

EDUCATION (1950) DEPARTMENT

Ms. SERIES.

G.O. No. 979

Dated 24-3-1950

Abstract

(29)

Public Services- Subordinate Service

Madras Govt. Press Subordinate Service

Special Rules- Amended.

Back papers.

Letter No 615 Ms & Public & 17.6.26.

G.O. 773 Public 8 12-8-28

G.O. 68 Public 18 21.1.29

Gr. O. 827 Public (Ser) 8 6.8.29

6. 0. 824 Public (Ser) 8 8- 7.1930

Gr. O. 17. Pub (5m) 8 5-1. 1931

G.O. 592 Pwt. (Ltr) 8 25-5-1931

G. D. 951 P.M. (Ser) 4 16.11.1933

no. 83 Finance 8.9.2.1934

Gr. 139 Pub (Ser) 8 24. 1. 1935

Q.O. 2364, Pub (Ser), d. 6/6/50.

4 - 6/14/75

From R. Siddique, Esq., Superintendent,
Government Press, Madras.
-x-

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

No. S.B.C/P & M/48, dated 30-12-1948.

Sir,

I have to state that S. Govindaswamy Nayagar, an acting Layer-on of this office was entertained on 7-2-1944 and is discharging his duties as layer-on to my satisfaction.

He states that he is 45 years old and by appearance appears to be so. Please state whether it is advisable to absorb him in one of the permanent vacancies and if so, necessary exemption from agolimit may be granted.

Superintendent

✓ 3

E.P.H. (Fi)

Sub: Govt. Pres - Sri S. Govindarwany
Nayagar - Acting lawyer-on -
Exemption from Age-limit.

Ref: From the S.G.P. No. S.B.C/P&M/48
dated 30-12-1948

Memo No 493 FI/48-1 - Dnd 17-1-49.

The S.G.P. is requested to
send the service book ^{and the personal file of any} of Sri S. Govinda-
Swamy Nayagar, acting lawyer-on, Govt
Pres, & ^{also} obtain from him a certificate
of his date of ~~the~~ birth & forward
them ^{it} to Govt.

To,

The S.G.P.

CSR

8/1/49
J. S. Nayagar

DM
12/1/49

E.P.H. (C2)

Srl. Govt Pres. - Sri. S. Govindaswamy
Nayagar - Acting Lawyer - on -
Exemption from Age-limit

4

Ref Memo. no. 493 F1/48-1 Edn. D 17.1.49

Memo no: 493 C2/49-2 Edn. dates 19.3.49

The attention of the
Lg.P. is invited to the reference
cited and he is requested to
expedite his reply.

CBR
18.3.49

DM
19/3/49

JD
18.3.49

20, The Lg.P.
sub
22/3

To
The Secretary to Government,
Education & Public Health Dept.,
Fort St. George, Madras.

Sir,

ASST. SECRETARY TO SOV.
26 MAR 71
EDUCATION AND PUBLIC

The S.G.P. may be remembered
on 18.4.49, if necessary.

23.3.49.
Superintendent.

CR
28/3/14
RGM/D

$$\frac{184}{220000}$$

6-1-1949
Handwritten notes and stamps on the left page, including a date stamp "6-1-1949" and various illegible markings.

CF. 32.

Confidential.

22/4/49

Department
From (Name) R. Siddique, Esq.,
Designation Superintendent,
Station Government Press, Madras.

Received.....Registered.....
To
The Secretary to Government,
Education & Public Health Dept.,
Fort St. George, Madras.

Enclosures:

No. S.B.C/1049-49. dated 19th April, 1949.

Sir,

Ref: Government Memorandum No.493-F1/48 Edn.,
dated 17-1-1949.

30894

Kept in file

The Confidential record,
The service book, and the personal file of Sri S.
Govindaswamy Nayagar (acting Layeron of this office) and the
horoscope produced by him as certificate of date of birth are
forwarded herewith as directed in Government Memorandum cited
above.

RGM.

Enc: 1. Service Book.
1. Confidential Record.
1. Personal File
Horoscope (3 sheets)

22.4.49
Superintendent.

21/4

10

✓
19

6/5
24/5

Teerid

24/5

P.C. 19/5

24/5

T.M.

✓
7
11

From

The Asst Secretary to Govt.
E & P. H. Dept.

To

The Superintendent, Govt. Press.

Sub: Govt. Press - Sri. S. Govindasamy Nayagar.

Acting lawyer on - Exemption from Age limit

Ref: His Your letter No. S.B.C/1049-49 D 19.4.49.

Please refer to the Service rules applicable
to Sri. S. Govindasamy Nayagar

By

13

M.T.

POST COPY OF TELEPHONIC MESSAGE.

13

From:- The Superintendent, Government Press, Madras.
To:- The Assistant Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

Dated:- 27-5-1949.

41262

Ref: Your telephonic message dated 24-5-49
regarding the Service Rules applicable to
Sri S. Govindaswamy Nayagar, Layer-on.

"The Madras Government Press Subordinate Service
Rules" is applicable to him.

