Put — as
Pr

Se.tt. II-27—104,006—4-11-48.

①

# Edn. (1950 ) Department.

Ms. SERIES.

**G.O. NO.** 2791 – Edn.

**Dated** 6/10/50.

~~H 1-564, H 53-7604~~
~~with H 53-7604 A~~

(44)

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**[Despatch Abstract.]**

M. E. S. – Pension of certain officers – Counting of offg. service – Provisional decisions reached – Papers recorded

## Back Papers.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| Ed. | 2635 | Ed | 10.12.41 | | | | |
| , | 229 | Fin. | 8.5.42 | | | | |
| Memo | 20064-C/43-1 | Edn | 17.7.43 | | | | |

## Further Papers.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|---|---|---|---|---|---|---|---|
| | 892<br>18.4.52 | | | | | | |
| | 1769<br>7.8.52 | | | | | | |

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②

V.R. RANGANATHAN.

Teachers' College, Saidapet,
Dated 17th February 1949.

Dear friend,

A

I am enclosing a note explaining the present position in regard to the question of pension for certain officers in the Educational Department for your kind perusal.

With kind regards,

Yours sincerely,

VRR

To
Hon'ble Sri T.S. Avinashilingam Chettiar,
Minister for Education,
Fort St. George, Madras.

# NOTE ON THE QUESTION OF SERVICE COUNTING FOR PENSION IN THE EDUCATION DEPARTMENT.

Prior to 1939 officiating service rendered by an officer either in a direct vacancy [or in a chain of arrangements was allowed to count for pension.] In July 1939, the Accountant-General, gave a ruling that only service rendered against a direct vacancy would count for pension. This decision of the Accountant-General would affect seriously a large number of officers of the Education Department, in which officers were not confirmed for a long time from 1926-34. The reason for the large number of permanent vacancies was the fact that pending the re-organisation of the Madras Educational Service no officer could be confirmed till 1934. For one reason or other, the re-organisation of the Madras Edl. Service was being postponed and final orders were passed only in 1932 and the officiating men were confirmed in 1934. Further, the strength in each section (Administrative and Collegiate) was not fixed for the service as a whole; but only the posts were fixed. Persons with permanent lien in the collegiate section officiated in the administrative section and vice-versa for long periods. It was not always possible to shift the liens of officers from ~~the section~~ one section to another, to give the benefit of the resultant vacancy to officiating men.

[ ] OTO. This was never the position

A

In January 1944 Government issued an amendment to Article 371 C.S.R. which did not require that a person should officiate directly against a substantive vacancy to get the benefit of that vacancy (para 8 A under Article 371 C.S.R. - Madras Supplement). The D.P.I. drew the attention of the Accountant-General to this amendment and he was requested to state if the benefit of this instruction could not be given to the officers of this department. It was pointed out that there was sufficient number of permanent vacancies against which officiating service of officers could be counted. The position was accept

Ⓐ

the Accountant General who wanted a certificate from the D.P.I. that the persons to whom the benefit of the vacancies was proposed to be given were the seniormost of the officiating men.

A

All that is required to satisfy para 8 A under Article 371 C.S.R. is (1) to show that sufficient permanent vacancies existed and (2) that the number of officers officiating did not exceed the number of such vacancies and (3) where they existed, the benefit should be given to the seniormost in their order of seniority. On examination it was found that a large number of posts were substantively vacant during the period 1926-34 against which officiating service of officers could be counted. The position was explained to Accountant General who, while accepting the same, says that he is not able to verify the facts reported by the Director and desires orders of Government. The examination was done with reference to the departmental lists of officers which is as authoritative as any other official record. Unless evidence is produced to the contrary the statement of the Director based on the only record available may have to be accepted.

M

It may thus be seen that the officers of this Department, for no fault of theirs, could not be confirmed though there existed clear vacancies. It is but fair that the benefit of these substantive vacancies, which has not been given to anybody, is given to officers who require it.

---------

E.P.H. (A)

(5) Routine. Pen

Finance may be requested to put up the orgl. of the G.O. by which Shri ~~K. Ananda Rao~~ Bhadriah, Retd. D.P.I. has been granted pension.

BM
6/4/49

pg.
4.4.49
6/4/49.

Finance.

ETH U.O. No.
~~13888~~ A-2
6.4.49.

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
11. Fin U.O. 23695 Pen. 1
9.4.49

28195

Fin (Pen)

The original of G.O. 160 Fin d 18.2.49 required by E&PH is put in the file relating to a petition from Sri. P. Bhariah for enhanced pension, ~~which is~~ and the file is linked below. ~~puts up the G.O referred to above is linked.~~

The case may be returned to E&P.H.

8.4.49
8/4/49

9/4/49 E&P.H.

Edn.-F.G.H.

D.O. No. 13888-A-3-Edn., dt-11.5.49 ⑥

Dear Mr. Reddi,

Pension - certain officers of Edn. Dept. - Counting of offg. periods of service for pension.

---

C.F. 3-5 Copy of a note on the subject cited, sent by Sri V.R. Ranganatha Mudr. to the former Minister for Edn., is enclosed. I am to request you to meet the Hon. Minister for Finance to explain to him the matter - after fixing up, in consultation with him, the date & time of the meeting. I am to invite attention, in this connection, to the correspondence ending with Mr. Subramanian's D.O. to Dr. Savoor, No. 39981/44 A-25, dt-8-12-47, and to your letters No. 56-J/48, dt- 12.3.49 & 4.4.49.

Ⓧ/C.F. 55

C.F. of L.F.

9/5/49

Yrs. sincerely,

P.G.
9.5.49

9/5/49.

Sri D. Sadasiva Reddi, M.A. (Oxon),
D.P.I.
(with copy of C.F. 5)

4 Reminders were sent (kept separate)

A/ ⑦ 8

Education Department.

From

The Director of Public Instruction,
Madras

To

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

24 NOV 1949

R.C.No.56-J/48 dated 22nd November 1949.

9815

SIR,

Subject:- Pension--Officers of the Madras Educational Service--Recruited direct--Concession of adding to qualifying service.

In pursuance of my discussion with the Hon'ble the Finance Minister on 16.7.1949 and the conclusions reached in the discussion I submit the following for the favourable orders of Government.

With reference to Article 404-A of the Civil Service Regulations, the concession of adding to qualifying service is the actual period not exceeding five years by which their age at recruitment exceeded 25 years. This concession does not help some of the officers of this Department to earn the qualifying service necessary for full pension on account of their losing most of the officiating service for purposes of pension owing to the Department having delayed their confirmation. Of the officers so affected are Messrs. D.S.Reddi, Lt.Col. M.A. Hamid and M.K. Wade. Particulars of the dates of first appointment and of confirmation of the three officers are given below:-

A

M

| | No. 1<br>D.S. Reddi | No.2<br>Lt.Col. Hamid | No.3<br>Dr. M.K. Wade |
|---|---|---|---|
| Date of birth .. | 28..4..1897 | 20.11.1896 | 11..6..1894 |
| Date of first appointment | 5..3..1923 20 | 7..7.1924 28 | 29..3..1926 32 |
| Date of confirmation.. | 6.11..1927 30 | 3.11.1929 33 | 29.10..1930 |

3/8 5/9

R

The hardship caused to the first two officers by belated confirmation would be mitigated to some extent if the concession allowed by Article 404 C.S.R. is applied at confirmation or at commencement of service in a vacancy, service in which counts for purposes of pension, (X) So far as Dr. Wade is concerned, he was over thirty years

X instead of at initial recruitment.

9

of age at recruitment and any modification of the concession of five years to which he is entitled would not benefit him. In the circumstances I request that Government may issue formal orders approving the concession being allowed to the first two officers in the manner referred to above. In the course of the Director's interview the Finance Secretary had agreed that this is fair.

1X

2. Government are being addressed separately whether Lt.Col. M.A. Hamid, who was promoted to the Madras Educational Service after putting in about six months service in the Subordinate Educational Service, would be regarded as a direct recruit.

(no paper recd yet)

3. As regards the counting of the officiating services of Messrs. P. Bhadriah and V.R. Ranganathan for purposes of pension, the matter is being investigated in detail and a fuller report will be submitted to Government.

Yours faithfully,

Director of Public Instruction.

ks.23.11.

23.11.49

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(8) 10

Education department.

From

The Director of Public Instruction,
Madras

To

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

ASST. SECRETARY TO GOVERNMENT
25 DEC 1949
EDUCATION AND PUBLIC HEALTH DEPT.

R.C.No.56-J/48 dated 21st December 1949.

SIR,

PENSION--Officers of the Madras Educational Service--Verification of officiating service.

100648
pp. 8-9 and

In continuation of this office letter R.C.No.56-J/48 dated 28.11.1949, I have the honour to state as follows:--

The position in respect of Sri P. Bhadriah was already investigated and the Government in the Finance Department have already been addressed in this office letter R.C.No.56-J/48 dated 4.4.1949 -(Vide copy enclosed.) Their orders are awaited in the matter. The position in respect of Sri V.R. Ranganathan has since been similarly investigated and I certify that the following vacancies cover the officiating period of Sri Ranganathan's service as shown below and the same may kindly be allowed to count for his pension under Article 371 C.S.R.

p. 3 cf. LF.

| 1. | Duration of the permanent vacancy.<br>2. | Period of officiating service.<br>3. | Y M D |
|---|---|---|---|
| Principal, Government Brennen College, Tellicherry | 1.7.1926 to beyond 30.9.1926. | 8.7.1926 to 30.9.1926. | 0-2-22 |
| Vice-Principal, Teachers' College, Saidapet. | 1.10.1926 to beyond 31.3.1928. | 1.10.1926 to 31.3.1928. | 1-5-30 |
| Additional Professor to Assist the Principal, Presidency College, Madras. | 1.4.1928 to beyond 30.9.1930. | 1.4.1928 to 30.9.1930. | 2-5-29 |
| Lecturer in History, Govt. Muhammadan College, Madras | 1.10.1930 to 31.3.1932 | 1.10.1930 to 31.3.1932 | 1-5-30 |
| District Educational Officer, Tanjore. | 1.4.1932 to 7.11.1934 | 1.4.1932 to 7.11.1934. | 2-7-6 |
|  |  |  | 8-3-27 |

Yours faithfully,

For Director of Public Instruction.

ks.21-12.

20/12

P.T.O.

10(a) Same as p. 3 c.f. of L.F.

Page 2.

Copy of letter R.C.No.56-J/48 dated 4.4.1949 of the Director of Public Instruction, Madras to the Secretary to the Government of Madras, Finance(Pension) Department, Fort St.George, Madras.

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Subject:- Pension--Superannuation--Sri P.Bhadriah, Deputy Director of Public Instruction and officiating Director of Public Instruction, Madras - Request for reconsideration.

Refce.:-- G.O.Ms.No.160-Finance (Pension) dated 18.2.1949
2.Director's letter R.C.No.56-J/48 dated 12.3.1949.

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In continuation of the Director's letter cited above, I have the honour to point out that from a scrutiny of my office records, I find that a number of permanent vacancies existed from 1922 to 1934, the benefit of which for purposes of pension, could be given to such of the officers as were officiating during those periods and who would require the benefit of those vacancies for purposes of pension, in virtue of their seniority in service. The reasons for the existence of so many vacancies during that period, have already been explained in paragraph 2 of my letter cited above.

Of these permanent vacancies, I certify that the following vacancies cover the officiating period of Mr.Bhadriah's service as shown below and may kindly be allowed to count for his pension under Article 371 C.S.R.

| 1. | Duration ~~Date~~ of permanent vacancy. 2. | Period of officiating service. 3. | |
|---|---|---|---|
| Assistant Lecturer, Government Brennen College, Tellicherry. | 1..4..1924 to beyond 1.7.24 | 7.4.1924 to 30..6..1924. | 0-2-24 |
| Assistant Professor, Presidency College, Madras ... | 1.4.1925 to beyond 1.10.'25 | 1.4.1925 to 27.9.1925 | 0-5-27 |
| Lecturer, Government Victoria College, Palghat. ... | 1.10.1925 to beyond 1.4.1926 | 7.10.1925 to 31.3.1926. | 0-5-24 |
| Professor of Economics, Presidency College, Madras. | 1.1.1926 to beyond 1.1.1927. | 1.4.1926 to 18.12.1926. | 0-8-18 |
| | | | 1-10-3 |

In these circumstances, I request that the benefit of those permanent vacancies may be given to Mr.Bhadriah for purposes of pension and the Government may be pleased to re-fix his pension, allowing these periods of his officiating service and also condoning the deficiency of 6 months and 28 days in his qualifying service under Article 423 (2) C.S.R.

True Copy.

For Director of Public Instruction.

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(9) Edn. Dept.(A).

11

A.13

MEMO.No. 13888 d/- 12/4/50.

10½

M.E.S. - Pension of certain officers - Verification of offg. service.

Ref:- From the A.G., B.38-1208-3894/48-49, d/- 13/15-12-48, and G.O.No.160-Fin.(Pen.), d/- 18-2-49.

L.F. (cf. 1-2, cf. 3)

B at NF 18
NF 21-22

Copies of letters from the D.P.I., Nos. 56-J/48, d/- 12-3-49, 4-4-49 and 21-12-49, are enclosed. The A.G. is requested to state ① whether the subst. vacancies mentioned in the letters are susceptible of verification in his office and also ② whether, w.r.t. the pay bills and the other records available with him, he can certify that Sri V.R.Ranganatha Mudr. and Sri P.Bhadriah can now be regarded as having officiated directly (held the posts directly) in the vacancies during the periods indicated by the Dir. If a certificate in those terms cannot be given, the A.G. is requested at least to certify that the vacancies have not already been utilized for giving pensionary benefits to any other officer or officers.

