

Put Away

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Secy. II-27-87,004-19-11-62

Ed. + P. 4 (1946) Department.

Ms SERIES.

G.O. No.

992 E 54

Dated

16.5.46

[Despatch Abstract.]

Establishment Office of the D.P.I.,
Sri M. Radhakrishnan —
temporary Service in upper
division — Counting for
purposes of increment —
Orders passed.

Back Papers

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

Further Papers.

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

Education Department.

From

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

To

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

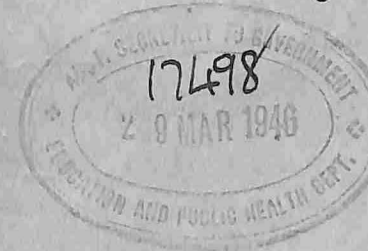
Ac.No.425--F/44 dated 26th March 1946.

Sir,

Sub: REGULARISATION of emergency service rendered
by Sri M. Radhakrishnan, Permanent Clerk,
Office of the Director of Public Instruction,
Madras as officiating clerk Upper Division
and drawal of increment.

Sri M. Radhakrishnan, a permanent lower division clerk of my office has been officiating in the Upper Division without a break since 16th August 1942 and has been drawing Rs.55/- from that date. But his promotion to the higher post was regularised only from 10th December 1943, the date on which he became eligible for promotion under the rules by passing the requisite tests. Since the period of his emergency service in the Upper Division is more than a year i.e. from 16.8.1942 to 9.12.1943, he represented to me that under Rule 31(e) of the General Rules for Provincial and Subordinate Services, the appointing authority might use his special powers and regularise his temporary promotion from 16.8.1942 the date on which he had been promoted under the emergency rules. I could not comply with his request as such a course would lead to his becoming senior to other officiating upper division clerks who had superseded him by his failure to pass the Special and Departmental tests in time.

2 The clerk now submits that what he wants is not seniority over other clerks who had superseded him but the mere counting of the period from 16.8.1942 to 9-12-1943 for incremental purposes and that he would relinquish his rights of seniority with reference to Rule 37 of the General Rules to the extent necessary. In this connection the following points may be noted. While Rule 31 of the Madras Provincial and Subordinate Services Rules denies to those who have been promoted under the emergency powers the right to count such periods for promotion and priority claim for future appointment, it does not deny the officiating clerk the right to count the service actually rendered by him for increment. Further, Fundamental Rule 26(a) provides that all duty in a time scale of pay counts for increment in that time scale. I therefore presume that for purposes of increment alone his temporary service in the Upper Division i.e. from 16-8-1942 to 9.12.1943 may be taken into account. If my presumption is not correct, I request that Government may be pleased to let me know whether under the powers vested in the appointing authority under Rule 31(e) of the General Rules, it will be in order to regularise the temporary service with effect from 16.8.1942 and at the same time his seniority in the Upper Division can be fixed with effect from 10-12-1943, on the strength of the under-



See items 183
under Edu Dept
on p.299, Bk 114

p.200 of Bk
No. 112. B

p.203 of Bk
No. 112
p.200 of Bk 112

p.203 of Bk 154

p.200 of Bk 112

taking which the clerk is prepared to execute relin-
quishing, under Rule 37^x of the General Rules, his rights of seniority conferred on him by the regularisation of his service from 16.8.1942 and abiding to take his rank in the Upper Division with effect from 10-12-1943.

k.h.28-3.

ESTABLISHMENT - Office of the D.P.I. - Sri M. Radhakrishnan - temporary service in u.d. - Counting for purposes of increment - Orders passed.

From the D.P.I. RC.No.425-F/44 dated 26-3-46.

Order/Ms.No. 992 Edn. dated 16/5/66

The D.P.I. is informed that his proposal to allow Sri M. Radhakrishnan, clerk in his office to count ~~the~~ period of his temporary service in the u.d. from 16-8-42 to 9-12-43, for purposes of increment, cannot be accepted. As the clerk did not possess, during the period, ^{the} requisite qualification for promotion to the post of u.d. clerk, his emergency appointment cannot be regularised with effect from 16-8-42; the further question ^{whether the clerk} of relinquish~~ing~~ ^{his} the right of seniority ~~by the clerk~~ does not arise.

To the D.P.I.

C.Nr. 17498/46. From the D.P.I., R.C.No. 425 F/44 dated 26-3-46.

Sub: Establishment-Office of the D.P.I. Sri M. Radhakrishnan-
Emergency service ~~in D.~~ Counting for probation-classi-
fication.

