Sectt. II-27—60,004—17-11-48.

E.P.H (1949) Department.

Ms SERIES.

G.O. NO.	3199 Edn
Dated	18-10-49.

[Despatch Abstract.]

Govt. Press- Establishment- Sri. T.P. Vasudeva
Nambissan, Foreman, Govt. Press- Reversion- Restora
to the post of Foreman Grade II- ordered- Papers Rec

Back Papers.

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

Further Papers.

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

Gu 1546 on
1855

Madras,
14th April 1949.

1

From

T.P. Vasudevan Nambisan,
Foreman, Government Press,
M a d r a s.

ASST. SECRETARY TO GOVERNMENT
18 ... 1
EDUCATION AND PUBLIC

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, M a d r a s.

Through

The Superintendent,
Government Press, M a d r a s.

Respected Sir,

29917

With due respect and humble submission, the petitioner begs to bring the following for the consideration of the benign Government.

2, The petitioner, while holding the post of a Foreman on Rs.28-55 (Rs.45-85 in the revised scale) in Class I, Category 2, Grade III, was appointed to officiate as Foreman Grade II on Rs.55-85 (Rs.90-150 in the revised scale) in the same Class and Category in December 1946, and continued in that post till the end of January 1947, when he was reverted for want ~~of~~ vacancy. He was ag in promoted as Foreman Grade II with effect from 1st July 1947, when a substantive vacancy arose in that grade and continued to hold that post till 5th April 1949. He also drew an increment in that Grade.

3. The Superintendent, G overnment Press, in his order No. I dated 6th April 1949, copy of which is enclosed, reverted the petitioner with effect from the date of order to the post of Foreman Grade III on the ground that his appointment as Foreman Grade II was irregular with reference to orders in Government Order No.2127, Education, dated 8th November 1946. It is submitted that the orders in pa ra 3 of Government Order No.2127, Education, dated 8th November 1946 will apply only to non-selection posts. As Foreman, Grade II is a selection post under Rule 4 of the Madras Government ress Subordinate Service Rules, the orders in that Government Order will not apply to promotion to the t grade. The permanent

2

superintendent, Mr. Lepper, has considered this aspect when the petitioner was promoted. The petitioner may also mention in this connection, that there are several other cases of promotions to selection categories made by Mr. Lepper, after the issue of the above Government Order on the same principle which have not been cancelled for the reason given in the order of reversion of the petitioner. Further, the present Superintendent, Mr. R. Siddique, too, has promoted very recently on the same analogy, a Reader from Grade III to the selection post of Grade II, which promotion still holds good.

4. In the circumstances stated above, the petitioner requests that the order of reversion may be cancelled and he be restored to the post of Foreman Grade II.

The petitioner begs to remain,
Respected Sir,
Your most obedient servant,

T.P. Vasudevan Nambisan
14-4-1949

Advance copy submitted to the Secretary, Education and Public Health Department, Fort St. George, Madras.

The original has been submitted through the Superintendent, Government Press, Madras.

Remind 5.5.P dt 15/5/49

COPY OF ORDER NO. I DATED 6TH APRIL 1949 OF THE SUPERINTENDENT, GOVERNMENT PRESS, M A D R A S.

****

3

ORDER NO. I

Government Press, Madras.

The promotion of Sri T. P. Vasudeva Nambisan (Permanent Junior Foreman on Rs.45-85) over five of his seniors to the cadre of Senior Foreman on Rs.90-5-130- E.B. - 10-150 ordered to take effect from 1-7-1947 is now considered not in order as contemplated in para 3 of G.O. No.2127, Education, dated 8-11-1946. Accordingly, he is reverted to his original substantive post of a Junior Foreman on Rs.45-3-60-E.B.-2-85/60 with effect from 6-4-1949.

His promotion in the higher scale as a Senior Foreman from 1-7-47 to 5-4-49 has been deemdd to have been made as an officiating one, but he will have no claim for seniority over the members of his cadre who had taken rank above him.

(Sd.) R. Siddique
7-4-49.
Superintendent.

T.P. Vasudevan Nambisan
14-4-49 True Copy

4

(V) 5

E+P.H.(V)

Sub. Govt Press - Estt - Sri T.P. Vasudeva Nambissan, Fireman, Govt Press - Reversion - Petition.

104/1815

Ref From Sri T.P. Vasudeva Nambissan, petition dated 14/4/49.

Memo no 2991/C2-1 Edy D 175

The Supdt. is requested to forward the original of the petition cited with his remarks at an early date.

2) The Supdt. CSR 16.5.49

DNS 22/5

JA 16/5/49

DNS 17/5/49

GOVERNMENT PRESS
13 APR 1949
MADRAS

(6)

Madras,
14th April 1949.

From

T.P. Vasudevan Nambisan,
Foreman, Government Press,
M a d r a s.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, M a d r a s.

Through

The Superintendent,
Government Press, M a d r a s.

Respected Sir,

With due respect and humble submission, the petitioner begs to bring the following for the consideration of the benign Government.