To the A.G.
(with copies of cf. 1-3 of l.f. & cf. 10 of this file).

12/4/50

9/4/50

A

**OFFICE OF THE ACCOUNTANT GENERAL, MADRAS.** (10)

12

No. Pen. Mis.3-40-728/47-48.

Fort St. George, dated 27 May 1950

Enclosures :

FROM

THE ACCOUNTANT GENERAL,
MADRAS.

29 MAY 1950

TO

13375

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

SIR,

Sub:- Madras Educational service - pension of certain officers - verification of officiating service.

---

p. 11 ante

With reference to Government memorandum No. 13888-A-13Edn. dated 12-4-50 on the subject indicated above, I have the honour to state as follows.

LF - cf 3

1. It is seen from the annual establishment return for 1924 that all the posts in the Subordinate Educational service Collegiate Branch were held substantively on 1-4-24. It is not therefore clear how a post in the Government Brennen College, Tellicherry is stated to have been vacant from 1-4-24.

LF. - cf 3

2. In the Annual Establishment return for 1-4-25 the post of Assistant Professor of Physics in the Presidency College, was shown as Vacant and Sri T.M. Margasahayam Chettiar was shown as officiating in the vacant post.

3. As regards gazetted posts it is not possible for that officer at this distance of time to certify whether the posts were vacant or not during the periods as their relevant registers have been destroyed according to the rules of destruction. //The other certificate whether the vacancies have not been utilised for giving pensionary benefits to any other officers or officers can be given only by the head of the department and not by this office

ie. 11 at p. 11 ante

13

not by this office.

Yours faithfully,

P.R. Sundaram
Assistant Accounts Officer.

rja

---

11 Gf A 14

Education Department

From
The Director of Public Instruction,
Madras.

To
The Secretary to Government,
Finance (Pension) Department.

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Rc.No.59-C9/50, dated 17--3--'50.

ASSISTANT SECRETARY TO GOVERNMENT
20446
21 MAR 1950
FINANCE DEPARTMENT

ASSISTANT SECRETARY
24 MAR 1950
4238
EDUCATION DEPARTMENT

Sir,

Sub: PENSION - Verification of officiating service - Sri K.S.U.Nair, Principal, Government Victoria College, Palghat.

Sri K.S.U.Nair, Principal, Government Victoria College, Palghat entered Government service on 1.8.'29. The service rendered by him prior to his confirmation is as follows.

| | | |
|---|---|---|
| 1-8-'29 to 18-8-'32 | -- | Lecturer, Government Victoria College, Palghat. |
| 19-8-'32 to 27-8-'32 | -- | In transit |
| 28-8-'32 to 19-10-'34 | -- | Lecturer, Government Arts College, Rajahmundry |
| 20-10-'34 to 7-11-'34 | -- | In transit |

He was confirmed on 8-11-'34.

2. The periods from 19-8-'32 to 27-11-'34 will not count for pension as Articles 370 and 371 are not satisfied. During the period from 28-8-'32 to 19-10-'34, Sri Nair was officiating in the place of Sri D.S.Reddi, as Lecturer in History, Government Arts College, Rajahmundry. Sri D.S.Reddi was on O.D as Deputy Director (Elementary Education) which post has not yet been made permanent.

3. However, the post of Lecturer in History, Government Victoria College, Palghat in which Sri Nair was officiating during 1-8-'29 to 18-8-'32 was permanently held by Mr.J.Franco. The latter was officiating as Professor in History, Presidency College, Madras. This post in the Presidency College was permanently vacant during the period from 1-8-'29 to 18-8-'32. No one was given the benefit of this vacancy. Though Sri Nair was not directly officiating against this post, I recommend that under Para 8-A of Article 371-C.S.R the benefit of the vacancy may be given to Sri Nair. In this connection I invite the attention of Government to my letter Rc.No.56-J/48, dated 4-4-'49 wherein a similar request was made in respect of Sri P.Bhadriah Retired Deputy Director of Public Instruction.

p.3 of JLF II

Yours faithfully,

For Director of Public Instruction.

sn.17.3.

Finance (Pen)

17/3 17/3

Fin OO.
20446 Pen-1
22-3-50

Education n. o.

22.3.50

22.3.50

~~2~~ 15

Edn. Dept. (A)

The general question in Edn. of giving retrospectively the benefit of unfilled vacancies to offg. officers is being ~~sub~~ separately for orders in G.O. The decision thereon may be awaited.

P.J.
4.50

10/4/50

11/4/50

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(12) 16 ~~3~~

Edn. Dept.(A).
--

MEMO.No. 4234 A 1, d/- 24/4/50.

Pension - Sri K.Sankaran Unni Nair, Prl., Govt.Vic. College, Palghat. Ref:- From the DPI, No.59-C9/50, d/- 17-3-50.

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Copy of a letter from the DPI, No.59-C9/50 d/- 17-3-50, is forwarded to the A.G. ~~xxx~~ He is requested to report whether, ~~he can furnish Govt. with a certificate in respect of~~ the benefit of the vacancy which the Dir. proposes to give to Sri K.Sankaran Unni Nair, he can furnish Govt. with a certificate on the lines indicated in ~~Govt.~~ [illegible] Memo. No.13888-A-13-Edn., ~~d/~~ 12-4-50, re: Sri V.R.Ranganatha Mudr. and Sri P.Bhadriah.

2/23/4

Cf.

Cf.

C.F. 11 of L.F. 1

26/4.

To the A.G.
(with copy of Dir.'s letter below).

P.J.
21.4.50

22/4/50

24/4/50

A 17 (13)

OFFICE OF THE
ACCOUNTANT GENERAL, MADRAS.

No. G.IV.Edn.119

Fort St. George, dated [illegible] 1950

ASSISTANT SECRETARY
14853
8 JUN 1950
EDUCATION DEPARTMENT

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

Reference:- Government Memo.No.4234-A1. Edn. dated 24-4-50 regarding the benefit of vacancy to be given to Sri.K.S.U. Nair.

--

It is regretted that this office is not in a position to furnish the certificate called for at this distance of time as the relevant records have been destroyed.

Assistant Accounts Officer.

T.R.R 8/6/50

Edn. dept. (A)

The main file on the qn. of counting for pension of all service rendered by officers of the Edn. dept. has been [illegible] to [illegible] (EDL)

~~8~~ 18

d. H.C.M. on 9.6.50. ~~It~~ The orders to be passed thereon will ~~count for pension~~ govern this case of Sri K.S.V. Nair also. The return of the file from Om may be awaited.

P.T.
10.6.50

IW3
12.6.50

12/6/50

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(14)

D.O. No. 13888-A.16, d/- 7/7/50

Edn. ~~Dept.~~ (A)

19

My dear Reddi,

Pension - certain officers of Edn. Dept. - Verification of qq. service

Ref:- Your letters Nos. 56-J/58, d/- 4.4.49, 22-11-49 & 21-12-49, & No. 59-C9/50, d/- 17.3.50 —

cf. 3 of 24

cf. 8-9

cf. 10

cf. 14

N.F.2

The Hon. Minister for Finance wishes you to explain how to Mr. Varghese (Finance Secy.) the pension cases of officers of your dept., which you consider are hard. I am to ask you to meet Mr. Varghese for the purpose - after ascertaining from him direct the date & time that will suit him.

Yrs. Sincerely,

S

26/6/50

D. Sadasiva Reddi
D.P.I.

M. A. [illegible]

P.T.
24.6.50

IW3
24.6.50

Spl
AMS
8.7.50

20

(15) MEMO.No. ~~13888-A~~/49-19, d/- 28.9.50

21

Edn. Dept.(A).

From the A.G., no. Pen. Mis. 3-40-728/47-48, d/- 27-5-50, & no. 9. IV. Edn. 119, d/- 7-6-50.

Cf.12-D

Cf.17

Pension - Certain officers of Edn. Dept. - Counting of offg. service.

Ref:- From the D.P.I.,
Nos.56-J/48, dated 4-4-49, ~~and~~ 22-11-49 and 21-12-49; and
No.59-C9/50, d/- 17-3-50.

Cf.3-4F. Cf.8-9 Cf.10 Cf.14

The Govt. have come to the follg. provisional decisions in the matter:-

(1) **Sri V.R.Ranganatha Mudr., retd. Dy.D.P.I., now re-employed as Dy.C.G.E.:**

p.31 N.F.

(C)

The benefit of the orders in G.O.No.238-Fin., d/- 2-3-50, viz., that tempy. and offg. service in excess of five years ~~shd. be counted as~~ qualifying for purposes of pension, shd. be ~~applied~~ specially extended to this case although Sri Ranganatha Mudaliar retired from service before 1-3-50. As a further act of grace, the officer shd. be allowed to round off his total qualifying ~~his~~ service (permanent and non-permanent) to 20 years, i.e. the deficiency in the qualifying service should be condoned under Art.423 C.S.R.

p.31 N.F.

He has retired, Pension sanctd. in Fin. – LA Modfn. of Fin. G.O. is necy.

(2) **Sri P.Bhadriah, retd. Dy.D.P.I.:**

Orders will be issued separately in the Fin. Dept.

p.32 N.F.

pp.15-16 N.F.

N.F.16

(3) **Sri D.Sadasiva Reddi, D.P.I.:**

So many years of additional service ~~will~~ shd. be counted for the purpose of superannuation pension of this officer as he would be eligible for if he had been recruited direct to the M.E.S. on 6-11-27 (p.8 Cf.) (the date of his confirmation); in other words, the benefit contemplated in Art.404-A C.S.R. will not be withheld from him on account of the fact that he had put in an ~~additional~~ officiating service of over four years before 6-11-1927.

p.33 N.F.

(4) **Lt. Col. M.A. Hamid, Dvl.Inspr. of Schools (On leave):**

A similar concession as in the case of Sri D.Sadasiva Reddi ~~will~~ shd. be allowed ~~to~~ ~~he is~~ this officer who if he comes to be regarded as a direct recruit to the M.E.S.

Qn. is yet to be put up by D.P.I. for Govt.'s decision – p.9 c.f.

(5) The cases of other officers in

22

p.14 cf.

N.F 33

the Edn. Dept., including Sri K.Sankaran Unni Nair, Prl., Govt. Victoria College, Palghat, will be examined on their merits ~~when they comeup.~~ at the time of sanction of pension in each case.

P.J.
2.9.50

5 Cir
7.9.50

13/9/50

Dsd
30/9

To the D.P.I.
Copy to the A.G.
Copy to Fin. Dept.

s/c

2. The cases of Sri V.R. Ranganatha Mudaliar, etc. should not be taken as precedents in considering officiating service for the purpose of pension in other cases.

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(16)

23

# GOVERNMENT OF MADRAS.

Education Department.

Memorandum No.13888-A/49-19 Education dated 25th September 1950.

-:-

Sub:- PENSION - Certain officers of Education Depart~~ing~~ment - Counting of officiating service.

Ref:- From the Director of Public Instruction Nos.56-J/48 dated 4-4-49, 22-11-49 and 31-12-49 and 59-C9/50 dated 17-3-50.
From the Accountant-General No.Pen.Mis.3-40-728/47-48 dated 27-5-50 and No.G.IV Edn.119 dated 7-6-50.

---

The Government have come to the following provisional decisions in the matter:-

(1) Sri V.R.Ranganatha Mudaliar retired Deputy Director of Public Instruction now re-employed as Deputy Commissioner for Government Examinations:

The benefit of the orders in G.O.No.238 Finance dated 2-3-50 viz. that temporary and officiating service in excess of five years qualifies for purposes of pension, should be specially extended to this case although Sri Ranganatha Mudaliar retired from service before 1-3-50. As a further act of ~~f~~ grace, the Officer should be allowed to round off his total qualifying service (permanent and non-permanent) to 20 years, i.e. the deficiency in the qualifying service should be condoned under article 423 Civil Service Rules.

(2) Sri P.Bhadriah, retired Deputy Director of Public Instruction:

Orders will be issued separately in the Finance Department.

(3) Sri D.Sadasiva Reddi, Director of Public Instruction:

So many years of additional service should be counted for the purpose of superannuation pension of this officer as he would be eligible for if he had been recruited direct to the Madras Educational Service on 6-11-1927 (the date of his confirmation); in other words, the benefit contemplated in article 404-A.Civil Services Rules will not be withheld from him on account of the fact that he had put in an officiating service of over four years before 6-11-1927.

(4) Lt.Col. M.A.Hamid, Divisional Inspector of Schools (On leave).

A similar concession as in the case of Sri D.Sadasiva Reddi should be allowed to this officer also if he comes to be regarded as a direct recruit to the Madras Educational Service.

(5) The cases of other officers in the Education Department, including Sri K.Sankaran Unni Nair, Principal, Government Victoria College, Palghat will be examined on their merits at the time of sanction of pension in each case.

2. The cases of Sri V.R.Ranganatha Mudaliar, etc. should not be taken as precedents in considering officiating service for the purpose of pension in other cases.

(~~By order of His Excellency the Governor~~)

K.M.UNNITHAN,
Secretary to Government.

To the Director of Public Instruction.
~~Exx~~ Copy to the Accountant-General.
Copy to Finance Department.

True copy /Forwarded/By order.

RCB/29-9

SUPERINTENDENT.

-27-

28

P.V.No.Prely.642-~~1940~~ 6463 (17) ~~D~~ A ~~25~~

Office of the Accountant General,
Madras, Dated 8th February 1952.

From

The Accountant General,
Madras.

