

Put up

Secret II-27-15,004-22-3-46.

E D H (1947) Department.

Ms SERIES.

G.O. NO. 403 - Edu.

Dated 4-3-47.

[Despatch Abstract.]

Estt. - Sri E. Sivalingam, Asst.
D.E.O.'s Office, Coimbatore
and Nilgiris - Recovery of
excess incremental pay -
Waiver - Ordered.

Back Papers.

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

Further Papers.

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

15. The D. From
For Enquiry
Report
 To
 F. Sivalingam,
 Officiating Typist, Office of the Dt. Educational Officer,
 Coimbatore.
 The Hon'ble Minister for Education,
 Fort St. George,
 Madras.
 Through Proper Channel.

Sir,

Sub: F. Sivalingam, Typist, Office of the Dt. Educational Officer, Coimbatore and Nilgiris--Appeal against the Orders of the Director of Public Instruction, Madras. Excess incremental pay drawn over Rs. 40/- Recovery of -Praying for waiving the same and for exemption from the possession of Higher grade qualification in Type-writing.

Ref: Proceedings R.C. No. 389 C/46 dated 26-6-46 of the Director of Public Instruction, Madras communicated in Divisional Inspector's Proceedings Dis. 525/46, dated 1-7-1946.

I beg leave to respectfully submit the following for your sympathetic consideration and favourable orders:-

I am a retrenched 2nd clerk of the defunct District Educational Council, Coimbatore. I am an S.S.L.C. holder with Type-Writing Lower Grade (First class) qualification. I was entertained in the District Educational Council Office on 1-2-1926 in the scale of Rs. 30--1--40 and was drawing Rs. 40/- the maximum pay for the post. Consequent on the abolition of the District Educational Councils from 1-6-1939, two posts, one for a clerk and another for a Typist were created in the office of the Dt. Educational Officer, Coimbatore for the purpose of absorbing the D.E.C. Clerks. I was accordingly absorbed here on 3-6-1939 and was appointed in the Typist's post as per G.O. No. 1234 Education, dated 31-5-1939 in the revised time-scale of pay 30--3/2--45-2/2-55 and my initial pay was fixed at Rs. 40/- (39 plus 1 personal allowance).

In Proceedings R.C. No. 2164 C/39 dated 27-10-42 of the Director of Public Instruction, Madras (copy enclosed), it is stated that Government have since issued revised instructions to the effect that the clerks who had been previously employed in the offices of Dt. Educational Councils and who were later appointed to posts in Government service under G.O. No. 1234 Edn. dated 31-5-39

-are-

PTO

are eligible to rise up to the maximum pay of the Lower Division scale, viz. ~~30-3/2-45-2/2-55~~ by virtue of the relaxation of the rules granted in the G.O. But in Proceedings R.C.³⁸⁷C/46 dated 30-1-46 of the Director of Public Instruction it is ordered that in G.O. No. 1234 Edn. dated 31-5-1939 exemption from age and minimum Education qualifications alone has been granted to the Typists and that I should draw only Rs. 39/- plus 1 = Rs. 40/- p.m. being my pay as clerk in the defunct Dt. Educational Council Office. When the G.O. quoted above was communicated to me I had every reason to believe and was actually made to believe by the District Educational Officer that as an ex-clerk of the Dt. Educational Council I was exempted from all qualifications and that I can draw my increments in the time-scale of pay attached to the post without any further sanction. Agreeably to this assurance given by the Dt. Educational Officer, increments have been sanctioned to me twice raising my pay from 39 plus 1 to Rs. ~~42~~ 42/- on 3-6-1941 and from Rs. 42/- to Rs. 45/- on 3-6-1943. As such I had no reason to doubt my eligibility for increments in the Typist's post held in the Dt. Educational Officer's office.