2. The petitioner, while holding the post of a Foreman on Rs.28-55 (Rs.45-85 in the revised scale) in Class I, Category 2, Grade III, was appointed to officiate as Foreman Grade II on Rs.55-85 (Rs.90-150 in the revised scale) in the same Class and Category in December 1946, and continued in that post till the end of January 1947, when he was reverted for want of vacancy. He was again promoted as Foreman Grade II with effect from 1st July 1947, when a substantive vacancy arose in that grade and continued to hold that post till 5th April 1949. He also drew an increment in that Grade.

3. The Superintendent, Government Press, in his order No. I dated 6th April 1949, copy of which is enclosed, reverted the petitioner with effect from the date of order to the post of Foreman Grade III on the ground that his appointment as Foreman Grade II was irregular with reference to orders in Government Order No.2127, Education, dated 8th November 1946. It is submitted that the orders in para 3 of Government Order No.2127, Education, dated 8th November 1946 will apply only to non-selection posts. As Foreman, Grade II is a selection post under Rule 4 of the Madras Government Press Subordinate Service Rules, the orders in that Government Order will not apply to promotion to that grade. The permaner

superintendent, Mr. Lepper, has considered this aspect when the petitioner was promoted. The petitioner may also mention in this connection, that there are several other cases of promotions to selection categories made by Mr. Lepper, after the issue of the above Government Order on the same principle which have not been cancelled for the reason given in the order of reversion of the petitioner. Further, the present Superintendent, Mr. R. Siddique, too, has promoted very recently on the same analogy, a Reader from Grade III to the selection post of Grade II, which promotion still holds good.

4. In the circumstances stated above, the petitioner requests that the order of reversion may be cancelled and he be restored to the post of Foreman Grade II.

The petitioner begs to remain,
Respected Sir,
Your most obedient servant,
T.P. Vasudevan Nambisan
14-4-1949

39374

Advance copy submitted to the Secretary, Education and Public Health Department, Fort St. George, Madras.

Government Press,

Endt.No.S.B.C. dated 18th May, 1949.

Forwarded.

The petitioner was a permanent Junior Foreman on the time scale of pay of Rs.45-3-60-2½-85/60. He was promoted as Foreman on the time scale of pay of Rs.90-150/90 from 1-7-1947 while five of his seniors were awaiting promotion to the same grade. His five seniors have not proved themselves in any way incompetent or inefficient to lose their promotion. In para 3 of G.O.No.2127 Edn., dated 8-11-46 Government have issued orders to the effect that promotions shall be made strictly according to seniority, therefore I have adopted a rule by which all promotions made prior to 1-8-1946 be revised, provided the ~~increments~~ have put in a total service of two years within a continuous period of three years on that date without any adverse remarks against their work and conduct. In view of these, I have reverted the petitioner to his substantive post as on 1-7-1947 as he had not completed the period of probation necessary for his confirmation as Foreman on Rs.90-150, the post also borne on selection category (vide para 4 under section 10 of the Madras Government Press Subordinate Service Rules of the Madras Services Manual Volume III) and promoted the senior over him in that grade for the post of Foreman on Rs.90-150 from 6-4-1949, thereby the petitioner will have no claim for seniority over the members of his cadre who had taken rank above him.

One.

R. Siddique 28-7-49
Superintendent.

Madras, 18-5-49.
To
The Secretary to Government,
Education & P.H. Department, Fort St. George, Madras.

COPY OF ORDER NO. I DATED 6TH APRIL 1949 OF THE SUPERINTENDENT, GOVERNMENT PRESS, M A D R A S.

****

ORDER NO. I

Government Press, Madras.

The promotion of Sri T. P. Vasudeva Nambisan (Permanent Junior Foreman on Rs.45-85) over five of his seniors to the cadre of Senior Foreman on Rs.90-5-130- E.B. - 10-150 ordered to take effect from 1-7-1947 is now considered not in order as contemplated in para 3 of G.O. No.2127, Education, dated 8-11-1946. Accordingly, he is reverted to his original substantive post of a Junior Foreman on Rs.45-3-60-E.B.-2½-85/60 with effect from 6-4-1949.

His promotion in the higher scale as a Senior Foreman from 1-7-47 to 5-4-49 has been deemed to have been made as an officiating one, but he will have no claim for seniority over the memebers of his cadre who had taken rank above him.

(Sd.) R. Siddique
7-4-49.
Superintendent.

T.P. Vasudevan Nambisan
14-4-49 True copy

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To issue pattn IV

P Sivan

7-3-48

19

E.P.H (C2)

(7)

Sub: Govt. Press- Estt. Sri. T.P. Vasudeva Nambisan, Foreman, Govt. Press- Petition against reversion.

Ref: From the S.G.P. Endt. No. S.B.C. dt 18.5.49

Memo. No. 29917 C2/49-2 Edn dated 7.4.7.49.

