

Edm (1940) Department.

Ms SERIES.

G.O. NO. 1546 Edm

Dated

18. 5-1950.

① closed
 ② Subd.
 pstr

[Despatch Abstract.]

Govt. Press - Sri. T. P. Vasudeva Nambissan
 Foreman Grade II - Reversion to Foreman Grade
 III and restoration to the original post - Arrears
 of pay etc for the period under reversion -
 orders passed.

Back Papers.

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

Further Papers.

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

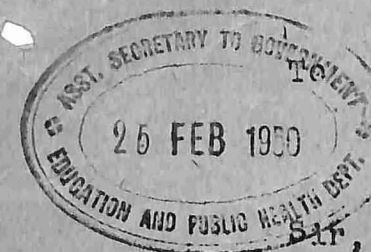
OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRESS, MADRAS.

No. SBC-1-16007/49-50.

Dated 18th February '50.

From

Janab R. Siddique,
Superintendent, Government Press,
Mint Buildings, Madras.



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

Ref: Memorandum No. 29917-C2/49-4, Edn., dated 11-10-1949.
Sub: Petition of Sri T.P. Vasudeva Nambisan - Prayer
to sanction the arrears of pay.

The petition of Sri T.P. Vasudeva Nambisan Grade II
(on leave) is forwarded with the following remarks:-

During the period of his reversion as Junior Foreman
from 6-4-49 to 16-10-49 another member who was promoted in his
place draw the pay of Foreman Grade II.

As he did not discharge the duties of Foreman Grade II
during the period of reversion his claim is not sustainable
and hence the above period will not count towards increment
in the scale of Foreman Grade II to which he has been restored.

21-2-50.

Enc.-

Superintendent.

23-2-50

16007

Madras,
8th February 1950.



From

T.P. Vasudevan Nambisan,
Foreman (on leave), 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,

The petitioner most respectfully beg to bring the following
for the kind and sympathetic consideration of Government.

The petitioner was restored to his original post of Foreman
in the scale of Rs.90-5-130-E.B.-10-150 with effect from 17-10-1949
as per orders in Government Memorandum No.29917 C.2/49-4, Education,
dated 11-10-49. On his representation to the Superintendent, Govern-
ment Press that he may be pleased to pay the arrears of backpay and
increment for 1949, the petitioner was informed in the memo of the
Superintendent No.S.B.C-Mis-49-50 dated 4-1-50 (copy enclosed) that
he cannot claim arrears of pay and increment.

The petitioner therefore requests that the benign Government
may be pleased to sanction to him the arrears of back pay from 6-4-49
to 16-10-49 and also to count that period for increment in the time-
scale, since the reversion was not on account of any fault of the Pe-
titioner and in view of the pecuniary loss incurred in these hard days.

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

T.P. Vasudeva Nambisan

Encl: Copy of Memo No.S.B.C./Mis-49-50 dated 4th January 1950 of the
Superintendent, Government Press, Madras.

Copy of Memo No. S.B.C./Mis/-49-50 dated 4th January 1950 of the Superintendent, Government Press, Madras.

--oOo--

Ref: His application dated 7-12-1949.

Sri T.P. Vasudevan Nambisan, Foreman is informed that he has been restored to the post of Senior Foreman, Grade II on Rs.90-150 from the date of receipt of Government Orders (Memo No.29917 C2/49-4 Education, dated 11-10-49 an extract of which is enclosed herewith) i.e., with effect from 17-10-49. As the next senior in the category of Junior Foreman was actually discharging the duties of Senior Foreman, Grade II on Rs.90-150 during the period of his reversion, he cannot claim for pay and allowance-s for that period; that period cannot also count for purpose of increment. However the pay last drawn by him as Senior Foreman i.e., Rs.95/- in the time scale of pay of Rs.90-150 (Rs-90-5-130-E.B.10-150) is admissible from the date he has been restored to the post.