I am an S.S.L.C. holder eligible for Public service with Type-writing Lower Grade (First Class) qualification. Had I known that my qualifications as typist were not sufficient to draw increments in the post, I would have either passed the Type-writing Examination in the Higher Grade or chosen to get myself transferred as a clerk in the office of the Dt. Educational Officer as I was only a clerk in the Dt. Educational Council office doing of course typing work also at the time of abolition of the Dt. Educational Council. Now after a period of 6 years when I have become fairly aged and not able to stand the strain of examinations in Technical subjects, I am informed that I should possess higher qualifications to become eligible for increments. Not only that but also I am asked to refund all the money which I was paid by way of increments after proper sanction by a competent authority and which amount comes to about Rs. 260/-. I beg to submit that I am not responsible for the alleged excess payment of increments and that I have drawn the increased rates at Rs. 2/- and Rs. 5/- covering a

period of over 4 years. I respectfully submit that it is not justifiable to order the reduction of my pay from Rs. 45 to Rs. 40 and also the recovery of the pay drawn by me in excess of Rs. 40/-. In view of the fact that the alleged excess payment was made in all good faith which prevented me for qualifying myself for the post in good time when I was sufficiently young 6 years ago and in view of the fact that I could have been posted as clerk even in the first instance, there would have been no need to limit my pay at Rs. 40/-. In the present distressing post-war conditions when there is already agitation everywhere for payment of higher salaries and wages, I am compelled to refund the amount which is rightly due to me.

I am a family man having 7 members dependant on me and I find it extremely difficult to make both ends meet with my present scanty pay. When this is the case, I am in so helpless a position as not to be able to refund the amount.

In view of my past continuous service of about 20 years both in the District Educational Council and Dt. Educational Officer's office and in view of my present age (of about 41 years), I humbly request you to be pleased (a) to exempt me from the prescribed qualifications of a typist, i.e. from passing the higher grade test in Type-writing and (b) to waive the recovery of the excess payment of about Rs. 260/-.

Praying that my humble request will meet with your sympathetic consideration and favourable orders,

I beg to remain,
Sir,
Your most obedient Servant,
Dated: 23rd July 1946.
Copy submitted in advance to the Hon'ble Minister for Education,
Fort St. George, Madras.

Enc: 1 (copy of D.P.I.'s Proceedings)

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Enclosure referred to in para 3 of the petition.

Copy of Proceedings of the Director of Public Instruction, Madras.
R.C. 2164 C/39, dated 27-10-1942.

Sub: Madras Ministerial Service-Educational Department-Unpassed
Clerks-Removal of restrictions regarding pay.

Read: Proceedings Re. 2164 C/39 dated 27-7-1942 and the replies
received from the subordinate officers.

5/110-194
The undermentioned officers are informed that Government have since issued revised instructions to the effect that the clerks who had been previously employed in the offices of District Educational Councils and who were later appointed to posts in Government services under G.O. No. 1234 Edn. dated 31-5-1939 are eligible to rise upto the maximum pay of the lower division scale viz. Rs. 30-3/2-45-2/2--55 by virtue of the relaxation of the rules granted in the G.O. They are therefore further informed that the cases of all the clerks mentioned in the statement enclosed to the Director's Proceedings Re. 586 C/39 dated 1-6-39 should be dealt with accordingly, irrespective of the fact that these clerks have not passed some or all of the special or departmental tests prescribed for promotion to higher posts in the department.

Muhammad,
for Director of Public Instruction.
/True copy/

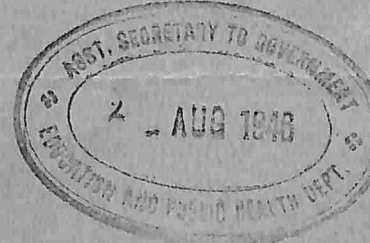
12)
R.C. No. 11(37)A/46.

11/13/46
Dated 25-7-1946.

Ref: Petition dated 23-7-46 from Sri E.Sivalingam, Typist of this office addressed to the Hon'ble Minister for Education, Madras with note of the Hon'ble Minister thereon dated 24-7-1946.

RESUBMITTED with a copy of this office endorsement Rec.No.

11(37)A/46 dated 24-7-1946 submitting the original petition to the Divisional Inspector of Schools, Coimbatore Division.



