



*closed by
3/5/49*

EDUCATION AND PUBLIC HEALTH DEPARTMENT

(Education)

G.O. No. 3496, 14th November 1949

Education—Elementary—Investigation of time-barred claims due to teachers
—Sanctioning authority—Clarification—Draft amendment to rules—Published.





EDUCATION AND PUBLIC HEALTH DEPARTMENT
(Education)

G.O. No. 3496, 14th November 1949

Education—Elementary—Investigation of time-barred claims due to teachers
—Sanctioning authority—Clarification—Draft amendment to rules—Published.

READ— the following papers :—

G.O. No. 2834, L.A., dated 16th October 1941.

G.O. No. 936, Education, dated 10th July 1943.

G.O. No. 76, L.A., dated 21st January 1947.

From the Special Officer, District Board, Malabar, dated 9th August 1949,
No. E-5-26457/47.

From the Inspector of Municipal Councils and Local Boards,
dated 6th September 1949, No. 47936/49.

Order—No. 3496, Education, dated 14th November 1949.

The question has been raised whether, with reference to the orders issued in G.O. No. 76, L.A., dated 21st January 1947, the sanction of the Inspector of Municipal Councils and Local Boards is necessary to the investigation of time-barred claims, preferred by teachers under local bodies and to the payment of the amounts due to them, in addition to the sanction of the Director of Public Instruction, to be obtained with reference to G.O. No. 936, Education, dated 10th July 1943. Local bodies are informed that the sanction of the Director of Public Instruction alone is sufficient in these cases and that the approval of the Inspector of Municipal Councils and Local Boards need not again be obtained separately.

2. The orders in G. O. No. 936, Education, dated 10th July 1943, were then issued only in the form of executive instructions, even though the intention of the Government was that the Director of Public Instruction should exercise these powers statutorily in the case of teachers. The rules will be amended accordingly.

3. The appended notification will be published in the *Fort St. George Gazette*.

(By order of His Excellency the Governor)

J. M. LOBO PRABHU,
Secretary to Government.

To the Presidents of all District Boards.
Executive Authorities of all Municipal Councils (through the Chairmen of Municipal Councils).
Director of Public Instruction.
Inspector of Municipal Councils and Local Boards.
Examiner of Local Fund Accounts.
Local Administration Department.
Superintendent, Government Press (for publication of the notification in the *Fort St. George Gazette*).
The Legal Department.

[Appendix

APPENDIX.

NOTIFICATION.

The following draft of certain amendments to the rules relating to the payment of claim for arrears of pay, allowances and increments of pay of officers and servants of municipal councils published with Local Administration Department Notification No. 1076 dated the 16th October 1941, at page 784 of Part I-A of the *Fort St. George Gazette*, dated the 4th November 1941, which it is proposed to make in exercise of the powers conferred by sections 74 (b) and 303 (2) (a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) sections 71 (1) (c) and 199 (2) (a) of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) is hereby published for general information, as required by section 304 (a) of the said Act.

Notice is hereby given that the draft amendments will be further proceeded with after six weeks from the date of publication of this notification and that any objection or suggestion, which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

(1) For clause (ii) of rule 1, the following shall be substituted, namely:—

(ii) With the sanction of the Director of Public Instruction or of the Inspector of Municipal Councils and Local Boards in the case of claims relating to a period exceeding one year according as they are made by teachers or any other employee of the municipal council local board.

(2) In rule 2, for the words "Inspector of Municipal Councils and Local Boards," the words "Director of Public Instruction or the Inspector of Municipal Councils and Local Boards, as the case may be" shall be substituted.

ORDINARY
16 NOV 1941
PRESS SLIP.
URGENT (a).
Education DEPARTMENT.

Seott. 11-22-5,506-18-11-42.

SPECIAL (a).

Current No. 7117 B2/47 14 - 9 - 1949.
G.O. No. 3496, dated 14 - 11 - 1947.

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

Brief subject: Education - Elementary - Investigation of time - barred claims due to teachers - S. an. claiming authority - clarification - Amendment to rules - issued.

