

Puraway
3/7/48

Scott. II-27-58,604-27-10-47.

E P H (1948) Department.

Miss SERIES.

(15)

G.O. NO. Ms 2823Edn

Dated

11/11/48

[Despatch Abstract.]

Estt. — Sri K. Narayana Rao — formerly Head Clerk
Presidency Court — petition for promotion —
Papers recorded

Back Papers.

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

Further Papers.

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

Office of the
Director of Public Instruction,
Madras.

Endorsement RC. No. 534/C.3/48 dated 12th March 1948.

SUB:- Petition from Sri K.Narayanappa = Formerly Headclerk, Presidency College now Manager, Office of the Divisional Inspector of Schools, Godavari Division:

REF:- Petition from Sri K.Narayanappa dated 1st February 1948.

SUBMITTED.

2. This is a petition against the orders issued in Director's Proceedings RC.No.3798/C.5/47 dated 20th Oct. 1947. First Sri K. Narayanappa was promoted as Manager, Office of the Divisional Inspector of Schools, Anantapur. Against that order Sri B. Sivarama Rao preferred an appeal. As the promotion of Mr.Narayanappa was found to be irregular Mr. Sivarama Rao's appeal was admitted and he was promoted. It was ordered that the promotion of Sri K. Narayanappa as Manager ordered in the Director's Proceedings RC.No. 3377/C.5/47 dated 10th August 1947 should be deemed to have been made under emergency powers. Subsequently Sri Narayanappa was promoted in his turn. The petition therefore deserves no consideration and may be rejected.

for Director of Public Instruction.

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

KAN.13/3

K. Narayanaiah - all have served their term
at Presidency College, Madras. on transit
to Cholaupalem, 14.2.1948.



The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.
The Director of Public Instruction,
Madras.

Sir,

This is an appeal submitted under
rule 24 of the General Rules for Provincial and
Subordinate Services in connection with the
orders passed in para 3 of Proceedings R.O. No
3789 C5/47, dated 20.10.47 of the Director of Public
Instruction, Madras, a copy of which is enclosed
as annexure A to this appeal. It was received
by me on 2.12.47 and therefore this appeal is
within the time limit of 2 months allowed by
the rules for an appeal. In as much as the
orders appealed against were passed by the
Director of Public Instruction, Madras, this appeal
is submitted to Government for orders.

The grounds on which the orders referred
to were passed not having been stated in the
proceedings, I applied to the Director of Public In-
struction for a comprehensive statement of the
case to enable me to submit an appeal. (A copy
of my letter dated 4.1.48 on the subject is en-
closed as annexure B.) But till now not having
received orders thereon, and the time limit for
this appeal having drawn to a close, I proceed
to submit this appeal upon the basis of what
I believe to be true and should there be any
statement herein made contrary to facts, I
crave your pardon for ignoring the same to
the extent to which it is irrelevant.

Most esteemed Sir: The Statutory Rules
framed by the Government for Provincial and

pp 7. 8 infra

Copy on p 6 infra

p 153, BK No 112.

subordinate services and the Special Rules
allowed thereunder do not permit an appeal
against the orders of a competent authority per-
mitting to promote an individual. The orders
of a competent authority in this respect are final
and therefore the appeal submitted by Sri B.
Sivarama Rao protesting against my promotion
for whatever reason, should have been with-
held by the head of his office. If it appeared
that the case of Sri B. Sivarama Rao involved
a question of equity not provided for by the
statutory rules, he might have submitted an
appeal a memorial to the authority who could
make a new rule to cover his ^(Sri B. Sivarama Rao's) case. But not
only his appeal to the Director of Public Instruction
was submitted by the head of the office but
also it was admitted; not only admitted but
an order affecting my rank in the Service was
passed by the Director of Public Instruction without
recording my defence statement.