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57n
DISTRICT EDUCATIONAL OFFICER,
Coimbatore and the Nilgiris.

To
The Hon'ble Minister for Education,
Fort St. George, Madras.

Enc: 1

Es, 25.7.

(True Copy)
25 716
DISTRICT EDUCATIONAL OFFICER,
Coimbatore and the Nilgiris.

Enclosure

R.O. No. 11(37)A/46.

Dated 24-7-1946.

Sub: Sri E.Sivalingam-Recovery of excess pay drawn-
Appeal against the orders of.

Ref: Petition dated 23-7-1946 from Sri E.Sivalingam,
Typist of this office.

SUBMITTED to the Divisional Inspector of Schools, Coimbatore
Division with reference to his Proceedings Dis.No.525/46 dated
1-7-46.

2. The Typist Sri E.Sivalingam has put in over 20 years service including his service in the defunct Di.Educational Council. He is now over 40 years of age. He made earnest attempts to pass the Type-writing Examination in the Higher grade. It is difficult for him to strain himself to pass the Higher grade examination at this age. He has passed the Type-writing Examination in Lower Grade (First class) and his work as typist in this office is quite good. He has to be exempted from possessing the higher grade qualification in Type-writing. His request for exemption is therefore strongly recommended.

3. The excess pay drawn by Sri E.Sivalingam from June 1941 to January 1946 amounts to Rs. 206-12-0. It is a pretty large amount for the typist to refund in these distressingly hard days, particularly when he has drawn all the amount in the belief that he is entitled to draw increments.

4. The requests of the typist may be favourably considered.

(Sd.) D.Sambasivam Pillai.

To The Divisional Inspector
Es/25.7. of Schools, Coimbatore Division.

DISTRICT EDUCATIONAL OFFICER,
Coimbatore and the Nilgiris.

Edn and P.H. Dept (A)

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a/s

Endr.
Memo No. 42139-A-1-Edn dated 9.8.46

Sub: Estt.--Office of the D.E.O., Coimbatore--
Sri E. Sivalingam, Typist--Recovery of
excess pay.

Ref: From the D.E.O. Coimbatore to H.M.(Edn.)
R.C.No. 11(37) A/46 dated 25-7-46.
**

Referred to the D.P.I. for ^{a full} report in full at
an early date. Pending disposal of ^{Sri E. Sivalingam's} this petition,
the Director is requested to effect no recovery from
^{his salary} the pay of the typist ^{his pay} Sri Sivalingam towards the excess
pay disbursed to him from 1941 to 1946.

p.7cf

pp.1-3 cf

To the D.P.I. ^{with 100% 8.8.46}
(with copy of p.7cf)

h
8.8.46

BVM
9/8/46

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.O.C.NO. 10738-C3/46, dated 9-11-1946.

SUBJECT:- Appeal against the orders of the Director regarding recovery of excess incremental pay drawn Sri E. Sivalingam Chetti, Officiating Typist, Office of the Director of Educational Officer, Coimbatore.

Submitted to Government with reference to their Memo 42639-A.1Edn., dated 9-8-1946.

Sri E. Sivalingam Chetti is an S.S.D.C. holder with Typewriting Lower Grade certificate. He was formerly employed in the District Educational Council Coimbatore and on its abolition he was appointed as an officiating typist in the District Educational Officer's office, Coimbatore. As a lower grade typist he is entitled only to the minimum pay of the scale and he cannot rise in the time scale unless he possess the Higher Grade test in Typewriting. With reference to G.O. 1234-Edn., dated 31-5-1939, his pay was fixed at Rs.39/- plus 1/- per mensem because he was already in receipt of a pay of Rs.40/- per mensem in the Office of the District Educational Council, Coimbatore. Hence it was ordered that the excess incremental pay drawn by him be recovered.

In the circumstances explained by the typist, the recovery of the excess pay drawn by him may be waived. I do not recommend however the grant of exemption from possessing the prescribed qualifications for the post so as to allow him to draw pay over and above Rs.40/- per mensem.

for Director of Public Instruction.