The point for consideration in the G.F. is whether the period of the emergency service ^{rendered in the higher division} of Sri M. Radhakrishnan, a permanent Lower Division clerk in the office of the D.P.I., from 16-8-42 to 9-12-43 can be regularised, even though he was not eligible for promotion during the above period as he had not then passed the requisite tests. This is sought to be done with a view to allow him to draw increment from 16-8-42. If this is practicable, the Director further proposes to get an undertaking from the clerk relinquishing his rights of seniority during the above period.

2. A person who is not qualified, according to the rules, for promotion cannot be regularly promoted. In the present case the clerk has not the requisite qualification for promotion during the period 16-8-42 to 9-12-43; his emergency ^{service} cannot therefore be regularised with retrospective effect from 16-8-42. As regularisation is not possible, the question of relinquishing the rights of seniority by the clerk during the above period does not arise.

3. As regards the presumption that F.R. 26(a) will operate in this case for purposes of counting ^{the period for} increment, it may be pointed out that the person appointed under rule 31 of the General Rules for Provincial and Subordinate Services will be eligible either for his substantive pay or the pay of the lowest grade or the minimum pay in the time scale of pay, ^{in respect of the} ~~whichever is less~~ ^{for which he may be} holding the emergency appointment. ~~do.~~

Please see rule 31 (f) of the rules mentioned above. He will not, therefore, be eligible to count the period of service rendered under the emergency appointment for purposes of increment.

Public and Finance may see for remarks.



L.P. H. C. O.
17.4.46/46-1 En
11.4.46.

9.4.46
G. K. W. S.

10/4/46 S

11/4/46 P. H. S.

Items 1 and 3 under
Education Dept on
p. 299, Bk. 114.
on P. I. C. F.

p. 2 C. F.

General
P. I. C. F. Rule 14(a)
P. 290 of Bk. 112.
Items 1 and 3
under Education
Dept on p. 299, Bk. 114.

X W

p. 23 of Bk. 154

P. 200 of Bk. 112

Please see the D.P.I.'s letter in the cf and the remarks of the E & P.H. Dept on p. 1 ante. The points raised are answered below:-

(a) whether Sri M. Radhakrishnan's temporary service from 16.8.42 to 9.12.43 can be taken into account for the purpose of increment under F.R. 26(a).

para 3, p. 1 ante

p. 23, BK 154

ibid

p. 200, BK 112

The provision in F.R. 26(a) is overridden by rule 31(f) of the General Rules under which the clerk can draw either his substantive pay or the minimum of the time-scale whichever is higher. He cannot draw any increment in that scale.... please see rule 3 of the Madras Provincial and Subordinate Services Rules.

p. 180, BK 112

(b) whether the clerk's temporary service from 16.8.42 to 9.12.43 can be regularised with retrospective effect.

para 2, p. 1 ante

p. 200, BK 112

This is possible under General Rule 31(e) which permits the commencement of probation from any earlier date after 16.8.42 as the appointing authority may determine--- compare para 2 of the Commission's letter at (J) in a ~~parallel~~ case.

(c) whether an undertaking can be accepted from the clerk under rule 37 of the General Rules relinquishing his seniority and accepting to take his rank in the upper division with effect from 10.12.43.

p. 203, BK 112

It does not appear that there is any objection to this.

2. with these remarks the file may be passed on to the Finance Dept.

ABH
12/4/46

The only request for consideration is that the clerk's temporary service in the upper division from 16-8-42 to 9-12-43 may be allowed to count for increments - 'A' on p. 1 c.

p. 200, BK 112

General Rule 31(f) gives him only his substantive pay or the minimum pay of the upper division scale, whichever is higher.

p. 23, BK 154

But for this rule the clerk would be eligible for increments in the upper division under F.R. 26(a) even during his temporary service. If, therefore, the request is to be granted, all that is necessary is to relax General Rule 31(f) in his favour.

p. 200, BK 112

Have there been precedents for such relaxation? Indicate clearly in what circumstances such relaxation, if any, has been allowed. In the absence of any such relaxation, there is no case for granting the request.

p. 200, BK 112

(I)

H. 3-4 cf.

p. 187, BK 112

p. 200, ibid

A case of relaxation of General Rule 31(f) in order to enable a person temporarily promoted to count the period of his temporary service for purposes of increment is not traceable. But G.O. 103, D.A., of 16.1.46 contains an order relaxing General Rule 9(b) which is on the lines of General Rule 31(f), but applicable only to persons first appointed to tide over emergencies. The circumstances leading to the relaxation are explained in the summarising note on H. 3-4 ref. of that G.O. This relaxation is intended to give a person a higher starting pay and not for the purpose of allowing temporary service to count for increments. Such cases are not traceable. For orders.