In his petition to Govt. dt 14.4.49, Sri. T. P. Vasudeva Nambisan, has stated that he was promoted to Foreman II Grade in December 1946 and continued in that post till the end of January 1947 and and he was again promoted to Foreman II Grade for a second time w.e.f. 1.7.47 in a substantive vacancy and continued in that post till 5.4.49. He also drew an increment in that grade. Under the proviso to rule 6 of the Madras Govt. Press Subordinate Service Rules, a member promoted as Foreman Grade II shall be on probation for a total period of ~~2 yrs~~ one year on duty within a

2/

continuous period of two years. ~~Sri~~ Sri. Vasudeva Nambisan should have thus completed his period of probation ~~as~~ as Foreman Grade II in May 1948 or thereabouts. The S.G.P. is requested to state why Sri. Nambisan was not declared to have completed his period of probation satisfactorily as Foreman Grade II after his period of ~~passed~~ probation was over and confirmed in the substantive vacancy which he was holding.

4/7/49

2.7.49

2/7/49

To
The S.G.P.

5/7/49

(20) Cr

1B

From
R. Siddique, Esq.,
Superintendent,
Government Press, Madras.

To
The Secretary to Government,
Education & Public Health Departme
Fort St. George, Madras.

No.SBC/Mis/49-50 Dated 10-8-1949.

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 11 AUG 1949

61415

Sir,

Sub: Government Press - Establishment Sri T.P. Vasudeva Nambisan, Foreman, Government Press, petition against reversion.

Ref: Government Memorandum No.29917-C2/49-2 Edn., dated 4-7-1949.

I have to state that Sri T.P. Vasudeva Nambisan was confirmed in the substantive vacancy as Foreman grade II in the scale of Rs.90-150 with effect from 1-7-1947 by my predecessor without reference to the period of probation, he should satisfactorily complete as per rules and that no orders have been passed to that effect also in this instance.

2. As already stated in my office endorsement No.SBC dated 18-5-1949 that in accordance with orders issued by Government on the grievances of Government Press Workers in paragraph 3 of G.O.No.2127 Edn., dated 8-11-1946, I have reverted him to his substantive post as Junior Foreman as on 1-8-1946 he had not then completed the prescribed period of probation under the proviso to Rule 6 of the Madras Government Press Subordinate Service Rules.

1-8-1946

1-27 (14)

10/8.

10.8.49.

Superintendent.

Issued. 30.8.49

Public (Services.B) Department.

T. M. No. 3117/49-1. Dated 30/8/49.

From

The Asst. Secy. to Government,
Public (Services) Department.

To

The S. G. P.,
Madras.

Ref:- Your letter No.SBC/Mis/49-50, dated 10.8.49 to the Secy to Govt., E & P.H. Department, regarding Sri T.P. Vasudeva Nambisan, Foreman, Government Press, petition against reversion.

- - - -

Please state whether Sri T.P. Vasudeva Nambisan was holding on the 26th May 1930, any of the posts mentioned in rule 1 of the Madras Government Press Subordinate Service Rules, in a substantive capacity, or in an officiating or provisionally substantive capacity and ~~have been~~ was subsequently confirmed in such a post without having reverted therefrom.

30/8/49 30.8.49 30/8/49

NOTE:- The above information is necessary to see whether the Government Press Subordinate Service Rules as they now stand will apply to Sri T.P.Vasudev Nambisan.

30/8/49 30.8.49 30/8/49

POST COPY OF TELEPHONIC MESSAGE.

From: The Superintendent, Government Press, Madras.
To: The Assistant Secretary to Government, Public (Services) Department, Fort St. George, Madras.
Dated: 2-9-1949.

ASSISTANT SECRETARY TO GOVERNMENT
5 SEP 1949
GO-32/22
PUBLIC SERVICES

Ref: Your telephonic message dated 31-8-1949 regarding this office reference No.SBC/Mis/49-50 dated 10-8-1949 - Sri T.P. Vasudeva Nambisan, Foreman, Government Press, Madras-petition against reversion.

I have to state that Sri T.P. Vasudeva Nambisan was not holding any of the posts mentioned in Rule 1 of the Government Press Subordinate Service in a substantive capacity on 26th May 1930. The post held by him was that of a temporary Assistant Foreman on a fixed pay of Rs.20/- per mensem and was subsequently entertained as an acting Compositor in the Central Jail Press, Cannanore. Therefore it cannot now be held that he was holding the temporary post of Assistant Foreman on Rs.20/- in a substantive capacity without having been reverted therefrom.

for Superintendent.

Public (services-B) Deptt

19

G.O. issued. Ms 2115/50

T.M. No. 3117/49-2 Dated 8-9-49.

From

The Asst. Secy. to Govt.,
Public (services-B) Deptt.

To

The S.G.P., Madras.

Ref:- Your T.M. dated 2-9-49 regarding Sri. T.P. Kesudevan Nambisan, Foreman, Govt. Press, Madras, petition against reversion.

pl. give ~~this~~ details of Sri. T.P. Kesudevan Nambisan's services from the date of his first appointment in the Govt. Press till the date of his confirmations. Please send also his service register

6/9/49

6.9.49

7.9.49

P.C. to go.

RD 25/9/49

No.SBC/Mis/49-50.

(12)

21/9

Government Press,
Madras, 12-9-1949.

Note for the Asst. Secretary to Government,
Public (Services) Department,
Fort St. George, Madras.

