

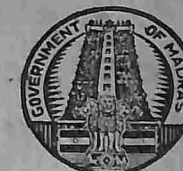
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3/21/22 report



EDUCATION AND PUBLIC HEALTH DEPARTMENT
(Education)

G.O. No. 3419, 8th November 1949

Establishment—Schools under local bodies—Transfer of teachers from one local body to another—Fixation of pay, seniority and increment—Orders passed.



EDUCATION AND PUBLIC HEALTH DEPARTMENT
(Education)

G.O. No. 3419, 8th November 1949

Establishment—Schools under local bodies—Transfer of teachers from one local body to another—Fixation of pay, seniority and increment—Orders passed.

READ—the following papers :—

From the Special Officer, District Board, South Arcot, dated 7th January 1949, No. D-9-22271-D-3/48.
Endorsement of the Examiner of Local Fund Accounts, dated 23rd February 1949, No. L.F. 9907.
Endorsement of the Director of Public Instruction, dated 14th June 1949, No. 150-B-2/49.

Order—No. 3419, Education, dated 8th November 1949.

It has been brought to the notice of Government that teachers working in schools under local bodies apply for mutual transfers. The question has been raised, whether in such cases, the teachers should be treated as new entrants under the local body to which they are transferred or whether their past service under the local body, from which they are transferred may be taken into account for purposes of fixing their pay, increments and seniority under the new local body.

2. Local bodies are informed that teachers mutually transferred should not be treated as new entrants under the local body to which they are transferred and that their past service under the old local body should be counted for purposes of pay and increments under the new local body. As regards fixation of seniority under the new local body, the teacher may be allowed a rank not higher than the teacher whose place he takes.

(By order of His Excellency the Governor)

J. M. LOBO PRABHU,
Secretary to Government.

To all Presidents of District Boards.
„ all Executive Authorities of Municipal Councils (through the Chairmen).
„ the Director of Public Instruction.

To the Examiner of Local Fund Accounts.
„ Inspector of Municipal Councils and Local Boards.
„ Local Administration Department.

21 NOV 1949 PRESS SLIP.

ORDINARY.

URGENT (a).

SPECIAL (a).

Education DEPARTMENT.

4655532/49 19-6-1949.
Current No. dated 19-6-1949.
G.O. No. 2419, dated 8-11-1949.

Number of MS. pages sent { (b) Correspondence.....2
(c) Notes.....1

Brief subject: Establishment - Schools under local bodies
Transfer of teachers from one local body to another - Transfer of pay, seniority and increments - Indorsed

(d) Number of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).
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C.F. 89.

In reply, please quote
number, date and
short title.*

Local Administration DEPARTMENT.

Received _____ Registered _____

No 150 B / 42

From (Name) A.F.Mascarenhas Esq.,

(Designation) Special Officer, District Board,
South Arcot,
Post Box _____, (STATION) Cuddalore N.T.,

Telegraphic Address _____

To

The Secretary to the Government of Madras,
Local Administration Department, Madras
Through the Director of Public Instruction Madras
R.C.D9 No.22271/DB/48 dated 7th Jan. 1949

Sir,

*Sub:-Education Elementary - Board Elementary School
Teachers - mutual transfer - fixation of pay -
Instructions - solicited.

ENCLOSURES _____

SPARE COPIES _____

R.Dhanapaul Mudali, Headmaster, Board Elementary
School, Mariyamangalam (North Arcot District) and K.
Veeraraghava Kounder, Assistant, Board Elementary School,
Kollar (South Arcot District) have put in an application
for mutual transfer. R.Dhanapaul Mudali, is a permanent
teacher of North Arcot District Board drawing Rs.32/- p.m.,
and K.Veeraraghava Kounder, is a permanent teacher of
South Arcot District Board drawing Rs.32/- p.m. The
District Inspector of L.F. Accounts, South Arcot states
that the pay of the Local Board Servants, transferred
from one District Board to another, will have to be
started on the minimum pay of the time scale, according
to rule 3(2) of the rules relating to the transfer of
officers and servants of the Local Boards. But this is
not contemplated in the rule in question.

