

Pub-
11-16

Sectt. II-27-58,004-27-10-47.

EDH (1945) Department.

168.

SERIES.

G.O. NO.

642-EDH

Dated

11/2/50

pl-8 c/ and notes from XX on plm f
to p3m f
A

[Despatch Abstract.]

MES - Joint D.O.I. &

Dr. D.O.I. (Personnel) -

Powers - Rule - Francis

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2302						
	18.9.48						
	3506						
	14.11.48						
	3165						
	8.12.48						

Further Papers.

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

From The Director of Public Instruction, M a d r a s.

To The Secretary to Government,
Education and Public Health Department.

R.C. No.2925 C2/49 dated 24--11--49.



Sub: Office of the Director of Public Instruction,
Madras - Distribution of work among the offi-
cers - amendment to rules - Submitted.

Ref: G.O. No.Ms.3506 Edn., dated 14th Novr. 1949.

With reference to para 5 of the G.O. referred to above, I submit herewith a draft rule which may be published in the Fort St. George Gazette. The rule is so designed that the powers relating to appointment and punishment and all other powers can be exercised either by the Joint Director of Public Instruction or by the Deputy Director of Public Instruction (Personnel) according as the work is allotted to them from time to time. The rule may be deemed to have come into force on the evening of 19th November 1949.

"RULE".

"The powers of appointment and punishment and all other powers that were exercised by the Joint Director of Public Instruction in respect of members of the staff of the Education Department under any rule or rules framed under Section 241(2)(b) of the Government of India Act, 1935 shall hereafter be exercised by the Deputy Director of Public Instruction (Personnel) or the Joint Director of

p.t.o.

: 2 :

Public Instruction according as the Director allots work to them from time to time?

Thunikeracur
for Director of Public Instruction.

Urgent

T.M.

EO H. (A)

From: The Asst. Secy. to Govt.

To: The Dy. S.O.

Issued
2/11/50

Transfer of Personnel work by Dy. S.O. -
Issue of statutory rule.

Ref: Your letter no. 2925-C2/49, d. 26th 11/49.

Effect cannot be given
to the proposed rule from the
evening of 19-11-49. Fractions
of a day are not taken into
a/c. in such cases. Pl. say
~~from~~ which date - 19-11-49 or
20-11-49 - shd. be specified

Mf 2

4.
as the date of effect.
16.1.50
17/1/50

POST COPY OF TELEPHONE MESSAGE No. 2125 C2/49 dated 20-1-50.

From The Deputy Director of Public Instruction,
Madras.

98 JAN 1950

To The Assistant Secretary to Government,
Education and Public Health Department.

Subject:-- Transfer of Personnel ¹⁵⁰⁷⁶ ~~and~~ to Deputy Director of Public Instruction--
Issue of Statutory rule.

R e f:-- Your Telephone Message dated 17-1-50.

20-11-49 may be specified as the date of effect.

Thiruvananthapuram

For Director of Public Instruction.

SP. 20-1.

16/1/50

M.E.S. Joint D.P.I. and Deputy D.P.I. (Personnel) -
Powers - Rule - Framed.

Read: G.O. No. 3145 Edn. dated 9-12-48.
G.O. No. 3506 Edn. dated 14-11-49.
From G.O. No. 2925 dated 2-11-49, d/- 24-11-49.

G.O. (MS) NO. 642 EDN. DATED 1-3-50

The following notification will be
published in the Fort St. George Gazette:-

NOTIFICATION.

In exercise of the powers conferred
by the proviso to Article 309 of the Constitution of
India, and of all other powers hereunto enabling,
and in supersession of the rule relating to the
exercise of powers appointment and punishment by the
Joint Director of Public Instruction, published with
Education & Public Health Department Notification
No.24, dated the 9th December 1948, at page 1243 of
Part I of the Fort St. George Gazette, dated the
21st December 1948, His Excellency the Governor of
Madras hereby makes the following rules.

The rule hereby made shall be
deemed to have come into force on the 20th November
1949.

Rule.

The powers of appointment and punishment and
all other powers that were hitherto exercised by the
Joint Director of Public Instruction in respect of
members of the staff of the Education Department under
any rule or rules framed under section 241(2)(b) of
the Government of India Act, 1935, and continued in
force by article 313 of the Constitution of India,
shall be exercised by the Joint Director of Public
Instruction and the Deputy Director of Public
Instruction (Personnel), each of them exercising
only such powers as may be assigned to him, from

time to time, by the Director of Public Instruction,
with the approval of the State Government.

To The D.P.I.
The Pub (Ser)
Legal Dept.
Secy. MPSC
S.G.P. (for publication
in the Fort St. George
Gazette)

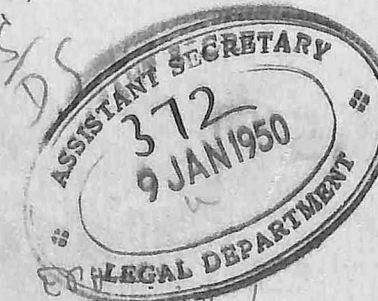
4 spare copies.