Ref: Your telephonic message No.3117/49-2 dated 8-9-1949 regarding Sri T.P. Vasudeva Nambisan, Foreman, Government Press, Madras petition against reversion.

The details of Sri T.P. Vasudeva Nambisan's service from the date of his first appointment in the Government Press till the date of his confirmation are furnished below.

1-8-1927	to	31-12-1928 ..	Temporary Copyholder on	Rs.15/- fixed
1-1-1929	to	31-1-1929 ..	" Asst.Foreman on	Rs.20/- "
1-2-1929	to	28-2-1929 ..	" Copyholder on	Rs.15/- "
1-3-1929	to	6-5-1932 ..	" Asst.Foreman on	Rs.20/- "

In transit on 7th and 8th May 1932.

7-5-1932 to 27-10-1932 — Acting Compositor, Central Jail Press, Cannanore — Rs.30/-

In transit from 28-10-1932 to 4-11-1932.

5-11-1932 to 21-2-1936 — Temporary Foreman Rs.30/-

On 22-2-1936 — Confirmed as Asst. Foreman, Government Press, Madras in the time scale of pay of Rs.28-3/2-37.

His service register is enclosed for reference and return.

Encl: (1) Service register.

for Superintendent.

14/9.

ASSISTANT SECRETARY TO GOVERNMENT
17 SEP 1949
C.R.O. 3441
19-9-49
CHIEF SECRETARIAT

(3) E.& P.H.(C2) Deptt. 2

Sub: Government Press - Establishment Sri T.P. Vasudeva Nambisan - Restoration to the post of Foreman Grade II Ordered.

ooo

Ref: From the S.G.P. Endt. No.SBC.dated 18-5-49.

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MEMO NO. 29917 C2/49-4 Edn DATED 11.10.49.

Sri T.P. Vasudeva ~~Menon~~ Nambisan was promoted as a Foreman Grade II in December 46 and continued in that post till ~~end~~ the end of Jan.1947. He was again promoted as Foreman Grade II for a second time with effect from 1-7-47 in a substantive vacancy and continued in that post till 5-4-49 when he was reverted as Foreman Grade III. The Service Register shows that Sri Nambissan was confirmed as Foreman Grade II from 1-7-47 with retrospective effect presumably after ~~of~~ completion of probation in that post. There is nothing to show that Sri Nambisan was confirmed before completion of probation in the post of Foreman Grade II. The Service register also shows that he continued as a permanent Foreman Grade II from 1-7-47 to 5-4-49. when he was reverted as Foreman Grade III. This reversion was obviously irregular as it would amount to a reduction from a higher to a lower post under the Classification Control and Appeal Rules which could be done only after following the prescribed procedure. No such procedure has been followed in the case of Sri Nambisan's reversion. The orders in G.O.2127 Edn. d-8-11-46 are only executive instructions and they cannot override the provisions of Statutory rules. They cannot also affect the rights and privileges of the members of the Govt.Press Subordinate Service who are governed by ~~G.P. Subordinate Service~~ the Govt.Press for that service Rules. Further there is no reason for the present.S.G.P. to think that his predecessor had not taken the orders in G.O.2127 Edn. d-8-11-46 into consideration pefore Sri Nambissan was promoted and confirmed in the post of Foreman Grade II. His action in having reverted Sri Nambissan to a lower post for

p8 ref

cf. Notes of Pnl (Ser) on pp 6-7 n.f.

The contention of the present Supt. is that Sri Nambisan was reverted with reference to G.O.2127 Edn dt 8-11-46 pp26-28 A (H)

(H)

for the reason stated in his endorsement cited was clearly irregular. In cases of this kind the S.G.P. should have taken the orders of Govt. especially when it was a question of revising the orders of his predecessor. The S.G.P. is therefore requested to restore Sri Nambissan immediately to the post of Foreman Grade II.

8.10.49

8/10/49.

To
The Supdt. Govt. Press
Mint Buildings
(with Sepoy
Register)

Notes (V)

E.& P.H.Deptt.(C2)

Sub: Govt. Press - Estt. Sri T.P. Vasudeva Nambisan - Foreman, Govt. Press - Reversion Petition.

Ref: From the S.G.P. Endt. No. S.B.C. d/18-5-49.

Sri T.P. Vasudeva Nambisan brings to the notice of Govt. that he was promoted to Foreman Grade II on Rs. 55-85(90-150 in the revised scale) for the first time in Dec. 1946 and he held the post till the end of Janl '47. As there was no vacancy he was reverted to his permanent post but was again promoted as Foreman, Grade II with effect from 1st July '47 and continued to hold the post till 5-4-49.and he drew an increment in that grade. It is stated that the present S.G.P. Mr. Siddique reverted him to the post of Foreman, Grade III on the ground that his appointment as Foreman Grade II was irregular with reference to G.O. 2127 Edn. d/ 8-11-46.

2 The petitioner states that the post of Foreman Grade II is a selection Grade and that the orders of Govt. will not apply to that grade and therefore requests that the order of reversion be cancelled and that he may be restored to Foreman, Grade II.