To

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

SECOND ASSISTANT SECRETARY
12 FEB 1952
5276
EDUCATION DEPARTMENT

Recd on 14th
[illegible]

Sir,

Sub: Grant of concessions relating to pension to certain Officers of the Madras Educational Service.

...

I would invite a reference to Memo No.13888-A/49-19.Edn. dated 25-9-50 communicating certain provisional decisions of Government regarding the grant of pensionary benefits to four members of the Madras Education Service and to State as follows:-

Sri V.R. Ranganatha Mudaliar :

(Orders granting pension for 20 yrs. issued [illegible] Finance [illegible] some more years [illegible])

The pension papers of Sri V.R. Ranganatha Mudaliar were forwarded to Government in this office No.R.235/51-52/2103-6136 dated 19-1-52. A reference is invited to para 2 thereof regarding the concession of counting service under Art.371 C.S.R. p. 61, Pension Code.

Sri D.S. Reddi :

pp. 89-91 of Pension Code

Sri Reddi was directly recruited as a member of the Madras Educational Service on 5-2-23, which date only can be taken as the date of recruitment for the purpose of Article 404-A vide ruling 6 under that article in the Madras pension code. A reference is also invited to the correspondence regarding the pension of Dr. T. Lakshminarayana retired Director of Public Health, orders on which were passed in G.O. No.Ms. 954, Finance (Pension) dated 31-8-51. On 5-2-23 Sri D.S. Reddi's age exceeded 25 years by 9 months 7 days and therefore he is entitled to the addition of 9 months 7 days only to his qualifying service. The proposal to adopt 6-11-27 as the date of recruitment for purpose of Art.404-A will be inconsistent with the orders referred to above.

p. 92 of Pension Code

(not put up) Taken by Health [illegible]

pp. 89-91 of Pension Code

Lt. Col. M. Hamid :

The pension papers have been sent up to Government with this office A.183.2223.6334 dated 30-1-52. No special concessions were allowed in this case.

Finance [illegible] passed [illegible]

p.t.o.

26 A

It is therefore suggested that the whole position may please be re-examined and final orders communicated to this office in due course.

Yours faithfully,

T.S. Subramania Iyer

(T.S. Subramania Iyer)
Accountant General.

KP 5/2

Edn. Dept. (A).

--

The connected papers are put up in the file about Sri V.R. Ranganatha Mudr.'s pension, which is now in Finance.

p. 1 ante

2. The only officer in whose case the A.G. now seems to require a re-examination of the matter is Sri D. S. Reddi, D.P.I. What was provisionally decided in Sri Reddi's case was to allow him the concession of additional five years' service contemplated in Art. 404-A C.S.R., with refce. to the date of his confirmation in the M.E.S. - and not with refce. to the date of his initial appointment in that service. This decision was taken after the former Secy., Finance, and the present Finance Secy. discussed the case with the Director.

- 1/43 - 71 - Pension Coll

3. Finance may see this for remarks.

P.J.
22/2/52

27/2/52

S/ Fin

29/2

Edn. u.o. 1016 A/52
29.2.52

SECOND ASSISTANT SECRETARY
1 MAR 1952
9459
EDUCATION DEPARTMENT

ADDITIONAL DEPUTY SECRETARY
14455
4 MAR 1952
FINANCE DEPARTMENT

Fin (Pens)

The file referred to in para 1 above is in circulation.

Para 2 above: Edn may perhaps explain to the A.G the reasons that led ~~lead~~ to the decision to allow Sri. D.S. Reddi the concession of Art 404.A. C.S.R with reference to the date of his confirmation.

8/3/52

Edn

Finance u.o. 14455 Pen 1
7.3.52

7/3/52

18 29

Edn Dept
A.

Finance notes at the bottom of page 2 ante may be perused. The receipt of the main file from Finance may be awaited, ~~before~~ for a reply ~~is~~ to be sent to the A.G.

The correct position can be intimated to the A.G. only on receipt of the file from Finance

14/3/52

P.J.
14.3.52

18/3/52

The decision to give the benefit of Art. 404-C.S.R. to Sri D.S. Reddi with refce. to the date of his confirmation (instead of the date of his first apptt.) was taken at pp. 37-38, 54-55 of (D). A draft Memo. to ~~the~~ A.G. is subd. Fin. may see before issue.

P.J.
18.4.52

28/4/52

Edn. u.o. 5276 A2/52
28.4.52

Fin (Pens)

(Previous Finance note on p 2 above)

The draft memo below may be perused and the case returned to Edn.

30.4.52

30/4/52

1/5/52

Edn

Edn

Fin u.o. 31995 Pens 1
1.5

SECOND ASSISTANT SECRETARY
17211
3 MAY 1952
EDUCATION DEPARTMENT

ADDITIONAL DEPUTY SECRETARY
31995
29 APL 1952
FINANCE DEPARTMENT

Edn Dept
A.

The draft memo may now be issued.

5/5/52

P.J.
5.5.52

2/5/52

8/5

(19)

**EDN. DEPT. (A).**

Memo. No. 5276. A3/52 dated 8/5/52

23

5/9/5

NF1-2

D/59

D/37-38

D/59

D/37-38

D/38

Pension - Grant of concessions to certain officers in the M.E.S.

Ref: From the A.G., No. PV.Prely.642-6463, dt.8-2-52.

The concession of Article 404-A C.S.R. is admissible only from the date of first entry in service. ~~In~~ The A.G. is informed that in the case of Sri D. Sadasiva Reddi, however, the Govt. considered that, for the follg. reasons, the date of his confirmation shd. be taken into account for working out the benefit contemplated in the Article. The officer was recruited to the M.E.S. on 5-2-23, at the age of 25 years, 9 months and 7 days. He was confirmed on 6-11-27, at the age of 30 years, 6 months and 8 days. If he had been apptd. to the M.E.S. in a permanent vacancy on 6-11-1927 (when he was over 30 years of age) and if he had no previous service at all, he could add 5 years to his service from 6-11-1927 for the purpose of superannuation pension. Simply because he had put in an offg. service of over 4 years before 6-11-27, he should not be made a loser. Therefore, the officer shd. be given ~~so~~ as many years of addl. service as he would have been eligible for, if he had been recruited on 6-11-27.

2. As regards Sri V.R. Ranganatha Mudr. and the late Lt.Col. M.A. Hamid, the attention of the A.G. is invited to G.O. No. 892-Edn., dated 18-4-52, wherein orders have since been issued.

(Note put up)

26.4.52

28/4/52

8/5

To

The ~~D.P.I.~~ ✓ A.G. (Bro' Fin.)

10/5

Copy forwarded to the D.P.I. also vide Dis. 19421 A/52

21.5.52

1/2

390

Memo. No. [illegible] dated [illegible]

[illegible] - Grant of concessions to certain officers in the I.E.S.

Ref: From the A.G., No. [illegible]

[illegible]

28/11

---

A.F.

Pen

20

31

33

Secretary, E.& P.H.

Please see herewith a representation with regard to the pension for cetrain Officers in the Education Department. I understand the papers are already in the Dept. The matter may be examined and put up.

cf. 35

TSA
22.2.49

H.M. Education.

VH

SECRETARIAT, EDN. AND P.H. DEPT.
22 FEB 1949
GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT
13888
EDUCATION AND PUBLIC HEALTH DEPT.

Edn and P.H. Dept

A.

The question raised by Sri V. R. Ranganatha Mudaliar has been discussed many times in the past. All the papers are put up in the file relating to grant of pension to Sri K. Ananda Rao, Professor, Presidency College, which is now in Finan. This may be sent to that dept for remarks.

26/2/49.

28/2/49

~~Finance~~

E&P.H. W.O.

13888A/49-1

3.3.49.

ASSISTANT SECRETARY TO GOVERNMENT
13989 Pen
3 MAR 1949
FINANCE DEPARTMENT

Fin (Pen)

The papers referred to in E&P.H note above are not now available since the pension file of Sri. K. Ananda Rao is in circulation to HM (Fin) and HM (Edn). The return of that file from circulation may be awaited.

3.3.49

till 15.3.49

4.3.49

The file has been circulated to H.M (Edn) on 10.3.49. This may lie over till (1.4.49) it returns from circulation.

15.3.49

15.3.49

L/O 1-4-49

15.3.49

~~2~~

(21) ~~35~~ ~~3~~

Fi ance(Pension)Deptt.

In the note on pages 3-5 C.F., Sri Ranganatha Mudaliar, Principal, Teachers College, Saidapet, has requested that the question of pension of certain officers of the Education Department may be examined. He has urged that certain officers of the Education Department are adversely affected for no fault of theirs owing to delay in confirmation between 1926 and 1934, that prior to its amendment in January 1944, Article 371 C.S.R. did not require that a person should officiate directly against a substantive vacancy for purposes of qualifying service, and that the benefit of the Article should be given in the order of seniority of the officers if:--

C8 p34

A on p5CF

1) a sufficient permanent vacancies existed during the period and
2) the number of officiating officers did not exceed the number of such vacancies.

A

2. The question raised by the officer has been examined thread-bare more than once in the past--please see in this connection the discussion on pages 5-8 and 31-32 N.F of E & P.H. Memorandum No. 20044 C/43-1 dated 17-7-1943 and pp. 7-10 & 20-23 N.F. of G.O. 2635 Education dated 10-12-194 The position is however, restated below for purposes of reference:

(B)

(X)

B

> "Article 371 C.S.R. runs as follows:--
>
> "371. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service."

Though under Article 368 C.S.R., service does not qualify for pension unless the officer holds substantively a permanent post, ~~the provision in~~ Art. 371 reproduced above allows an officer, who officiates in a vacant permanent post or in a permanent post the permanent incumbent of which does not draw any part of the pay (e.g. when he is on leave without allowances) or count service, to count for pension the offg. service in those circumstances. For instance, a post of Divisional Inspector of Schools falls vacant on account of the retirement of the incumbent and persons in the lower posts are promoted in a chain of arrangements. The officer

~~4~~ ~~33~~ 34

can count their service for pension only in the permanent posts on which they hold lien and not the officiating appointment held by them. It was in this view that the Accountant-General informed the Director of Public Instruction in 1939 in connection with an individual case as follows:--

place p5 ny g (B) [illegible]

> "The officiating service of a Govt. servant without a substantive appointment not directly officiating in a vacant post but officiating in the chain of arrangements made in a vacant post has been held as not counting for pension".

Cf. Correspondingly 3 on p33 of Madras [illegible]

The Accountant-General has been consistently following this interpretation in dealing with all pension cases. In October 1941, however, the D.P.I. suggested that the A.G's ruling which was enunciated only in 1939 would affect the pensions of officers seriously and that it should therefore not be applied to offg. service rendered prior to the A.G's ruling, if the Government were not in favour of a general relaxation of Article 371 CSR. In other words, the Director's suggestion was that every person offg. in a chain of arrangements made on account of some permanent vacancy in the department should count his offg. service ~~on~~ for pension; while the A.G's view would allow only an officer without a substantive appointment and directly offg. in a vacancy under orders of appointment made at the time to count the offg. service for pension. The reasons mentioned by the Director and the question of correct interpretation to be placed on Art. 371 were fully examined and it was held that this Art., as it stands, does not allow the benefit of a vacant post except to the person actually officiating. As the A.G's interpretation was nothing more than what was warranted by the wording of the Article, the Govt. saw no reason why retrospective effect should be given to it only from 26-7-1939 as suggested by the Director, but that the interpretation should be applied to all officiating service, viz. whether rendered prior to 26-7-1939 or after that date.

Mp 5-6 n.f. of (B)

place the notes on pp 20-21 NF of (X)

3 In face of the above position it is highly objectionable in principle to admit the benefit of Article 371 C.S.R. to any officer in respect of officiating service in higher posts made in a chain of arrangements. In this case, the position is further complicated by the fact that the audit is not in a position to verify the exact nature of the vacancy in which the officers actually officiated in the chain of arrangements.

Cf M on p 54

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(22) ~~3~~ 35 5

The pensionary liability of this Government is mounting by leaps and bounds, and it is therefore quite necessary to apply the pension rules strictly without making exceptions both on financial and public grounds, and this has been ~~aptly put~~ recognised by the Public Works Secretary in another connection--see extracts of his note reproduced below:

(in the file relating to the pension of Sri N.L. [illegible] Naicker, CA)

> "In the matter of pensions we cannot afford to make exceptions, for each exception will be quoted for generations to follow. Many officers who retire from service have done hard work and so has Sri Naicker. He has been rewarded for his hard work, for, his service has been extended on a superior post--Additional Consulting Architect on Rs. 700-- a post which normally he could not have aspired for. Pension Rules have been enforced with fair rigidity in the past and it is seldom that the good work of an officer is considered sufficient to relax pension rules in his favour."

B

The case of the officers of the Education Department is after all not peculiar. There are even more hard cases in almost all departments of Government, where owing to the existence of a large number of temporary posts and other peculiar conditions the Government servants have to put in more than 10 years of non-qualifying service before they are confirmed--for example Assistant Engineers, Supervisors of the P.W.D., Agricultural Upper Subordinates, Fieldmen etc. of the Agricultural Department, Clerks of the Finance Department etc. To remedy this hardship the question of treating a portion of the officiating and temporary service (excluding the first 5 years of officiating or temporary service of all persons) as qualifying for pension was considered recently at the instance of the Hon'ble Minister for Finance. The Standing Finance Committee did not however accept the proposal on financial grounds and the proposal was accordingly dropped.

Cf p23 n.f. of G.O. (X)

(Mp [illegible] [illegible])

4 In view of the ~~above conditions set out~~ considerations set out above, there seem to be hardly any justification to reopen the case and accord special treatment to the officers of the Education Department. The case of Sri V.R.Ranganatha Mudaliar may however be considered on its merits in accordance with the decision in G.O. 2635 Education dated 10-12-1947 if and when his pension papers are received in this Department.