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

Kp. 14-11.

EDH (A)

P.O. 1234 Edn., dt- 31.5.39 was called for
from M.R.O. a week back. It has
not been recd. so far. A reminder has been
sent today. The result of the P.O. may be awaited
till 31.12.46

OM
30/11/46

dg. in
28/11/46

be granted par
in the scale of pay
applicable to lower division
clerks.

To the D.P.I.
" A.G.

SP

18.2.47 20/2/47

OM
23/2/47

Edn. and P.H. Dept. (A).

ESTT. - Sri E. Sivalingam, typist, D.E.O.'s Office,
Coimbatore and Nilgiris - Recovery of excess incre-
mental pay - Waiver - Ordered.

cf. 11 Read:- From the D.P.I., No. 10738-C3-46, dated 9-11-46.

G.O. (MS.) No. 403 Edn., dated 4.3.47.

The Govt. direct that the recovery of the excess
pay amounting approximately to Rs. 260 (rupees two hundred and
sixty) drawn by Sri E. Sivalingam, typist, Office of the D.E.O.,
Coimbatore and the Nilgiris, from June 1941 to Jany. 1946, by
way of increments over Rs. 40 in the scale of Rs. 30-3/2-45-2/2-55,
ordered by the D.P.I., be waived.

2. The request of Sri Sivalingam that the rule
prescribing qualifications for the post of typist be relaxed in
his favour, so as to allow him to draw pay over Rs. 40, cannot be
complied with. The Dir. is requested to inform him accordingly.

3. By virtue of the relaxation of the statutory
rules re: ~~minimum~~ minimum genl. edl. qualfn., ^{ordered} granted in G.O. No.
1234-Edn., dated 31.5.39, in favour of reasons taken into Govt.
Govt. from the estts. of the Dt. Edl. Councils, ~~xxxx~~ Sri Sivalingam
is eligible for appt. as a clerk in any offg. vacancy. In the
event of such appt., he can ~~earn~~ increments in the scale of Rs.
30-55. If he is willing, the D.P.I. may consider the question
of transferring him ~~xxxx~~ as a clerk.

Please see enclosure sent herewith

I am not able to understand why any excess was paid to Mr. Sivalingam from 1941 to 1946. I understand that he has been very badly treated in the matter of confirmation and promotion also. On the facts given, it seems to be a very hard case. I would like the matter be completely examined and a note put up. ^{and} till the matter is decided, no action ^{be} taken against him.

T.S.A

TSA

29.7-4

A draft Emt. Flm. to D.P. is subd

$\frac{129}{6.8 \times 10^4} \times 10^4$

$$\frac{0.54}{9/8/4}$$

(Issued as Endt.No.42639-A-1-Edn., dated 9-8-46.)
From the D.P.I., No.10738-C3-46, dated 9-11-46.

Sri E. Sivalingam was one among the clerks, typists, been borne on the estts. of the Dt. Edl. Councils 1939. and who were absorbed in the Offices of the Dept., after the provns. of the statutory rules general educational qualification and age were ⁵⁷⁵ in their favour. He had been a clerk in the Coimbatore S.40 and he was appointed as a typist in the D.E. O.'s Coimbatore. He has not passed the typewriting Higher and is thus not a fully qualified typist. He is only the Lower Grade. The scale of pay applicable to typists is Rs.19-30 and, strictly speaking, Sivalingam's pay on being taken into Govt. service ^{as a typist} /should be fixed at Rs.30, the ~~max~~imum of that scale; for, unqualified typists of the Dt. Edl. Cls. was granted on the possession of the typewriting higher qualfn. one of the conditions in the G.O. was that in no case the pay to be fixed exceed the ~~max~~imum of the time-admissible. Pl. compare the case of Sri N. Sivalingam in 1939 itself - pp. 132-141 of (J)

Ratnam disposed of ~~XXXXXXXXXX~~ in 1939 itself - pp. 132-141 of (J)

2. Sri Sivalingam's pay was, however, fixed at Rs.39 plus Re.1 personal pay, for the reason that he had already been drawing Rs.40 in the Dt.Edl.Council; later, he was also granted two increments (up to 45) in the higher grade scale of pay of Rs.30-55. This was due evidently to the misunderstanding of the orders that the exemption granted in 1939 covered also the typewriting qualfn.