The post of 'Manager' in the office of
Divisional inspectors of schools was till recently
designated "Head. clerk", a category included in
Annexure I to the Madras Ministerial Services Rules.
After the designation was changed from "Head.
clerk" into "Manager", Government did not pass
any orders relegating the post to the non-selection
category. Consequently the panel of names for
promotion to the post of "Manager" continued to
be maintained in the office of the Director of
Public Instruction, Madras from which it appears
my name was selected for promotion when at
first I was promoted (in proceedings for no 3377 c/s not received in
47, dated 10.8.47). The appeal of Sri B. Sivarama
Rao against this order seems to have laid em-
phasis on this circumstance, that the post of
"Manager" of a Divisional Inspector's office is not
included in Annexure I to the Madras Ministerial Rules
and for that reason, it was incorrect to promote
me to the said post ignoring him, a senior and
person working in a higher category. He seems

A
x Item 2
under
Edn
Spt.
p. 205,
Sk. 114.

to have taken advantage of a sudden change
of the officer and the Superintendent of the
section dealing with appointments in the
Director's office and to press his suit both in
writing and in person that the only way out
of the situation to meet out justice to him was
to pull me down by converting my regular
promotion into one of emergency. It was un-
fortunate that there was no means for the Director
of Public Instruction to know the other side of the
picture: the Superintendent who was responsible
for the technical side of the orders passed was ill,
he died later on: a defence statement from
me was, for some reason, not called for. Thus
Sri B. Sivarama Rao won his suit and in-
directly created a new precedent and a de-
parture from the Statutory Rules: for submitting
an appeal against the orders of a competent
authority ordering a promotion: to convert a
regular promotion into one of emergency: and
an instance in which the said post was
treated as though it was relegated to the non-
selection category of posts - an assumption which
is questionable for want of specific orders.

Most esteemed Sir: I am not asking that
I should be promoted over my seniors nor
that Sri B. Sivarama Rao should not be pro-
moted. But the unconstitutional method by
which he got orders passed in his favour and
to my detriment is very discouraging to me
and is much to be regretted. I therefore pray
that the orders passed in para 3 of the Director's
Proceedings for no 3789 c/s/47 dated 20.10.47 may
be set aside allowing his previous order (for no
not received in Sec/3377 c/s/47 dated 10.8.47) to stand.

I beg to remain,
Sir,

Your most obedient servant,
K. Narayanaswami -
Headclerk, Presidency College,
Madras on transit.
copy submitted to Government.

subordinate services and the Special Rules
issued there-under do not permit an appeal
against the orders of a competent authority pur-
porting to promote an individual. The orders
of a competent authority in this respect are final
and therefore the appeal submitted by Sri B.
Sivarama Rao protesting against my promotion
for whatever reason, should have been with-
held by the head of his office. If it appeared
that the case of Sri B. Sivarama Rao involved
a question of equity not provided for by the
Statutory Rules, he might have submitted an
appeal a memorial to the authority who could
make a new rule to cover his ^(Sri B. Sivarama Rao's) case. But not
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was submitted by the head of the office but
also it was admitted; not only admitted but
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After the designation was changed from "Head-
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any orders relegating the post to the non-selection
category. Consequently the panel of names for
promotion to the post of "Manager" continued to
be maintained in the office of the Director of
Public Instruction, Madras from which it appears
my name was selected for promotion when at
first I was promoted (in proceedings for no 3377 C/5
47, dated 10.8.47). The appeal of Sri B. Sivarama
Rao against this order seems to have laid em-
phasis on this circumstance, that the post of
"Manager" of a Divisional Inspector's office is not
included in Annexure I to the Madras Ministerial Rules
and for that reason, it was incorrect to promote
me to the said post ignoring him, a senior and
a person working in a higher category. He seems

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p. 205,
Sk. 14.

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to have taken advantage of a sudden change
of the officer and the Superintendent of the
section dealing with appointments in the
Director's office and to press his suit both in
writing and in person that the only way out
of the situation to meet out justice to him was
to pull me down by converting my regular
promotion to one of emergency. It was un-
fortunate that there was no means for the Director
of Public Instruction to know the other side of the
picture: the Superintendent who was responsible
for the technical side of the orders passed was ill,
he died later on: a defence statement from
me was, for some reason, not called for. Thus
Sri B. Sivarama Rao won his suit and in-
directly created a new precedent and a de-
parture from the Statutory Rules: for submitting
an appeal against the orders of a competent
authority ordering a promotion: to convert a
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I should be promoted over my seniors nor
that Sri B. Sivarama Rao should not be pro-
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which he got orders passed in his favour and
to my detriment is very discouraging to me
and is much to be regretted. I therefore pray
that the orders passed in para 3 of the Director's
proceedings for no 3789 C/47 dated 20.10.47 may
be set aside allowing his previous orders (for no
3377 C/5/47 dated 10.8.47) to stand.

