

E. & P. H.

(194⁷) Department.

(Ms.) SERIES.

G.O. NO. 1699 Edu

Dated 29th July 1947

Closed

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[Despatch Abstract.]

Government Press - Messrs. K.P.R. Menon, R. Siddique and G.F. Amalanathan To be governed by the Fundamental Rule and not by the Madras Leave Rules - Proposals of the Superintendent, Government Press, Negatived.

Back Papers.

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

Further Papers.

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

C.F. 32.

Department
(Name) A. Lepper Esq.,
To
The Secretary to Government,
Education & P.H. Department,
Fort St. George, Madras.
28038
10 APR 1947

Enclosures: No. 67. Mis/D.S.II dated 4th April 1947.

Sir,

I have the honour to state that it has recently been brought to my notice that there are sufficient grounds to justify that three of my officers, viz. Messrs. K.P.R Menon, Junior Deputy Superintendent, R. Siddique, Assistant Superintendent (now on other duty temporarily as Assistant Superintendent of Stationery) and G.F. Amalanathan, Assistant Superintendent, should be governed by the Fundamental Rules and not the Madras Leave Rules. The Accountant-General has, hitherto, been considering them as being governed by the Madras Leave Rules, as they were appointed by Government as Assistant Superintendents on the following dates:-

Mr. K.P.R. Menon	..	5-12-1935
" R. Siddique	..	5-12-1935
" G.F. Amalanathan	..	17- 6-1936

Madras Leave Rules are applicable to all those appointed to Government Service on or after 4-9-1933.

The Accountant-General was not aware, nor was I, till a few days ago, that these officers had previously held posts in the Government Press and the dates mentioned above were not the dates of their first appointment in the Government Press.

These officers were, from 4-1-1928 to 1-1-1933 stipendiary student apprentices under training in the Government Press. On 3-1-1933, the period of preliminary training as apprentices under the terms of agreement entered into by them with the Government of Madras, had expired, and in G.O.MS. No.694 Finance, dated 20-12-1932, Government created four temporary posts of Chargemen on Rs.65/- per mensem for a period of four months from 1-1-1933 and Messrs. Menon, Siddique, Amalanathan and J.W. Halge were appointed as chargemen. Of these officers, Mr. Halge is now no longer in the service of the Government of Madras, therefore, I am not taking up his case along with that of the others. These officers continued in the posts of chargemen till they left for England for further training in April 1933. They returned from their training in England in 1935, and after consultation with the Madras Services Commission, they were appointed as Assistant Superintendents in the Government Press on the dates mentioned above. The fact that they had already held posts as chargemen before the Madras Leave Rules came into force on 4th September 1933 was not known to the Accountant-General nor to me, and the officers concerned were themselves unaware of its significance, if not actually unaware of such an appointment. While going through records in some other connection, this has been brought to my notice.

Fundamental Rules applied to all Government servants during the period referred to i.e. January to April 1933. Therefore, while holding the posts of chargemen in the Government Press from January to April 1933, Messrs. Menon, Siddique and Amalanathan came under the application of F.R.

According to Rule 2 (a) of the Madras Leave Rules, 1933, these Rules apply to those who were not before 4-9-1933, holding even a temporary post under Government. The inference from this appears to be that F.R apply to those who held even a temporary post under Government before 4-9-1933. "Temporary post" is defined in F.R.9 (30) as follows:-

"Temporary post" means a post carrying a definite rate of pay sanctioned for a limited time.

In this case, four posts, carrying a definite rate of pay, viz. Rs.65/- per mensem were sanctioned by Government in G.O.No.MS.649 Finance dated 20-12-1932 (copy enclosed for reference) for a definite time, viz. four months. Therefore, according to the definition, these four posts are "temporary".

"temporary posts" within the meaning of Rule 2 (a) of the Madras Leave Rules 1933; and if any one had held one of these "temporary posts" prior to 4-9-1933, it would appear that Madras Leave Rules would not apply to him, and, consequently F.R. would apply.

The questions that have to be considered in this connection are the following:-

(a) Whether a break of service after April 1933 till they were subsequently appointed after their return to India after training in England will deprive them of the right of coming under F.R.

(b) Whether the lapse of about 11 years since their further appointment should be deemed to have barred them from exercising the privileges which they would have got had this point been taken up earlier with the Government.

With regard to (a), I am unable to find any provision in Rule 2 (a) of the Madras Leave Rules which can uphold this objection. Rule 2 (a) states that Madras Leave Rules shall apply to a person who "before" the 4th September 1933 did not hold any post under the Government in a substantive, officiating or temporary capacity. Therefore, by inference, F.R. will apply to persons who, as in this case, were the holders of temporary posts in the Government Press "before" the 4th September 1933, viz. in January 1933. Continuity of service has not been insisted upon in Rule 2 (a) cited above; probably, because, Government did not wish that any rule newly introduced should affect adversely any person who had at any time previously been governed by more advantageous rules. Even if the intention of Government had been otherwise, as the rule is worded, and in the absence of an explicit provision to that effect, I think there is a good case for Government to order that these officers may come under the F.R.