Cf P23 n.f. of (X)

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

RM 23.3.49

MC 23.3.49

Is it possible to make out a case for the officers in the Edn Dept

36

on the basis of A on p.3 c.f. which seems to be an exceptional factor?

Probably the point has already been examined. If so, please refer me to the discussions

25/3/49

The question of pension of the officers of the Education Department with special reference to the circumstances mentioned at 'A' on p.3 C.F. was already considered in detail at the instance of the Director of Public Instruction & with special reference to the individual case of Sri V.R.Ranganatha Mudaliar --please see pp. 1-2 and 5-8 of the Memo at (B) and pp.1-3, 12-13,51-52 C.F. and 7-10,para 4 on pp. 15-16 N.F. and the orders in circulation on pp.22-23 N.F. of G.O.No. 2635 Edn.d/ 10-12-1947. The burden of the argument at 'A' on p.3 C.F. is delay in confirmation resulting from causes beyond the control of the officers of the Education Department. It will be seen from para 4 of Finance note on pp. 15-16 N.F. of the G.O. at (X) that such delayed confirmation is after all not peculiar to the case of officers of the Education Department alone. It exists more or less in varying degrees in all Departments. e.g. Supervisors, Asst.Engineers of the P.W.D., Civil Asst.Surgeons of the Medical Department, Agricultural Demonstrators etc. in the Agricultural Department and labour school teachers. In all these departments, the persons have to serve anything upto two decades before they are confirmed owing to the maintenance of a large portion on a temporary footing. Even allowing for the delayed confirmation, the officers of the Education Department get at least decent pensions, ~~exceeding Rs. 200~~ whereas most of the subordinates of the departments mentioned above are obliged to retire on meagre pensions and in some cases on a mere gratuity. In the circumstances delayed confirmation is an ordinary incident of service and there is therefore nothing exceptional in the factor mentioned at 'A' on p.3 C.F. to justify special treatment.

E & PH memo
20044 C/49-1
17.7.49

(X)

B

C

I don't think it would be quite correct to say that the case is in no way exceptional

25/3/49

23

39

As already explained in the note on pp. 4-5 above the pensionary bill of this Government is mounting up and the Government have had to drop the proposal for treating temporary and officiating service in excess of the first five years as qualifying for pension. Every Department is pressing the claims of its officers. The P.W.D. are even now pressing for a reconsideration of the decision urging that the case of Asst.Engineers of the P.W.D. is special and the case is in circulation. In the circumstances it does not seem desirable to make a distinction in the case of officers of the Education Department in view of its repurcussions on other departments.

(file in circ.)

Also officers of the Madras Forest Dept.

RU
29.3.49

MMG
29.3.49

With regard to the point raised by me on pp. 5-6 ante, the notes at pp. 15-16 n.f. of (X) may be perused. These present the case in all its aspects. At p.23, in the orders in circulation following these notes, H.M. (Fin.) wanted the main rule itself to be examined & suggested that any officiating period of service in excess of the first five years could perhaps be taken into account for pensionary purposes. This suggestion after due examination was put before the S.F.C. which however did not approve of it.

31/3/49

(A)

7 APR 1949
23695 Pen.
FINANCE DEPARTMENT

Fin. No. 13989 Pen. 1
31.3.49

ASST. SECRETARY TO GOVERNMENT
8 MAR 19
EDUCATION AND PUBLIC HEALTH DEPT.

25112

B, pp. 5-6 ante

This dept.'s notes at pp.29-30 N.F. of "X", ~~and~~ ~~in~~ which explain the case, and the notes in para 3 of p.18 N.F. of "X", may be perused. Contrary to the view expressed in the Fin. Dept.'s note at pp.5-6 ante, this dept.'s stand has been that the case of officers of the Edn. Dept. is peculiar, worthy of special treatment, and that therefore Art.371 C.S.R. should be relaxed in their favour. The present D.S., Fin., seems to agree with this stand.

Fl at (X) / p.18

C at p. 6 ante

The general argument that the pensionary charges are mounting should not, in fairness, be used to veto ~~the~~ cases of hard-

A/15888

ship in a particular dept. if the merits of those cases justify special treatment. The recommendation made by this dept. ~~was~~ was supported by the former H.M.(Edn.). H.M.(Fin.), who conceded that the rules caused hardship, wanted the matter to be taken up as a general one and to be gone into by the (Re-organization) Standing Fin. Committee. That Committee having since examined the general question and dropped it, and no remedy having been found ~~fit~~ for the officers of the Edn. Dept. who were affected, this dept. may iterate their previous recommendation.

The file may be circd. to H.M.(Edn.), H.M.(Fin.) and H.Pr.

P.S.
22-4-49

24/4/49

25/4/49

H.M.(Edn)
H.M.(Fin)
H.Pr.

There is no doubt hardship in not allowing officiating pay of appointments which are not substantive, to count for pension. At the same time, this is a general question, the effect of which Finance have to consider in respect of all the departments concerned. Perhaps as suggested by D.S., Finance the officiating period of service in excess of the first five years may be taken into account for pensionary purposes. | A

"A" may be agreed to.
This may be further examined by Finance as a general question.

25/4

H.M.(Edn)✓
H.M.(Fin)✓
H.Pr.

9/26/4

27/4

Sometime ago I suggested excess of 5 years may be reckoned for Pension, but Cabinet rejected it. D.P.I. may explain to this particular point.

B.G.A.
30.4

JOINT SECRETARY TO GOVERNMENT
2 - MAY 1949
EDUCATION AND PUBLIC HEALTH DEPARTMENT

---

(24)

For Jt. Secy
Submitted for orders for interpretation of O.D. to DPI in view of the Minute of H.M. (Fin).
2.5.49

DPI to see
to arrange to H.M. (Fin)
2/5

It is better that Sri D.S. Reddi — than Sri P. Bhadriah, tempy. D.P.I. — sees H.M. The former is due to return from his leave on 11-5-49. A draft D.O. to him is subd. It may issue on 11.5.49.

P.S.
9.5.49

9/5/49

9/5

(Issued as D.O. No. 15888-A-3-Edn., dt. 11-5-49).

JOINT SECRETARY TO GOVERNMENT
10 MAY 1949
EDUCATION AND PUBLIC HEALTH DEPARTMENT

C.F.
C.F. 8-9

From the D.P.I., No.56-J/48, d/- 22-11-49.

The D.P.I., after discussing the matter with H.M.(Fin.), has sent in the letter at pp.8-9 C.F. Art.404-A C.S.R. allows to direct recruits to the Provl. Edl. Service (among certain other services) the concession of ~~addiking~~ adding to the officers' service qualifying for pension the actual period, not exceeding 5 years, by which their age at the time of recruitment had exceeded 25 years. The Dir.'s proposal is that in his own case and in the case of Lt.Col. Hamid, Jt.D.P.I. — where confirmations were delayed by 3 yrs. & 8 months and 5 yrs. & 4 months resply. — the concession of adding 5 years may be applied, not w.r.t. age at recruitment, but w.r.t. the age at the time of their actual confirmation or commencement of their service which is counted for pension.

C.F. 8-9

M.

It appears that the Fin. Secy. was pres

~~110~~

J at p. 9 cf.

Pen

during the discussion and that he considered the Dir.'s proposal fair. In the Dir.'s personal case, the proposal may be approved now. About Lt.Col. Hamid, the Dir. says that he is raising separately the question whether he can be regarded as a direct recruit at all. The benefit of the proposal can be applied to ~~him~~ the Jt. D.P.I. only if that question is decided in the affirmative.

File may be sent to Fin.

P.T.
26-11-49

26/11/49

28/11/49

S 29 H / Fin

ASSISTANT SECRETARY TO GOVERNMENT
80945
30 NOV 1949
FINANCE DEPARTMENT

13888
29.11.49
(with an L.F.)

para 2, cf

Finance (Pen) Department.

The file relates to the general question of counting officiating periods of service (before confirmation) rendered by certain officers of the Education Department for purposes of pension. In his minutes on p.8 above, H.M.(Fin.) suggested that the D.P.I. may explain to H.M. the point relating to counting of such service in excess of 5 years for pension. The D.P.I. has now sent his letter on pp.8-9 C.F. after personal discussion of the point with H.M.(Fin.) The D.P.I. has confined himself in his present reference to the concession being allowed to Sri D.S.Reddi and Lt.Col. M.A.Hamid, details of which are explained in para 3 below. He has mentioned that he is addressing the Government seperately regarding the counting of officiating services of Messrs. Bhadriah and V.R.Ranganathan.

para 3 in p. 9 cf

2. Before examining the proposal of the D.P.I. contained in the above letter, it may be mentioned that the question of allowing temporary or officiating service in excess of 5 years to count for pension in all cases in all Departments of Govt. was examined de novo and the matter has been placed again before the S.F.C. The decision in this regard is awaited.

pp 8-9 cf

(meeting of S.F.C. held on 16th Dec 49)

3. Under Art. 404 A CSR the concession of adding to qualifying service for pension the actual period not exceeding 5 years by which the age of Government servants (eligible for the concession under the rules) at recruitment exceeded 25 years can be given. The D.P.I. has stated that this concession which is applicable to direct recruit Gazetted officers of the Education department does not help some of the officers of the department in order to earn enough service to enable them to get full pension. This is attributable to the delay in their confirmation. The D.P.I. has mentioned that D.S.Reddi, Lt. Col. M.A.Hamid and M.K.Wade are the persons so affected. He does not consider that Sri M.K.Wade should be allowed any concession in as much as the officer was recruited when he was over 30 years of age. In the case of the other two, the D.P.I. has recommended that the hardship can be mitigated to some extent if the concession of Art. 404 A CSR is applied to them in another form viz. the number of years of addition (not exceeding 5 years) being arrived at as the difference between 25 years of age and the date of confirmation or date of commencement of qualifying service. The following statement will give a complete picture of the two cases:

A on p. 8 cf

M on p 8 cf

X on p 8-9 cf

R on p 8 cf

| | Date of birth. | Date of appointment. | Date of confirmation. | Probable qualifying service without 404 A concession. | Qualifying service with addn. of years under 404 A. | Qualifying service with the addn. of years under the new formula proposed |
|---|---|---|---|---|---|---|
| D.S.Reddi. (D.P.I.) | 28-4-1897. | 5-3-1923 | 6-11-1927 | 24 complete years. | 25 complete years. | 29 complete years. |
| Lt.Col.Hamid. (Joint D.P.I.) | 20-11-1896 | 7-7-1924 | 3-11-1929 | 22 complete years. | 24 complete years. | 27 complete years. |

It will be seen from the statement that Sri Reddi has a non-qualifying service of 4 complete years and Lt.Col.Hamid a non-qualifying service of 5 complete years. The former can get an addition of 1 complete year only and the latter an addition of 2 complete years with reference to Art. 404 A CSR. If the proposal of the D.P.I. is accepted Sri Reddi's qualifying service will be increased to 29 complete years and Lt. Col.Hamid will have 27 complete years qualifying service to his credit. Although both of them are getting pay exceeding Rs. 1000 p.m. they are entitled to a maximum pension of Rs. 500/- p.m. or Rs. 6,000/- p.a. only with reference to Art. 474 A(ii)(b) CSR. This too they will be entitled only if they have 30 years qualifying service. Although these officers are entitled to 30/60 of average emoluments as pension if they have rendered 25 complete years, ☒ on account of the limitation of the maximum pension for every complete year above 25 years, the full pension of Rs. 6000/- p.a. will accrue only if the qualifying service is 30 years If the normal concession of Art. 404 A CSR admissible in both cases is applied they will be getting a pension of Rs.5000 p.a. and Rs. 4,800 p.a. only respectively.

See scale in Art 474 A(ii)(b) C.S.R

4. The D.P.I. has stated that his proposal to allow the concession to Sri Reddi and Lt.Col. Hamid in the manner suggested by him at 'X' on p11 above has been considered by H.M. (Fin.) as fair. It is respectfully submitted that the proposal is a novel one the like of which does not appear to have been made so far in any case. It amounts to applying the concession of Art. 404 A CSR. in the best manner to suit the needs of the two officers in question. After all, the non-qualifying service in the two cases is only 4 and 5 years and it is a common feature in all departments that several officers have to put in five or six years service in many cases before confirmation. To try to remedy this situation in two specific cases in the Education department would certainly lead to the application of the formula in several other cases in other departments as well where the officers could not get any material benefit out of the concession in Art.404A CSR. This will amount to Government committing themselves to sanction increased pension in all such cases. When the pension bill is already mounting up, it does not appear desirable to create an inconvenient precedent merely to enable the officers to get increased pension. Finance may therefore advise that the proposal need not be accepted. E & P.H. will no doubt take orders in circulation including H.M.(Fin.) on the proposal ~~which~~ Orders will have to be sanctioned only under Sec-241(5) of the Govt of India Act, 1935.

6.12.49

M on pp 9-10 above

(26)

copy p.10 above

Notes from 'X' on p. 9 need alone be read.

The case of Lt.-Col. Hamid need not be considered now. E.& P.H. themselves propose to take it up separately. We shall confine ourselves to the case of Sri D.S.Reddi. the present D.P.I.

M 8-9 cf.