I beg to remain,

Sir,

Your most obedient servant
K. Narayanaswami -
Headman, Presidency College
Madras on transit.

copy submitted to Government.

Annexure A.

Proceedings No 3789 CS/47 dated 20.10.47
of the Director of Public Instruction, Madras.

Subject: Public Service - Appeal of Sri B. Siva
ramaswami, Accountant, College of Engineering, Guindy
against the promotion of Sri K. Narayanappa as
Manager - Admitted - Order passed.

Read: From the Principal, College of Engineering
Guindy No 2-108 A/47 dated 30.9.47.

The appeal of Sri B. Sivaramaswami is admitted.

2. The following promotion is ordered:-

Sri B. Sivaramaswami, officiating accountant,
College of Engineering, Guindy to officiate as Manager
Office of the Divisional Inspector of Schools, Mantapur
Division, via Sri S. Goorappa applied for leave -
To join at once.

3. The promotion of Sri K. Narayanappa as
Manager, Office of the Divisional Inspector of
Schools, Mantapur ordered in the Director's
proceedings No 3377 CS/47 dated 10.8.47 will
be deemed as having been made under rule
31 A of the General Rules for the Madras Pro-
vincial and Subordinate Services in the light
of the above orders.

sd. D.S. Reddi.

For Director of Public Instruction

Rs no 618 A/47 dated 30.10.47

communicated.

sd - P. Satyanarayana,

26.11.47

For District School Officer

Guntur North.

Sri K. Narayanappa - Applicant.

True copy

K. Narayanappa

Annexure B.

Narayanappa.

K. RAMACHANDRAN

HEAD CLERK.

PRESIDENCY COLLEGE,
MADRAS.

Dated 4.1.48

20. The Director of Public Instruction,
Madras.
Through
The Principal, Presidency College,
Madras.

Sir
Reference: Your proceedings No.
3789 CS/47 dated 20.10.47.
Appeal of Sri B. Sivaramaswami -
Accountant College of Engineering,
Guindy - Order passed.

Further to your proceedings cited
above, which was received by me on
2.12.47, I have not received any pro-
ceedings setting out the circumstances or
grounds on which the said appeal was
admitted. As I was not also previously
given an opportunity to explain the
position myself, I am in utter ignorance
of the basis of the appeal.

Most esteemed Sir: It is needless for
me to submit that the orders passed in
my case are highly discouraging to a
servant of my standing and con-
tinuous good record in the department
during the past 28 years. The orders
passed are ~~the~~ strange: the like
were never heard of by me previously -
a promoted person being placed
back in rank for no fault of his.
I am therefore submitting an appeal
under rule 24 of the General Rules
for consideration on the following
points, interalia, and as I cannot

P.T.O

do so in the absence of a comprehensive statement of my case, without at least looking into the connected file, I shall be grateful if permission is given to me to look into the file to see that what was represented to the Director of Public Instruction behind me was correct and that the rules involved were interpreted without detriment to my case.

(1) No appeal is permitted by the Statutory Rule against the order of a competent authority promoting an individual. Only the highest authority having powers to make a rule can therefore entertain an appeal against the order of a competent authority promoting an individual.

(2) There is no provision in the Statutory Rules to set aside the order passed by a competent authority (particularly after it took effect by the appointed person joining duty) promoting an individual. Therefore, only an authority having powers to make a rule can set aside the order.

(3) There is provision in the Statutory Rules to regularize an appointment made under the emergency rule previously, but no provision exists to convert a regular appointment into one of emergency. ~~Therefore~~ in the absence of a specific provision, only the highest authority having powers to make a rule can order such a conversion.

I beg to remain, Sir,
Your most obedient servant

K. Narayanaiah

K. Narayanaiah

EPH Dep-1

Memo No 19142 A-1 Edw d. 5.4.48

Estt- Sri K. Narayanaiah, formerly Head Clerk,
Presidency College, petition for promotion

Ref:- Order of the D.P.G No 534/E3/48 d 12.3.48

The D.P.G is requested to state in detail the reasons for considering the first promotion of Sri K. Narayanaiah, as Manager, Office of the Divisional Inspector of Schools, Anantapur, as irregular.