3. Last year, the case of another typist - Sri Jayaram Dass, came up to Govt. when the A.G. explained to the D.P.I. the position as correctly set out at "M" on p.1 ante. Sri Jayaram Dass was first taken into Govt. service as a clerk on Rs.38 (which was his original pay in the D.E.C.) and subsequently he got himself transferred as a typist for reasons of health. As he did not possess the prescribed higher grade qualfn., his pay as typist was fixed at the maximum of the unqualified typists' scale, viz., Rs.30. This, he represented, was a hardship to him and he requested that he might be permitted to draw as typist Rs.38. The Govt. decided that there was no case to relax in his ~~xxxx~~ favour the qualfn. rule and his request was turned down accordingly.

4. Apparently based on the decision in Sri Jayaram Dass' case, the Dir. ordered that ^{typist} Sri Sivalingam ^{should not go above} ~~draw only~~ Rs.40 (his pay in the D.E.C.) and that the excess incremental pay drawn by him shd. be recovered. ^{Probably} His pay was not ordered to be fixed at Rs.30 ^{in the scale of Rs.19-20, probably} for the reason that his case differed from ~~that of~~ Sri Jayaram Dass' in that the latter was one of transfer, at a later stage, at the specific request of the individual. In his petition at C.F.1-2, Sri Sivalingam has explained how ~~this order is~~ the D.P.I.'s order is unjust from his point of view. His prayers are:

- (1) that he may be exempted from the prescribed qualfn. for a typist; and
- (2) that the excess payment of about Rs.260 made to him may not be recovered.

The Request (2) is recommended by the Dir., and in view of the fact that the typist was not responsible for the excess payment, the request may be allowed.

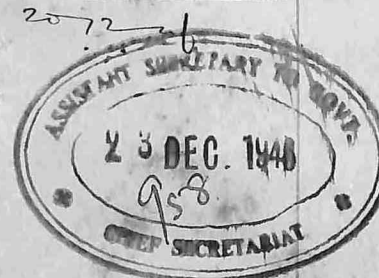
As regards request (1), it is not recommended by the Dir. ^{Considering} in view also of the principle followed in previous cases.

(viz., those of Sri Ratnam and Sri Jayaram Doss), subd. that it does not seem that there is sufficient justification to order a relaxation of the ~~xxxx~~ rule.

5. The D.P.I. may perhaps be asked to arrange for the transfer of Sri Sivalingam as a clerk, if he is willing for such transfer now - in which case he can ~~xxxxxxx~~ earn increments in the scale of Rs.30-55; it may be pointed out here that by virtue of the relaxation granted in 1939 Sri Sivalingam is eligible for appt. in any ^{offg.} vacancy of clerk also.

6. Pub.(Ser.) and Finance may see ~~xxxx~~ for remarks before circn.

EDH U.S.
No 2629 - A-3



The views of E.L.P.H. at A and B above may be concurred in and the file passed on to Finance.

Handwritten notes:
6.1.47
8.1.47
19/12/46 S
Pub. (Ser.) Dept.

Please see the petition from Mr. E. Sivalingam, Officiating typist, office of the D.E.O. Coimbatore and the note of E.P.H. from page 1 above summarising the case.

2. P on page 2 above:- In the circumstances noted by E.P.H. and in view of the considerations put forth by the petitioner on pages 2-3 C.F. E.P.H. consider that the excess amount wrongly paid to him need not be recovered from Mr. Sivalingam.

It appears from page 5 C.F. that the proceedings of the D.P.I. issued in 1942 were taken in the sense that clerks who had previously been employed in office of D.E.Os who were later on appointed to posts in