I therefore request that the Government may be
pleased to inform whether the servants transferred from
one District Board to another will forfeit their past
service for purposes of pay and increment and whether
they have to be started in the minimum scale of the pay,
in the Board into which they enter service.

3. J. S. L. 8/1/49
For Special Officer, Dt. Board.

R.R.8.1.2

R.c. No.150 B2/49

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
Madras. dated 14--6--49

Sub :- Elementary Education--District Board--South Arcot-- Teachers
Ref :- From the Special Officer District Board South Arcot Rc. D9-
14 JUN 22271/DB/48/ dated 7--1--1949 addressed to Government.

From the Examiner of Local Fund Accounts No. 2 F. 9907/23--2--49

Submitted.

2. An extract from the Examiner's Endorsement referred to above
on the subject is also enclosed.

J. O. Pantanashin
16.6.49

for DIRECTOR OF PUBLIC INSTRUCTION

To

The Secretary to Government, Education and Public Health Department

K.M.R. 15--6--49

Copy of the extract(L.F. 9907/23--2--49)from the Examiner' Endorsement

Reference:- Endt. R.C. 150 - B2-49 dated 24--1--1949 of the
Director of Public Instruction, Madras referring
for remarks letter of the Special Officer, South
Arcot District Board regarding the pay admissible
to teachers taken on mutual transfer from other
local bodies.

Rule 3 of the Rules relating to the Transfer of
Officers and servants of local boards permit only the carrying forward
of the leave already earned in another local body subject to the
condition that liability to pay the leave salary for the period so
carried forward is undertaken by that local body. For all other
purposes service under each local body is to be treated as separate
and the incumbents will have to be treated as fresh entrants. Only
the minimum pay of the posts can be allowed and nothing more.

In this connection reference is invited to orders
of Government in G. O. Ms. 3121 Edn. dated 8--12--48 on a similar
reference made by you in the case of an L.T. Assistant taken by the
Villupuram Municipality from the South Arcot District Board.

The enclosures

(True copy)

J. O. Pantanashin
16.6.49
for DIRECTOR OF PUBLIC INSTRUCTION

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
Madras. dated 14-6-49

R.C. No. 150 B2/49

Sub: -- Elementary Education--District Board--South Arcot--Teachers
Transfer from one local body to another--Fixation of pay
From the Special Officer District Board South Arcot No. D2-
100/33271/B2/49 dated 7-1-1949 addressed to Government.
From the Examiner of Local Fund Accounts No. S.F. 9307/23-2-49

Submitted.

S. An extract from the Examiner's Endorsement referred to above
on the subject is also enclosed.

for DIRECTOR OF PUBLIC INSTRUCTION

To

The Secretary to Government, Education and Public Health Department

K.M.A. 15-6-49

Copy of the extract (L.F. 9307/23-2-49) from the Examiner's Endorsement

Reference:-- R.C. No. 150 - B2-49 dated 24-1-1949 of the
Director of Public Instruction, Madras referring
for remarks letter of the Special Officer, South
Arcot District Board regarding the pay admissible
to teachers taken on mutual transfer from other
local bodies.

Rule 3 of the Rules relating to the transfer of
Officers and servants of local bodies permit only the carrying forward
of the leave already earned in another local body subject to the
condition that liability to pay the leave salary for the period so
carried forward is undertaken by the local body. For all other
purposes service under each local body is to be treated as separate
and the leave earned under each local body is to be treated as separate.
The minimum pay of the posts can be allowed and nothing more.

In this connection reference is invited to orders
of Government in O. Ms. 3181 dated 8-12-48 on a similar
reference made by the case of an I.T. Assistant taken by the
Villupuram Municipality from the South Arcot District Board.

Government of Madras.
Education and Public Health Department.
Post copy of Telephonic Message.
Dated Fort St. George the 6th July 1949.

