected by the Madras Services Commission for the
post of an Assistant Lecturer in the Subordinate Educational
service, as long ago, as 1930 June. I was first entertained
to the service in 1936, when I had the opportunity of serving
for about 2 months. Ever since my reappointment in 1939,
I have been continuing without a break in service and I have
completed six years of continuous service. I completed my
probation satisfactorily on ~~the~~ 18--8--41. I was not con-
firmed then, as there was ^{then} no permanent vacancy.

A permanent vacancy actually arose on 4--4--1943 at the
Arts College, Rajahmundry and I understand a few more have
arisen subsequently. Being the senior-most among those to
be confirmed, I applied to the Director of Public Instruction
for confirmation in the earliest of these vacancies but my
request was turned down. No reasons were however, assigned

P.T.O.

for turning down my request. But I understand that the latest war Government order banning confirmations in posts falling vacant after 4-4-1943 is standing in the way of my confirmation.

Hence I am making this appeal to you, in the hope that you may be pleased to pass orders, ^{such} that my confirmation may not be affected by the war Government orders for the following reasons:-

The declaration of the war and the subsequent passing of the Government orders from time to time took place, much subsequent to my selection to the service and to my entertainment into the service. Hence it is unfair to subject me to rules passed subsequent to my entertainment to the service which I took up with the full belief that my confirmation would take place as a matter of course, subject however to the rules then prevalent namely, that one should have completed his probation satisfactorily and that there should be a permanent vacancy.

ii. I left off a permanent place as a Lecturer in the Hindu College, Guntur to take up this appointment, with the hope of being absorbed into the service. Should my confirmation be either delayed or not ordered, I would be subject to a suffering, which is not of my own making but will be a consequence of the very unfair application of the war Government orders.

iii. Those selected long after, ~~may~~ selected after passing of war Government orders, under the express understanding that their selection is strictly on a temporary basis are being confirmed, the only condition insisted upon in their case being that substantive vacancies existed prior to 1-4-43

Whereas, my selection took place under no such conditions and in the year 1930-31 Hence I have a greater right to be confirmed than those who entered ~~the~~ service, knowing full well what would happen to them.

In this connection, I may be permitted to bring home to you the hardships of my case. I am now 39 years old and even if you should be pleased to order the confirmation with effect from 4-4-43, I would barely have 17 years of confirmed service to my credit at the time of retirement. It is needless to add what would be my state if my confirmation is not ordered at all. May I be excused if I am wrong in my feeling that a case as hard as mine has never existed in the history of service at all? May I point out, that it requires only four days ^{condonation} for the war Government orders not to become applicable to my case, ^{as the vacancy in which I am seeking for confirmation happened on 4-4-1943?}

I request, therefore, that ~~the~~ Government may be pleased to extend the same sympathy which it extended ^{even} to less deserving cases by modifying the orders from time to time, to my case also and pass orders enabling me to earn my confirmation in the earliest of the vacancies available.

I beg to remain,

Sir,

Your most obedient servant,

W. Ramanadham

WAC 620/45
10-10-45

Submitted to the Director of
Public Instruction Madras.

S. R. S. S. S.
10/10/45
Principal Presidency College
Madras.

Madras. 12--10--1945.

From

M. Ramanadham, M.Sc.,
Assistant Professor of Physics,
Presidency College,
Madras.

To

The Secretary to Government,
Education and Public Health department,
Madras,

Through The Director of Public Instruction,
Madras.

Through The Principal,
Presidency College,
Madras.

Sir,

Subject:- Request for confirmation as
Asst. Lecturer, in continuation
of application dated 10-10-1945.

pp 3-5 rule

In continuation of my appeal dated 10th instant (10-10-45)

I may be permitted to add the following to the grounds for
considering my appeal.

I brought to the notice of the Director of Public Instruction in my requests for confirmation, that the vacancy which occurred on 4-4-1943, (in consequence of the confirmation of a promotee to the Madras Educational Service with effect from that date) could have really occurred in July 1941. Therein, I showed that due to a place in the Madras Educational Service (Post of Professor, Presidency College) having been kept vacant from 1940 (even now it is vacant) and due to the promotees to the same service having been confirmed in later vacancies, though either of them could be confirmed in the above post - due to the above causes - vacancies in the Subordinate Educational Service arose later than they would have done normally and the last of them (at the time I made my application) arose on 4-4-43 instead of somewhere in ---

July 1941 as it would if vacancies in the Superior service had been filled up in the normal manner. If the post in the Superior service was kept vacant for some unintelligible reason which I cannot guess, I beg to submit that the purpose for which it may have been kept vacant may still have been served, even if one of the promotees was confirmed in that post, for these promotees have actually retired from service and the post could continue vacant as it is at present.