(d) Number of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).	"Press" copies to supply on requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
(1)	(2)	(3)	(4)

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(d) The number of copies and the details of distribution should be filled in by the Superintendent or clerk concerned.

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(b) Unless a note to the Press is made against the matter, paper should not be printed. The Superintendent of the Press may bring to the Assistant Secretary any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Ministers or Advisers should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

TO PRESS, MADRAS.

A

B

C

Please send proof in duplicate. The papers have been carefully edited.

Proof returned corrected. Please strike off and send number of copies as indicated.

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated. Type may be released after usual interval.

Type may be released after usual interval at once.

3/14.11.49 Clerk.

3/30.11.49 Clerk.

Clerk.

2/14/11 Supt.

2/3/11 Supt.

Supt.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....1.7.11.49	MB
First proof furnished on.....30.11.49	MB
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Revised proof furnished on.....	
Corrected proof received for striking on.....18.12.49	MB
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EDUCATION AND PUBLIC HEALTH DEPARTMENT
(Education)

G.O. No. 3496, 14th November 1949

Education—Elementary—Investigation of time-barred claims due to teachers
—Sanctioning authority—Clarification—Draft amendment to rules—Published.

READ—the following papers :—

G.O. No. 2834, L.A., dated 16th October 1941.

G.O. No. 936, Education, dated 10th July 1943.

G.O. No. 76, L.A., dated 21st January 1947.

From the Special Officer District Board, Malabar, dated 9th August 1949
No. E-5-26457/47.

From the Inspector of Municipal Councils and Local Boards,
dated 6th September 1949 No. 47936/49.

Order—No. 3496, Education, dated 14th November 1949.

The question has been raised, whether with reference to the orders issued in G.O. No. 76, L.A., dated 21st January 1947, the sanction of the Inspector of Municipal Councils and Local Boards is necessary to the investigation of time-barred claims, preferred by teachers under local bodies and to the payment of the amounts due to them, in addition to the sanction of the Director of Public Instruction, to be obtained with reference to G.O. No. 936, Education, dated 10th July 1943. Local bodies are informed that the sanction of the Director of Public Instruction alone is sufficient in these cases and that the approval of the Inspector of Municipal Councils and Local Boards need not again be obtained separately.

2. The orders in G. O. No. 936, Education, dated 10th July 1943, were then issued only in the form of executive instructions, even though the intention of the Government was that the Director of Public Instruction should exercise these powers statutorily in the case of teachers. The rules will be amended accordingly.

3. The appended notification will be published in the Fort St. George Gazette.

(By order of His Excellency the Governor)

J. M. LOBO PRABHU,
Secretary to Government.

To the Presidents of all District Boards.

- Executive Authorities of all Municipal Councils (through the Chairmen Municipal Councils).
- Director of Public Instruction.
- Inspector of Municipal Councils and Local Boards.
- Examiner of Local Fund Accounts.
- Local Administration Department.
- Superintendent, Government Press (for publication of the notification in the Fort St. George Gazette.)
- The Legal Department.

[Appendix]

Ref. E.5.26457/47.

Malabar District Board's Office,
Kozhikode, dated 9....8....1949.

From

Sri R. Prasad, I.C.S.,
Special Officer.

To
19 AUG 1949

The Secretary to Government,
Education and Public Health Department,

Malabar.

Thro'

The Inspector of Municipal Councils & Local Boards,
Malabar.

Sir,

Education - Elementary - Investigation of time barred
claims due to teachers - Clarification - Requested -
G.O.No.76 dated 21.1.1947.
G.O.No.936 dated 10.7.1943.

In the concluding sentence of the Government Order 76,
dated 21st January 1947, Government have instructed that in
special circumstances, payment of time-barred claims, referred
to in para 7 of the G.O. ibid, can only be made with the sanction
of the Inspector of Municipal Councils and Local Boards.

But in Government Order 936, dated 10th July 1943, Government have delegated the powers to the Director of Public Instruction to accord sanction for the investigation and payment of arrear claims over one year, due to the teachers.