His request in brief is that he should, somehow, be made to get the maximum pension admissible or 30/60 of his average emoluments or Rs.6,000/- p.a. He was recruited to service on 5--3--1923 when he was aged 25 yrs. 10 ms. and 8 days(date of birth 28-4-1897) and he was confirmed on 6-11-1927 when he was 30 yrs, 6 months and 9 days. Naturally he will, on his date of superannuation, have put in only a service of 24 years 5 months and 21 days and will ordinarily be eligible for a pension equal to 24/60 of his average emoluments. It is to provide for hardships as in the case of Sri D.S. Reddi, due to late recruitment, that the rules already provide for additions to service under Art. 404AC.S.R. (excess over 25 years up to a maximum of 5 years). Unfortunately, Sri Reddi does not get much benefit under this rule but only an addition of about ~~1 year~~ (10 months and 8 days) which will increase his qualifying service only to 25 years as against 24 years and his pension to 25/60 or Rs.5,000/- p.a. as against 24/60 or Rs.4,800/- p.a. This is not a hardship peculiar to Sri Reddi, to merit a relaxation of the rules and to afford a special treatment to him, as requested. His late confirmation is due to exigencies of service and the proposal to allow him to count his entire officiating service also for pension in addition to the concession under Art. 404 A C.S.R. will besides giving him two benefits, amount to making two officers earn pension against one post which is contrary to the basic principle of our pension system. Further, even under 404 A. C.S.R., acting service can be added as qualifying service by an officer only up to 5 years. So if an officer is recruited to

Art 474 A(ii)(b) C.S.R p.8 cf.

28-4-1952

25 from 28-4-22

x 28-4-1922 to 5-3-23

Date of appt.

service, say at the age of 32 (Mr. M.K.Wade) he will only be eligible to add the maximum 5 years to his service and to get proportionate maximum (5,600) as pension and not the full maximum of Rs.6,000/- as pension. It cannot be said that just becuase he does not get full pension, he should be given some concession to get it. If he joined service at an age in excess of 30 years, it is his fault and the Govt. cannot help him, more than what is provided for in the rules. At that rate, all officers irrespective of their dates of appointment, will have to be allowed full pension and pension need not be related to the length of ~~the~~ service rendered. There have been several cases in the past in the Education Department and other Departments, where officers have retired on less than the maximum pension, in similar circumstances. The case of Sri Reddi is only one like the so many and there are no extenuating circumstances to deviate from the general rule and to give a special concession to him. There are also many cases of Gazetted Officers to whom even the concession of Art. 404-A. C.S.R. does not apply and those officers get a still further reduced pension and ~~even~~ in such cases also no concession is generally shown by the Government. Further, this is not an uncommon feature in Govt. service. Government servants ordinarily do put in some acting service or other and in some cases for pretty long periods also, before confirmation and it is not in all cases that such acting service counts for pension. As a result, in almost 50 per cent of the cases, the Govt.servants do not get the maximum pension but only a reduced pension. This is an accepted condition of service, inherent in the pension system and nothing can be done more than what the rules allow unless the rules have harshly acted in any particular case.

Any special concession, if shown to Sri D.S. Reddi will become a very inconvenient precedent and is

Date of birth 1894
recruitment in 2/3/26
= 32 yrs
for 28 yrs qualifying service

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likely to be taken up and agitated for by Service Associations and others.

Even in regard to the general question of counting half of the officiating service rendered by Government servants in general, upto a maximum of 5 years, Secretary has noted that there is no strong case for proceeding with the proposal and that with the removal of the ban on confirmation and the introduction of pension cum provident fund cum insurance scheme, the grievances of Government servants will be redressed and that the Government in the present state of financial stringency cannot afford to make any additional pensionary concessions. In a similar case of Bhadriah of the Education Department, it was held in circulation that there was no need to relax well established pension rules in the case of Gazetted Officers whose pension was already substantial. In the circumstnces Finance may strongly advise that the case of Sri Reddi is quite a common one in Govt. service and that there are no special reasons or extenuating circumstances for giving any concession to him particularly by invoking section 241(5) of the Government of India Act, as proposed and that the proposal may be negatived.

CSK
8.12.49

I on p.6 of (L)
in l.F. below.

Finance notes for
10.12.49
< M on p10 above

T at p.9 ante.

The A.P.I. did not go into details ~~[illegible]~~ regarding his own case & that of Mr. Hamid when he ~~[illegible]~~ had a discussion with H.M. & he is not quite correct in saying that I agreed with the proposition as put forward by him. But my view is this. If Dr. Reddi had been appointed to a Provincial service post in a permanent vacancy on 6.11.27 (when he was over 30 years old) and he had no previous service at all under this Govt he could add 5 years to the service from 6.11.27 for purposes of superannuation

~~46~~ ~~38~~ A

pension. Should he be made a loser simply because he had put in an officiating service of over 4 years before 6.11.27? I think it reasonable to give him so many years' additional service as he would be eligible for if he had been recruited on 6.11.27. In other words that some officiating service shd not act as a disqualification for working out the benefit contemplated in rule 404.A. CSR.

Similarly for Mr. Hamid if he is regarded as a direct recruit. The ~~[illegible]~~ question may however be taken up when Dr. Reddi is due to ~~[illegible]~~ retire.

10249 E&P.H. 12 DEC 1949

× 915 CSR
cf G.O. No 248
TOW 9.?.44

97/A

Fin. No. 80945 Pen-1
10.12.49

Edn. and P.H. Dept.(A).

From the DPI, R.C.No.56-J/48, d/- 21-12-49. pp.10-11 CF.

The D.P.I. may be informed what Fin.Secy.'s views are about his personal case and the case of Lt.Col.Hamid (if that officer is regarded a direct recruit) and he may be asked to raise the question again just before his retirement and Col.Hamid's retirement.

2. But what has been dealt with at pp.1-8 ante is how ~~the~~ to find a general solution for all the cases of Edn. Dept. officers of whom Sri V.R.Ranganatha Mudr. is one who have to their ~~xxxx~~ credit long periods of officiating service and whose confirmations in vacant posts were delayed on account of the fluid conditions then prevailing in the dept. It is ~~xxxx~~ not known whether the D.P.I. discussed with H.M.(Fin.) this general matter and, if so, whether any provisional decision was reached at the discussion. He has since recommended that, under Art.371 C.S.R., Sri Ranganatha Mudr.'s offg. service for 8 years odd, out of a total period of 10 years odd, be counted for pension against certain posts which remained permanently vacant. ~~This proposal~~ The Dir.'s recommendation is based on Sri Ranaganatha Mudr.'s note at pp.3-5 C.F. w.r.t. which this file ~~was~~ started. A similar proposal covering a period of 1 year, 11 months and 3 days

Pl. see notes at (X)/NF.29-30 & 18.

-B at p.3 ante

CF.10

| Y | M | D |
|---|---|---|
| 8 | 3 | 27 |
| 10 | 0 | 27 |

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28 Pen ~~39~~ 47 ~~17~~ -17-

para 2, (L)/CF.3 in LF

was put forward in Sri P.Bhadriah's case when his pension (papers were considered.) ~~was sanctioned.~~ Though this dept. recommended its acceptance in relaxation of the C.S.R. article, Finance opposed ~~it~~ and it was not accepted in circulation. (L)/NF.6 In L.F., the Dir. has re-iterated the proposal re: Sri Bhadriah. The case of Sri Ranganatha Mudr. does not stand on all fours with Sri Bhadriah's. The former's officiating service is considerable, more than 10 years as stated above, out of which only a period of 7 months and 17 days would count if Art.371 C.S.R. is strictly applied.

w.LF. (L)/NF.3

w.LF. (L)/NF.4-5

B at p.3 ante

3. Fin. may offer their further remarks w.r.t. para 2 above. They may also be requested to state at what stage the general question of counting for ~~xxxx~~ the pension of any officer, offg. service in excess of the first 5 years (A at p.8 ante and para 2 of p.10 ante), stands.

20.1.50

22/1/50

23/1/50 3

24/1 | Fin

5040.0
13888 A.9
24.1.50.

ADDITIONAL DEPUTY SECRETARY
25 JAN 1950
5725
FINANCE DEPARTMENT

### Finance(Pen)Department.

(Previous Finance note on pp.10-16 above)

E & P.H. note on pp. 16-17 above may be perused.

2. The case has now been remitted to this Department for remarks with reference to paras 2 and 3 of the note on pp. 16-17 above.

Item (1): Para 2 on pp.16-17 above. M/s Ranganatha Mudaliar and Bhadriah:

cf pp29-30 (X)

Sri V.R.Ranganatha Mudaliar who retired as Divisional Inspector of Schools entered the Subordinate Service in 1924. He was promoted to the M.E.S. in 1926 and was confirmed for the first time in 1934. The service from 1924 to 1934 was thus officiating. It was then stated that out of the total officiating service of over 10 years, only a period of 7 months and 17 days would count for pension under Art.371 CSR. This Department did not accept the proposal of E & P.H.

R m p.29 (X)

~~48~~ ~~40~~ 46

to relax the article in favour of Sri Mudaliar in particular and other officers of the Education Department in general. But it was however suggested that the case of Mr. Ranganatha Mudaliar may be decided later after the general question of counting all the period of temporary service excluding the first 5 years of service is settled and that if he retired before a decision was reached, his case might be taken up for individual examination. The general question referred to above is still subjudice--the matter is being placed before the Cabinet. In the meantime, the D.P.I. has investigated and prepared a statement ~~certifying~~ showing how a period of 8 years 3 months and 27 days out of the total officiating service rendered by Sri V.R.Ranganatha Mudaliar can count for pension under Art. 371 CSR. Before any remarks can be offered on the recommendation of the D.P.I. the E & P.H. Deptt. may be requested to obtain the remarks of the A.G. whether, with reference to the records available in his office, he can certify that the periods cited by the D.P.I. on p.10 C.F. can be taken as periods during which Sri V.R.Ranganatha Mudaliar officiated directly in the said permanent vacancies and that these periods were not utilised already for some other officers and will thus come within the scope of Article 371 CSR.

p.50 G.O.

M on p.50 G.O. (x)

pp10-11 cf

Cdl
6.2.50. B

Sri P.Bhadriah: Sri P.Bhadriah who retired as Dy. D.P.I. has rendered a qualifying service of only 24 years 5 months and 29 days and the Government declined to condone the deficiency in the qualifying service under Art. 423(2) CSR or to allow certain periods of his officiating service to count for pension under Art. 371 CSR.--vide notes of this Department on pp.1-4 N.F. of (L) in the linked file below. While he was officiating as D.P.I. during his term of re-employment, he submitted a representation stating that his officiating service of 1 year, 11 months and 3 days may be allowed to count with reference to para 8(a) under Art. 371 CSR.(Madras supplement) and also that the deficiency of 6 months and 28 days to make 27 years of complete service might be condoned by Government to enable him to get an enhanced pension of Rs. 450.

p.15 cf of (L) in L.F. below

pp1-2 cf in LF below

The A.G. may be consulted in this case also, re: the periods of service given on p11 CF

Cdl
6.2.50.

As already stated by E & P.H., the case of Sri P. Bhadriah is not on all fours with Sri V.R.Ranganatha Mudaliar.

p.7. above

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(29) Rev A ~~48~~ 49

The orders on the general question will not benefit Mr. Bhadriah. The A.G. may be consulted

pp1-2 NF of L.F. below as suggested on p.18 above.

Cdl
6.2.50.

The representation was examined in the L.F. below and this Department suggested that though there were no new factors for a re-consideration of the orders in G.O.160 Fin. dated 18-2-49, the case may wait until a decision is reached on the general question. In the above circumstances, no remarks seem called for at present.

1 JAN 1950
984

6.2.50

Para 3 on p.7 above: E & P.H. may be informed that final orders have not so far been passed on the general question of counting the temporary or officiating service in excess of first 5 years for purposes of pension. The S.F.C. has since approved the proposal, and the matter is to be placed before the Cabinet for its ratification. In all probability, the subject will be considered at the next Cabinet meeting.

With the above remarks, the case may be returned to E & P.H.

DR
4.2.50 4.2.50

Cdl
6.2.50

E&H

Edn. Dept.(A).

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ADS
E&H

Fin. U.O. 5725 Pen.
6.2.50 (X)/cf.35

in L.F. (L)/cf.1

B in Fin.'s note at p.18 ante.

Even in 1946 the A.G. said that the arrangements shown then in sufficient detail by the DPI re: Sri V.R. Ranganatha Mudr., were not susceptible of verification in his office. ~~In~~ Again, in Sri P. Bhadriah's case the A.G. said the same thing in 1949. Obviously there is therefore no use in taking up the matter with the A.G.

2. This dept. may ~~therefore~~ take ~~in~~ orders in circn. explaining the general case of all Edn. Dept. officers affected and also the individual cases of Sri Ranganatha Mudr. and Sri Bhadriah. It is understood that the Cabinet has since approved the general proposal#, as passed by the S.F.C., for counting for pension the tempy. and offg. service of all officers in excess of 5 years. Finance may kindly say whether this is correct - before the ~~x~~ file is circulated.

ASSISTANT SECRETARY TO GOVERNMENT
4 MAR 1950
15160
FINANCE DEPARTMENT

Edn. U.O. 13888 A.10
3.3.50.

1.3.50 2/3/50. 3/3/50 3 3/3 / Fin.

## Finance (Pen) Department.

(Last seen in Finance on pp. 17-19 above)

Please see the further notes of E & P.H. on p.19 above.

