

Close
18/11

Scott II-27-58,004-4-11-46.

Education and Public Health

(1947) Department.

Ms. **SERIES.**

G.O. NO. 1863 Edn.,

Dated 25-3-1947.

(9)

10-11-47
1/11/47

[Despatch Abstract.]

Schools-Government-Model-Secondary School, Rajahmundry and Training School, Malappuram-Certain-School Assistants-Fixation of pay in the revised scale-Relaxation of rule-Proposal-Negative-Relaxation.

Back Papers.

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

Further Papers.

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

From:

P.Lakshmi pathy, B.A., B.L., L.T.,
School Assistant,
Government Model Secondary School,
RAJAHMUNDY.

To:

The Director of Public Instruction,
M A D R A S.

Through:

The Head Master,
Government Model Secondary School,
RAJAHMUNDY.

and

The Principal,
Government Training College,
RAJAHMUNDY.

Most Respected Sir,

Sub: G.O.No.78 (Finance) dated 6th Feb. 1947, communicating the Madras Revised Scales of Pay Rules - 1947- Fixture of my pay from 1-1-1947 at Rs 150/- p.m. --- prayed for.

I pray for fixing my pay at Rs 150/- per month, from 1-1-1947 in very kind and sympathetic consideration of the following facts.

(1). I am entitled to a pay of Rs 150/- p.m. from 1-1-1947 under clauses 2 (a) and (c) /ii/ of Rule 9, with my service in posts as School Assistant and Senior Deputy Inspector of Schools, (10 years, 8 months and 7 days), carrying graded pay (from 25-4-1936 continuously) and my aggregate pay of Rs 124/- p.m. on 31-12-1946. Please vide Abstract of my service enclosed (Enclosure I).

(2). After direct selection by the Staff Selection Board for the post of School Assistant in the Educational Department, I put in pensionable service prior to 25-4-1936, declared as such by the Director of Public Instruction, Madras (in Proceedings Dis.No. 1458/46 dated 2-5-1946, copy submitted as Enclosure No.II), which runs up to 2 years 8 months and 21 days.

(3). (a) Clause 2 (g) of Rule 9 (dealing with the maximum pay admissible to an incumbent) refers to a hypothesis but not to an actual case.

(b) The Press note published by the Indian Express, is definite that the intention of the Government with the regard to the word 'begining' was the 'begining of the service'. (Please vide Enclosure III).

(c) The analogy of allowing service in fixed pay posts to an incumbent - in cases of conversion of such posts to graded pay- has to be applied to me. (Encl-III)

(d) I worked in a temporary post of School Assistant on fixed pay, which was converted to one of graded pay from 25-4-1936, the date of G.O.No. M.S.813 (Education and Public Health), and I was declared eligible to work in the same post after the above conversion, from the date of the G.O. by the Director of Public Instruction. (Pros. R.C. No. 1714-e/26-d/-15-7-36)

(e) It is hence clear that in spite of no fault of mine and the fact that I was qualified and eligible for the same, I was made to work in a

fixed

P.T.O.

in a fixed pay post. In fact, there were cases of juniors to me started in the graded pay posts of School Assistants, while I was continued in the Fixed pay posts.

Thus for purposes of fixing only the maximum pay admissible, my pensionable service also can count (2 years 8 months and 21 days), vide para 2. (consequently making the maximum pay admissible to me Rs. 170 for purposes of cl. 23 of rule 9.)

(4). Definition of clause (e) of Rule 2 referring to the 'service in the existing scale of pay' concerned only with the question of calculating the advance increments (Vide Press note Enclosure III which clarifies the same). It cannot apply to Clause 2 of Rule 9, which merely refers to 'service'.

(5). Therefore clauses (a) and (c) of Rule 9-(2) refer to an 'actual case' alone under which I get Rs 150/- which is to be actually fixed for me (as distinguished from the hypothetical case contemplated by clause (g) of Rule 9-(2)).

(6). If after a kind consideration of my above submission, you are not convinced, I pray for using at-least the kind discretionary power vested in you under Para 4 of the G.O. to bring my case to the notice of the Government, as a typically pitiable case of exceptional hardship in this department, suffered most unfortunately due to:

(a) the existence of the temporary fixed pay posts of School Assistants in this Department, like most of my colleagues,

(b) and cruel effects of the axe of retrenchment in the year 1932 which deprived men like myself (who started service as early as 1930 in service as School Assistants) of the manifold advantages of service, during the period of retrenchment break. In fact, those who joined as Junior Deputy Inspectors of Schools, were better off during the period, than those selected for superior posts as School Assistants.