I, therefore, request that necessary clarification may be issued as to whether in the case of time-barred claims of teachers, sanction of Inspector of Municipal Councils and Local Boards, will have to be taken in addition to the sanction of the Director of Public Instruction before payment is made.

for Special Officer.

ci.16.8.

APPENDIX.

NOTIFICATION.

The following draft of certain amendments to the rules relating to the payment of claims for arrears of pay, allowances and increments of pay of officers and servants of Municipal Councils and Local Boards published with Local Administration Department Notification No. 1076/1077, dated the 16th October 1941, at page 734 of Part I-A of the Fort St. George Gazette dated the 4th November 1941, which it is proposed to make in exercise of the powers conferred by sections 74 (b) and 303 (2) (a) of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) sections 71 (1) (c) and 199 (2) (a) of the Madras Local Boards Act, 1920 (Madras Act XV of 1920) is hereby published for general information, as required by section 304 (a) of the said Act.

Notice is hereby given that the draft amendments will be further proceeded with, after six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid, will be considered by the Government of Madras.

DRAFT AMENDMENTS.

In the said rules—

(i) For clause (ii) of rule 1, the following shall be substituted, namely:—

(ii) With the sanction of the Director of Public Instruction or of the Inspector of Municipal Councils and Local Boards in the case of claims relating to a period exceeding one year according as they are made by teachers or any other employee of the Municipal Council or Local Board.

(2) In rule 2, for the words "Inspector of Municipal Councils and Local Boards," the words "Director of Public Instruction or the Inspector of Municipal Councils and Local Boards," as the case may be shall be substituted.

From

K.M. Unnithan Esq. I.C.S.
Inspector of Ml. Cls. & Local Boards, Madras. 139653

To

The Secretary to Government,
Local Administration Department,
Fort St. George.

L. Dis. 47936.49 dated 6.9.49

Sir,

Sub: Arrear claims - Teachers of Local bodies - Time barred claims for pay, allowances etc. whether sanction of Inspector of Municipal Councils and Local Boards is necessary besides the sanction of the Director of Public Instruction, Madras.

I forward herewith the letter of the Special Officer, Malabar District Board, Ref. E5. No. 26457.47 dated 9.8.49. The point raised by the Special Officer is whether sanction of the Inspector of Municipal Councils and Local Boards for the payment of the time barred arrear claims of District Board school teachers is necessary under para 7 of G.O. No. 76. L.A. dated 21.1.1947 besides the sanction accorded by the Director of Public Instruction, Madras under G.O. No. Ms. 936. Education dated 10.7.43.

According to G.O. No. 2834. L.A. dated 16.10.41, the Inspector of Municipal Councils and Local Boards was the sole authority to sanction the arrear claims of all subordinates of Municipal Councils and Local Boards including the teachers. This G.O. was later on modified by G.O. No. Ms. 936. Education dated 10.7.43 which gave the power of sanctioning arrear claims of Municipal and District Board School teachers to the Director of Public Instruction, Madras. Both the G.Os. referred only to "arrear claims over one year old" and there was no specific mention in either of the G.Os. about the "time barred arrear claims."

Subsequently, instructions were issued in G.O. No. 76. L.A. dated 21.1.47 regarding the settlement of the time-barred arrear claims. This G.O. does not refer to any of the two G.Os. quoted above. It would therefore appear that the instructions issued in G.O. No. 76. L.A. dated 21.1.47 are independent of the orders issued in the other two G.Os. If so, G.O. No. 936, Ms. Edn. dated 10.7.43 has also to be read with G.O. No. 76. L.A. dated 21.1.47. In that case sanction of the Director of Public Instruction, Madras, will be necessary for the investigation of the time-barred arrear claims of teachers under G.O. No. 2834. L.A. dated 16.10.41 as modified by G.O. No. Ms. 936. Education dated 10.7.43 and sanction of the Inspector of Municipal Councils and Local Boards will be necessary for the payment of the time-barred claims, if the Examiner of Local Fund Accounts, Madras so advises, (vide para 2 of G.O. No. 2834. L.A. dated 16.10.41.) under G.O. No. 76. L.A. dated 21.1.47.

