

Part
M
29/10
E O H (1948) Department.

Yb SERIES.

G.O. NO. 2175 - E O

Dated

3 - 9 - 48

[Despatch Abstract.]

MES. - Profs. of Engg. - analysis.
for direct recruitment made applicable
to promotion - Special Rules -
Amended.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1582						
	5-11						
	1823						
	28-11						

Further Papers.

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

Copy of letter No. 55699-A-9 dated 13-3-48 from the Secretary to Government, E & P.H. Department, to the Secretary, Madras Public Service Commission, Egmore.

--:-

I am directed to send herewith copy of a communication dated 13-1-48 received from the Director of Public Instruction together with an extract from Dr. J. J. Rana's letter referred to therein, and to request that the Commission will be so good as to inform Government whether the Ph.D. degree in Electrical Engineering possessed by Dr. K. Sukumaran, who is officiating temporarily as Prof. of Electrical Engineering, College of Engineering, Guindy, in the M.E.S., can be deemed as equivalent to the diploma in the Electrical Engineering of the College of Engineering, Guindy, with Hons. and the B.E. degree of the University of Madras prescribed in the Special Rules for that service as alternative qualification under head (i) for the post of Professor of Electrical Engineering.

(True copy)

Copy of letter No. 1732-C.1/48-1 dated 2-4-1948 from the Secretary, Madras Public Service Commission, Madras, to the Secretary, E. & P.H. Department.

--:-

Sub: Qualifications - Madras Educational Service - Professor of Electrical Engineering - Ph.D. degree in Elec. Engineering of the Madras University - Whether equivalent to the Diploma in Elec. Engineering of the College of Engineering, Guindy, with Hons. and the B.E. degree of the University of Madras -

Ref: Your letter No. 55699-A-9 dated 13-3-1948.

--:-

I am to say that the qualifications possessed by Dr. K. Sukumaran are certainly more than equivalent to "the diploma in Elec. Engineering of the College of Engineering, Guindy with Hons. and the B.E. degree of the University of Madras", which are prescribed as alternative qualifications for the post of Professor of Elec. Engineering in the Annexure to the Special Rules for the Madras Educational Service. The Commission observes however that these qualifications are so prescribed only for direct recruitment to that post, while Dr. Sukumarn in connexion with whose case the question has been referred to it, is an Instructor, whose appointment as a Professor is a case of promotion, and that no such qualifications have been prescribed in the rules for the promotion of an Instructor to the post of Professor. In the circumstances, I am to request that, if there is no objection, the Commission may kindly be informed how the question of considering his qualifications as equivalent to those prescribed for direct recruitment to that post arises.

(True copy)

Copy of the letter No.55699/47-A-12, dated 25th May 1948, from Secy.,
Education and Public Health Department, Government of Madras, to
the Secretary ~~xxxx~~, Madras Public Service Commission.

SUB:- Madras Educational Service - Category of Professors, College
of Engineering, Guindy - Qualifications.

REF:- Your letter No.1732-G/48, dated 2nd April 1948.

Although the Special Rules for the Madras Educational Service
do not specifically prescribe separate qualifications for appointment
by promotion to the category of Professors, College of Engineering
Guindy, the intention has been that the qualifications laid down
for appointment for direct recruitment to that category should be
applied for promotion also. There are perhaps similar cases in
some other services also. I am to state that the question of giving
effect to the intention clearly by suitably amending rule 14(a)
of the General Rules for the Provincial and Subordinate Services,
has been taken up for consideration in the Public (Service) Dept.

(True copy)

From
Sri C. Krishnaswami Chetty,
Secretary, Public Service
Commission,
Madras 8.

Tel: "PUBSERCOM". 3 3
To
The Secretary to the Government
of Madras,
Education & Public Health
Department,
Madras 9.

No.4023-C1/48-1, dated 17th June 1948.