What has been achieved by keeping the post vacant is not so much apparent as the suffering which it has caused to me, in that I have been made to lose 2 years' of confirmed service, unrecognised and at the same time, I stand unconfirmed and I am told at my age, when I am chained with responsibilities in everyway and in every direction that my request for confirmation cannot be complied with. My prayer, now, is that if it is not possible at this stage to rectify the avoidable suffering altogether, that in view of the peculiar nature of the case, the four days needed for the vacancy to occur earlier may at least be condoned and thus I may be spared having to face a situation, shuddering to visualise.

I am here with enclosing a copy of my application to the Director of Public Instruction, wherein I substantiated what is contained above.

I beg to remain,

Sir,

Your most obedient servant,

M. Ramanadham.

Submitted to the Director of Public Instruction

E. K. Saron
12/10/45

N.N.R. 620/45

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Principal,
Presidency College, Madras.

Anantapur,
22-2-1945.

#17

From

M. Ramanadham, M.Sc.,
Assistant Lecturer in Physics,
Ceded Districts College,
Anantapur.

To

The Director of Public Instruction,
MADRAS.

Through

The Principal,
Ceded Districts College, Anantapur.

Sir,

Subject: Request for confirmation as Assistant Lecturer
in continuation of Director's Proceedings
L.Dis.No.642-C/44 dated 23-3-1944.

In my application dated 16th March 1944 which has been submitted through the Principal, Ceded Districts College (Vide Proceedings L.Dis.No.642 C/44 dated 23-3-44 of the Director of Public Instruction, Madras) I made a request for confirmation as Assistant Lecturer in view of a permanent vacancy having arisen with effect from 4th April 1943 at the Arts College, Rajahmundry and showed therein that the vacancy is really one which can be deemed to have occurred in July 1941, if certain alterations in the dates of previous confirmations could be effected. In reply to this representation I received the copy of the Proceedings L.Dis.No.642-C/44 dated 23-3-44 of the Director of Public Instruction, Madras informing me that my request for confirmation cannot be complied with.

2. The Proceedings referred to above did neither specify reasons for having given such a reply nor inform me that the alterations in the dates of previous confirmations suggested therein could not be effected. Having been selected for service in the year 1930 and having had my first appointment in the year 1936 and having now put in a continuous service of nearly 5½ years and having had satisfactorily completed probation in August 1941, I was certain that the Government Orders passed from time to time subsequent to my selection, subsequent to my first appointment (very much subsequent indeed) should not and would not apply to me. As I have not received orders of confirmation yet and as the last communication received from your office has negatived my request without assigning any reasons, and as the latest Government Order states that no confirmations should be made in vacancies arising after 1st April 1943 and as the vacancy

in which I have to be confirmed has arisen on 4th April 1943 (if the alterations in the previous confirmations, which I had prayed for and am praying for, are not conceded), I have begun to fear that my confirmation is stayed because of War Government Orders. Hence I am making the present application showing that the grounds for my confirmation are very reasonable and justifiable.

A. I beg to submit in the first place that the War Government Orders passed subsequent to the declaration of War in September 1939 cannot apply to me, as I had been selected in 1930 and as I had been appointed for the first time in January 1936 i.e. under circumstances which held out the hope that my confirmation would take place as a matter of routine based on the usual conditions, that a substantive vacancy should exist and that I should have satisfactorily completed the probation. I beg to add that it is extremely unfair to subject me to rules, especially rules of this tantalising type, passed subsequent to my appointment. As no reasons have been given in your previous reply for not confirming me, I still believe that it is not the War Government Orders that are standing in the way of my confirmation.

B. But should my case be brought within the ambit of War Government Orders (which have all crystallised into latest Government Order banning confirmations in vacancies occurring after 1st April 1943) I beg to show that they cannot apply to me provided the alterations in the dates of previous confirmations, I had prayed for, be made. As the matter is important, I may be permitted to restate the circumstances under which the alterations can be effected. May I in this connection bring to your kind notice that recruitment to this Subordinate service, in which I have been serving, is made, not on the basis of substantive vacancies, but on the likelihood of such vacancies. A man recruited to this service has the handicap of having to serve for a good number of years, this service not counting for pension, before a substantive vacancy arises. The substantive vacancies arise due to confirmations of people in the superior service or due to the retirement of people in the same service and in my case I have had to wait for confirmation of a gentleman in the Provincial Service. And should any kind of error be committed in confirming a promoted gentleman, it does not affect the gentleman himself so adversely as it does the man who waits on the