It is further informed that Government have declined to sanction the post of a Senior Foreman on Rs.90-150 for the unit of Stock-taking of Plant in the Government Press, Madras and so he was not paid at the rates applicable for the post of a Senior Foreman Grade II for the period from 5-10-49 to 16-10-49 he worked in the unit.

(Sd.) R. Siddique, /5-1-50
Superintendent.

To Sri T.P. Vasudevan Nambisan, Foreman, Government Press, Madras.

Enclosure:

Government of Madras.
Education and Public Health Department,
Memorandum No.29917 C2/49-4 Edn., dated 11-10-1949.

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

Ref: From the Superintendent, Government Press, Endorsement No.SBC, dated 18-5-1949.

The Superintendent, Government Press is requested to restore Sri Nambisan immediately to the post of Foreman Grade II.

(Sd.) J.M. Lobo Prabhu,
Secretary to Government.

/True copy/

T.P. Vasudevan Nambisan

Edn.Deptt.(E)

Sub: Govt.Press - Sri T.P. Vasudeva Nambisan - Foreman, Grade II - Reversion to Foreman, Grade III and restoration to the original post - Arrears of pay etc., for the period under reversion - Orders passed.

pp23-24 cf (J) Ref: Memo No. 29917 C2/49-4 Edn. d/ 11-10-49.

From Sri T.P. Vasudevan Nambissan petition dated 8-2-50.

From the S.G.P.No.1/16007/49-50 dated 18-2-50

ORDER: /Ms. No. 1546 Edn.d/ 18-5-50

pp23-24 cf (J)

In memo no.29917 C2/49-4 Edn. dated

11-10-49, Sri T.P. Vasudeva Nambissan was restored to the post of Foreman Grade II in the Govt.Press from which post he was reverted irregularly from 6-4-49.

2 Sri T.P. Nambissan now requests that

(1) that he may be paid the arrears of pay for the period of his reversion from 6-4-49 to 16-10-49, and

(2) that the period may be counted for increment from 11-10-49 to 16-10-49.

3 The Government have carefully examined

his requests and in view of the hardship involved in the case they sanction the creation, as a special case, of a supernumerary post of Foreman Grade II on Rs.90-150 plus the usual allowances in the Govt.Press for the period from 6-4-1949 to 16-10-49 with a view to enable Sri Nambissan to draw the arrears of pay during the period in question and count the period for increment in the post of Foreman Grade II.

To
The S.G.P.
The A.G.thro' Fin.
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C.No. 14702 G/50.

NOTES

EPH/2

Encl: Govt. Press - Sri. T.P. Vasudeva Nambisan
Petition for sanction of arrears of pay.

Ref: Form the S.G.P. No. SBC-1-16007/49-50
18-2-50.

Sri. T.P. Vasudeva Nambisan, Foreman
Grade II who was reverted to the post of Foreman Grade II
by the S.G.P. in pursuance of para 3. of G.O. 2127 Edn 8
8-11-46 was restored to his original post in Govt. memo.

No. 29917 G/49-4 Edn 8 11-10-49. Sri. Nambisan now
requests that the period he may be granted the pay
of Foreman Grade II for the period he was under
reversion and (6-4-49 to 16-10-49) and that the above
period may also be counted for increment in the scale
of Foreman Grade II since the reversion was not on account of any
fault of his.

2 The S.G.P. states that during the period of the
reversion another member who was promoted in his place
in the place of the Sri. Nambisan drew the pay as Foreman
Grade II and as he did not discharge Sri. Nambisan
did not discharge the duties of Foreman Grade II during
the period of reversion his claim is not sustainable.

3 Public (Ser) and Finance may see for remarks
on 21/1/50

Edn E
S.P.H. No. 14702 G/501
2-3-50.



Public (Services) Department.