Sir,

Rules - General Rules for the Madras Provincial and
Subordinate Service - Qualifications prescribed for
direct recruitment to be made applicable for promotion -
General Rule 14 (a) - Amendment - Your letter No.55699/47
-8-12 Edn. dated 25-5-1948. p.2 and

53741

I am to enquire when the amendment to Rule 14 (a) of the
General Rules for the Provincial and Subordinate Services referred to
in the concluding portion of the letter cited, may be expected.

Yours faithfully,

Chetty
Secretary.

Encl: Nil.
c.k. 17/7/48.

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

LETTER/Ref.No. 12086-A-3, d/- 14/8

To The Secy., M.P.S.C.

Sir,

M.E.S. - Profs. of Engg. - Qualfns. for direct recruitment ~~made applicable to promotion~~ - Proposal to apply them for promotion.

Ref:- Your letter No.4023-C1/48-1, d/- 17-6-48.

It is ~~not~~ now considered that an amendment of rule 14(a) of the General Rules for the Provl. & Sub. Services is ~~not~~ necy. and that the question of amending the Spl. Rules for the respective services as and when cases of the sort ^{arises} in that service may be ~~con-~~ sidered on its merits. ^{In this view,} ^{with their} ^{ment} a draft of the amending which it is proposed to make to the Spl. Rules for the M.E.S., applying the qualfns. prescribed for direct recruitment to posts of Profs. in the College of Engg., Guindy, to promotion to those posts also, is enclosed. I am to request you to be so good as to obtain the views of the Comm. ^{on the draft} ~~thereon~~ and communicate them to Govt.

Y.O.S.,

6
-2-
words "Direct Recruitment or Promotion" shall be substituted.

To the DPI.
" S., MPSC.
" Pub. (Ser.)
" Legal Dept.
" SGP (for pubn. in the FSGG and for issue of correction slips to Vol. II of the Madras Services Manual).
" Sectt. Library (4 copies).
" P.Cs. to H.M.'s (2 copies each)
" Bks. clerks to Secy. & A.S. (Edn)

64018
Tel: "Pubsercom"

From
Sri C. Krishnaswami Chetty,
Secretary, Public Service
Commn., Madras-8.

To
The Secretary to the
Government of Madras,
Education & Public
Health Department,
Madras-9.

No. 4023-C.1/48-2, dated 26-8-1948.

Rules - Madras Educational Service - Professor of
College of Engineering, Guindy - Qualifications
prescribed for direct recruitment to be made appli-
cable for promotion - Special Rules - Amendment -
Your letter No. 49086-A.3, Education dated 14-8-48.

I am to say that the Commission has no remarks to
offer on the draft amendment forwarded with the letter cited.

Yours faithfully,

Secretary.

Encl. - Nil.

ckn.26/8.

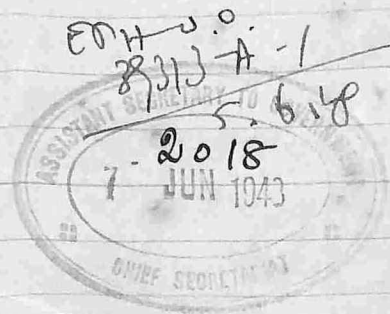


G.O. Could not be
got informally?



Pub (Ser) h.o.

N^o 1653/48-1
26.5.48.



Routine 7 Pub (Ser) Deptt

E & P.H. may be requested
to put up the original of G.O. No 1584
Edw. d 6.11.42 referred to at 'A' on
p 2 N.7.

25.5.48

26/5/48 E.H.H. (A)

The G.O. is put up at (b)
May be subd. to Public (Ser.)

4/6/48

OSM 5/6/48 Pub (Ser) D

C.No 55/99/47.

Note file

Edn. & P.H. Department.

C.No 1653
12.5.48

The Commission says that the qualifications of Dr. K. Sukumaran are certainly more than equivalent to the "Guindy College diploma in Elec. Engineering with Hons. and the B.E. degree (Madras University)" prescribed in the rules. Relevant extract from its letter may be sent to the Director of Public Instruction and he be asked to consider the question of regularising Dr. Sukumarn's temporary appointment as Professor and report.