pto

I would however suggest that it is desirable that the Director of Public Instruction, Madras, is made the sole authority for sanctioning both the investigation and the payment of the time barred arrear claims also (excluding claims relating to Travelling Allowance) of Municipal and District Board school teachers. By such a course, the necessity for corresponding with two authorities on the same subject and the delay caused in such correspondence and obtaining sanction from both may be avoided. If this suggestion is agreeable to Government, I request that Government may be pleased to consider the question of modifying the existing orders on the subject suitably.

[Signature]
For Inspector 99 u.

11/8/49

trv.8.9

L.A. D.S.M.

E.P.H. u.

12.5.49
9.5
12.4.49

12.5.49
12.5.49

E.P.H. (B3)

The g.o.'s quoted worked have been called for from the Chittoor records. This may lie over till the g.o.'s are available.

15.9.49

15/9/49

16/9/49

Please see the record requisition slip from

H.R.O., Chittoor at ③ below.
has been taken by L.A. They may be requested to put up the original of that g.o. as a copy for refce.

23.9.49.

24/9/49

LA

L.A. D.S.M.

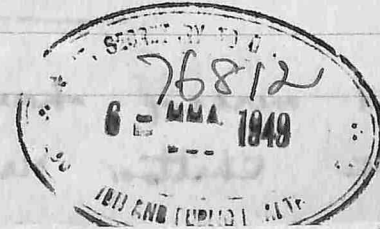


E.P.H. u. 24.9.49

put up at (R) below. E.P.H. will please intimate C.R.B. about the hanging of the g.o.

16/5/10

1. Am. 62115-18
5 x 4



4 x 4

11/11/49

E.P.H.

$I_1 = 2 \text{ mA}$
 $N = 2$

1/2 13/25-10
Issued: 22/10

$\frac{J.V.}{25.10}$

From

The Asst. Secy. to Govt.,
Ed P. H. Dyett.

T

The Curator,
M. R. O.,
Egmore.

Sub-

(p.c. to go)

506

Please furnish a copy of G.O. No. 1686
L.A. dated 20.6.41 for current number 711733/49

3
12.10.49

22/10

E.P.H. Dept (Bo)

T.M.

From

The Asst. Secy. to Govt.

E.P.H. Dept.

To

The ~~Asst.~~ Curator,

H.R.O.

Egmore.

Please furnish Part I A of the Fort St. George gazette, for the half year October 1941 - March '42 for current number 711/7 B2/49 or kindly refer me to the no. and date of the notification, together with the particulars, regarding the pages and date of the ~~of~~ gazette, in which the notification appended to G.O. No. 2834 L.A. dated 16.10.41 were published.

28.10.49. 28/10/49

Issued 28/10/49
60/29-10

(P.C. to go)

~~1203~~

194 *g*

Urgent
Special

Records called for C. No. 2111732 of 194 9

Department.	Number.	Date.	Subject.
Please furnish Part <u>I-A</u>. of the <u>I.S.G. Gazette</u> for the Half year October 1941 to March 1942. Or kindly refer me the Number and date of the Notification together with the Particular regarding the Pages and date of the Gazette Part <u>I-A</u>. in which the Notification appended to G.O. 2834 <u>A.A.</u> dated 16-10-41 was Published.			

OK

29 SEP 1949

84/62

Telephone Clerk's Initials.
M.R. Sgomin

Endorsement No. 1469 dated

28.10.1949

The notification referred to overleaf is published under notification no 1076 at page 734 of the F.S.G. Gazette - Part I A & B, 11.10.49.
Furnished. Please acknowledge receipt.

M. R. Sundara Rao
Office Assistant Secretary
in charge
28.10.1949

Received.

The Asst Secretary
E.M.A. (B2)

194

Sub:- Edw - Eli - Investigation of time-barred claims due to teachers - sanctioning authority - classification - ^{only} Amendment to rules ^{present} issued.