Sri T.P. Vasudeva Nambisan was a permanent Foreman,
Grade II in the scale of Rs.90-150. In the Proceedings
of the Superintendent, Government Press, dated 6-4-1949,
Sri Nambisan was reverted as a Junior Foreman (Grade III)
on Rs.45-60 with effect from 6-4-1949. He continued in
that lower post till 16-10-1949 (inclusive) when he was
restored to his original post of Foreman, Grade II in the
scale of Rs.90-150 with reference to the orders of Govt.

in their memo on pp.23-24 c.f. of (J). The request of Sri Nambisan now is that he may be allowed the arrears of pay from 6-4-1949 to 16-10-1949, i.e:- the difference in the pay which he would have drawn in ^{the} higher post and the pay which he actually drew in the lower post for the period and that the above period may be allowed to count for increments in the time-scale of Foreman, Grade II, i.e.Rs.90-5-130-E.B.-10-150.

The reversion of Sri Nambisan from the post of Foreman, Grade II to Grade III was held to be irregular by the Government - see memo on pp.23-24 of (J). He cannot, therefore, be made to suffer for the irregularity. This Department may therefore support both the requests of Sri. Nambisan. Presumably, a supernumerary post of Foreman, Gr.II will have to be created for the period in question.

The case may be passed on to Finance.

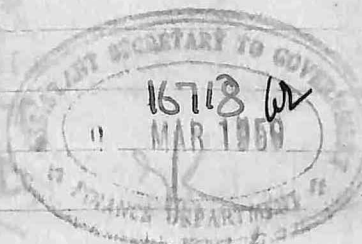
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FIN (R11)

No representation from Sri T.P. Vasudeva Nambisan, Foreman (on leave) Govt. Press and the reference from the S.P. on pp. 1.4 of and the order on pp 1.2 above being perused.

Sri T.P. Vasudeva Nambisan was first appointed in the Govt. Press as a Deputy Copyholder on 1.8.27 and was promoted in one of other posts mentioned in rule 1 of the Madras Govt. Press Subordinate Service Rules 1938 when was promoted as an Asst. Foreman. He was promoted as a Foreman Gr II in December 1946 and he continued in that post till the end of January 1947. He was again promoted as Foreman Grade II in a second time with effect from 1.7.47 in a substantiated



A on p 5.67
9 (J)

X on p 6.27
8 (J)

vacancy and continued in that post till 5-4-49 when he was reverted as Foreman Grade III by the present Superintendent. Against this order of reversion the Foreman in question made representation to Govt. requesting to be restored to his original post viz. Foreman Grade II. Public (Ser) Department held the view that this reversion was highly 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. Orders were accordingly issued in Memo No. 29917 C2/49-4 Education dated 11-10-49 directing the Superintendent, Government Press to restore Sri Nambisan immediately to the post of Foreman Grade II.

The petitioner was restored to the post of Foreman Grade II from 17-10-49. He has now represented

- (1) that he may be paid the arrears of pay for the period of his reversion from 6-4-49 to 16-10-49, and
- (2) that the period should be counted for increment.

With reference to the present representation, the Superintendent, Government Press has stated that during the period of reversion as Junior Foreman of Sri Nambisan from 6-4-49 to 16-10-49 another member who was promoted in his place drew the pay of Foreman Grade II and that as he did not discharge the duties of Foreman Grade II during this period, the above period will not count towards increment in the scale of Foreman Grade II to which he has been restored.

2 Education Department have invited the remarks of Public (Ser) and this Department in the matter. Public (Ser) have supported both the requests of the petitioner and suggested that a supernumerary post of Foreman Grade II will have to be created for the

p 9.48 (J)

pp 1.2 of (J)

X on p 6.27 (J)

X on p 2.48 (J)

A on p 3 y

X on p 3 y A

T on p 1 y

M on p 1 y

H on p 1 alone

N on p 2 alone

D on p 2 alone

period in question.