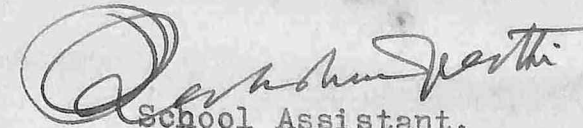
So these were the particular misfortunes of this Department and particularly of most of the class of the School Assistants.

In conclusion, I therefore most humbly appeal to you, as the guardian of the interests of the Department, to be so kind as to consider my case favourably and allow the actual pay of Rs 150/- per month prayed for, or at least bring my case to the notice of the Government under the kind discretionary power vested in your revered self under para 4 of the G.O.

Thanking you Honour in anticipation,

RAJAHMUNDRY,)
May 30, 1947.)

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


School Assistant,
Government Model Secy. School,
Rajahmundry.

ENCLOSURE II.

Extract from the Proceedings Dis No.1458/46 dated 2-5-1946 of the Director of Public Instruction, Madras, communicated in Dis. No.234/46 dated 13-5-1946 of the Divisional Inspector of Schools, Guntur:--

The following periods only of the officiating service rendered by Sri P.Lakshmipathi will count for pension under article 370 of the Civil Service Regulations:--

From 16-8-1930 to 2-4-1931.
From 23-6-1931 to 19-7-1932.
From 18-4-1935 to 13-10-1936.
From 29-10-'36 to 29-8-1937.

/True Copy/.

True Copy of the entries
in the Service Record.

Sd/. B.Lakshminarayana Sastri,
Head Master,
Government Secondary Training
School, Guntur.

[Signature]
School Assistant.

---ooOoo---

ENCLOSURE III.

True Extract from the Indian Express dated 18-1-1947 (Page 3).

For purposes of (a) to (e) above (This refers to periods of service which give respectively, Nil, One, two, three, and four advancement increments respectively) 'service in the existing scales' will be defined as service upto 1st December 1946.

In all the cases, where scales of pay are adopted for posts carrying fixed pay, service on fixed pay, other than under Emergency provisions will be treated as service in a scale.

The salary fixed in the new scales, as indicated above, should in no case exceed, what would have been admissible, to a Government servant, had he been on the new scale from the beginning of his service.

~~XXXXXXXXXX~~

/True Extract./

[Signature]
School Assistant.

---ooOoo---

Details of the service in para 2 of the letter:--

Dates.		Amount of service.		
		Yrs.	Mts.	Days.
16-8-1930	to 2-4-1931.	0	7	17
23-6-1931	to 19-7-1932.	1	0	27
18-4-1935	to 24-4-1936.	1	0	7
Total		2	8	21

[Signature]
School Assistant.

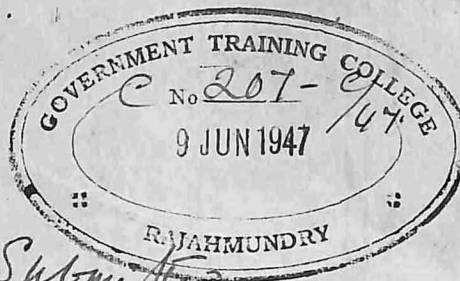
Enclosure I

Details of service of P. LAKSHMIPATHI, B.A., B.L., L.T., (Permanent D.I. of Schools) offg. School Asst., G.M. School, Rajamundry.