The Director is also requested to state with reference to rules, whether Sri Narayanaiah had a right of appeal to the Director himself and whether he was competent to revise his previous orders on this appeal.

To The D.P.G, 14.4.48

1/4/48

15/4/48

17/4/48

EDUCATION DEPARTMENT.

Received 19 . Registered 19 .



Subject.

RESOLUTION from Sri.K. Narayanasappa, formerly Head Clerk
Presidency College, Madras and now Manager, Office of
the Divisional Inspector of Schools, Godavari Division.

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ENCLOSURES.

No.

Spare copies

RG. No. 534-G5/48

Station M A D R A S., Dated the 1st June 1948.

From (Name) SRI.D.S. REDDI, M.A., (Oxon).
(Designation) DIRECTOR OF PUBLIC INSTRUCTION.

To The Secretary to the Government of Madras,
EDUCATION & PUBLIC HEALTH Department.

Sir,

Ref: Government Memo. No.19142,A-1 Edn. dated 5-4-1948.

I have the honour to offer the following remarks on the
points raised by Government in their Memo. referred to above:

I. The following categories of appointments exist in the
Education Department for promotion to clerks in the offices of the
District Educational Officers, Inspectresses and Offices attached to
Colleges.

I. Head clerks and Upper Division Clerks in the District
District Educational Offices and Inspectresses Offices
and some colleges.

P.T.O.

II. 3 posts (1) Head Clerk, Presidency College, Madras
(2) Head Clerk, Office of the Inspector for European and Anglo-Indian schools, Accountant College of Engineering, Guindy.

III. 4 posts of Managers of the Offices of the Divisional Inspectors.

In filling up posts in category I above it is almost done on a linguistic basis Telugu, Tamil, Malayalam and Kannada. In filling the other two categories no such rule is ordinarily observed. But as the Managers vacancy occurred in a Telugu area the seniority of Telugu Head clerks and Upper Division Clerks in category I was considered and Mr. Narayanappa was promoted as he was the seniormost of Head clerks in the Telugu Area. Subsequently when Sri. Sivarama Rao submitted a petition it was thought that the cases of Head clerks in category II irrespective of languages should have been considered for promotions to category III and hence the promotion of Mr. Narayanappa was considered irregular as Mr. Sivarama Rao was his senior and he should have been regularly promoted as Manager. When the irregularity was found out the appoint of Sri. Narayanappa was considered connected as one made under new emergency powers and Mr. Sivarama Rao was regularly promoted. Mr. Narayanappa should have no grievance on this account.

Regarding the point raised in Para 2 it may be stated that the expression "appeal" used is a misnomer. It was only a petition received from Sri. Sivarama Rao and not an appeal praying for redressal of grievance. On a consideration of this petition and having regard to the circumstances of the case the promotion of Sri. Sivarama Rao was ordered in preference to Sri. Narayanappa considering his seniority. Sri. Narayanappa was thereafter raised regularly to the post in which he is now continuing.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

13 24th Sept.

Memorandum 1942 A-3 B. dated 9.8.48

Ref. - Sri K. Narayanappa, formerly Head Clerk, Presidency College - Petition for promotion

Ref. - B. No. of the D.P.D. No 534/CS/48 d 12.3.48.

The D.P.D. is requested to quote the number and date of the G.O. in which the posts of Head clerks in the offices of the Divisional Inspectors of Schools were re-designated as Managers and also to state whether the posts of Managers should be deemed to constitute a Selection Category. He is also requested to consider what amendments are necessary to the Madras Ministerial Service Rules for classification of managers in that Service.

2 The Director is also requested to send to the Govt. the originals of his proceedings No 3798/CS/47 d 20.10.47 and No 3377/CS/47 d 10.8.47 referred to in the aforesaid.

A m p i c p
B m p i c p
To The D.P.D.

12/8/48
6.8.48
9/8/48

R.C.534-C3/48.

OFFICE OF THE
DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS, D/20th September '48.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION,

MADRAS.

TO

THE SECRETARY TO GOVERNMENT,
Education & Public Health Department,
MADRAS.

SIR,

SUB: APPOINTMENT - Sri K. Narayanappa formerly Head-clerk - Presidency College, Madras - Petition for promotion.