Read:- G.O. No. 2834 L.A. dated 16.10.41

Genl G.O. No. 936 Edw. dated 10.7.43

Dist G.O. No. 76 L.A. dated 21.1.47

P. 2.7 From the S.O. Dt. Rd. Malabar No. ES-26457/47

Edw. dated 9.8.49. In order, 14.11.49

From the Inspectors of M. ds. and Local Rds.

pp3-4 G.O. No. 49936/49 dated 6.9.49.

Order Press No. 3496 Edw. dated 14.11.49

The question has been raised, whether with reference to the orders issued in G.O. No. 76 L.A. dated 21.1.47, the sanction of the Inspectors of M. ds. and Local Rds. is necessary to the investigation of time-barred claims, proposed by teachers under local bodies and ^{to} the payment of the amounts due to them, in addition to the sanction of the D.P.G., to be obtained with reference to G.O. No. 936 Edw. dated 10.7.43. Local bodies are informed, that the sanction of the D.P.G. alone, is sufficient in these cases and that the approval of the Inspectors of M. ds. and Local Rds. need not again be obtained separately.

2. The orders in G.O. No. 936 Edw. dated 10.7.43 were ^{then issued} only in the form of executive instructions, even though the intention of the Govt., was that the D.P.G. should exercise these powers statutorily in the case of teachers. The rules will be amended accordingly.

3. The appended notification will be published in the Fort. St. George Gazette.

The D.P.G.,
The Inspectors of M. ds. & Local Rds.
The Examiners of L.F. Ass.

The L.A. dept.
The S.G.P. (for publication)
The notification in F.S.G.
The legal dept.

1.11.49. 1.11.49

P.T.O.

10/9 X1

Appendix

Notification

The following draft of ^{amendments} amendments to the Rules relating to the payment of claims for arrears of pay, allowances and increments of pay of officers and servants of local bodies, published with Education Dept. Notification No. 1071 dated the 16th October 1941 by 1041 at page 754 of Part I A of the F.S. of 9 dated 11.11.41, which it is proposed to make in exercise of the powers conferred by, Sections 74 (b) and 303 (2) (a) of the M.D.A. Act, 1920 (Madras Act II of 1920)

Sections 71 (1) (c) and 199 (2) (a) of the M.D.A. Act, 1920 (Madras Act XII of 1920) are hereby published for general information, as required by Section 304 (a) of the said Act. A notice is hereby given, that the draft amendments will be further provided with, after six weeks from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period, aforesaid, will be considered by the Dept. of Madras. P. D. 11.11.41

Draft amendments

In the said rules -

(1) For rule 3 of rule 1, the following shall be substituted namely:-

(a) In the case of claims, relating to a period exceeding one year, sanction of the D.P.S. or the Inspector of M.Cs. and Local Bds. shall be obtained according as they are made by a teacher or any other employee of the local body.

(b) In rule 3 for the words "Inspector of M.Cs. and Local Bds." the words "D.P.S. or the Inspector of M.Cs. and Local Bds." shall be substituted.

E.P. H. Dept (B2)

Sub: Edu. Edn - Investigation of time-barred claims due to teachers under local bodies - clarification

Read: From the S.O., D.P.S., Malabar

No. ES-26457/49 dated 9.6.49.

From the Inspector of M.Cs. and Local Bds.,

No. 19936/49 dated 6.9.49.

vide q.o. at (R) Remitted L.A. file

pp 21-220.7 (A)

vide q.o. at (Q)

In 1941, statutory rules were framed, authorizing the Inspector of M.Cs. and Local Bds. to sanction the investigation of arrears claims, proposed by employees of local bodies, including teachers and the payment of the amounts due, if these claims were admitted. In 1943, this power was transferred to the D.P.S. in so far as the arrears claims related to teachers. In an executive order in 1949, local bodies were instructed, to obtain the sanction of the Inspector of M.Cs. and Local Bds. to the payment of the time-barred arrears claims proposed by their subordinates. The q.o. did not differentiate between teachers and other employees in the matter.