From the Assistant Secretary to Government.
To the Curator, Madras Record Office, Chittoor.

Please send the originals of G.Os. No. 3580 L & M. dated
7th September 1932 and 1027 Education dated 9th May 1939 in
which certain draft rules regarding the transfers of teachers
under local bodies were confined as well as the originals of
the G.Os. in which the draft rules were first published in
C.No. 46555 B2/49. The number and date of the G.Os. containing
the draft rules will be quoted in the G.Os. cited above.

/By order/

TJ/7/7.

Superintendent.

[Signature]

GOVERNMENT OF MADRAS.
Education & Public Health Department.

Memorandum No. 38698 A-3, dated the 4th January 1939.

Ref:- Letter from the Commissioner, Ellore Municipality R.C.No.1211 of 37, dated 2nd September 1938.
Endorsement of the Examiner of Local Fund Accounts, L.F.No.6381 dated 17th December 1938.

Transfer of teachers from one local body to another.

The Commissioner, Ellore Municipality, is informed that the presumption in paragraph 2 of his letter read above is correct.

C.H.Masternan,
Secretary to Government.

To the Commissioner, Ellore Municipality (through the Chairman, Municipal Council).
To the Examiner of Local Fund Accounts,
To the Director of Public Instruction (with a copy of the Commissioner's letter).

(True Copy) In M.C.4957.

To all District Inspector of Local Fund Accounts, with a copy of letter.

Examiner's Office, Madras,)
Dated 19th January 1939.)

X X X X X
SUPERINTENDENT.

(Enclosure).

From the Commissioner, Ellore Municipality, Ellore.
To The Secretary to Government, Education & Public Health Department.
Through The Chairman, Municipal Council, Ellore.
R.C.No.1211 of 37, dated 2nd September 1938.

Subject:- Establishment - Elementary Education - Ellore Municipality - Mutual transfers - G.Panikala Rao and D.Sivaramayya.

Sir,

I beg to submit that in this Municipality, there are cases where teachers in the Municipal Elementary Schools have sought transfers to District Board Elementary Schools, by the mutual transfer of teachers in the same cadre from the latter schools and such mutual transfers are given effect to. Rule 13 of the Establishment Rules published in the G.O.No.2342 L.S.C., dated 2nd June 1936 speaks that the amount of leave and leave allowance for which the transferring Local Body accepts liability should be fixed beforehand, and nothing is mentioned about the credit of the previous service put in by the servant under the former local body. There is no rule permitting such a procedure and it does not appear to be permissible, except when the transfer is one made by the Government under Section 73-A (1) of the Municipal Act.

2. It appears in all such cases that the rank of such a servant taken into the service of the Municipal Council from the service of another local body will be ~~that~~ that of a permanent servant or probationary servant according as he was a permanent or a probationary servant under the latter body. He would not be entitled to take credit of his previous service under the former local body, as such a procedure is not contemplated in any rules. Also such a procedure is likely to affect adversely the rank of the remaining persons in the cadre. His service counts only from the date of his joining duty under the Municipal Council and he will be subject to all the vicissitudes of Rule 17 of the Establishment Rules. If he was a probationer at the time of his transfer, he would be a probationer here. But he will have to complete the period of probation contemplated in Rule 7 of the Establishment Rules commencing from the date of entertainment. If he was a permanent servant he might just be treated as a permanent servant but he will be the junior most of all the permanent servants in the cadre. If per-chance he is discharged under Rule 17 of the Rules he will have to take his chance with other servants discharged prior to him and awaiting appointment when the question of reappointment under Rule 21 comes up.

3. I request for a kind ruling whether my presumption in paragraph 2 above is correct.
(True Copy).



11/16/135 Puli (5)

E.P. H. Dept (B3)

Sub:- ~~Est.~~ Schools under local bodies -
Transfer of teachers from one body to
another - Fixation of pay, seniority and
increment - Orders passed.