C. V. Srinivasan
for Superintendent.

28/5

14

Signature

PI
21/7
p 9 of

p 1 of

9

15
E.P.H.62

Sub: Govt. Press - Sri. S. Gornidasamy
Nayagar - Acting Lawyer - Exemption from age
limit.

Ref: From the S.G.P. No. S.B.C/1049-49
d 19.4.49.

Memo. No. 493 C/496Edn d 20.7.49.

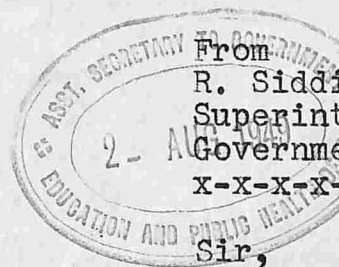
In his letter No. S.B.C/P.M/48
d 30.12.48, applying for exemption of Sri. S. Gornida-
samy Nayagar from age limit, for absorption in a
permanent vacancy, the S.G.P. has stated that
Sri. Gornidasamy Nayagar is 45 yrs old. But
from the Service book of the individual it is seen
that he is only 38 yrs old (the date of birth being 13.3.1911)
The S.G.P. is requested to reconcile this discrepancy

$\frac{81}{207 \text{ hr}}$
 $\frac{7A}{207 \text{ hr}}$

21/6/69

To The S. G. P.

~~ms 2517~~



From R. Siddique, Esq., Superintendent,
Government Press, Madras.

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

x-x

No.S.B.C/1049-49 Dated 30-7-1949.

Sir,

58847

p 15 ~~of~~
ant/c

Sub: Sri S. Govindaswamy Nayagar - Acting Layeron -
Exemption from age limit.

Ref: Government Memo.No.493-C2/49-6 Edn., dated
20-7-1949.

I request that the Service Book, personal file and the Confidential record of Sri S. Govindaswamy Nayagar, acting Layeron sent with this office letter No.S.B.C/1049-49 dated 19-4-1949 may please be returned and on receipt of which the discrepancy in the statement of age will be reconciled and the correct age of the individual will be furnished.

$$\frac{60}{118}$$

R. Sidique
P. P. 49

Superintendent.

16
18

From
R. Siddhant, Esq.,
Superintendent,
Government Press, Madras.
No. S.C. 1049-49, Dated 30-7-49.
Sub: Sri S. Govindasamy Nayagar - Acting Lawyer.
Ref: Government Memo No. 403-22/49-5, Dated 30-7-49.
I request that the Service Book, the Confidential record of Sri S. Govindasamy Nayagar, and the Personal file of Sri S. Govindasamy Nayagar, be sent with this letter. The letter No. 1049-49, dated 19-4-49 may please be returned and on receipt of which the reference in the statement of Sri S. Govindasamy Nayagar will be furnished.

Confidential.

E. P. H (62)

Sub: Govt. Press - Sri S. Govindasamy Nayagar,
Acting Lawyer. - Exemption from age limit.
Ref: Form the S.C.P. No. 83C/1049-49 & 30-7-49.

p17 of

Memo. No. 493 c2/49-7Edm dated 6-8-49

The Service Book, the Confidential record and the Personal file of Sri S. Govindasamy Nayagar are enclosed herewith for reference and return.

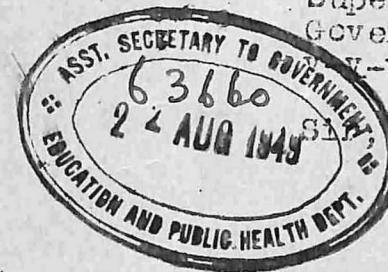
To ✓ Agm
One S.C.P. No. 83C/1049-49
(with encl). HB
584

OM
6/8/49

20

From
R. Siddique, Esq.,
Superintendent,
Government Press, Madras.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.
No. SBC/1049-49. Dated 17-8-1949.



Sub: Sri S. Govindaswamy Nayagar acting Layeron -
Exemption from age limit - Correct age -
Furnished.

Ref: Government Memo. No. 493-02/49 Edn., dated
20-7-49.

p1 ante
p3 ante

Sri S. Govindaswamy Nayagar, acting Layeron who was asked to furnish his age at the time when his turn for confirmation came, stated that he was 45 years old. As he has passed the prescribed age limit for confirmation in the Madras Government Press Subordinate Service, Government were requested to exempt him from age limit for absorption in a permanent vacancy. On this Government have in their Memo. No. 493-F1/48-1 Edn., dated 17-1-49 asked to obtain a certificate in response to which he produced a horoscope duly attested by a Honorary Presidency Magistrate in which 13-3-1911 was recorded as his date of birth. This date i.e., 13-3-1911 was therefore entered in the Service Book.

Since the employee has now produced a horoscope attested by a Honorary Presidency Magistrate in which 13-3-1911 is shown as his date of birth, this date may be taken as his correct date of birth.

20/8.

R. Siddique
Superintendent.

No.SBC/1049-49.