pic 7

pp 212 220.7 (A)

vide q.o. at (Q)

2. The S.O. Officer, D.P.S., Malabar in his letter on pic 7, has raised the question, whether with reference to the rules framed in 1943, and the instructions in q.o. no. 76 L.A. dated 21.1.47, the sanction of both the D.P.S. and the Inspector is necessary to the payment of the time-barred claims of the teachers, working under the D.P.S. The Inspector has remarked, in para 3, of his letter on p 3 c.t. that the orders issued in q.o. no. 76 L.A. dated 21.1.47 appear to be independent of the statutory rules and as such, both his sanction and that of the Inspector District will be necessary for the payment of the time-barred arrears claims of the teachers working under local bodies. He further suggests, that the power to investigate and sanction the time-barred claims

vide q.o. at (Q)

pp 212 220.7 (A)

of teachers under local orders may be exercised by the D.P.S. and that his sanction need not be obtained in the case of teachers with reference to G.O. No. 76 L.A. dated 21.1.47 for the reasons, stated at X on p.4. He, however, is of the opinion, that claims relating to dwelling allowances of teachers may be brought to his notice. Why this should be done, has not been explained. There is no need to accept the Inspector's suggestion, in this regard. The Director may also sanction the claims for a period by teachers. The executive order cannot override the statutory rules of 1943.

vide front

X

3. The file may be sent to L.A. for remarks.

3/10/49
10/10/49

AM 11/10/49

L.A.

L.A. Dept

E.P.H.O.O. 71117 32/49-2

11.10.49.

44136

Please see the rules of EPH above. It seems the proposal of the ~~proposal of the~~ ^{proposal of the} will be the best under the circumstances. If so, EPH may take steps to amend the rules issued with G.O. 2834 L.A. 16.1.41 to carry out the said proposal. (It may be stated that the amendment of the rules was necessary even at the time of issue of G.O. 536 E.P.H. 10.7.43 and that the amendment was not made owing to shortage of paper during war).

With these remarks the file may be returned to EPH.

15.10.49

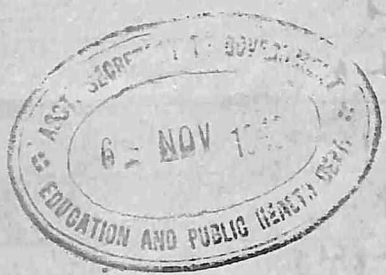
15.10.49

E.P.H.

44136-19
17.10.49

80619

Please see the notes of L.A. above. They have accepted the memo, recommended by this Dept at X



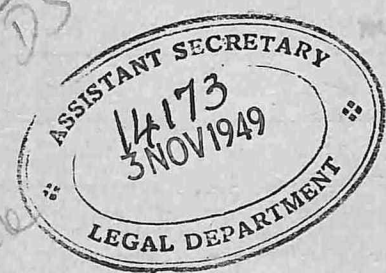
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7 NOV 1949

E.P.H.O.O. 71117 32/49-5

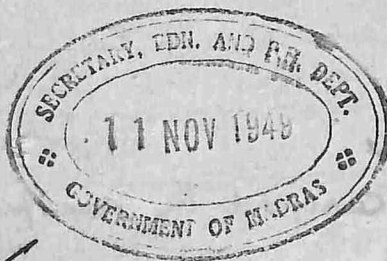
1.11.49

S/D



Legal G.O. No. 14173/49-1

5.11.49



18/11

about. They advise that the rules issued with G.O. No. 2834 L.A. dated 16.1.41 may be amended suitably. Their view may be accepted.

2. A draft order is submitted below for approval. Legal may see to draft order for scrutiny ~~at acceptance~~ ^{the draft notification}

3/11/49

AM 11/11/49 Legal

Legal Department.

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

AM 9/11/49 E.P.H. (32)

The draft order below may now issue with the alterations, indicated in red ink by Legal.

3/11/49

AM 9/11/49

5/10

H. N. (E & L)

AM

11/11