3 A perusal of the order of S.G.P. on p. 3cf. reverting Sri Vasudeva Nambisan will show that the S.G.P. seems to have acted strictly according to the letter of the G.O. 2127 Edn. d/8-11-46 after 2½ years after the issue of the G.O. It is submitted that one of the points urged by the Madras Govt.Press Workers' Union was that promotions should be made strictly according to seniority. On this point Mr. Lepper the permanent Supdt. remarked as follows:-

" Except in cases where certain qualifications are prescribed for promotion, promotions are ordinarily made strictly according to seniority unless there is some special reason to debar a senior. In a very few

cases promotion has been given in the post on grounds of special merit and ability as provided for in the rules."

4 The Govt. accepted this conclusion in G.O. 1551 Edn. d/12-8-46 ~~the Govt.~~ and they passed the following order:-

" The Govt. have satisfied that the S.G.P. has used his discretion correctly in making the promotions."

5 It appears that subsequently the Govt. Press Union waited upon the then Hon'ble Minister for Education (Sri T.S. Avinasalingam Chettiar) and the following decision was reached on that point.

Promotions: "It was agreed that promotion should be granted according to seniority in respect of Binding and Machine department, subject to the elimination of the unfit. In the case of Compositors it was agreed that promotion should be by seniority subject to the standard outturn being maintained over the prescribed period and subject to the possession of the prescribed qualifications. In all other cases the ordinary rule of seniority as stated above will be followed."

6 Accordingly in G.O. 2127 Edn. d/ 8-11-46 the decision taken above was communicated to the S.G.P.

7 It is submitted that the decision in this G.O. cannot be construed to supersede the orders in G.O. 1551 Edn.dated 12-8-46 nor the statutory rules regarding ~~the~~ appointment ~~of~~ to selection posts. The Govt. did not contemplate that the entire range of promotions ordered by the S.G.P. in his discretion prior to the issue of G.O. 2127 Edn. d/8-11-46, ~~xxxxxx~~ should be overhauled and that after 2 years after the issue of the G.O. as in the present case.

8 In the present case the person in question was promoted to the selection grade, the ~~promotion~~ criterion ~~on~~ the promotion being merit and special qualification and the G.O. 2127 Edn. d/ 8-11-46 which speaks of ~~mere~~ seniority cannot be applied ~~xxxxx~~ ~~promotion~~ to upset his promotion. In the circumstances, it is for consideration whether Govt. may direct the peitioner's restoration to his former appointment and the S.G.P. may be told to submit such cases to Govt. for orders before acting under G.O.2127 Edn. d/8/11/46. at this distance of time.

(P.S.)

U.O.

J.P 7.6.49

E.P.H.U.O. 29917 c.1/49 8/6/49

The remarks of the Pub(Services) may be invited

Perhaps the Secy may first discuss these two files with S. & P.

8/6/49

S/6/6/Pub (Ser)

PUBLIC (SERVICES) DEPARTMENT

E & P.H. may be requested to put up a corrected copy of the establishment list of the Government Press. They may also be requested to state the date of first appointment of Sri T.P. Vasudeva Nambisan in the Government Press Subordinate Service and whether he will be governed by the Government Press Subordinate Service Rules or any other Executive Orders.

2. In para 2 of the petition on p.1 c.f. it is stated that Sri Nambisan was promoted to Foreman Grade II in December 1946 and continued in that post till end of January 1947 and he was again promoted to Foreman Grade II for a second time with effect from 1st July 1947 in a substantive vacancy and he continued in that post till 5th April 1949. He also drew an increment in that Grade. Under the proviso to rule 6 of the Madras Government Press Subordinate Service Rules a member promoted as Foreman Grade II shall be on probation for a total period of one year ~~of~~ on duty within a continuous period of 2 years. Sri Nambisan should have thus completed his period of probation as Foreman, Gr.II in May 1948 or thereabouts. E & P.H. may be requested to ascertain and state why Sri Nambisan was not declared to have completed his probation satisfactorily as foreman Grade II immediately after the period of his probation ~~is~~ was over and confirmed in the substantive vacancy which he was holding.

P112 of Bx. No 114

ASSISTANT SECRETARY TO GOVERNMENT 1946 10 JUN 1949 CHIEF SECRETARY

The case in this file need not be clubbed with the cases in

A

in the linked file.

MR 15/6/49 dh 15/6/49

(draw) C2

L 20/6/49

EPH

Pub(Ser)S
2(2) 1946/4.1
20.6.49

E.P.H (C2)

The note of Pub(Ser) on pp. 3-4 ante may be perused. ~~With reference to para 1. Pub(Ser) may be informed that Sri. T.P. Vasudeva Nambisan is governed by the Govt. Press Subordinate Service Rules~~

2. With reference to para 2 of Pub(Ser) note, a draft memo. to the S.G.P. is subtd. for approval. Pub(Ser) may see after a reply has been received from the S.G.P.

2.7.49

JA 22/7

ASM 4/7/49

(Issued as memo. 29917/C2/49-2 Edn & 4.7.49) p 9 cf
(From the S.G.P. No. SBC/Mis/49-50 & 10.8.49) p. 11 cf

Please see the S.G.P's reply on p-11 cf.