REF: Government Memorandum No.19142-A3-Education dated 9th August 1948.

I have the honour to submit herewith the originals of my Proceedings No. 3798 C5/47 dated 20th October 1947 and No. 3377 C5/47 dated 10th August 1947.

2. The posts of Managers in the Offices of the Divisional Inspectors of Schools were sanctioned in lieu of Head clerks in these Offices - vide G.O.No.562 Education dated 16th April 1943.

3. The posts of Managers may be deemed to constitute a selection category. The following draft amendments to the Madras Ministerial Service Rules are suggested for the approval of Government.

I.

Managers, Office of the Divisional Inspectors of Schools shall be included as item (2) renumbering the existing Nos."2 to 6" as "3 to 7" under "Education Department" in Section-A. Section categories of Annexure I referred to in Rule (5) of the above Rules.

II.

Managers, Office of the Divisional Inspectors of Schools, shall be included as a separate item under category (9) in Rule (1) of the above rules.

III.

The words "Managers and Head clerks" shall be substituted for the words "Head clerks" occurring before the words "Accountants, librarians etc." under item (4) of the Education Department in Annexure II referred to in Rule (1b) of the above rules and

IV.

The words "Managers" in the Offices of the Divisional Inspectors of Schools shall be included as item (2) renumbering the existing numbers "2 to 9" as "3 to 10" and delet-

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P.O. 584-23/18

OFFICE OF THE
DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS, 23rd September 1948.

deleting the words "Divisional Inspectors" occurring against item (8) so re-numbered in column (1) under "Education Department" in Annexure IV referred to in Rule 32(b), and in Annexure V referred to in Rule (36) of the above rules.

220 and
227, Bk 114

Yours faithfully,
N. M.

for DIRECTOR OF PUBLIC INSTRUCTION.

Copy to: C2, Government of Madras - Petition for promotion.
Ram. 23/9.

REF: Government Memorandum No. 19147-AS-Education dated 9th August 1948.

I have the honor to submit herewith the original of my Proceedings No. 3708 CM/47 dated 20th October 1947 and No. 3877 CM/47 dated 10th August 1947.

2. The posts of Managers in the Office of the Divisional Inspectors of Schools were abolished in 1947 and the posts of Managers in the Office of the Divisional Inspectors of Schools were abolished in 1947.

3. The posts of Managers may be deemed to constitute a selection category. The following draft amendments to the Madras Ministerial Service Rules are suggested for the approval of the Government.

Managers, Office of the Divisional Inspectors of Schools shall be included as item (7) renumbering the existing Nos. 7 to 10 as "3 to 7" under "Education Department" in Section A-Section 1 of the Madras Ministerial Service Rules (2) of the above Rules.

Managers, Office of the Divisional Inspectors of Schools shall be included as a separate item under category (3) in Rule (1) of the above Rules.

The words "Managers and Head clerks" shall be substituted for the words "Head clerks" occurring before the words "Managers, Librarians etc." under item (4) of the Education Department in Annexure II referred to in Rule (1) of the above Rules.

The words "Managers" in the Office of the Divisional Inspectors of Schools shall be included as item (7) renumbering the existing numbers "3 to 7" as "3 to 10" and deleting the existing numbers "8 to 10" and "11 to 12".

17 EAPH Dept.
Memo No 19142 A/48-5 Edud. 27.10.48
E. S. K. Sri K. Navayanappa, formerly Head clerk, Presidency College - petition for promotion
Ref: - Petition from Sri K. Navayanappa d 1.2.48
Endt of ltr D.P.D. no 584/C3/48 d 12.3.48.
The D.P.D. is requested to inform the petitioner that the Govt has declined to interfere with the orders passed by the D.P.D. in the matter.
To The D.P.D. / 22.3.48 / 25/8/48 / 30/3/48
span wpy
Note: - In the circumstances stated in para 2 of the D.P.D.'s endt on p.c.f., there seems to be no case for the interference of the Govt with the orders already passed by the D.P.D. him. The

See before issue.