The follg. notfn. will be
published in the F.S.G. Gazette:-

and in supersession of
the rule relating to the
exercise of powers of
appointment and punish-
ment by the Joint
Director of Public Instruc-
tion, published with
E. & P.H. Dept. notfn.
No 24, dated the 9th Dec.
1948, at p. 124 of Part I
of the F.S.G. Gazette,
dated the 21st December 1948,

each of them exercising
only such powers as
may be assigned to
him by

To the D.P.I.
" Pub. (Ser.)
" Legal Dept.
" S., MPSC.
" S.G.P. (for pubn.
in the FSGG).
4 s/cs.



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

M.E.S. - Joint D.P.I. and Dy.D.P.I. (Personnel) -
Powers - Rule - Framed.

Read:- G.O. No. 3145-Ldn., d/- 9-12-48.
" 3506-Ldn., d/- 14-11-49.
From the DPI, No. 2925-C2/49, d/- 24-11-49.

G.O. (MS.) No. Edn., d/-

NOTIFICATION.

In exercise of the powers conferred by
the proviso to Article 309 of the Constitution of India,
section 241(2)(b) of the Government of India Act,
1935, and of all other powers hereunto enabling,

His Excellency the Governor of Madras hereby makes the
following rule.

The rule hereby made shall be deemed to
have come into force on ~~the evening of~~ the 20th Novem-
ber 1949.

Rule.

The powers of appointment and punishment
and all other powers that were exercised by the Joint
Director of Public Instruction in respect of members of
the staff of the Education Department under any rule
or rules framed under section 241(2)(b) of the Govern-
ment of India Act, 1935, shall hereafter be exercised
and by the Deputy Director of Public Instruction (Personnel),
or the Joint Director of Public Instruction according
as the Director of Public Instruction, with the
approval of the Provincial Government, allots work
to them from time to time.

NOTE:- It seems that the Dir. shd. be required to
get the Govt.'s approval for transferring the 'Personnel
work' from the Dy.D.P.I. to the Jt. Dir. and vice versa.
Hence, the portion M above in the draft rule.

Legal may see for scrutiny before circn. to

H.M. (E. & L.)

LEGAL DEPARTMENT.

It is stated in the preamble to the draft notification that the rule shall be deemed to have come into force on the evening of the 19th November 1949. Statutes and rules take effect from a specified day and fractions of a day are not taken into account. The words "the evening of" may be omitted and ~~the rule may have~~ ^{may be} the date as either "19th November 1949" or "20th November 1949" whichever is found suitable.

The ad hoc rule issued in G.O.No.3145, Education, dated 9-12-1948 relating to the powers to be exercised by the Joint Director of Public Instruction may be superseded, since it is now proposed that such powers should be exercised by him and the Deputy Director of Public Instruction (Personnel) in the manner specified in the draft rule. This has been indicated ^{in red ink} in the preamble to the draft.

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

mm
12/1/50

R4P.H
dept. (A)

Legal u.o. No. 372/50-1
16.1.50

20th Nov. 1949 may be adopted as the ^{date} ~~date~~ of effect of the rule.

But how the rule has to be framed under the proviso to Article 309 of the Constitution of India. This Article itself came into force only on 26.1.50, & the point whether a rule framed hereunder can be effective from an earlier date, is not free from doubt. Legal may see for remarks.

mm
1/2/50
Legal

Legal Department.

Even though article 309 came into force only on 26-1-1950, there is no legal objection to a rule made under the proviso to that article being given retrospective effect from a date prior to 26-1-1950.



some further alterations to the draft rule are necessary. These have been indicated in blue pencil on the draft rule.

mm
4/2/50

R4P.H. (A)

Legal u.o. No. 1597/50-1

6.2.50

16 JAN 1950
9245
This provision appears necessary as the work is of an important nature

Draft has been re-typed and the clean copy is placed below.

May be cited to H.M. (E. & L.) for approval of the proposal to require the D.O. to get the Govt.'s approval if he wants to transfer ^{in future} the Personnel work from the Dy. D.O. to the Joint D.O. or vice versa - M in draft.

10.2.50
mm
10/2/50

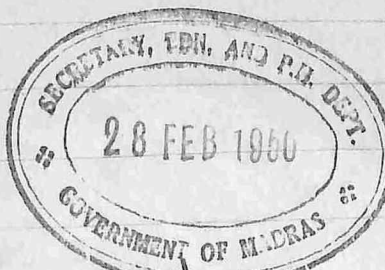
mm
11/2/50

H.M. (E. & L.)

H.M. (E. & L.)

Why is the approval of Govt. necessary? Is it obligatory under Law or rule?

mm
1/2/50



All right is made
mm
1/2/50

No law or rule requires that the DPI should get the Govt.'s prior approval for distributing work among his Dy.Dirs. and other subordinate officers in his office. But, it is the Govt. who at "K"/5-6 gave instructions to the Dir. for the re-allocation of the work among the Joint Dir. and the Dy.Dirs. Further, personnel work is an important item which the Dir. should not be allowed to transfer from the hands of the Dy.Dir. to the Joint Dir. and vice versa as and when he likes. If getting Govt.'s approval is made obligatory by the proposed rule, ^{he} ~~it~~ can be expected to come up to them only when there are valid reasons for the change.

If, however, H.M. thinks the provn. unnecessary, it will be deleted.

17.2.50
mm
17/2/50

mm
21/2/50
12.2/14.11/50



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