2/. It may be mentioned that the restoration ordered in Memo No. 29917 C2/49-4 Education dt. 11-10-49 was not given with retrospective effect. The Superintendent, Government Press was merely directed to restore Sri Nambissan immediately to the post of Foreman Grade II. The petitioner was actually restored on 17-10-49. During the period of reversion as Junior Foreman Grade III from 6-4-49, another member who was promoted to the post of Grade II drew the pay of Foreman Grade II, and ^{no} ~~so~~ few two persons can be allowed to draw the pay of one post at the same time. Further during the period of reversion, the petitioner did not actually discharge the duties of the post of Foreman Grade II. Usually, supernumerary posts are created when permanent posts are abolished and the permanent incumbents cannot be absorbed ^{substantively} in other substantive posts and not for cases of the present kind. As regards the second request of the petitioner, it may be stated that service in a lower post cannot count for increment in the higher post.

In the above circumstances, this Department may ^{advise} suggest that the requests of the petitioner are inadmissible.

Education (E)

The case relates to the petition of Sri T.P. Vasudeva Nambissan, Foreman, ~~Govt.~~ Govt. Press, Madras who requests that he may be paid the arrears of pay ^{during which} for the period 6-4-1949 to 16-10-1949 ~~when~~ he was ^{reverted to Grade III Foreman} under reversion and that the period may be counted for increment in the post of Foreman Grade II.

2. Sri Nambissan was promoted as Foreman Grade II in December 1946 and he continued in that post till the end of January 1947. He was again promoted as Foreman



A

X on p. 6 n.f. ①

Memo 29917 C2/49-4 Edw
11-10-49
p. 23 of ①

A on p. 3 ante

pp 1-2 ante.

X on p. 4 ante



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Grade II for a second time from 1-4-47 in a substantive vacancy and continued in that post till 5-4-49 when he was reverted as Foreman Grade III by the present Superintendent. Against this order of reversion, Sri Nambissan made a representation to Govt. requesting for restoration to his original post ~~as~~ Foreman Grade II ^{The} and Government allowed, Sri Nambissan to be restored to the post of Foreman Grade II ^{in the office of} on 10-10-1949.

3. The question is whether Sri Nambissan's requests at 'A' on page 4 above are admissible under the rules, consequent on his restoration to Foreman Grade II on 17-10-1949. It is no doubt true that the reversion of Sri Nambissan was irregular under the statutory rules but to claim the arrears of pay as if he had acted as Foreman Grade II between 6-4-49 and 16-10-49 when he ~~actually~~ Foreman actually discharged the duties Foreman Grade III seems clearly inadmissible. The second request that the periods may be counted for purpose of increment cannot also be acceded to.

4 Public (Services) however consider that in view of the irregularity in the reversion order of the present S.G.P. a supernumerary post of Foreman Grade II may be created for the period 6-4-49 to 16-10-49 and Sri Nambissan may be given the benefit of arrears of pay and the benefit of counting the period for increment. Finance consider that supernumerary posts are not created in cases of this kind.

For orders whether the file may be circulated to H.M. (E & L) for orders.

Public (Sec) may ^{see} again with reference to note of Finance.

18/3/50

Public (Sec)

Public (Services) Department.

(Previous note of this Department on pp.1-2 ante).

Please see the further notes of the Finance Department and Education department on pp.2-5 ante.

Sri T.P. Vasudeva Nambisan was a permanent Foreman, Grade II, on Rs.95/- in the scale of Rs.90-150 in the Madras Government Press Subordinate Service. In the Proceedings of the Superintendent, Government Press, dated 6-4-1949, he was reverted as a Junior Foreman, (Grade III) on Rs.60/ in the scale of Rs.45-85 with effect from 6-4-1949. He continued in that lower post till 16-10-1949 when he was restored to his original post of Foreman, Grade II in the scale of Rs.90-150, with reference to the orders in Memo on pp.23-24 c.f. of (J). Sri Nambisan's reversion was not made as a measure of punishment. It was done by the S.G.P. on a misinterpretation of the orders in G.O.No.2127, Education, dated 8-11-1946 and it was held by the Government to be irregular - please see the notes of this department on pp.5-7 n.f. of (J).