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[Issued as Memo No 19142 A-1 Bdy d 5-4-48]

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BdPH no 19142A-2

26.6.68

Pub (Ser) Dept

So far as can be seen from the special rules for the Madras Ministerial Service, there are no posts of Managers ⁱⁿ of the Offices of Divisional Inspectors. There are only the posts of Head clerks in those offices and those posts constitute a selection category. E & P. H. may be

20
requested to state whether those Head clerks have since been re-designated as managers, and whether they should be deemed to constitute a selection category. If so, they may be requested to obtain the originals of the proceedings of the D.P.I. referred to in this case to enable this Dept to offer ~~any~~ remarks.

E & P.A. may also be requested to consider what amendments are necessary to the M.M.S. Rules for classification of managers in that service.

I suppose that under Govt 484/48 relating to Rtd Committee recommendation, the designation of Manager is to be dropped out from the R.D.S. Is it not so?

10.7.48
12/7/48

Subd 'yes' — please see para 1(8) of G.O. no. 484, Pub (Ser), 8/12.2.47. But exceptions have been allowed in certain cases. For example in the Agricultural Dept the existing designations of Manager, etc., have been

A
on p. 4 of.

* 'A' and 'B'
on p. 1 of.

(F) p. 2

21
ordered to be retained — c.f. notes on p. 7-9016 and the orders on p. 9 of G.O. Rt. no. 721, Dept, 8/15.9.47.

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E.P.H.

E.P.H.(A).

W.V.C. has made of Rule (Ser) on pp 3-4 ante, a draft memo to the D.P.I. is submitted for approval.

6.8.48

9/8/48

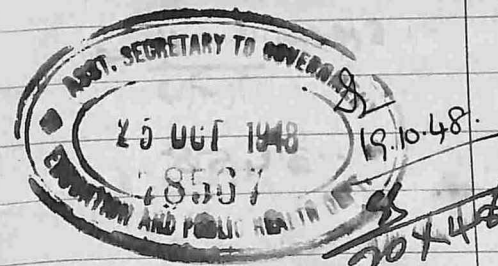
11/8/48

(Issued as Memo no. 19142 A-3 Edu 8/9.8.48)

b. no: 720 26 A. From the D.P.I. no: 53423/48 8/20.9.48

Please see the Public Dept note from

20
6/23
page 3 ante. Headclerks of the offices of five
inspectors of schools were re-designated as
managers in 1943: please see no. 562 Edu 8 (L)
16.4.43. It would appear that consequential
amendments to the Madras Ministerial Service
Rules have not been issued. The amendments
now suggested by the Director may also be accepted.
The Director's proceedings referred to at A and B
on page 1 cf have been obtained and placed below. (W) + (X)
This dept may also recommend that the existing
designation of "Manager" may be retained.
The file may be sent to Public (Services)
for remarks.



24 13
Pub (Ser) Dept
(Previous note on pp. 3-5 ante)
The subsequent notes of E & P. H. on pp. 5-6
ante may be perused. The view at X
on p. 3 ante may be agreed to in this dept.
cf. A.S.'s remarks at A and B on p. 2 of
(y) in a similar case.
"Z" on p. 6 ante: Necessary amendments to
the M.M.S. Rules will have to be issued in
this dept. E & P. H. may be requested
to forward to this dept relevant extracts
from the cf. and rif. for the purpose.
The file may be returned to E & P. H.

Pub (Ser) v.o. no. 3458/48

22/10/48

X extract
sent to Pub (Ser) 22/10/48

E & P. H.
A
The draft memo on page 1 ante may issue
Relevant extracts from rif & cf may be sent to
Public (Services). After issue these papers may be reworked.

26/10/48

27/10/48

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Relevant extracts have been sent to Public (P.) for issuing amendments to the M.H.S. Rules. The papers may now be

Order / Ms. no 2823 for dates 4.11.48

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E. P. H. 24/12/47
Memo 9257A(12) 17 Revised 14/12/47
Est. Sri K. Narayana Appa - formerly Head clerk, Presidency College
Madras - petition for promotion.

From Mr D.P.S. No. 534 C3(12) D. 27.11.47

up
15/12

The ~~original~~ original files of Mr D.P.S. (X)
D. No. 6247(12) D. 18.11.47 and D. No. 6228(12) D. 23.12.47 are
herewith returned.

With reference to para 2 of his letter cited his
attention is invited to the order issued in Govt 3015P(S)
D. 3.12.47.

MKS
Sri K. Narayana Appa
18/12/47

14/12/47

To
The D.P.S. Circle
Madras (12/12/47)