on the above confirmation to receive his confirmation for the first time in the lower service. In the present case, the gentlemen, who have been confirmed much later than they could have been, could be indifferent to the dates of the confirmations, as in such cases the pensions are not affected so much by the date of confirmation in the superior service as by the fact of the confirmation itself. But the man affected adversely by the avoidable post-poneement of the confirmations of Messrs. T.S. Krishnaswami Ayyar and M. Chayappa is neither of them but only myself, in that much of my service has not only gone as a waste but in that I have been probably brought within the operations of War Government Orders. So in order that justice may be done to my hard case, I request that the alterations in the dates of confirmations may kindly be effected. My submission about them is as follows:--

(a) Mr. T.S. Krishnaswami Ayyar (now retired), the immediate senior to Mr. M. Chayappa among the promotees to Madras Educational Service, commenced his probation in September 1940. There were two vacancies in the Madras Educational Service at the time of the commencement of his probation (1) Professor of Physics, Presidency College, (2) Lecturer in Physics, Ceded Districts College, Anantapur. Instead of being confirmed in one of the above posts with effect from September 1940, he was confirmed in July 1942, in a later vacancy with effect from 15th August 1941 (Please vide Fort St. George Gazette - Part I B, July 7, 1942 - Page 424) at Government College, Kumbakonam. I beg to point out he could now be confirmed in the first of the above vacancies with effect from September 1940. In fact, the Presidency College place has been vacant from 1940, all along though the Ceded Districts College vacancy has been subsequently filled up. If, therefore, Mr. T.S. Krishnaswami Ayyar's confirmation could be effected from September 1940, it will result in a vacancy in the Subordinate Educational Service from the same date and my immediate senior Mr. S. Krishnaswamy's (Assistant Lecturer, Govt. Victoria College, Palghat) confirmation could be effected from September 1940 and not in 1941 as has been ordered.

(b) Mr. M. Chayappa (now retired) commenced his probation in the Madras Educational Service in July 1941. At the time of the commencement of his probation, there was the Presidency College Professorship continuing vacant. Later have arisen vacancies (1) in the Govt. College,

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Kumbakonam (July 1942) and (2) in the Arts College, Rajahmundry (April 1943). But he was confirmed in the latter of the vacancies with effect from April 1943. I beg to point out, again that he could now be confirmed in the Govt. College, Kumbakonam with effect from July 1941 as Mr. T. S. Krishnaswami Ayyar could have been confirmed earlier in the Presidency College. The result of the above alterations in the dates of confirmations will be a vacancy in the Subordinate Educational Service with effect from July 1941. In that case my immediate Senior Mr. S. Krishnaswamy could be confirmed as from July 1941 and I could be confirmed from his date of confirmation viz., August 1941. If there is disinclination to disturb the confirmation of both Mr. T. S. Krishnaswami Ayyar and Mr. M. Chayappa, my purpose will be served by the alterations in the confirmation of Mr. M. Chayappa alone. Mr. M. Chayappa could be confirmed as Professor, Presidency College, any date after that of Mr. T. S. Krishnaswami Ayyar's confirmation in August 1941 as the place has been vacant since 1940. In that case, my senior Mr. S. Krishnaswamy having been already confirmed against Mr. T. S. Krishnaswami Ayyar's confirmation, I could be confirmed on the same date as that of Mr. M. Chayappa's proposed confirmation.

So I once again request that the alteration in the date of confirmation of at least of Mr. M. Chayappa may be made for which there is reasonable justification as has been shown in the above paragraphs. If the alterations are made, much of my service would count for pension and, more serious than that, my case would not come within the operation of the War Government Orders, even if it is felt that War Government Orders should apply to people like me who have entered service before War.

C. In case it is found that my confirmation cannot be effected in the manner suggested above, I may at least be permitted to reiterate the hardships of my case and to make another request. I may be excused if I am wrong in my feeling that a case as hard as mine has never existed in the History of Service at all. My selection took place in 1930. Those selected long after, nay selected after the passing of War Government Orders, under the express understanding that their Selection is strictly on a temporary basis, are being confirmed,

(carried over)

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the only condition insisted upon in their case being that substantive vacancies existed prior to 1st April 1943. Whereas I remain unconfirmed, 15 years after my selection, at the age of 39, subject to the fear that all my service to the Government will go as a waste and unrecognised, and that, after I have left off a permanent position at the Hindu College, Guntur for a Government Service. I hope that I would have now brought home the peculiar and extreme hardship in my case.