Serial no. of the item of service	NAME of the post held.	Dates of actual service (excluding) From To.	officiating or Permanent	PAY.	SCALE	Whether counts for pension	No. of the D.P.I. MADRAS for no. 7.	Dates of Leave on Average Pay From To	Dates of TRANSIT.	Remarks.
1	Tampy. School Asst.	16-8-'36	officiating	Rs. 75	Rs 75	yes.	DIS-1458/46		10.	Ist. joining dept. 16-8-'36
2	Sec. Grade Asst	3-4-'31	"	Rs 35	35-11-50		1/2-5-'46		21-6-'31	
3 (a)	Tampy. School Asst.	23-6-'31	"	Rs. 75	Rs. 75	yes.	"		22-6-'31	
(b)	"	18-4-'35	"	"	"	yes.	"			
(c)	"	25-4-'36	"	"	"	yes.	"			
(d)	"	29-10-'36	"	Rs 70	70-10-'36	yes.	"	14-10-'36	30-8-'37	Retrenchment break 20-7-'32 to 17-4-'35.
4 (a)	D.I. of schools, Kail-	9-9-'37	"	"	"	yes.	"	28-10-'36	8-9-'37	Post converted to graded pay from 25-4-'36
(b)	"	10-5-'38	"	"	"	yes.	"			
(c)	"	16-5-'39	"	Rs 80	"	"	"	6-5-'39	30-8-'39	
5 (a)	" NARSARAOPET	3-9-'39	"	"	"	"	"	15-5-'39	2-9-'39	
(b)	"	31-12-'39	"	"	"	"	"			
(c)	"	20-5-'40	Permanent D.I.	Rs 90	"	"	"			confirmed as D.I. of schools from 31-12-'39.
(d)	"	20-5-'42	"	Rs 100	"	"	"			
6	" Vinukonda.	30-6-'42	"	"	"	"	"		24-6-'42	
7	" Udayagiri.	4-9-'43	"	"	"	"	"	26-4-'43	29-6-'42	
8 (a)	" Tadepalligudem	13-2-'44	"	"	"	"	"	25-8-'43	3-9-'43	
(b)	"	20-5-'44	"	"	"	"	"		6-2-'44	
9	School Asst, G.S.T.S. (offg)	15-5-'45	"	Rs 110	"	"	"		7-5-'45	
10 (a)	" Govt. Model Secy.	12-11-'45	"	"	"	"	"		14-5-'45	
(b)	School at the Govt. Training College, Rajamundry.	21-11-'45	"	"	"	"	"		13-11-'45	
(c)	"	7-12-'45	"	"	"	"	"	27-11-'45	20-11-'45	
(d)	"	20-5-'46	"	Rs 120	"	"	"	21-7-'46		
	"	30-7-'46	"	"	"	"	"	29-7-'46		
				+ Temp. Additional pay of Rs 4 from 1-8-'46.						

P. Lakshmi Pathi
School Assistant.

30.5/47.



Submitted

to the Principal,
Government Training
College, Rajahmundry
and recommended for
favourable consideration
of the claims of the School-
Assistant for higher
pay as represented by him
in sufficient detail in his
petition.

Approved
1/6/47
Headmaster
Govt Model Secondary
School, Rajahmundry.

From

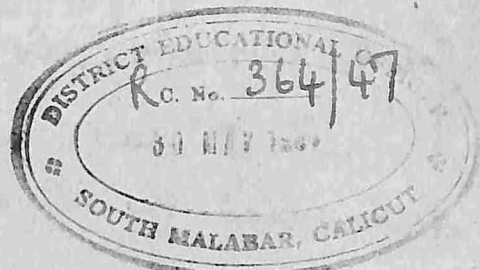
P.N. Verghese, B.A., L.T.,
School Assistant,
Government Training School, Malappuram.

To

The Director of Public Instruction,
Madras.

Through

The Proper Channel.



Most Respected Sir,

Sub:- Fixation of initial pay in the revised
scale.

I most respectfully beg to submit the
following for your honour's very kind and sympathetic consideration
and favourable orders.

I was selected for the Madras Subordinate Educational Service
as early as in 1927, but was appointed only in 1935. Having
entered the department very late, I was posted to a temporary post
with fixed salary and had to work in such post for nearly 3 years,
when it was converted into time scale post; and only after that
I was able to earn increments. Persons selected along with me
have already reached the maximum, but I was very much handicapped.
However, since these temporary posts have been subsequently made
permanent, the period spent in the temporary posts with fixed
pay counts for pensionable service.

My present salary is Rs. 110 + 4 (interim relief) and the next
stage in the revised scale is Rs. 115/-. I have put in 8 years
and 3 1/2 months "service in the existing scale" excluding the temporary
period on fixed pay, and so am eligible for 2 advance increments
in the new scale, as per Rule 9-2(c); so my initial pay in the
new scale (80-5-120-10-170) should be Rs. 115 plus 2 increments, i.e.,
Rs. 115 + 5 (1st increment) + 10 (2nd increment) = Rs. 130/-. But as
per rule 9-2-g my salary should not exceed what I would have recei-
ved had I worked in the new scale from the beginning. I have
had more than 10 years continuous service in the regular cadre of
School Assistants and Deputy Inspectors, i.e., from February 1936
and I humbly request that my initial salary may kindly be fixed
at Rs. 130/- considering the period of my continuous "service from
the beginning."