The requests of Sri Nambisan in the file are that he may be allowed the arrears of pay from 6-4-1949 to 16-10-1949, i.e., the difference in the pay which he would have drawn in the higher post but for his irregular reversion and the pay which he actually drew in the lower post for the period and that the above period may be allowed to count for increment in the time-scale of Foreman, Grade II (Rs.90 - 150) which post he was holding permanently. In view of the fact that the reversion was obviously irregular, this department ^{expressed} held the view that the petitioner should not be made to suffer and that he should be allowed both the requests. The Finance department, however, for the reasons stated on pp.2-4 of their note, object to both the requests. It will be really unfair if

the Finance view is accepted and the petitioner is made to suffer for no fault of his. This department may, therefore, adhere to the view expressed at N on p.2 ante. Education department may take orders in circulation of H.M. (E & L), H.M. (Fin.) and H.C.M.

The case may be returned to Education.

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Education (E)

Please see the notes of Public (Services) on pp 6-7 supra.

2. The case relates to the petition of Sri T.P. Vasudeva Nambissan Grade II Foreman, Govt. Press who requests that he may be paid the arrears of pay for the period from 6-4-1949 to 16-10-49 during which he was reverted to Grade III Foreman and that the period may be counted for increment in the past of Foreman Grade II.

3. Sri Nambissan was promoted as Foreman Grade II in ^{December} D.O. No. 1946 and he continued in that post till the end of January 1947 and he was again promoted as Foreman Grade II for a second time from 1-4-1947 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.

Against this order, Sri Nambissan made a representation to Govt. requesting for restoration to his original post namely, Foreman Grade II. The Govt. allowed his representation and restored him to the post of Foreman Grade II.

4. Public (Services) consider that in view of the irregularity in the revision reversion order of the S.G.P., a supernumerary post of Foreman Grade II may be ^{created} credited for the period from 6-4-1949 to 16-10-1949 (Period of reversion as Grade III Foreman) and Sri Nambissan may be given the benefit of arrears of pay and the benefit of counting the period for increment.

5. Finance do not support the requests of Sri Nambissan and the views of Public (Services). They state that during the period of reversion as Junior Foreman Grade III from 6-4-1949, another member who was promoted to the post of Grade II drew the pay of Foreman Grade II and no two persons can be allowed to draw the pay of one post at the same time and further during the period of reversion, the petitioner did not actually discharge the duties of the post of Foreman Grade II. As regards the creation of supernumerary posts, Finance state that such posts are usually created when permanent posts are abolished and the permanent incumbents cannot be absorbed substantively in other posts and not for cases of the present kind. As regards the second request of Sri Nambissan that the period of reversion as Grade III ^{Foreman} Finance should be counted for increment in Grade II, Finance also oppose it on the ground that service in a lower post cannot count for increment in the higher post.

6. Public (Services) to whom the matter was referred again consider that it will be really unfair if the Finance Deptt's. view ^{are} is accepted and the petitioner is made to suffer for no fault of his. The Chief Secretary has noted as follows:-

"As the reversion was irregular, it is only fair that the petitioner should not be made to suffer."

p. 23 of ①

N on p. 2 ante

pp 3-4 ante

p. 4 ante

pp 6-7 ante

p 7 ante



Education
C.O. 14702 E/50

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Fin. No 33952



7. The file may be circulated for orders to H.M.(E & L), H.M.(Finance), and H.C.M.

This Dept. may pass for acceding to the two requests of Sri Nambissan. Public (Services) have supported the requests.

12-4-50

15/4/50

H.M. (E. & L.)

H.M. (Fin.) 17/4
25.4

H.C.M. 27/4

Edm/E.

A draft order is submitted for approval. Finance may see before issue.

15/5/50

Finance (K.M.)

(Pre. Finance Note on 10.4.50)

The further notes and the orders in circulation on 14-4-50 are and the draft order below may be perused.

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The draft order may now issue
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(K.M.)

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