2. The S.G.P. states that T.P.V. Nambisan was confirmed in the substantive vacancy as Foreman Grade II with effect from 1.7.1947 without reference to the period of probation, though he was appointed in Dec. 1946. But ~~it~~ it is stated, that Sri Nambisan continued to act as Foreman III Grade his S.A. 1949 & drew increment in that grade. The S.G.P. has not stated why the above not been considered as having completed

(H)

his probation and confirmed regularly. The S.G.P. in para 2 of his letter refers to G.O.2127 Edn., dt. 8-11-46, regarding the observance of strict seniority. This point has been dealt with by this Dept. on pp. ~~21 ante~~ 1-2 ante.

As regards the application of the Govt.Press Subordinate Service Rules to Sri Nambissan, it is submitted that Sri Nambissan was in the Govt.Press Subordinate Service on 26-5-1930 as he was appointed in the Govt.Press on 1-8-1927 - page 6 of the Establishment list corrected upto 1-1-46. The file may be sent to Pub.(Services) U.O.

JD 25 8 49

ASM 23/8/49 Pub(Ser) Dept

(with Estt Establishment List) p 13 ante p 15 ante

EPH No. 29917/C2/49-3 23.8.49.

C.No. 3117 30.8.49

[Issued as T.M.No. 3117/49-1 dated 30-8-49]
[From the S.G.P., P.T. of T.M. dated 2-9-49]

Pl. see this department's T.M. on p 13 c.f. and the reply of S.G.P. thereto on p 15 c.f. Further information is required. Draft T.M. submitted below is for approval.

MR 6/9/49 dh 6/9/49 T.S. 7.9.49

p. 17 cf
p. 19 cf

[Issued as T.M.No.3117/49-2, dated 8-9-49]
[From the S.G.P. No.SBC/Mis/49-50, d/12-9-49]

.....

The file deals with the petition of Sri T.P. Vasudeva Nambisan against his reversion from the post of Foreman, Grade II (Rs.90--150) to Foreman, Grade III (Rs.45--85) by the Superintendent, Govt.Press.

Sri T.P.Vasudeva Nambisan was first appointed in the Govt.Press as a temporary Copyholder on 1-8-27 and has continued in one or other posts mentioned in rule 1 of the Madras Govt.Press Subordinate Service

p. 49 Service Regr.
p. 109 BK 114

Rules till February 1936 when he was confirmed as an Asst. Foreman. The Govt.Press Subordinate Service rules therefore apply to him.

Sri T.P.Vasudeva Nambisan was promoted as a Foreman, Grade II in December 1946 and continued in that post till the end of January 1947. He was again promoted as Foreman, Grade II for a second time with effect from 1-7-1947 in a substantive vacancy and continued in that post till 5-4-1949, when he was reverted as Foreman, Grade III by the present Superintendent, Mr.R.Siddique. The Service Register also shows that Sri Nambisan was confirmed as Foreman, Grade II from 1-7-1947 with retrospective effect, presumably after his completion of probation in that post by Mr.Lepper, then Superintendent. There is nothing in the file to show that Mr.Lepper confirmed him as a Foreman, Grade II before Sri Nambisan completed his probation in that post. The Service Register shows that he continued as a permanent Foreman, Gr.II from 1-7-1947 to 5-4-1949 when he was reverted as a Foreman, Grade III. This reversion ~~is~~ was obviously irregular, as it would amounts to a reduction from a higher to a lower post under the Classification, Control and Appeal Rules, ~~and~~ which could be done only after following the prescribed procedure. No such procedure has been followed in the case of Sri Nambisan's reversion. // The contention of the present Superintendent, Govt. Press is that Sri Nambisan was reverted with reference to para.3 of G.O.No.2127, Education, dated 8-11-1946. The orders in G.O. No.2127, Education, dated 8-11-46 are only executive ~~orders~~ and they cannot override the provisions of statutory rules. ~~and it~~ cannot also affect the rights and privileges of the members of the Govt.Press Subordinate Service, who are governed by the Govt.Press Subordinate Service rules. Further, there was no reason for the present Supdt. to think that his predecessor had not taken the orders in that G.O. into consideration before Sri Nambisan was promoted and confirmed in the post of Foreman, Grade II. His action in having reverted Sri Nambisan to a lower post for the reason stated in his Endorsement on p.8 c.f. was clearly irregular. In cases of this kind the Superintendent, Govt.Press should have taken the orders of the Govt., especially when it was a question of revising the orders of his predecessor. The Supdt., Govt.Press may be asked to restore Sri Nambisan immediately to the post of Foreman, Grade II (Rs.90-15-8).

With the above remarks the file may be returned to E & P.H.Dept.

Pub(Ser)B dept
Uo no 3117/49-3
29-9-49

24/9/49

24.9.49

[with Service Regr. of Sri Nambisan]
E & P.H. may kindly return the Service Regr to the S.G.P. and get a draft.
29/9/49

4.10.49

8.10.49

The notes of Pub(Ser) from p.5 ante may be perused. A draft memo to the S.G.P. is submitted for approval.
After issue, the papers may be Recorded.
8/10/49

G.O. 3199 Edn (Ms) & 18.10.49.