With regard to (b) what had happened was that these officers were considered by the Accountant-General and by me and by the Government, when the question of grant of leave to them arose, as being governed by the Madras Leave Rules, as I did not and could not bring to the notice of Government that they had held temporary posts in the Government Press in January 1933. I could not do so as I did not know about this appointment till now. No time bar appears to be prescribed in the Rules. I request that Government will be pleased to condone the delay in bringing this to their notice and to give these officers what they appear to be entitled to, at least in future. The Government may declare that while these officers will be deemed to be governed by the F.R. no claim will be entertained for any difference in leave salary that may be found to be due up to the date of the order.

8 If the Government agree to my proposal, they may also declare in a separate order, if necessary, that no claims will be entertained in future with regard to any Government servant relating to whether he should be governed by the F.R. or the Madras Leave Rules after the date of that order so that there may be an effective time bar which appears to be absent at present. In the absence of any such order, these questions have to be considered on a strict interpretation of the Rules as they stand.

9 I also wish to bring to the notice of the Government that these officers had been working as stipendiary student apprentices in the Government Press from 4-1-29 till 3-1-33; thereafter, from 4-1-33 till 31-3-33 they worked as chargemen; from 1-4-33 till 17-9-35 they were under training in England. They reported to me for duty on their return from England, but consequent to the delay on account of having to consult the Madras Public Services Commission, there was a delay of a few weeks before they were appointed again in the Government Press. There has been practically no appreciable break during a continuous period of about eight years when they were under the control of the Government of Madras as stipendiary apprentices. According to F.R.9 (6) (c), "Duty" includes:-

"Service in India as a probationer or apprentice, provided that such service is followed by confirmation".

In this case, their service as apprentices was, in fact, followed by confirmation. It is their wish and I support their request strongly that Government will kindly declare that their period of apprenticeship in

in India as stipendiary student apprentices followed by duty as chargemen will count for "service" under Government and under F.R. 5 (A) relax the rules to condone the break of service entailed by them being sent to England for further training, i.e. from the date of termination of appointment as chargemen till they were subsequently appointed again in the Government Press. These officers were the first Government stipendiary apprentices to be appointed in the Government Press and subsequently there has been no further appointments of a similar nature. So far, they were the first and the last to be appointed in that manner. It was not as if they were doing no productive work during their period of training. During their apprenticeship, they have often done the same work as other employees in the Press and been engaged on productive and supervisory work in the same manner as Government servants whose work count for service under Government.

10 I request that the Government will be pleased to sanction that the service of Messrs. K.P.R. Menon, R. Siddique and G.F. Amalanathan shall be deemed to commence from 4-1-1928, to condone the break of service from the date of termination of appointment as chargemen in 1933 till they were subsequently appointed again in the Government Press and to declare that they shall be deemed to be governed by the F.R., but such order shall not entitle them to claim any difference in leave salary that may be found due to them up to the date of the order.

Enc. 1

Superintendent.

Government of Madras.
Abstract.

Govt. Press - Penitentiary Prison Press - Removal and Re-erection of machinery - supervision - engagement of four temporary chargemen - Sanctioned.

Finance Department.

G.O.No.Ms.694

dated 20th December 1932.

Read the following paper:-

From the Supt. Govt. Press No.67 Mis dated 16-12-1932.

O r d e r :-

The Govt. sanction the proposal of the Supt. Govt. Press to engage four temporary chargemen on Rs.65/- per mensem for four months from 1st January 1933 for supervising work of removing and re-erecting machinery in the new Penitentiary Press and for doing the routine duties of Mr. G.W.A. Pinto, Asst. Supt. till his return from leave on the 5th February 1933.

2. The expenditure on the chargemen, except for the period from 1st January 1933 to 4th February 1933, when one of them will be employed to do the routine duties of the Asst. Supt. will be met from the Depreciation Fund. The pay for the period mentioned above for one of the chargemen should be met from the existing budget provision under " 46. G.A. General Overhead charges."

(By Order of the Governor in Council.)

S.A. Venkataraman,
Dy. Secretary.

To the Supt. Govt. Press,
To the A.G.

9/4

(5)

EX-111/31

Government Press - Messrs H.P.R. Menon,
Junior Deputy Superintendent, R. Siddheshwar
Assistant Superintendent (was on
other duty) and S. S. Anandamathan, Joint
Superintendent - To be governed by
Fundamental Rules and not by the
Madras Local Rules.