Pub. Servo.
836/46-1
25/4/46.

23.4.46. ABH
23.4.46.

Please see A on p. 1 cf. of the notes on this page only. The request may be refused. C. of. See A. serial 6

78

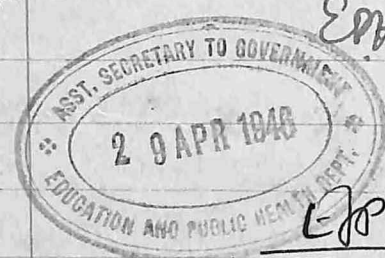
4 A

This Department may also agree with Public in rejecting the request of the petitioner to count the period of emergency appointment for increment.

27/4/46

27/4/46

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29/4/46

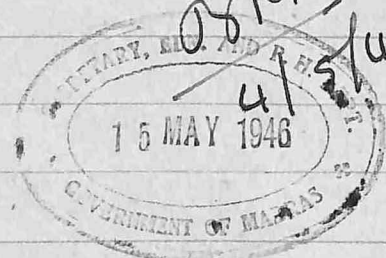


EPH.

EPH(A) 23033

A draft order is submitted for approval.

27/5/46



(Draft order submitted in person for use)

10/5/46
15-5-46 (CO.)

11/5/46

R.o.c No. 204-F1/49 OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
Madras. dated 19th June 1949

10 A



From

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.

Sir,

4887/

Sub :- Establishment-- Office of the Director of Public Instruction, Madras- Regularisation of service as Upper Division clerk--petition from Sri. M. Radhakrishnan officiating Upper Division Clerk.

Ref :- Petition dated 17--5--49 from Sri. M. Radhakrishnan, Officiating Upper Division Clerk of this office.

In submitting herewith a copy of the petition quoted above, I request to be informed whether in the circumstances explained below, the benefits of G.O.No. 3385 Public (Services) dated 30--12--48 would accrue to the petitioner to the extent of regularising his temporary service in the category of Upper Division clerks in this office.

2. Sri. M. Radhakrishnan, an approved probationer in the category of Lower Division clerks was promoted to officiate as Upper Division clerk in this office with effect from 16--8--42 under Rule 31 (a) of the General Rules relating to the Madras Provincial and Subordinate Services, as he did not pass one of the two tests prescribed for holding the latter post. His confirmation as lower division clerk was ordered on 4-7-47 with retrospective effect from 5--5--1941. His service in the category of Upper Division clerks was regularised with effect from 10--12--43, consequent on his passing the tests prescribed for the post. The clerk's request for the regularisation of the emergency service prior to 10--12--43 was not complied with-vide G.O. No. Ms. 992 Edn. dated 16--5--46 (Copy enclosed)

11/5/46

10

(7)

3

3. Consequent on the issue of orders in G.O.No. 3385 Public (Service) dated 30--12--48 amending definition 13 "Recruited direct" referred to in Rule 2 of the Preliminary Rules in Part I of the Madras Provincial and Subordinate services, the clerk requests that he may be considered as a "direct recruit" to the category of Upper Division clerks with reference to Rule 36 read with Annexure V of the Special Rules relating to the Madras Ministerial Service and his services regularised with effect from 16--8--42 the date on which he was first promoted under emergency powers, as he belongs to one of the backward classes- viz-'Yadava' referred to in schedule III of part I of the Madras Provincial and Sub-ordinate services Rules and as he had passed the tests within the period of 17 months as against the period of four years from the date of appointment as Upper Division ^{Clerk} prescribed in column (3) of Annexure V of the Madras Ministerial Service Rules. He has produced a certificate from the Headmaster of the Pachaiyappa's College School, Madras, wherein he studied, to the effect that he belongs to the 'Yadava' caste and that he was in receipt of fee concessions admissible to students of the backward classes.