Para 1 of E & P.H. note on p.19 above: This department suggested that the A.G. ~~may~~ might be consulted regarding the periods of officiating service mentioned by the D.P.I. in respect of Messrs. Ranganatha Mudaliar and Bhadriah on pp.10 and 11 C.F. in order to verify, whether during these periods, the officers concerned could be deemed to have officiated in permanent vacancies, which were not utilised for the benefit of someone else; – this was necessary to count the service referred to as qualifying with reference to Art. 371 C.S.R. The E & P.H. Department now state that the A.G. had already stated in the cases of these officers that the arrangements are not susceptible of verification by his office and therefore there is no use taking up the matter with the A.G. It may be pointed out here, that the officiating arrangements which were sent to the A.G. for verification in the case of Sri Mudaliar in 1946 were entirely different from the arrangements now given by the D.P.I. on p.10 C.F. Similarly, the A.G. has not checked the arrangements now proposed ~~now~~ by the D.P.I. in regard to the officiating service rendered by Sri Bhadriah. It seems essential that the A.G. should be consulted with reference to these arrangements also, before any orders are taken in circulation whether the grant of any concession outside the scope of the rules is called for in their case. Finance may, therefore, reiterate its advice that the A.G. may be ~~at~~ consulted before orders are obtained in circulation.

p.18 above

p.19 above

But what about exactly similar arrangements re: Bhadriah & pp 17-32 cf ?

In regard to Bhadriah, the A.G. said in Dec 48. that the period of 1-11.3 days p 11 cf. was not susceptible of verification in his office – See p1 CF (L) L7.

CSK
7.3.50

pp10-11 CF

p.18 above

C.SR
3.50

Para 2 of E & P.H's note on p.19 above: Orders regarding the counting of temporary and officiating service for pension are under issue. These orders take effect from 1-3-50 i.e. in respect of all Government servants retiring on or after that date and cannot have retrospective effect. These orders will not therefore apply to Messrs. Ranganatha Mudaliar and Bhadriah. If the A.G. certifies that the revised arrangements

GO MS 2 38 F
2.3.50
(C)

pp10-11 CF

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(30)

are also not susceptible of verification, Finance need not object to orders being taken in circulation by ~~E & P.H.~~ Education Dept / 1011 Fin on the question whether on merits these two officers require any concession and if so to what extent.

DR
6.3.50

6.3.50

The cases of Messrs V.R. Ranganatha Mudaliar and P. Bhadriah are no doubt hard, but on that score, no undue concession, not admissible under the rules, can be given or the rules relaxed for that purpose. There are several cases of this kind where no such concession has been shown. Ordinarily, the policy of the Government is not to relax rules in the case of gazetted officers, merely to increase the amount of their pension. In the two cases, the proposals made by the D.P.I. only aim at utilising some available vacancies to confer enhanced pensionary benefits on the particular officers; this is quite clear from 'A' on page 3 C.F. of (L) - linked file. Such a course is neither reasonable nor in conformity with the principles laid down in Article 371 C.S.R., and cannot be supported by Finance, especially in the face of the orders in circulation in the case of Bhadriah on page 6 N.F. of (L) - linked file. It is quite possible that during the particular periods in question, there were other officiating officers senior to these two officers, who should rightly be deemed to be entitled to the benefit of the vacancies in the order of seniority and who might have retired without availing of the benefit or died. It is also probable that the benefit of the vacancy has already been given to some other officers. Unless it can be established by any authority with reference to some orders issued at the time, or by the Accountant General with reference to pay bills, that the two officers may be regarded as having held the posts mentioned on pages 10-11 C.F. directly, there would seem to be no case to give them the benefit of such vacancies.

pp 10-11 CF.

P.O. 160 Fin
18-2-49
(L)

N 11

× listed on pp 10-11 cf.

In the circumstances, the A.G. may again be consulted specifically as to whether the vacancies are susceptible of verification or whether the two officers can be deemed to have held the vacancies directly during the periods. If the A.G.'s reply is in the affirmative, the two officers may

may be given the benefit of Article 371 C.S.R. and allowed to count the periods of service in question for pension. If the Accountant General's reply is in the negative, he may at least be asked to certify that the particular vacancies have not so far been utilised for giving pensionary rights to any other officers. If this is conceded, Education may obtain orders in circulation including H.M.(Finance) and H.C.M. to allow the benefit of the periods of service to the two officers for pension in relaxation of Article 371 C.S.R.

ASSISTANT SECRETARY
8 - MAR 1950
EDUCATION DEPARTMENT

If ~~even this~~ even of the above is not possible, Finance will advise that ~~in~~ the case of Sri P. Bhadriah may be rejected and that in the case of Sri V. R. Ranganatha Mudaliar, on the analogy of the orders at (C), officiating service rendered before confirmation, excluding 5 years, may, as a special case, be allowed to count for pension after obtaining orders in circulation including H.M.(Finance) and H.C.M.

P.O. 238 Fin
2-3-50 (C)

C.Ae.
7/3/50

Edn

1148

Fin u.o. 15610 Pen-1
7-3-50

Edn. dept. (A)

A draft memo. to the A.G. is subd.

[Summarising Note for on, subd before, was not passed. W.r.t. oral wishes, memo. to A.G. is subd. Hence delay.]

pg
4.4.50.

9/4/50

12/4/50

(Issued as Memo. No. 13888-A-13-Edn., dt. 12.4.50.)

From the A.G., No. Pen. Mis. 3-40-728/4)-48, d/-27.5.50

CF 11

cf. 12

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This case has been pending since 1939. The following is ~~a summary~~ the history of it.

Extract at (P)/2

2. Under Art.371 CSR, officiating service, to count for pension, shd. be directly in the vacancy concerned and shd. not be deduced at the end of a chain of arrangements. The DPI had not until 1939 understood this Article properly. His dept. was posting officers in a haphazard manner in the belief that the offg. persons would ordinarily be benefited by the Article, irrespective of whether they acted in chains of arrangements or directly. In 1939, when the A.G. expld. to the Dir. the full implication of the Article, the latter requested that the A.G.'s interpretation shd. not be applied retrospectively to cases in his dept. as that would seriously affect the pension of many officers. After due consdn., the Govt. decided that the Dir.'s request, which amounted to a relaxation of the Article, could not be granted. They however agreed that at the time of sanction of pension in individual cases the question of counting temporary service, if any - as distinguished from offg. service - under another Article of the CSR, might be raised.

cf. (B)/5-6

(B)/26

(B)/3-4 & 15-16 & 26

3. Sri V.R.Ranganatha Mudr. is one among the officers affected partly by the wrong appln. of the rule by the DPI. He entered the subordinate service as an offg. Dy.Inspr. of Schools in 1924. He was promoted to the MES in 1926 and was confirmed for the first time in that service in 1934. His service between 1924 and 1934 was thus offg. service. He has no tempy. service. Of the total offg. service of his of a little over 10 years, only a period of 7 months and 17 days would count for pension if the Article mentioned above (direct vacancies) is applied. After elaborate discussion and correspondence, as an alternative to relaxation of the Article, the DPI was asked to prepare and send thro' the A.G. a statement indicating just the possibilities of the officer being at that stage shown directly against substantive vacancies. The A.G. reported that the arrangements shown in the statement prepared by the Dir. accordingly, were not susceptible of verification in his office. He however offered

(X)/cf. 1-2

(X)/f. 2

cf. 16 f (2) &
cf. 5 & 16 f (X)

(X)/cf. 35

(X)/cf. 18-21

some remarks to enable the Govt. to determine whether the periods specified in the statt. satisfied the conditions of Art.371. On examn. of the case in the light of those remarks, it was found that, in all, only 2 years, 9 months and 21 days could be allowed to the officer. This was not a material benefit.

(X)/cf.35-36

(X)/cf.12-13

4. This dept., therefore, pressed for the relaxation of the Article in favour of Sri Mudr. and also of the other officers in the Edn.Dept. who were similarly placed. The main ground urged for the relaxation was that in that dept., unlike in other depts., between 1924 and 1934, pending the issue of orders by Govt. on the qn. of re-organization of the gazetted services consequent on the stoppage of recruitment to the I.E.S., several posts were kept on a tempy. footing and no confirmation could be ordered and that that situation worked greatly to the disadvantage of the officers concerned. Fin.Dept. did not agree. The orders passed in circn. were that Sri Mudr. might "apply separately after retirement" and that the qn. of amending the pension rule (which caused too much hardship), so as to enable offg. service in excess of 5 years to be counted for pension, shd. be taken up as a general qn. Sri Ranganatha Mudr. attained his 55th year on 10-11-47. He was granted an year's extension of service and was subsequently re-employed for two years. The SFC went into the general qn. (raised by H.M. (Fin.)) and turned it down.

(X)/nf.13, 17-19 & 22

(X)/nf.18

(X)/nf.21-22

(X)/nf.23

5. Sri P.Bhadriah, Dy.DPI, retired from service on 12-11-48. He had a qualifying service of 24 yrs., 5 months and 29 days. While sending thro' the A.G. his pension papers, the DPI said that, prior to Sri Bhadriah's confirmation in 1927, certain posts remained vacant, that service therein was obviously not counted for pension by any other officer and that the benefit of those vacancies might be given to Sri Bhadriah for a period of 1 yr., 11 months and 3 days. He gave details of those vacancies. But the A.G. could not verify them with the records in his office. Finance considered that unless the Dir.'s statement was certified to in categorical and unambiguous terms, his request shd. not be accepted. This

V at p.5 ante

in LF.
(L)/cf.1-2

para 2 of cf.2 in LF.
of (L)

para 3(a) of
(L)/cf.1
in LF.
N at (L)/nf.2

dept. held that there was no use in asking the A.G. to give such a certificate but that the proper course was the one recommended by them before for all Edn.Dept. officers, viz., to relax Art.371 in Sri Bhadriah's favour. In circn., the Dir.'s proposal was not accepted - the main reason being that Sri Bhadriah's pension was already substantial.

(L)/nf.2

in LF. (L)/nf.6

The Dir. has now asked for a reconsideration of Sri Bhadriah's case. He has consulted the A.G. in the matter, with particular refce. to para 8-A under Art.371 in the Madras Suppt. to the CSRs. The A.G. seems to have told him that the benefit of the vacancies which remained unfilled could be given to the officers provided the Dir. certified that the officers were the seniormost of the officiating. The Dir. has given such a certificate in respect of Sri Bhadriah for 1 yr., 11 months and 3 days.

LF
Extract at
X (X)/cf.44

cf.1 of LF. - para 3

cf.3 of LF.

6. In this file, on a note (cf.3-5) of Sri Ranganatha Mudr. himself, recd. by the former Minister for Edn., the general case of all Edn.Dept. officers was reconsidered. The DPI discussed the matter with H.M.(Fin.), the former Secy.-Finance also being present.

pp.3-8 ante
of Sri T.N.S. Raghavan
pp.8-9 ante

Follg. the discussion, the Dir. has subd. a new proposal to cover mainly his own* case and the case of ~~the Jt.Dir.,~~ Lt.Col.Hamid, (permanent Dvl. Inspr. who acted as Jt. Dir.) Art.404-A allows the concession of adding to the qualifying service of a direct recruit the actual period, not exceeding 5 yrs., by which his age at the time of recruitment had exceeded 25 yrs. The Dir. wants the concession to be applied to him and ~~the Jt.Dir.~~ Col. Hamid w.r.t. their age at the time of their confirmation, thus enabling them to get larger pension. The Fin.Secy. ~~does~~ did not agree to the proposal. His view is that the fact of the Dir. and ~~the Jt.Dir.~~ Col. Hamid having some offg. service shd. not operate to their disadvantage in the appln. of Art.404-A (G) and that they shd. be given so many years' addl. service as they would be eligible for if they had been recruited direct on the dates of their confirmation. It is proposed to communicate this view to the Dir. and ask him to raise the qn. again at the time of his and ~~the Jt.Dir.'s~~ Col. Hamid's retirement. This is an incidental matter.

*personal)

cf.8-9

X(G)

cf.8-9

pp.15-16 ante

para 1 of the Deptl. 18 note at p.16 ante

About the general run of cases in the Edn. Dept., no solution seems to have been reached at the discussion. As in respect of Sri Bhadriah (1 yr., 11 months and 3 days), the Dir. has since certified that Sri Ranganatha Mudr. can be given the benefit of unfilled vacancies for 8 yrs., 3 months and 27 days. Finance having urged that the matter shd. be refd. to the A.G., ~~and that he shd. be~~ he has been asked whether, w.r.t. the records available in his office, he can certify (1) that the periods mentioned by the Dir. can be regarded as periods during which Sri Mudr. and Sri Bhadriah officiated direct in the permanent vacancies refd. to by the Dir., or (2) at least that those periods were not utilised already for some other officers.

para 2, p. 16 ante

C.F. 3 of 46

C.F. 10 of this file

pp. 18-22 ante

p. 18 ante

p. 22 ante

The A.G.'s reply at page 12 C.F. will show that he is not in a position to give any certificate. He says that it is for the Head of the Dept. - D.P.I. - to give the certificate. This dept.'s stand that the proper course is to resort to a relaxation of the Article in favour of all Education Department officers has thus been justified in a way.

C.F. 12-13

pp. 24-25 ante

7. In the meantime, the proposal, mooted by H.M.(Fin.) and negatived previously by the S.F.C., for the amendment of the pension rules, has been reconsidered and approved by the Cabinet. And, now, tempy. and offg. service, in excess of 5 yrs., rendered by all officers retiring on or after 1-3-50 can be counted towards their pension. This new provn. will, however, not apply to Sri Bhadriah and Sri Ranganatha Mudr. Fin. suggest that, if the verification by the A.G. on either of the two points (as suggested by them) is not possible, then, (1) the request on behalf of Sri Bhadriah may be rejected, and (2) in the case of Sri Ranganatha Mudr., offg. service, excluding 5 yrs., may be counted for pension, on the analogy of the general Cabinet decision. (C)

(C)

as they are persons who have already retired

p. 22 ante

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8. Considering mainly that the latest Cabinet order - "C" - will mitigate, to a great extent, hardship in almost all cases and in view also of the need to come to some decisions in the matter early without keeping it pending further, this department may make the following recommendations and circulate the case to H.M.(E.& L.), H.M.(Fin.) and H.C.M. for orders:-

p. 8/6 H 1

(1) Sri V.R. Ranganatha Mudaliar: Finance's alternate suggestion to count officiating service in excess of 5 years, may be accepted.

p. 22 ante

(2) Sri P. Bhadriah: As his case is not on all fours with Sri Mudaliar's - in other words, as he has more than 24 years' qualifying service and his pension is substantial - no officiating service need be counted.

whereas on adding 5 yrs. is added, Sri Mudr. will have a qualifying service of only 20 years

(3) The Director and Col. Hamid: Finance Secretary's view (para 6, page 25 ante) may be communicated to the Director and he be asked to write again at the appropriate time.