Recorded.

Sri

D.O.No.SBC/Mis/49-50.

Government Press,
Madras, 17th October 1949.

Dear Mr. Lobo Prabhu,

Sub: G.O. No.2121 dated 8-11-1946 regarding irregular promotions.
Ref: Government Memorandum No. 39917 C2/49-4, Edn., dated 11th October 1949.

With reference to the orders issued in the above, I have restored Sri T.P. Vasudeva Nambisan to the post of Foreman, Grade II, since Government have now decided that the orders in G.O. No.2127 Edn., dated 8th November 1946 are only executive instructions and therefore cannot override the provisions of Statutory Rules.

2. As it has been held that my action in having reverted Sri T.P. Vasudeva Nambisan as irregular, I am to state the following facts for your information.

(a) G.O. No.2127 Edn., dated 8th November 1946 (now held as only executive instructions without overriding the provisions of the Statutory Rules) was a direction to the Superintendent, Government Press to the effect that promotion should be made strictly according to seniority. Applying these instructions literally in the case of Sri T.P. Vasudeva Nambisan who was first promoted on the 17th December 1946 till the end of January 1947 viz., for a period of 1 month and 13 days and thereafter in a substantive capacity from 1-7-194 by my predecessor, was not in conformity with the provisions of the Statutory Rules; that is to say, Sri Vasudeva Nambisan ought not to have been confirmed from 1-7-1947 inasmuch as that a period of satisfactory probation should have been undergone by him before confirmation. Whereas on 1-7-1947 the period of his service in the post of Foreman, Grade II being only 1 month and 13 days, does not qualify for his confirmation in that post. Moreover, in the Statutory seniority list prior to 1-7-1947 Sri Vasudeva Nambisan was not the senior to be promoted overlooking the claims of five others (vide list enclosed) who have not been debarred for promotion as Foreman, Grade II.

(b) Consequently during July 1947 the Workers' Union which was often agitating passed various resolutions drawing the attention of Government on irregular promotions and a joi discussion of the Union's representatives, the Superintendent Government Press and the Secretary to Government, Education & Public Health Department was held at the Secretariat when th Superintendent, Government Press agreed to review all promotions made after 1946 and to set right, as far as possible promotions not made in accordance with the principles laid down in G.O. No.2127 Edn., dated 8-11-1946 (Please see G.O. No. Ms.49 Edn., dated 5-1-1949 - orders on Resolutions No.2 and 5). Although my predecessor had agreed to review such cases and revise the irregular promotions pointed out by the Union, he had no time at his disposal to do so before he went on leave. During my interviews with Mr. M.V.Subramaniam, the then Secretary to Government, Education and Public Health Department, I was directed to carry out the orders of Government conveyed in G.O. No.2127 dated 8-11-1946 and to set rig such cases of irregular promotions brought to light and not reviewed and revised by my predecessor. I have had several reminders from Government on the subject of irregular promotions (vide correspondence ending with my letter No.Confide

P.T.

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Confidential 88/Mis., dated 3-6-49 in connection with their Confidential Memo. No.22232/48-10-F1 ending with reminders thereon dated 4-5-1949. Although the Union had not pressed for the revision in other cases they have decided not to persue further on the subject.

3. I am at last now instructed by Government that executive instructions cannot override orders passed by the provisions of the Statutory rules and that such irregularities amount to final orders in the matter of irregular promotions once allowed to exist and by lapse of time even such orders cannot be set aside under the Statutory rules by the appellate authority (viz. Government) who directed the Superintendent, Government Press to investigate and set right the irregular promotions. Consequently, the ruling now given in the Memorandum cited above fetter the powers and responsibilities of the Superintendent, Government Press who is immediate administrative head of the Government Press for maintaining discipline among the labour ranks and efficient administration of the Press. As such, I would request Government to issue early orders on the question of reversion of 16 Assistant Foremen referred to in my letter No.SBC/Mis-49-50 dated 10th August 1949 and in the case of one Senior Mechanic (Sri B.R. Kesavalu) referred to in my letter No.SBC/Mis-49-50, dated 12th August 1949.

4. In conclusion, I request that my action in having acted under the direction of Government should not be construed as irregular in the absence of clear instructions.

Yours sincerely,

27.10.49.

J.M. Lobo Prabhu, Esq., I.C.S.,
Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

EPH
C2

May be lodged and added to papers at (E)

3-11-49

3/11/49

Sri

19

Enclosure.

List of persons who were senior to Sri Vasudeva Nambisan.

--

1. Sri M.C. Govindarajulu
2. " O.S. Ethirajulu
3. " P. Govindaswamy
4. " S. Krishnaswamy
5. " P. Balasundara Nayagar.

17

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Routine.

ERH/II

C.No. 87612 C2/49.