My initial salary has been provisionally fixed
at Rs. 120/- taking into consideration only my "service in the existing
scale" i.e., 8 years 3 1/2 months for the purpose of rule 9-2-g.
Persons who entered service much later, get a higher initial salary,
simply because they chanced to work in time scale posts; and it
is very hard indeed that my salary should be fixed at a lower
stage than even my juniors in service, simply because I happened to
work in the temporary post with fixed pay.

My case is indeed very hard and pitiable, and the revision of
salaries would cause me the greatest disappointment, and adversely
affect my future very much. So I humbly pray that the whole of
my continuous service of more than 10 years may at least be counted
for the purpose of rule 9-2-g, and my initial salary may kindly be
fixed at Rs. 130/-, giving me the benefit of 2 advance increments
for which I am eligible under rule 9-2(c).

I pray that your honour may graciously be pleased to extend
to me the mercy and justice my hard case really deserves.

Malappuram,
24-5-47.

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

P.N. Verghese

Copy submitted to the Divisional Inspector of Schools, Coimbatore.

7/ *Cur 24/10*
Re. 222/47 D 25. 5.47.

Submitted to the District Educational Officer,
South Malabar, Calicut.

2. I had in this office Re. No. 222/47 D 15-H-1947
Submitted the case of the petitioners for instructions.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.C. No. 2440-C5/47, dated 30.7.1947. *b*

&&&

SUBJECT: THE MADRAS REVISED SCALES OF PAY - 1947 - FIXATION OF
PAY OF SRI P. LAKSHMIPATHI, Sri P.N. VERGHESE - SCHOOL
ASSISTANTS.

627/2
R. E A D: 1. Application dated 30-5-47 from Sri P. Lakshmi pathi
School Assistant, Government Model Secondary
School, Rajahmundry.
& 2. Application dated 24-5-1947 from Sri P.N. Verghese,
School Assistant, Government Training School,
Malapuram.

627/2
SUBMITTED to the Government and recommended that
Rule 9(g) of the Madras Revised Scales of Pay Rules 1947 may be
relaxed in favour of the petitioners to the extent that their
services in posts on fixed pay may also be counted for purposes
of that Rule.

p9wra
A copy of the letter No. T.9.Sc.I-164 Dated 16-7-1947
from the Accountant-General, Madras is also enclosed herewith.

R. Narasimhan
for DIRECTOR OF PUBLIC INSTRUCTION.

To
THE SECRETARY TO GOVERNMENT,
EDUCATION & PUBLIC HEALTH DEPARTMENT.

Ram. 1/8.

1/8

P.T.O.

ENCLOSURE:

Copy of letter No.T.9.Sc.I-164 Dated 16-7-1947 from the Accountant-General, Madras.

The Service of Mr. P. Lakshmipathi should be taken to have commenced only from the 25th April 1936 the date from which the Post was converted into one on a time-scale of pay. The period during which he held the temporary post on fixed pay cannot be considered as service which can be taken into account for the purpose of application of Rule 9(2)(g) of the Rules(Vide) Definition of "Service in the existing scale of pay" in the notification appended to G.O. No. 78 Finance dated the 6th February 1947. The instruction in extract from the Indian Express dated 18th January 1947 referred to finds no place in the Government Orders as finally embodied in G.O.No.78 dated the 6th February 1947.

/True copy/

for DIRECTOR OF PUBLIC INSTRUCTION.

Rem. 1/8.

C.No.62712-B1/47.

Education and Public Health Department.
(b1).

SCHOOLS - Government-Model Secondary School, Rajahmundry and ~~Government~~ Training School, Malappuram - Sri P. Lakshmipathi and Sri P.N. Verghese - School Assistants - Fixation of pay in the revised scale - ~~Rule 9(2)(g)~~ - Relaxation - ~~Negative~~ - ~~Negative~~.

From Sri P. Lakshmipathi, School Assistant, Government Model Secondary School, Rajahmundry, dated 30-5-47.

From Sri P.N. Verghese, School Assistant, Government Training School, Malappuram, dated 24--5--47.