Recd:- From the S.O. D.P. 84, South Arcot
No. 29-2227/DB/48 dated 7.1.49
From Encl. of the Examiner of L.F. Accts.,
No. L.F. 9907 dated 23.2.49.

Encl. of the D.P. 8 No. 150 B3/49 dated 14.6.49
Order Press No. 3419 Edn. dated 8.11.49

It has been brought, to the notice of
Govt., that teachers, working in elementary schools,
under different local bodies, apply for mutual
transfers. The question has been raised, whether
in ^{such} ~~these~~ cases, ~~such~~ ^{the} teachers, should be treated as
new entrants under the local body to which

Memorandum No.46555-B2/49-1-Edn., dated

Sub:- Elementary Education - District Boards, South Arcot and North Arcot - Board Elementary School Teachers - Mutual transfer - Fixation of pay - Instructions issued.

Ref:- 1. From the Special Officer, Dt. Bd., South Arcot, No.D9.22271-DE/48, dated 7-1-49.
2. Endorsement of the D.P.I.No.150=B2/49, dated 14--6--1949.

The S.O., Dt. Bd., South Arcot, is informed that employees of local bodies when transferred from the service of one local body to that of another, should be treated as new entrants under the new local body and that they should be allowed only the minimum of the time scale of pay, admissible to them. Their past service under the local body from which they are transferred will not count for seniority or increments under the new local body.

To
The S.O., Dt. Bd.,
S.Arcot.
The D.P.I.
The Exr. of L.F.A.

NOTE:- If the conditions stipulated in the draft are imposed, no transfer will actually take place. The object of the rule will be defeated. Further the teachers are eligible for the same scale of pay whether they serve under the Dt. Bd., S.Arcot or North Arcot. It will be hard to deny them the concessions re: pay and service because they have asked for a transfer. The draft however follows the decision taken in another issue - vide pp.6-7 and 15 c.f. of G.O.No.3121-Edn., dated 8-12-1948. L.A. may see

Decision at A does not appear fair to me. Provided the teachers transferred are not allowed to acquire a seniority higher than the one

they are transferred or whether their past service under the local body, from which they are transferred may be taken into account for purposes of fixing their pay, allowing increments, and seniority under the new local body.

2. Local bodies are informed, that the teachers mutually referred to in para 1 above, should not be treated as fresh entrants under the local body, to which they are transferred, and that their past service under the old local body should be counted for purposes of pay and increments under the new local body. As regards fixation of their seniority, under the new local body, each teacher should not be allowed to acquire a rank higher than the one, where place he takes.

To
All Presidents of District
All Executive authorities of
All cells (through channel)
The D.P.I.
The Examiners of L.F.A.
The Inspectors of M. ch. Bds.
The L.A. Dept.
The Finance Dept.

3/5.11.49. 5/11/49 12/11/49 3

whose place he takes, the
previous service deserves to be
recognised

29/6/LA

E.P.H.U.O. No. 46555/49-1

29.6.49.

L.A. DSWH
8.

Please see the note of
E.P.H. above. The mutual transfer
of the teachers in question is at the
request of the teachers themselves and
not in the public interest. Hence
it seems, the decision in R.O. 3121 Ed.
of 8.12.48 will apply in the present
case also. (vide in this connection 'A' on
pp 2-3 of the R.O. at ①).

With these remarks the file
may be returned to E.P.H.

If the teachers are told that they would
be given only the minimum of the scale they
are in, they will not say that they do not
need the transfer at all. It is only if they
are transferred under by-fort under Sec 20A
of the M.L.B. Act the teachers will carry their
present pay, seniority etc.