(C)

(4) Other officers: The general Cabinet decision may be allowed to govern their cases.

P.J. 3.6.50

6.6.50

7/6/50

8.6.50

[Summarising notes from p. 23 ante]

10/6 H.M. (E & L.)

H.M. (Fin.)

H.C.M.

Box 16

I remember O.P.S. explaining the hard cases of 6 or 7 teachers to me and to Mr. P.N.S.

He may explain to Mr. T.A.V.

This may be examined in the light of those representations.

22.6

H.M. Fin.'s minutes at previous page.

A draft D.O. to the D.P.I. is subd.
Finance may see before issue

S. /

26/6/50

Finance

Fin (Pen)

The previous Finance note on pp 20-22 above, ~~and~~ the note of Education on pp 23-27 above, the orders in circulation on p 27 above and the draft ~~memo~~ D.O below may be perused and the case returned to Edn.

29.6.50

1.7.50

Secy.

After issue of the D.O. the file may be sent to me for study (with all relevant back papers)

3/7/50

Edn.

ASSISTANT SECRETARY
18418
5 JUL 1950
EDUCATION DEPARTMENT

Edn. U.O. 13888-A.15
26.6.50

ASSISTANT SECRETARY TO GOVERNMENT
28 JUN 1950
FINANCE DEPARTMENT

48932 Pen

Fin. U.O. 48932 Pen.
3.7.50

7/7/50

Edn. Dept. (A)

The draft D.O. may issue. After issue, the file may be sent⊗ to Fin. Secy.

— F.C. subd. for signature.
Put up with fair copy

5/7/50

7.7.50

S. /

7/7/50

7.7.50.

⊗[The back papers are at flags Ⓔ, Ⓑ & ⓧ. L.F. also may be perused.]

Fin. Secy. (a.i.)

Issued
C.F. 19

Edn. U.O. 13888-A.14
8.7.50.

ASSISTANT SECRETARY TO GOVERNMENT
10 JUL 1950
FINANCE DEPARTMENT
61538 Pen

P.T.O.

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As directed by H.M.(Fin.) on p.27 ante I have gone through the back papers and discussed the matter with the D.P.I.

When an officer is recruited to an 'All-India' Service, it is to fill a substantive vacancy in the cadre. This means, that the service of the officer will count for pension from the very date of entering the service: cadre strengths have been so fixed, that at no time will there be officers surplus to requirements. Leave vacancies and temporary posts are filled up by officiating promotion of men from provincial and subordinate services. This privilege of recruitment towards substantive vacancies, has been extended to Direct recruits to the Madras Engineering Service, but generally Provincial Services do not enjoy this safeguard. These officers will have to officiate for a few years, before they can be confirmed in a substantive vacancy & earn pension.

Till about 1924 practically all the superior posts in the Education department, were held by All-India Service men (I.E.S.). At about that time, recruitment to the I.E.S. was stopped. The members of this service began to die out gradually and very soon there were not sufficient number of I.E.S. men to fill all the posts reserved for members of that cadre. What should have been done at that time, was to have gradually ~~dis~~dereserved the number of posts earmarked for I.E.S. men, as and when I.E.S. men dropped out. This was not done for about 10 years, pending reorganisation of the Madras Educational Service. The result was, that several posts reserved for I.E.S. men, were actually manned by provincial service men, but they could not, however, be confirmed in those posts, because the posts had been reserved for the I.E.S.

Article 371 of the C.S.R. provides a safeguard against such vacant posts being wasted for the purpose of earning pension. It says that if a permanent post lies vacant, the man who directly officiates in that post

pto.

can count his service in that post for pension. Thus, for each post reserved for the I.E.S. and was lying vacant during the decade following 1924, one member of the Provincial Service could have earned his pension. But it must be established to the satisfaction of the A.G. that the person who claimed this benefit now, had actually occupied a vacant permanent post. Suppose the number of posts reserved for the I.E.S. in 1926 was, say, 20 and there were only 16 members of the I.E.S. in service at that time. This means that there were 4 vacant posts in which members of the provincial services could have earned pension. Ranganatha Mudaliar or Reddi cannot straightaway claim that they should be deemed to have earned their pension in any of these 4 vacant posts. To sustain their claim, they have to show that they did officiate in any one of those 4 vacant posts and that their seniors, many of whom are dead by now, had also been suitably provided for before them. The D.P.Is. of those days, did not visualise this snag and had not ordered their postings with such care as to ~~leave~~ leave us with reliable records from which we could now reconstruct the picture that had actually obtained 25 years ago. With the records now available, all that we can safely say is, that there were a few posts reserved for I.E.S. men lying vacant, at which some members of the Provincial Service could have earned their pension. Whether Ranganatha Mudaliar or D.S. Reddi could have ~~been~~ counted pension against such posts, it is not possible to assert. Without such proof, A.G. will not certify that Art.371 would apply. It is in this background, that we have to examine the cases of the 4 officers dealt with in this file. || X

Ranganatha Mudaliar:

He retired on 10-11-48 after an extension of service by one year, which period of extension counts for pension. He has since been reemployed and the period of reemployment will not count for pension. He has a total qualifying service of 15 years 3 months and 6 days for pension and an officiating service of 9 years 5 months and 10 days not counting for pension. The D.P.I.'s contention is that during the best part of the 9 years of officiating service, he must have been occupying permanent posts reserved for the I.E.S. and therefore eligible for pension under Art.371. The A.G. may not be able to certify to this fact in the absence of details. The Director has promised to reexamine the matter and if he could reconstruct the picture, with the aid of old records, to the satisfaction of the A.G., there would be no difficulty; but I fear he might not be able to do so at this distance of time. I am therefore proceeding to dispose the case off provisionally. Recently the Cabinet decided that officiating service in excess of 5 years may count for pension. This order takes effect from 1-3-50 and it will not therefore help Ranganatha Mudaliar who retired in 1948. We may, however, extend the benefit of this order to him, which means he would get an extra qualifying service of 4 years 5 months and 10 days, taking the total qualifying service to 19 years 8 months and 16 days. It must be remembered that he was given an extension of service by one year in 1947 which means that he had already counted one extra year towards pension, which concession, other Govt. servants would not have obtained. We may as a further act of grace allow him to round off his qualifying service of 19 years 8 months and 16 days to 20 years which means that he would get the benefit of another full year. As against the total officiating service of 9 years and odd he has added 5+1 = 6 years to his total qualifying service for pension, on the date of his completing 55 years of age. I think, on the whole, he should be content with this much of concession.

10.11.1948
8.11.1934
14.0. L
7.17
14.7.4

10-0-27
7-17
9.5.10

A

9-5-10
5-0-0 M
4-5-10
14-7-19
19.0.29

N

pto.

~~52~~ 62

**Badriah:**

He has been granted pension of Rs. 400 for a total qualifying service of 24 years 6 months. His non-qualifying service is only 2 years and 10 months. The D.P.I. has argued that a good part of this non-qualifying service would have counted for pension if proper records had been maintained. In the absence of clear proof, the A.G. has not accepted this contention. As a matter of grace we may allow him to round off his qualifying service of 24 years 6 months to 25 years and issue a revised pension order with retrospective effect from the date of retirement. This disposes off his petition in the linked file.

M

**D.S. Reddi:**

He is due to retire on 28-4-52 when he would have done only 24 years pensionable service. His non pensionable service is 4 years 8 months. He was recruited direct to the Gazetted rank after he had completed 25 years. Under Art.404-A of the C.S.R. when certain categories of officers are recruited to Govt. service after completing 25 years of age, their qualifying service for pension may be enhanced by the actual period, not exceeding 5 years, by which the age at recruitment exceeded 25. This concession is intended to cover the cases of officers, who, by reason of having to spend long years in study to prepare themselves for the job, are unable to join the service before the age of 25 and therefore unable to complete 30 years service before the age of 55. Sri Reddi entered the service at the age of 25-~~10-8~~ 9-7 and was confirmed at the age of 30-6-8. The concession of C.S.R. 404-A. is admissible only for the date of first entry in service; but my predecessor, Sri Raghavan, had agreed that the concession ~~necessary~~ may, in the special circumstances of this case, be extended to ~~him~~ Sri Reddi with effect from the date of confirmation — vide his note on pp.15-16 ante. I think this ~~concession~~ relaxation should meet the case of Sri Reddi liberally, because it adds to his pensionable service Five years, which is ~~something~~ more than his actual officiating service.

R

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~~53~~ 63

(36)

A

K

P

**Hamid:**

The concession proposed for Sri Reddi will have to be granted to Mr. Hamid also for ~~the~~ reasons recorded by Sri Raghavan on p.16 ante and this will dispose of his case.

Other cases arising from this department may be examined on their merits when they come up. These relaxations are being suggested in these cases, for the exceptional reasons mentioned at 'X' on p.30 ante. There is some substance in the contention of these officers, that they should not be penalised for the fault of the then D.P.Is. who did not take adequate care in arranging postings, so that the benefit of Art.371 could have accrued to these men, when substantive vacancies were available ~~in~~ of posts reserved for the I.E.S. These relaxations should not therefore be precedents in considering officiating service, for the purpose of pension in other cases.

A

7/8/50

D.G.A. 21.8

✓ HM (Fin)

✓ HM (E & L)

KM 22/8

× HCM

25/8

28/8/50

Edn

H5

25/8

Fin. No. 61538 Pen.-1
28. 8. 50

Edn. Dept.(A).

(Notes from p.23 ante may be perused.)

The decisions may be commd. to the D.P.I. A draft Memo. is subd. In Sri P.Bhadriah's case (L.F.), Finance have to issue orders. That dept. may see draft

~~#64~~ ~~Pen~~ A

memo. before issue. The history of the case will be found in the note on Nos. 23-26 ante.

P.J.
2.9.50
5
Ceea
7.9.50

18/9/50

S/ Fin
14.9

SENIOR ASSISTANT SECRETARY, FINANCE DEPARTMENT
16 SEP 1950
79999
GOVERNMENT OF MADRAS

Fin. U.O. 13888 A 18
14.9.50
(with L.F.)

Fin (Pen)

The draft memo below may be perused and the case returned to Education. The additions indicated in pencil therein may be included.

18.9.50
19.9.50

19.9.50. Edn.

ASSISTANT SECRETARY
21 SEP 1950
28828
EDUCATION DEPARTMENT

Fin U.O.
79999 Pen-1
19.9.50

Education dept. (A)

The draft may be issued with the additions suggested by Finance carried out. After issue, the papers may be recorded.

P.J.
21.9.50
Ceea
22.9.50

25/9/50

G.O. Ms. No. 2791 Edn.
d/- 6-10-50.

Abstract:-

M.E.S. - Pension of certain officers - Counting of offg. service - Provisional decisions reached - Papers recorded.

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Statement showing the period of service (offg & permanent) rendered by Sri V. R. Ranganatha Mudaliar & by Sri P. Bhadraiah.

27

| | Sri V. R. Ranganathan | Sri P. Bhadraiah |
|---|---|---|
| ① Date of appointment | 11. 10. 1924 | 16. 7. 1921 |
| ② Date of Confirmation | 8. 11. 1934 | 1. 9. 1927 |
| ③ Date of retirement<br>(G.O. not available) | 10. 11. 48 ⊛<br>⊛ Date of retirement 10.11.47<br>Extension of service for 1 year granted in G.O. 2419 Edn. dt 8.11.47 | 11. 7. 4 8<br>Refused leave for 4 months from the above date |
| ④ Total period of qualifying service (including item 5 below) | {13.7.19<br>1-0-0<br>0.7.17<br>15-3-6<br>y - m - d<br>15 - 3 - 6<br>13 . 0 . 2 | y . m . d<br>24 . 5 . 29 |
| ⑤ Any Offg or Acting service already allowed to count for pension | 0.7.17<br>(Pension not yet sanctioned) | 3 . 3 . 18 |

DR
7.3.50
7.3.50

14 . 0 . 2
0 . 7 . 17

10-11-47
8-11-34
13 . 0 . 2
1 . 0 . 2

why "+ 0 . 7 . 17" twice?

11.10.24 - 7.11.34
10 . 1 . 28
0 . 7 . 17
9 . 6 . 11

66

Art. 371, C.S.R.

An officer without a substantive appointment officiating in an office which is vacant or the permanent incumbent of which does not draw any part of the pay or count service may, if he is confirmed without interruption in service, count his officiating service.

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(38) A 1 5 62/9

EDUCATION DEPARTMENT.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education Department, Madras.

ASSISTANT SECRETARY
25 OCT 1950
32913
EDUCATION DEPARTMENT

R.C.No. 5697 JA/46 dated 16-10-1950

Sir,

SUB: Pension--Verification of officiating service Sri V.R. Ranganatha Mudaliar, Retired Deputy Director of Public Instruction now re-employed as Deputy Commissioner for Government Examinations.