2, Incidentally, the Commission has raised for clarification the point how, whereas no qualification has been specifically prescribed for appointment by promotion to the post of Professor, the qualification laid down in the rules as for direct recruitment should be applied to the appointment of Dr. Sukumaran, which is one by 'promotion' from the post of Instructor. The same point was raised by this dept. in 1941 when proposals for the regular appointment as Professor (Mech. Eng.) of Lt. Col. Paul were put up by the D.P.I. The notes on pp.2 and 4-11 n.f. of G.O. 1584-Edn. dated 6-11-42, contain discussions about it. --c.f. note on the margin of p.1 n.f. of 'E'. On the basis of those discussions the Commission may now be given a reply on the following lines:

"There is no provision in the Special Rules for the M.E.S., definitely saying that promotees ~~ex~~ to the posts of Professors need not possess any qualification and that there can be unrestricted promotion thereto without any limitation about qualifications. Further General Rule 14(a) - old General Rule 13(b)(ii) -- governs the post. Therefore, the qualifications prescribed for direct recruitment should be required of promotees also*."

3. Pub. (Ser.) and Legal may see with reference to para 2 above.

B.M.
26/4/48

M.V.S.
29-4-48

Public (Ser.) Dept.

The further notes may be perused and the file passed on to Legal.

K.V.R.
5/5/48

Legal Department.

Rule 6(a) of the Special Rules for the Madras Educational Service provides that no person shall be eligible for appointment by the method specified in column (3) of the Annexure unless he possesses the qualifications prescribed in the corresponding entry in column (4). There are two methods of recruitment to the post of Professor of Electrical Engineering, namely, (1) direct recruitment and (2) promotion from Instructors -- please see rule 2(a), Class V, Category 2. Thus, under the Special Rules, the qualifications prescribed for a direct recruit to the post of Professor of Elec. Engineering will not apply to recruitment to the post by promotion.

2. The next question is whether General Rule 14(a) has the effect of making the qualifications prescribed for a direct recruit applicable to a promoted man also. General Rule 14(a) refers to the case where qualifications are prescribed by the Special Rules for any category of a Service or Class of Service which are not prescribed for a category carrying a lower rate of pay. Does General Rule 14(a) apply to the case where the higher qualifications are not prescribed for recruitment by promotion, but only for a

for a direct recruit? On the face of it, it is difficult to justify such an interpretation of General Rule 14(a). When the Special Rules expressly set out two modes of recruitment, viz., direct recruitment and promotion, and go on to provide that a person recruited direct should possess certain qualifications ^{the inference is that} need be possessed ~~by~~ ^{by a candidate who is to be promoted} to that post. There are some cases in which higher qualifications are prescribed for the promotion of men to a higher category and the General Rule 14(a) will apply to such cases. The view taken by the Madras Public Service Commission in this case seems therefore to be preferable.

3. Considerable doubt was felt in 1942 as regards the interpretation of the corresponding General Rule which was then in force. Please see the view expressed by the then Secretary, E. & P.H. at pp. 6 and 7 n.f. of G.O. No. 1584, Edn., dated 6-11-1942, which was accepted by Sir George Boag as correct, although he considered that the intention was different. But Public Department and another Adviser, Sir Thomas Austin, took a different view. It is a great pity that the General Rule was not then amended so as to resolve this difference of opinion. I suggest that the rule may be amended now so as to give effect to the intention clearly. It will also have to be considered as to what course should be adopted where different qualifications are prescribed for direct recruits and for recruits by transfer. In such a case, should a promoted man possess the qualifications prescribed for a direct recruit or those prescribed for the recruits by transfer or may he possess either the one set of qualifications or the other? Clear provision should be made for such a case.

K.V.R.

10-5-48

Public (Ser.) Dept.

The Legal Dept.'s note at pp. 16-18 above may be perused. An extract of it may be taken for amending the General Rules. The file may be returned to E. & P.H.

(True extract)

Public (Services) Deptt.