Cm 28038 From the S.S.D. No 64 xms / S.S. II of 9.4.49
11-362

Please see the letter of the Superintendent
Government Press on pages 1-302
wherein for the reasons fully
explained by him the ^{the} press

that the following officers of the Press, viz

(1) Sri K. P. R. Menon, Training Deputy Subot

(2) Mr R. Liddellie, Assistant (now an other duty as Assistant of Stamps and Cuts)

+ (3) Mr B. Z. Amalambathan Assistant,

should be governed by the Fundamental Rules and not the Madras Local Rules.

The Superintendent ^{further states} ~~in his letter for the above~~ ^{by stating} ~~that the~~ ^{in his letter for the above} ~~Officers in question were from 4-1-1928~~ ^{to 1-1-1933} ~~stop~~ ^{stop} ~~any~~ ^{any} ~~appointees~~ ^{appointees} ~~under training in the Government Press.~~

from 4 on p 14

copy 280 at 154

The S. B. P. ~~function~~ states that as per G.O. 694 Jm D, 20-12-32, Grant created four temporary posts of change man ~~on 1-1-33~~ for a period of four months from 1-1-33 and the officers in question were appointed. Under the circumstances, the Superintendent is of opinion that these officers should be deemed to have commenced ^{as they were in service prior to 4-9-33, the date on which the Madras Local Rules came into force.} The Superintendent finally requests

from 154 on p 14

from 10 on p 34

that the services of Messrs K. P. R. Menon, R. Liddellie and B. Z. Amalambathan shall be deemed to ^{have} commenced from 4-1-28 + to be done the benefit of service from the date of commencement of ^{their} appointments

as chairman in 1933 the King were
subsequently appointed again in the
Govt Press and to declare that they shall
be deemed to be governed by the F.R.

and that no retrospective effect need be
given in regard to their leave salary.

~~This is for leave deduction within the
years of the Imperial and Government
Press may be referred to.~~

The remarks of Finance may be
inserted in the first instance

WLB
65/5
CR 8/5
10-5-47 S/R

I do not think there is anything in the "discovery" which

the Superintendent, Government Press, now purports to have
made. The whole thing, I am afraid, looks to me a piece
of specious pleading.

Rule 9 at 'U'-2 c.f. Completion of apprenticeship
gave no claim to Government appointment.

Rule 10 at 'U'-2 c.f. and 'M' at 'V'-23: Completion
of the course of scholarship gave no claim to Government
appointment.

F.R.9(6)C. in its reference to apprenticeship along
with probation seems to refer to cases where, after recruit-
ment, course of apprenticeship and probation are prescribed
before confirmation. I do not see how the schemes of
apprenticeship and scholarship, in the present case, with
the express condition attached which has been referred to
above, could attract that rule. In this case "apprentice-
ship" was followed, too, not by confirmation immediately,
but by a course under a scholarship.

Papers at 'B' will clearly show (compare 'B' 7 and
'B' 17 c.f.) that the appointment was merely a stop-gap
arrangement between the apprenticeship and the scholarship
courses, and it was expressly stipulated that this temporary
appointment was not ^{meant to give} ~~different~~ giving them a claim to
appointment in England and it would ^{on completion of the course} not be counted against
the term of service for which they were bound after
retirement. *Velum.*

The fact that the officers concerned kept quiet all
these years is more simply explained on the assumption
that as they were aware of all the circumstances, they
were aware also that there was no claim to the urge.

I feel therefore that none of the S.G.P.'s proposals
can be accepted.

EdPH no 28038 F-1

3.7.47



Fun VO 39601/881
7/7/47

47/47
Finance (C.S.R.)

For the reasons stated above, this deph. may
agree with the view of E.P.H. Secy. that none
of the S.G.P.'s proposals can be accepted.

5/7/47
Fun VO 39601/881

EdPH Dept.

A draft order is submitted.

The file may be circulated to H.M. (Ed.)

CGO
16.7.47
CR 157

DM
16/7/47 S

Wf
17/7/47
14. (w...)
TSA
27.7.47



C. no 28638 F1/47
pp 1-3 of

To
Depo
21/7
The S. G. P.

EdPH Dept.

Wf
28/7

Govt. Press - Messrs K. P. R. Menon, R. Siddiquee and
G. F. Amalambathan - To be governed by the F.R.
and not by the Madras Deans Rules - proposals
of the S. G. P. - negatived.
From the S. G. P. no 67/Mis/D.S. II d 9.4.47.

Condu/H2 1699 Ednd. 29.7.47

The Govt see no reason to
accept any of the proposals contained in
the S. G. P's letter read above.

CGO
14.7.47
CR 157

DM
16/7/47 Wf
17/7/47

A dark, textured book cover, possibly made of cloth or heavy paper. The cover shows signs of wear, including scratches and a small tear near the top left corner. A small, faint circular stamp is visible on the right side, containing the number '2'. The spine of the book is visible on the left edge.