4. Promotion from the post of Lower Division Clerks to that of the Upper Division Clerks are usually made with reference to Rule 32 (b) read with Annexure IV of the Special Rules relating to the Madras Ministerial Service. When qualified Lower Division Clerks are not available for promotion as Upper Division Clerks it is usual to promote them temporarily as Upper Division Clerks, under Rule 31 (a) of the General Rules relating to the Madras Provincial and Subordinate Service Rules and to regularise such promotion under Rule 32 (b) of the Special Rules relating to the Madras Ministerial Service from the date following the last day of the examination in which the clerk becomes qualified by passing the test or tests prescribed for the post. The same procedure was followed in the case of the petitioner.

(10)

Though Rule 36 read with Annexure V of the Special Rules relating to the Madras Ministerial Service makes provision for the appointment of Upper Division Clerks, by direct recruitment or recruitment by transfer from another service, it has not been the practice to make appointments to the Upper Division by such methods. It is, therefore, doubtful whether the petitioner's first promotion to the Upper Division from 16--8--42 could be construed as direct recruitment consequent on the issue of the orders in G. O. No. 3385 P(S) dated 30--12--48, as he was an approved probationer in the category of Lower Division clerks at the time of his promotion to the Upper Division as his confirmation as Lower Division Clerk with restrospective effect from 5--5--1941 was ordered on 4--7--47 and as he belongs to one of the backward communities.

5. In the circumstances stated above, I request to be informed whether the petitioner's first promotion to the Upper Division i.e. from 16--8--42 could be construed as direct recruitment with reference to Rule 36 of the Special Rules relating to the Madras Ministerial Service read with definition 13 of Rule 2 of the Preliminary Rules in part I of the Madras Provincial and Subordinate Services as amended by G. O. No. 3385 Public (Service) dated 30--12--1948.

Yours faithfully

[Signature]

for DIRECTOR OF PUBLIC INSTRUCTION

K.M.R. 23--6--

[Handwritten initials]
25/6

Copy of the letter dated 17th May 1949 from Sri. M. Radhakrishnan

Sir,

Sub :- Regularisation of service in the post of
Upper Division Clerk with reference to
G. O. No. 3385, P(S) dated 30--12--48

Ref :- The Joint Director's Pros. Rc. No. 204 F/49
dated 25--4--49.

In their Order No. 3385 P (S) dated 30--12--48 the Government have amended definition 13 of Rule 2 of the Preliminary Rules in Part I of the Madras Provincial and Subordinate Services with reference to these amendments a candidate is said to be "recruited direct" to a service, class, category or post when in case his first appointment thereto has to be made in consultation with the Commission on the date of its notification inviting applications for the recruitment, and in any other case, at the time of his first appointment thereto, he is not in the service of the Crown in India. Provided that for the purposes of this definition a person shall be deemed to be not in the service of the Crown in India if he is a Harijan or if he belongs to the backward classes.

2. The posts of Upper Division clerks in the Director's Office were and are being filled up (i) by direct recruitment under Rule (36) of the Madras Ministerial Service Rules, when a qualified Lower Division Clerks are not available for promotion to the post of Upper division clerks, and (ii) by promotion from the post of Lower Division clerks with reference to Rules (4) and 32 (b) of the Madras Ministerial Service Rules. With reference to Rule 36 of the rules relating to the Madras Ministerial Service Rules and Annexure V relating to the Education Department referred to therein persons appointed to the service whether by direct recruitment or by recruitment by transfer from another service as the case may be, shall pass the tests or acquire the qualification specified-viz Deputy Inspector's Test within four years from the date of appointment to the service.

3. In the Director's pros. Rc. No. 331 F/42 dated 27--7--42 I was promoted to the post of Upper Division clerk with effect from 13--7--42 under emergency powers with reference to Rule 31 (a) of the General Rules relating to the Madras Provincial and Subordinate Service Rules as no qualified hand who has passed the prescribed tests were available for promotion as Upper Division Clerk at that time. I belong to the 'Yadava' caste, which is one of the Backward classes referred to in schedule III of part I of the Madras Provincial and Subordinate Service Rules and I was therefore, in receipt of fee concession during my school course. In this connection I enclose here with a copy of the certificate issued by the Headmaster of the Pachaiyappa's College school, Madras in which I studied. As I have passed the prescribed tests within 17 months from 13--7--42, the date on which I was appointed to the post of Upper Division Clerk and as the Government have since revised definition 13 of Rule 2 of the preliminary Rules relating to part I of the Madras Provincial and Subordinate Service Rules with a view to help persons belonging to the Harijan and the Backward communities vide G.O. No. 3385 Public (Ser) dated 30--12--48 I request that I may be treated as a direct recruit to the post of Upper Division Clerk and that my services in that post regularised with effect from 13--7--42 the date of first appointment to that post.