-----

REF: Government Memo No. 13882/49-19 Edn. dated 25-9-1950

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(D)/22

I have the honour to invite the attention of Government to my letters mentioned below and request you to let me know when orders of Government may be expected:-

(X)/cf. 12

(1) Para 2 of my letter RC.No. 2605 C/41 dated 16-7-1945 in which Government were requested to apply to Sri V,R. Ranganatha Mudaliar the concession contemplated in Article 404 A C.S.R.

(E)

P.T.O.

68

Ⓧ/cf. 39

Ⓧ/45

(2) My letters RC.No. 5697 J.4/46 dated 7-11-1946, 25-3-47 and 10-7-1947 regarding the officiating service rendered by Sri Ranganatha Mudaliar prior to his confirmation.

Ⓧ/51-52

Yours faithfully,

For Director of Public Instruction

ptv 16/10

17/10 17/10

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A ㊴ 69 3

EDUCATION DEPARTMENT.

34932

ASSISTANT SECRETARY
7 NOV 1950
EDUCATION DEPARTMENT

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.

To

The Secretary to Government,
Education Department.

Rc.No. 56 J/48 dt. 2-11-50.

Sir,

Sub:-Pension--Certain officers of Education Department-counting of officiating service.

Ref:-My letter Rc.No. 56 J/48 dt. 28/11/49.

Has been verified from the D.P.I.'s office over phone that it is the letter at Ⓓ/88-9 dt 22/11/50

Ⓓ/8-9

Ⓓ/cf. 22

I have the honour to invite the attention of Government to my letter referred to above and to state that no orders have been passed by Government in the Memo. No.13888 A/49-19 Edn. dt. 25/9/50 in respect of Dr. M. Karamchand Wade, who retired as Principal, Government College, Kumbakonam, with effect from 11-6-49.

Ⓠ/21

2. In this connection it is submitted that an anticipatory pension of Rs.320/- p.m. was sanctioned by Government in G.O.Ms.No. 3029 Edn. dt. 28/9/49, with effect from 11-6-49, pending final decision regarding the verification of his officiating service.

p. 4 infra

3. A copy of my letter Rc.No. 8342 J/46 dt. 5-11-48 to the Accountant-General, Madras and his reply contained in letter No. Pen.Mis.3839/48-49 dt.9/10-12-48 are enclosed for favour of necessary orders of Government.

Yours faithfully,

For Director of Public Instruction.

V.K.3.11.50.

3/11

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~~62~~ 70

-2-

(40)

~~91~~

Copy of letter Rc.No. 8342 J/46 dt. 5-11-48 from the Director of Public Instruction, Madras addressed to the Accountant-General, Madras.

---

Sub:-Pension--Verification of officiating service--Dr.M.Karamchand Wade, Ex-principal Government College, Kumbakonam,

Ref:- Your letter No.Pen.Mis.2388 dt.14/16/9/48.

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It is not intended to give Dr. Wade the benefit of any particular substantive vacancy against which he directly officiated. There were during the periods in question certain substantive vacancies and the benefit of these vacancies is now proposed to be given to Dr. Wade. I may inform you that no officer was allowed the benefit of counting service in respect of these posts, for the reason that if any person had directly officiated against these posts , these vacant posts would not have been shown as vacant.

2. I enclose herewith a statement prepared with reference to the quarterly list of officers of this department. From this statement it can be seen that during ~~the~~ each quarter the number of substantive vacancies far exceeded the number of officiating persons except in a few cases. The question of seniority does not therefore arise. All the officiating persons can be given the benefit of counting the officiating periods for pension. In the few cases where the number of officiating officers were more than the number of vacancies, the benefit may be given to the senior-most. In such cases, I certify that Dr. Wade was sufficiently senior among the officiating officers ~~xx~~ to get the benefit of the vacancies. Therefore with reference to para 8 A under Art 371 C.S.R. (Madras supplement) the entire officiating service rendered by Dr. Wade can be declared as counting for pension.

(x) cf.44

/True copy/

Sd. LD 3/11. V.K.3.11.50.

For Director of Public Instruction.

---

Copy of Letter No.Pen.Mis.3839 of 48-49 dt.9/10-12-48 from the Accountant-General, Madras to the Director of Public Instruction, Madras.

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Above

Ref:-Your letter No.Rc.No.8342-J-46 dt. 5-11-48 regarding the counting of the officiating service--Dr.M.K.Wade.

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The vacancies referred to in paragraphs 1 and 2 of your letter are not verifiable from the records available in this office. In the circumstances, orders of Government are necessary for permitting Dr. Wade, to count his entire officiating service as counting for pension, as already stated in this office letter No.Pen.Mis.2388 dt. 16/9/48,

The recommendation to count the officiating service may be made to Government at the time when the pension papers are submitted for their sanction.

Accordingly, the pension papers of Mr. Bhadriah have been submitted to Government with this office observation that certain periods of officiating service which you have recommended for being taken into account are not suceptible of verification in this office.

8

/True copy/

P.T.O.

72

Revised draft

Edn. Dept. (A).

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MEMO.No.32913-3/50A Edn d/- 29-12-50. (A) 93 ~~68~~

Pension - Sri V.R.Ranganatha Mudr., ~~Dy. C.C.E.~~, and Dr. M. Karamchand Wade, retd. Prl.

D/22

Read- Memo. No.13888-A/49-19-Edn., d/- 25-9-50.
Ref:- From the D.P.I., No.5697-J4/46, d/- 16-10-50 and No.56-J/48, d/- 2-11-50.

cf. 1-2 cf. 3

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12/30/12

The D.P.I. is informed that for purposes of (E) Art. 404-A C.S.R., Sri V.R.Ranganatha Mudaliar cannot be regarded as a direct recruit to the M.E.S. In the matter of counting offg. service for pension, the Govt. carefully considered his case and granted him the concession mentioned in the Memo. read above. On the basis of the Memo., the Dir. is requested to send (thro' the A.G.) necy. proposals for the sanction of pension to ~~for~~ Sri (Ranganatha) Mudaliar.

D/22

M at NF.3

2. Dr. M.Karamchand Wade rendered a qualifying service of 24 years, 10 months and 19 days - Vide A.G.'s Endt.No. Pen. Mis. 2847, dated 2-9-49 (copy enclosed). The D.P.I. is requested to send (thro' the A.G.) proposals for the grant ~~to Dr. Wade also~~ of a revised pension to Dr. Wade as for 25 years' qualifying service.

Q/1

M at NF.3

4th P.J. 17/12/50

19.12.50

ORM 21/12/50

To the D.P.I.

Q/1

~~68~~ 74

Cf 1-2 & 3

from the D.P.I. no. 5697-J/46, d/- 16.10.50 & no. 56-J/48, d/- 2.11.50

Education Dept.(A). 95

~~63~~

(42)

M.E.S. - Sri V.R.Ranganatha Mudr. and Dr. M.Karamchand Wade - Counting of offg. service for pension.

--

Many officers of the Edn. Dept. have to their credit long offg. service which does not count for pension. This was the result of the D.P.I. not having confirmed them in permanent vacancies that existed in the M.E.S. between 1924 and 1934 in the hope, which did not subsequently materialize, that new Class I and Class II Provl. Educational Services would come into being in the place of the I.E.S. The question of relaxing the relevant provisions of the C.S.Rs. and counting the officiating service for pension, with particular refce. to the case of Sri V.R.Ranganatha Mudr., Dy. C.G.E.., was engaging the attention of Govt. for a long time. As recently as July/August 1950, Finance Secy. discussed the matter with the D.P.I. and, after careful consideration, the Govt. decided, inter alia, ① to allow Sri Ranganatha Mudr. the concession of counting offg.service in excess of five years and also ~~fxx~~ the further concession of rounding off his total qualifying service to 20 years and ② to deal with the cases of other officers ~~at~~ when they come up. ~~the time of sanction of their pension.~~

A

cf. Ⓓ | N.F. 29-30

Ⓔ, Ⓧ & Ⓓ

Ⓓ/29 N.F.

Ⓓ | N.F. 31

cf. Memo. at Ⓓ/ cf. 22

Ⓓ | N.F. 33

2. The D.P.I. now wants to know what the Govt.'s decision ~~is~~ was on the point, which he raised in 1945, whether Sri Ranganatha Mudr. could be regarded as a direct recruit to the M.E.S. and, on that account, given five years' Ⓔ additional qualifying service under Art.404-A C.S.R. This point was considered in detail. This dept. recommended the invoking of that Article in favour of the officer only in the event of the proposal to count his offg. service not being approved. Finance categorically opposed the suggestion to treat him as a direct recruit to the M.E.S. while actually he had entered service only as a Dy.Inspr. in the M.E.S.S. Now that Sri Ranganatha Mudr. has got, in a fair measure, the concession ① above of counting offg. service, it will not be justifiable to re-open the question of treating him as a direct recruit for purposes of the

Cf. 1-2

✓Ⓧ | cf. 12 (para 2)

R at Ⓧ | N.F. 6

Ⓧ | N.F. 8-9

76

Pen

C.S.Rs. There is now no question, either, of ~~giving him the concession of~~ allowing him to count any further officiating service. The draft subd. below is for approval. A

3. Dr. M.K.Wade, Prl., retired from service on 11-6-49. He had a (qualifying (i.e., pensionable) service of 24 years, 10 months and 19 days (inclusive of the 5 years' addition in the case of direct recruits) -- and a non-qualifying officiating service of 3 years, 3 months and 24 days. Pending a decision on the general question of counting the officiating service of officers of the dept., he was granted an anticipatory pension of Rs.320. Now, the D.P.I. has asked for specific orders on his case. This dept. may recommend that his qualifying service may be rounded off to 25 years; in other words, the deficiency of 1 month and 11 days be condoned and full pension sanctioned to him in view of his offg. service. At p.33 NF of "D" it was accepted in circn. that there was some substance in the contention that the officers shd. not be penalised for the fault of the dept. which did not take adequate care in arranging postings during the period from 1924 to 1934. B

24-10-19

Q/1

Q/21

30.10.30
27.3.26
4.7.1

18-7-11
5-0-0
23.7.11
30.10.19
24.7.11
1.3.8
4.7.1
1.3
3.?.24

4. The remarks of Fin. may be invited before circn.

ORM 28/11/50

Fin 28/11

Fin

25.11.50

29.11.50

## Finance (Pension)

In 1945, the Director of Pub. Instruction recommended that Sri V.R. Ranganatham Mudaliar, Divisional Inspector of Schools ~~may~~ might be given, among others the benefit of article 404-A CSR. After a detailed examination of the case and of others similarly ~~considered~~ circumstanced, it was decided to allow pensionery concessions to those officers as shown below:--

1) Sri. P. Badriah: To round off his qualifying service ~~in~~ of 24years 6 months ~~and~~ to 25 years.

2) Sri.V.R.Ranganatham Mudaliar: To count officiating service in excess of 5 years and also to round off the total qualifying service to 20 years.

3) D.S.Reddi: To add 5 years service laid down in article 404-A CSR as a special case.

4) Hamid: -do-

& (5) to consider the case of the other M.E.S. officers affected by the delay in confirmation between 1924 & 1934 on ~~the~~ merits.

2/. Sri Badriah retired in 1948 and his pension has already been revised with reference to the above decision. Messrs. D.S.Reddi & Hamid are still in service. Sri Ranganatha Mudaliar has retired but is continuing as Dy. Commissioner ~~of~~ for Government Examinations on re-employment terms. The D.P.I. has now asked for orders on his recommendation made in 1945 for the grant of the concession of article 404 A-CSR to Sri V.R.Ranganatha Mudaliar. Edn. state that the orders in Govt. Memo No. 13888-A/49-19 d/25-9-50 has been arrived at after a detailed examination of all points and that it is not the intention to allow any further concession beyond what is stated at 'K' on p2 above. Finance may agree.

The case of Dr.M.K. Wade referred to in para 3 of Edn. Note falls under category(5) in para 1 ~~mentioned~~ above. From the facts given, he satisfies the principles set out in Govt. Memo No.37173 Pen-2 d/6-10-1939, and the proposal to condone the deficiency of 1 month and 11 days (to make up 25 years qualifying service) is in accordance with the decision referred to above and may be agreed to in Fin.

Edn. u.o. 32913-A-1 28.11.50

p12-13 CF/ⓧ

29 NOV 1950 98449 FINANCE DEPARTMENT

ⓓ p29-33 NF

M on p32NF/ⓓ

K

K on p32NF of ⓓ

K on p33NF of ⓓ

P on p33NF/ⓓ

p1CF

p22CF/ⓓ

para 2 on p1-2 above

GS 6.12.50

M on p17 ⓒ

ⓒ

GS 6.12.50

DS
S
Edn

M

5.12.50

6.12.50

Revised pensions have been sanctioned in these cases and the D.P.I. may be asked to submit the necessary proposal on the above basis.

GS 7.12.50

S

7.12.50

Edn

ASSISTANT SECRETARY 39522 8 DEC 1950 EDUCATION DEPARTMENT

Fin no 98449 Pen-1

7.12.50

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Edn. Dept.(A).

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The D.P.I. has asked for orders on certain points connected with the pension of Sri V.R.Ranganatha Mudr., Dy. C.G.E.., and Dr. M. Karamchand Wade, retired Principal. The notes of this dept. at pp.1-2 ante (but discuss the points) may be read. The revised draft Memo. subd. below is for approval. May be circd. to H.M.(E.&.L.)

P.
17.12.50

19.12.50

21/12/50

H.M.(E.L.)

SECRETARY
28 DEC 1950
EDUCATION DEPARTMENT

HM(E.L.)

(44)