General Rule 13(b)(ii) quoted by this department while at flag (E) does not appear to have any corresponding provision in the present General Rules. The present General rule 14(a) corresponds only to the proviso to the old General Rule 13(b) and there has been no question of any doubt in the application of the present General Rule 14(a). The present arrangement of the General Rules so far as qualifications are concerned is specified at portion marked 'B' on p. 3 n.f. of G.O. 939, Public (Services) dated 25-3-42. In the light of the position as stated there, no further action is called for. Further any general order issued on the

the subject is more likely to confuse appointing authorities than clarify ^{the} position. Each case may be dealt with on its merits. The papers may be lodged after perusal by Legal and E & P.H.

Thro' Ser - A

15.6.48

15.6.48

I agree to A above but what about the case referred to in the Legal Dept's note on p. 3 ante? Should we not amend the M.E.S Rules so as to apply the qualifications prescribed for a direct recruit to the post of Professor of Elec. Engineering to a promoter also?

17.6.48

Submitted that according to the view of Legal concurred in by this dept general rule 14(a) has no application to the case in question. Therefore E. & P.H. may consider whether a promoter to the post of Professor of Electrical Engineering should possess the qualification prescribed for a direct recruit to that post i.e. mainly b type diploma in Electrical Engineering with Hons and the B.E. degree of the Madras University, and if ^{to may} issue the necessary amendment to the Madras Educational Service Rules.

Thro' Pub (Ser A)



Legal O No. 7585/48-1
2.7.48

19.6.48

Legal / E & P.H.

Legal Dept

Legal. Am.

2/7/48

E & P.H.

P at p.4 ante: This is correct. It may however be noted that, although old General Rule 13(b)⁽ⁱⁱ⁾ is not incorporated in the present ^{General} rules, the retention in the present General rules of the Proviso to old General Rule 13(b)⁽ⁱⁱ⁾ has continued, by implication, the effect of old General Rule 13(b)⁽ⁱⁱ⁾ itself; in other words, when it is held that the present General Rule 14(a) would not, and ~~that~~ therefore the proviso to old General Rule 13(b)(ii) did not, cover the cases of the type in question, old General Rule 13(b)(ii), ~~too~~ quoted by Public in the first sentence of para 1(i) of "E"/N.F.4, ~~too~~, had actually no application.

①/CF.13

var rule
A(2)
H. 1187
D. 1127

2. T at p.3 ante: The intention has all along been

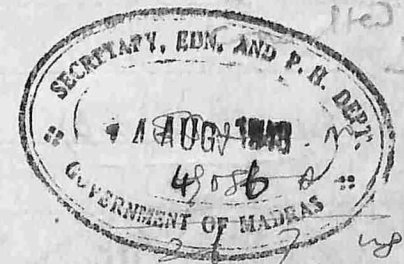
q. CF.2 6

H. W. D. - Mech. Engg.
Major (Mach.)
S. K. S. - Mech. Engg.

that promotees to posts of Profs. of Engg. should possess the qualifns. for direct recruits. Previous cases of promotion were dealt with, and present cases are being proceeded with, on that footing. Therefore, the rules may be amended making the qualifns. applicable to promotion also. A draft order is subd. Legal may see for scrutiny. (The qn. of revising the Profs.' qualifns. as a whole is pending with the D.P.I. who has probably consulted the V.C.'s of Universities. The amendment proposed above may be carried out independent of that ~~question~~ question)

26/7/48 / 29/7/48

Legal Department.



Legal u.o. no. 9194/48-1
29/7/48
9194



The slight alterations indicated in red ink on the draft notification may be made.

29.7.48

29/7/48 E.P.H.

A draft letter to be

Comm. is subd.
29.7.48
6.8. (2882) as letter no. 48086-A.3, 29.7.48

From the Secy., H.P.S.C., No. 4023-C1/48-2, dt-26.8.48

cf 7 The Commission has no remarks.
The draft order (pp. 5-6 cf) may now be issued

29.8.48 / 31/8/48

29/8/48 S

10/2/78