4. In the circumstances explained above, I request that the Director may be pleased to consider the orders passed in the Joint Director's Pros. Rc. No. 204 F/49 dated 25--4--49 and to regularise my services in the post of Upper Division Clerk with effect from 13-7-42

5. If necessary, I request that the matter may perhaps, be referred to Government in the Public Services Department for orders.

sd. M. Radhakrishnan.

PACHAIYAPPA'S COLLEGE SCHOOL.

G.T. Madras.

Dated 1st April 1949.

This is to certify that Sri. M. Radhakrishnan was a student of this institution during the years 1928--29 to 1930-31 As per entries in the Register of Admissions and withdrawals, he belongs to "Yadava" caste, which is one of the backward classes and he was in receipt of fee concessions in this institution during these years.

Sd. T. Chengalvaraya Pillai,
Headmaster.

/ True copy /

For Director of Public Instruction

601
25/6
201

SPWA

Memos 48871 A/H-2 dated 9.7.49
Est. - Office of the D.P.I. - Sri M. Radhakrishnan
W.D.C. - Regularisation of Service -
request - not completed with
Ref: letter from the D.P.I. on 20.1.49 of 19.6.49

The D.P.I. is informed
that the request of Sri M. Radhakrishnan an
for regularisation of Service as ^{Upper Division Clerk} ~~Lower Division Clerk~~
13.7.42 cannot be completed with, as there
is no direct recruitment for the post of
W.D.C. in his ~~SPD~~ his office.

To
the D.P.I.

Ant
MKS
8/7

MKS
8/7

9/7/49

(=) +

E P H A

Cm 48871 A/W; From the D.P.I. on 204 P/W 19.6.49

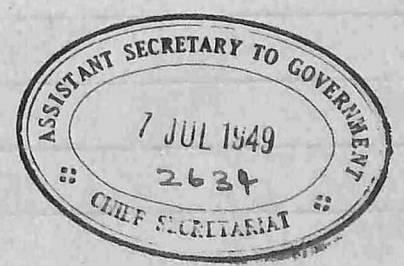
ESR. - Office of the D.P.I. -
Sir M. Radhakrishnan, W.D.C.
- Regulation of movies as W.D.C.
-

Please see the petition from Sir Radhakrishnan on pp 7-8 of And the remarks of the D.P.I. thereon on pp 1-5 of There is no direct commitment for the work of W.D.C. in the office of the D.P.I. The request of the petition to regulate his movies W.D.C. 13.7.42 is therefore inadmissible. The petition may be rejected. Public (Ser) may see for remarks, if any.

Sp Hms 48871 A/W 188
6/7/49

M&S
4/7

6/7/49 Pub (Ser)



Pub (Ser) D/P

This dft agree

17/49

E+R
A

Pub (Ser) U.O. No. 2634/49-1
dated 17-49



M&S
8/7

9/7/49

The draft memo below is for approval

E 94 A

From the 1920s and 1930s

1920s - 1930s

1940s - 1950s

1960s - 1970s

-

1980s - 1990s

2000s - 2010s

2010s - 2020s

2020s - 2030s

2030s - 2040s

2040s - 2050s

2050s - 2060s

2060s - 2070s

2070s - 2080s

2080s - 2090s

2090s - 2100s

2100s - 2110s

2110s - 2120s

2120s - 2130s

2130s - 2140s

2140s - 2150s

2150s - 2160s

2160s - 2170s

2170s - 2180s

2180s - 2190s

2190s - 2200s

2200s - 2210s

2210s - 2220s

2220s - 2230s

2230s - 2240s

2240s - 2250s

2250s - 2260s

2260s - 2270s

1920s - 1930s

1940s - 1950s

1960s - 1970s

1980s - 1990s

-

2000s - 2010s

2010s - 2020s

2020s - 2030s

2030s - 2040s

2040s - 2050s

2050s - 2060s

2060s - 2070s

2070s - 2080s

2080s - 2090s

2090s - 2100s

2100s - 2110s

2110s - 2120s

2120s - 2130s

2130s - 2140s

2140s - 2150s

2150s - 2160s

2160s - 2170s

2170s - 2180s

2180s - 2190s

2190s - 2200s

2200s - 2210s

2210s - 2220s

2220s - 2230s

2230s - 2240s

2240s - 2250s

2250s - 2260s

2260s - 2270s

2270s - 2280s