From the Director of Public Instruction, R.C.No.2440-C5 of 1947 dated 30--7--47.

ORDER MS.NO. 1863 EDUCATION, dated 25/8/1947.

The Director of Public Instruction is informed that the Government do not see sufficient justification for the relaxation of rule 9(2)(g) of the rules relating

-2-

to the fixation of pay in the revised scales ~~of pay~~ issued ~~under~~ G.O.No.78 Finance, dated the 6th Februdry 1947, in favour of Sri P. Lakshmipathi and Sri P.N. Verghese, School Assistants, Government Model Secondary School, Rajahmundry and Government Training School, Malappuram, respectively.

To

The D.P.I.

Copy to the A.G.

SCHOOLS - Government Model Secondary School, Rajahmundry and Government Training School, Malappuram - Sri P. Lakshmi-pathi and Sri P.N. Verghese - School Assistants - Fixation of pay in the revised scale.

From Sri P. Lakshmipathi, School Assistant, Government Model Secondary School, Rajahmundry, dated 30--5--47.

From Sri P.N. Verghese, School Assistant, Government Training School, Malappuram, dated 24--5--47.

From the Director of Public Instruction, D.C.No.2440-C5/47 dated the 30th July 1947.

Sri P. Lakshmipathi and Sri P.N. Verghese

School Assistants in the Government Model Secondary School, Rajahmundry and Government Training School, Malappuram, respectively ~~were first employed~~ ~~The former was entertained in the year 1930 as School Assistant in the Madras Educational Subordinate Service while the latter in the year 1935 and they acted in the temporary posts of School Assistants on a fixed pay for a period of about three years when the posts were converted ^{into} posts on a time scale of pay. The Assistants request that for the reasons stated in their petitions on pages 1-2 and page 6 c.f., the temporary service put in by them may be taken into account for purposes of fixing their pay in the revised scale of pay sanctioned in G.O. No.78 Finance dated the 6th February 1947.~~

2. The Accountant-General has pointed out that the period of service put in by the Assistants in the temporary posts of School Assistants on a fixed pay cannot be considered as service which can be taken into account for the purpose of application of rule 9(2)(g) of the rules relating to the fixation of pay issued under the G.O. referred to above. But the Director of Public Instruction recommends that the rule may be relaxed in favour of the assistants to the extent that their services in the posts of fixed pay may also be counted for purposes of that rule. ~~For orders whether the Director's recommendation may be accepted supported in this Department.~~

3. The remarks of Finance may be invited U.O. prior

3. The service put in by the school assistants on fixed pay has not been taken into account in fixing their initial pay in the existing time scale of pay and there seems to be no strong case for relaxing the rules in favour of the two individuals so as to enable them to count that service for purposes of fixation of pay in the revised scale. There may be several cases of teachers in the Edu Dept similarly placed and the grant of the concession in this case may form an inconvenient precedent - Under the powers delegated the D.D. & generally employees add staff for the add. section on fixed pay and later on obtains Govt sanction for placing those appointments on a time scale. Further it has not been pointed out that any hardship will be caused to the two assistants if the proposed concession is not allowed. For orders whether the D.D.'s proposal may be negatived for the reasons mentioned above.

4. The remarks of Finance may be invited U.O.

Fin. may agree with the above.

Edu. & PH (B) Dept.

The file may now be circulated to H.A. (Edu.) for orders whether the proposal of the D.D. to relax the provisions of rule 9(2)(g) of the rules relating to the fixation of pay issued under No. 78 Fin. O. 6.2.47 in favour of the two individuals may be negatived.

F & PH NO. 62712 B1/47-1EDN
7/9/47.



Fin. NO. 4758550/47-1

11-8-47



Please see the orders in circulation on page 2 ante. A draft order is submitted below for approval.

21/9/47
1682
21/9/47

22/8/47

The first thing I noticed when I stepped
 out of the car was the cold. It was a
 sharp contrast to the warm blanket of
 the car. I shivered slightly, but the
 feeling of being outdoors was invigorating.
 The air was crisp and clean, a welcome
 change from the stuffy interior of the
 car. I took a deep breath, savoring the
 scent of the fresh air. The sun was
 shining brightly, casting long shadows
 across the grass. It was a beautiful
 day, and I felt a sense of peace and
 tranquility. The world was so peaceful,
 and I was so grateful to be here.