D. If, for any reasons, I could not be confirmed on the basis of the alterations of the confirmations of Messrs. T. S. Krishnaswami Ayyar and M. Chayappa or at least of Mr. M. Chayappa alone, I have therefore to make the following request. As it was, I could have been confirmed at least as from 4th April 1943 while the present Government Order prevent confirmations in places arising after 1st April 1943. The deficiency is thus only for 4 days. I beg to pray that necessary and urgent steps may kindly be taken to get these 4 days condoned in my case and my confirmation effected immediately to save me, a family man, from sleepless nights and a desperate future.

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

Ramadasam
Asst. Lecturer in Physics,
Gededa Dts. College,
Anantapur.

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Edms Dept (C)

Public Services: M. S. S. Sri M. Ramanaathan

Offg. Ass. Prof. Confirmation. Relaxation of rules. Not Refused

From Mr. D. S. R. No 578 of 58 30.10.45

Order res. 62 Dated 8.1.46

The Govt. do not consider that a case has been made out for a relaxation of the rules in favour of Sri M. Ramanaathan, offg. Ass. Prof. so as to permit of his confirmation as Ass. Professor, with effect from 4.4.43.

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Edms Dept (C)

Madras Educational Subordinate Service. Sri M. Ramanaathan

officiating Ass. Professor. Confirmation.

From Mr. D. S. R. No 578 of 58 30.10.45

b. 1.6.50
b. 22 of 1944

Appointments to the posts of Assistant Professors are made by promotion, direct recruitment or recruitment by transfer; no proportion has been fixed for these methods of appointments. In the absence of such a proportion, it would seem that all vacancies which occurred on or after 1.4.43, should be reserved for war service candidates. Sri M. Ramanaathan was directly recruited and in view of the existing orders, his request for confirmation in a vacancy which arose on 4.4.43 cannot be granted. Further, in view of the decision in G.O. 1767 of 1.11.45 the vacancy should be deemed to have actually occurred on 19.1.44, consequent on the confirmation of Sri M. Chayyappa with effect from that date. If it is considered that this is an exceptional case of hardship, the relaxation of relevant statutory rule, will have to be made. Pub. Services may be consulted.

G.O. 1326 of 1945 Pub (Ser) 31.10.45
A. on 3.11.45

G.O. 1326 of 1944 K/4

mm
27.11.45

27/11/45

27/11/45 S (Pub 184)

The. dos. wt. seem to have been a
specific rule (in the list of P. or
for case - but I suppose that is the
lowest position.

And from the General
'handbook' comes by the way permanent reservation rules
I do not see that there is any particular
handbook in this case, I do not suppose
that any relaxation of rules would be justified.

by
S. J. H. S.

Rev. (L. S.) Dept. of Education

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5.12.45

A above.

Appointment to the posts of Assistant Professors and
Lecturers in the Madras Educational Subordinate Service are
made by promotion or direct recruitment or recruitment by
transfer -- see rule 2(a) on page 22 of the Madras Services
Manual, Volume III. No ^{provision} ~~provision~~ has however been fixed
for filling up vacancies by the above methods. It has



B

BK. 114

has been held that when recruitment is permissible

(a) by direct recruitment or by transfer; or

(b) by direct recruitment or by promotion

all substantive vacancies should be reserved for war service
candidates -- see extracts of the notes at flag (E). In the

present case the first preference seems to be for recruitment
by promotion and apparently direct recruitment is resorted to

only when no suitable person is available for promotion. ²⁴

^{This is correct.}
There seems to be no objection ~~therefore~~ to the confirmation
of promotees as and when substantive vacancies arise. The
petitioner, being a direct recruit, cannot however be confirmed
as long as the policy of reservation is in force.

With reference to 'M' on page 5 c.f. it may be men-
tioned that there is a proposal under consideration in this
department to permit persons whose confirmation has been
postponed by the operation of the M.C.S. (W.S.P.) Recruitment
Rules to count one half of the period by which the confirma-
tion has been postponed towards service qualifying for per

No such preference is
indicated in the rules
- See col 3 against
Class I, Cat. 2 in the
Table on p. 22 of vol
III of Ser Manual, BK
104. The principle
stated in the note at
(E) should be followed

C. J. H. S.

Amp 34

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pension -- see extracts of notes at flag (q).

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

11.12.45

18/12/45 CS *h*
13/12/45

E.P.H. Dept (c)

A draft order is submitted for approval on p. 14 of

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Pub. Ser. No.

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