4.7.49

4.7.49

E.P.H. Dept (B2)

51041

Please see the notes of L.A. above. They apparently
did not know, that if the transfer of teachers arranged
in the present case, the teachers should be treated

28247
30 JUN 1949

8 - SEP 1949
67520

LOCAL ADMINISTRATION DEPARTMENT
28247
30 JUN 1949
SECRETARIAT, MADRAS

LOCAL FUND ACCOUNT
164.
19/11/49
MADRAS

E.P.H.U.O. 46555/49-2

15.7.49.

as new entrants. Submitted that because the teachers
ask for a mutual transfer, so as to benefit them to a certain
extent, it seems not fair to deny them their past service,
pay, etc. It may be noted that uniform scales of pay have
been prescribed for teachers under all local bodies.
Neither of the Dt. Bds. stand to lose anything by the mutual
transfer. It may be appropriate to deny the teachers the
travelling allowance. Even after the transfer, the teachers
are liable for transfer to any other part within the Dt.
Had the two teachers worked under the same District Board
and asked for a mutual transfer, they would not have been
asked for a mutual transfer, they would not have been asked
to forego their claim for the past service pay, etc.

As observed by the Secretary at P on pp.1-2 ante, each
teacher should take the place of the other in the seniority
list. The Examiner of L.F. Accounts may perhaps see u.o.
for remarks.

SS.
14-7-49.

14/7/49
15/7/49
L.F. Accounts

Examiner's Office.

Local bodies being financially independent the service
under each local body is considered as separate and servants of local
bodies leaving the service of one local body and entering the service
of another local body with the permission of the local bodies concerned
ordinarily not entitled to any preferential rights by virtue of their
service under the former local body though the continuity of their service
is maintained. A protection in this regard is afforded in cases of trans-
fers by the competent authority. In the case of mutual transfers no
such protection appears to be called for as the transfers are not in the
interest of administration. A reference is in this connection invited
to the orders in Education and Public Health Department Memorandum No.
38698 A-3 dated 4-1-1939 (copy placed below) according to which the
individual taken into service will take rank last in the list of per-
manent servants or approved probationers or probationers as the case may
be. A similar disability appears to exist also in the case of clerks
in Government service - Vide rule 22(b)(ii) of the Madras Ministerial
Service Rules, and rule 29(a) of the General Rules for the Madras
Mini Provincial and Subordinate Services. The procedure outlined in
the orders referred to above may have to be followed unless Govern-
ment consider that it should be departed from in the cases on hand.

Education and Public Health
Department U.O.

164-1
30.8.49

29/8/49

For values of α whether the instructions in the ~~main~~ ^{4.10} ~~main~~ ^{sub} ~~sub~~ ^{sub} may be modified.

9 the views of the
Examiner are too technical.
I adhere to my view at
page 1, which while allowing
the Teacher concerned some
seniority, does not prejudice
the seniority of others in the
List in which they are

A circular stamp from the Local Administration Department. The text "LOCAL ADMINISTRATION DEPARTMENT" is curved along the top inner edge. In the center, the number "40275" is printed above the date "15 SEP 1949". The stamp is slightly faded and has a textured background.

Please see the further
 notes of EOH and the remarks of
 the Examinee on pp 3-4 ante.
 The Examinee is in agreement with
 the views of this Dept as p 2 ante.
 However ~~as~~ EOH propose to take a
 liberal view, their proposal
 at K on p 4 ante may need not
 be acceptable to this Dept.
 Perhaps he should be asked to ~~be~~ ~~in~~ ~~this~~ ~~Dept~~
 as it is more liberal than that admissible at Govt. Examinations.
 With these remarks the file may
 be returned to EOH who may be
 requested to consult Finance
 15/4/44 Dept also

$\frac{98}{15.9.49}$
 $\frac{11}{15.9.48}$
 Secy / ESON

15-17

I am inclined to agree with the Secy
L.H.P.H. So long as the Dr. Board do not stand
to lose and so long as seniors of the
transferees in the Dr. where the transferees
go is not affected, their previous services
shall be recognized. If Rules stand in the
way such unfairness shall be set right.
I believe in the Can g that
seniors such transferees take their
Rank according to the seniors of day
then and the Dr. do not lose their
previous services.