Memo. No. 29917 C2/49 - 4 Edn & 11.10.49 in which Sri. Namhisan was ordered to be restored to ~~his~~ the post of Foreman Grade II is put up in ~~a file~~ the file relating to the restoration of Sri. Kesavulu ~~also~~ to the post of Senior Mechanic, ~~and is~~ which is pending in Pnt (Ser). This may be over till the file relating to Sri. B.R. Kesavulu is received back from Pnt (Ser). or till 25.11.49 whichever is earlier

14-11-49

14/11/49

15/11/49

From
R. Siddique, Esq.,
Superintendent,
Government Press, Madras.

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

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

No. 88-Mis/T.P.V., dated 8th November 1949.

Sir,

Ref: Government Memo.No. 29917 C2/49-4 Edn., dated 11-10-1949.

Sub: Government Press - Establishment - Sri T.P. Vasudeva Nambisan - Restoration to the post of Foreman Grade II.

In enclosing a letter No. 60, dated 2-11-1949 from the Secretary, The Madras Government Press Workers' Union on the above subject, I am to state that I have no further remarks to offer, as I have already explained the circumstances therefor in detail in my D.O. dated 28-10-1949.

Superintendent.

No further action necessary in the question of Sanction of Sri Nambisan was discussed by P.W.D. Secretary in their note on P.F. 5.7 vide G.O. 3199 Edn dt 18-10-49. May be filed

The Madras Government Press Workers Union.

(Registered & Recognized by Government)

President:
R. R. K. Sarma, B.A., M.L.C.
Vice-Presidents:
M. Kannappan
C. Narayanaswami
Secretary:
R. Ramanujam
Asst. Secretary:
C. Narayanaswami Mudaliyar
Treasurer:
A. P. Pillai

GOVERNMENT PRESS BUILDINGS,
275, Mint Street,
Madras.

No. 60.

Madras, 2nd November 1949.

To

The Secretary to Government,
Education Department,
Fort St. George, Madras.

4-NOV 1949 MADRAS

Through the Superintendent, Government Press, Madras.

Sir,

The Union brings to your kind notice that promotions were given irrespective of seniority and efficiency and it was very common in the Press to select most juniors to higher grades violating the provisions of statutory rules. The Union was representing about this irregular promotions to the Superintendent and the Government many times and in the month of August 1946 a strike notice was given. "Strict seniority to be followed in promotions" was one of the demands. It was then promised by Government that promotions would be given according to strict seniority. Even after August 1946 the Superintendent promoted most junior men to higher grades, which should be considered to be highly irregular. Even the junior most men who were not able to do the work were promoted. The Union's representations were of no avail. On 14-7-1948 the General Body moved 19 resolutions and the Resolution 5 was very particular about the irregular promotions. Mr. Lepper, Superintendent, Government Press, was also present at that meeting. A copy of the Resolution No.5 is herewith enclosed. The

The Madras Government Press Workers Union.
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Vice-Presidents:
M. Kannappan
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Secretary:
R. Ramanujam
Asst. Secretary:
C. Narayanaswami Mudaliyar
Treasurer:
A. P. Pillai

GOVERNMENT PRESS BUILDINGS,
275, Mint Street,
Madras, 194

workers at that meeting requested the Government to review all cases of irregular promotions made since 1942. But it was settled at the time of discussion with the Superintendent and the Government that all irregular promotions made since August 1946 would be reviewed. The workers also stressed their views that they were prepared to observe 'Sathyagraha' if this resolution was not given effect to. In this connection the Superintendent also promised that irregular promotions would be reviewed within the end of August 1947 and subsquently rectified the irregular promotions made in Binding, Machine, Casting, Electrical, Mechanical and Carpentry Departments. The Union again represented about the cases of irregular promotions made in the category of supervising staff. The present Superintendent rectified the irregular promotions in the supervising staff. Now the Union understands that the Goverument have been pleased to issue orders that one Sri T.P. Vasudeva Nambisan should not be reverted and that he should be promoted.

The Union wishes to point out that the selection to a higher post must be in order, i.e., the senior workers' claims for promotions must be overlooked only if he had any adverse remarks against him for his inefficiency on record. The Union is not able to understand how the seniors were not promoted when there were no adverse

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GOVERNMENT PRESS BUILDINGS,
275, Mint Street,

Madras, ... 194

(3)

remarks against them. Promotions were made only on consideration other than seniority and efficiency, but bordering on favouritism.

The Union Officials represented to you in person on 27-10-49, and you were pleased to advise them to make representations to the Superintendent. They also represented to the Superintendent in person.

The workers are very much agitated over this and the Union has promised them that the Government would only do justice in the matter.

The Union invites your kind attention to the Government's order in G.O.Ms.49, Education, dated 5-1-49.

The Union, therefore, requests you to kindly issue orders to revert him back to the ~~subordinative~~ substantive post of a Junior Foreman.

Thanking you,

Yours faithfully,
R. Ramanujan
SECRETARY.

COPY OF THE RESOLUTION No. 5.

(20)

5. This meting views with alarm the increasing number of irregular promotions. The Superintendent is therefore urged strongly to see that all promotions effected since 1942 in all departments are reviewed and that senior most men only are restored to such posts.