61619
19 SEP 1949
ASSISTANT SECRETARY TO GOVERNMENT
FINANCE DEPARTMENT

Law 40295-18
16.5

Apr 16/9

197

Li

The notes on p.p. 1-5 above may be perused. FIN (5412)

~~request to be made to Public Serv. on the suggestion of the L.A. Secretary at A on p. 5 above.~~

28.9.49
28.9.49
28.9.49

Pub. Serv.

Fin. No. 5149/5412
28.9.49

PUBLIC (SERVICES) DEPARTMENT

The note from p.1 ante may be perused. It is presumed that the point raised at 'A' on p.5 ante for remarks in this department in regard to mutual transfers of permanent ^{port. servants} members of the Service only and not as both the teachers in this case are stated to be permanent. Submitted that there seems to be no rule in the General rules or the Special rules for the Provincial and Subordinate Services providing for mutual transfers of such members and therefore no provision exists as to how their seniority or pay should be determined on such transfer. It seems that such transfers should be dealt with under F.R.15(a) and that such transferees will not lose either in regard to their pay or seniority. Finance may be requested to state whether the position as stated at 'A' above is correct.

A m p 102

A P 11/11/154



Pub. Serv. A
No. 3849/49-1
14.10.49



Finance (C.S.R)

The point for consideration is how the pay of two Govt. permanent Govt. servants holding similar posts should be fixed when they agree to a mutual transfer

As the scales of pay attached to the 2 posts are identical

and as they hold the posts in a permanent capacity, the latter have a statutory right to draw the pay they were getting before mutual transfer. If however the idea is that they should exchange their pay also, the person who is to get a lower pay by such mutual transfer should give his specific consent for such an arrangement because a Govt. servant cannot be transferred to a post on a lower pay than the pay of the permanent post on which he holds a lien - Vide FR 15. The F.Rs. do not deal with the fixation of seniority in such cases. With the above remarks, the case may be returned to L.A.

17.10.49

19.10.49

Fin No 67959. C.R.
14.10.49

45697-13
25.10.49

83/94
27 OCT 1949

25.10.49

25.10.49

E + 10/11 (B2)

The question raised in this file is, whether the two permanent teachers, working under the Dt. Bds., North Arcot and South Arcot, should on mutual transfer be given the pay, they are drawing at the time of transfer and whether each may be assigned the rank of the other. This Dept.

This Dept. supported this view in the foregoing notes.
L.A. Dept. also accept the views of this Dept. at M
on p.5 ante. From the notes of Public (Ser.) and Finance
on pp.6-7 ante, it may be seen that they also concur
with the views of this department in so far as the fixation
of pay is concerned. The proposal, to fix the pay of the two
teachers in question, on mutual transfer, at the rate, at
which they are drawing at the time of transfer may, therefore,
be accepted. || As regards the fixation of seniority of these two
teachers, after the mutual transfer, the procedure suggested
by the Secretary on pp.1-2 ante and agreed to by L.A. Secretary
at M on p.5 ante may be adopted. If these proposals are
agreed to, the orders in G.O.No.3121-Edn., dated 8.12.48, *E/15*
will have to be modified. As ~~such~~ mutual transfers may arise
under other local bodies, general instructions will have to be
issued.

The file may be circulated to H.M.(Edn.) and H.M.(L.A.)
for orders on the above proposals, viz.,

(1) whether when teachers in elementary
schools are transferred from one local body to another
under mutual agreement, the service put in by each teacher
under the first local body may be taken into account
for purposes of pay under the second; and

(2) whether each teacher may on transfer take
a rank not higher than that of the one whose place he
is taking.

S.S.
29-10-49

MM 29/10/49 S
may agree
H.N (ELL) MM 31/11
H.N (L.A.) MM 31/11



23/11/49

Please see the orders in circulation above.
A draft order is submitted below for approval.
After the issue of the order, the order in G.O.No.3121
dated 8.12.48 will be cancelled separately.

E/15 M

29/11/49
MM 29/11/49 S
12/11