From

R. Siddique, Esq.,
Superintendent,
Government Press,
Madras.

To

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

Sir,

Ref: Correspondence ending with my letter No.SBC/1049-49 dated 17-2-1949.

Sub: Sri S. Govindaswamy Nayagar, acting Layeron - exemption from age limit - Requested.

I invite the kind attention of the Government to my reference quoted above and request that Government may be pleased to issue orders on the subject at an early date, as the reference is pending for more than two months.

For
25/10

R. Siddique
25-10-49.
Superintendent.

Public (Services) Subordinate Services-Madras
Govt. Press subordinate Service -Special Rules-
Amended.

Read: G.O.No.139 Public (Services), dated 24-1-1935.
G.O.No.951 Public (Services), dated 4-11-1933.
G.O.No. 83 Finance dated 9-2-1934.

ORDER/Ms. No. 979 Education & 24-3-30.

Under Rule 1(a) of the Madras Government Press Subordinate Service Rules, the application of those rules is restricted to persons who were on 26-5-1930 holding posts in the Govt. Press borne on the permanent cadre of the service or holding such posts in official or provisionally substantive capacity and have subsequently been confirmed. After the promulgation of the Civil Services (Classification, Control and Appeal) Rules from 27-5-1930, the Govt. had powers to exclude wholly or in part from the operation of these rules any ministerial, petty officers or servants or any class of such officers to the extent specified in a notification issued by them. In pursuance of this power, the Govt. issued by them in pursuance of this power, a notification in G.O.No.951 Public (Services) dated 16-11-33, excluding the Govt. Press employees wholly from the scope of Civil Services (Classification, Control and Appeal) Rules, with the proviso that the exclusion would not apply to Govt. Press subordinates who were in service on 26-5-1930. This notification was issued primarily with the intention of waiving the observance of the elaborate procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules of 1930 before a Govt. servant was reduced or removed or dismissed from service, in respect of the members of the staff of the Govt. Press. It was not however, the intention of Govt. to exclude them from the operation of the Govt. Press Subordinate Service Rules. This

EPH
C2

Encl: Sri. S. Gairindasamy Nayagarr. Lawyer on
Govt. Press. Exemption from age limit

Ref: From the S.G.P. No. SBC/1049/49 & 25-10-49.

Memo. No. 493 C/4910Edm & 4-11-49.

The S.G.P. is informed that the question of exempting Sri. S. Gairindasamy Nayagarr from Govt. Press is still under the consideration of Govt.

Note: The file on the above proposal is pending in P.W. (Sec) who have been reminded separately. The draft memo. above is for approval.

view is supported by para 2 of G.O.83 Finance dated 9-2-34. As certain doubts have been felt in regard to the application of the Govt. Press Subordinate Service rules to persons who joined service after 26-5-1930, the Govt. after careful consideration have decided to amend the rules suitably applying the rules to all the holders of the posts in the Govt. Press, not merely to persons who were holding posts on 26-5-30, but also to others who were appointed subsequent to that date.

2. 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 read with art. 313 of the Constitution of India, H.E. the Governor of Madras hereby makes the following amendment to the Special Rules for the Madras Govt. Press Subordinate Service (Section Part III - B of 10 of the Service Rules in Vol. III of the Madras Services Manual 1946.) The amendment hereby made shall be deemed to have come into force on and from ^{as to May} 26-5-1930.

Amendment

In rule 1(a) of the said Special Rules, for the opening paragraph, the following paragraph shall be substituted, namely: - "The service shall consist of the following classes and categories of officers, namely: -"

3. Notification No. 131 Public (Services) dated 16-11-33 published on page 1880 of Part I of the Fort St. George Gazette and G.O. No. 83 Finance dated 9-2-34 are hereby cancelled.

4. Orders will issue separately suitably amending the Civil Service (C.C.A.) Rules in Public (Services) Deptt, so as to make it clear that the detailed procedure prescribed in rule 15(b) of the C.S. (C.C.A.) Rules need not be applied before imposing the penalty of reduction or compulsory retirement, removal or dismissal from service

of any member of the Govt. Press Subordinate Service.

To

The S.G.P.
The M.P.S.C.
The A.C.
The Legal Dept.
Public (Ser) Dept. (with

on pp 19-21 n.r.)
The S.G.P. for publication
in the F.S.G. issue of
correction slip to Vol. 3
of M.S. Manual.

Copy to D.O. (Ser. D) (Part 2 and 3 only)

2 copies
to be forwarded

(K) H 107-112
V 111

Pw 1900

H 109, V 111

G.O. Ms. No. 979 Education dated 24th March 1950.

Subordinate Service - Special Rules - Amended

G.O.No.139 Public. (Services) dated 24-1-1935.

P.T.O.

(By order of His Excellency the Governor)

To the Superintendent, Government Press.
 To the Madras Public Service Commission.
 To the Accountant-General.
 To the Legal Department.
 To the Public (Services) Department (with enclosure)
 To the Superintendent, Government Press for publication in the Fort St. George
 Gazette & issue of correction slip to Volume 3 of Madras
 Services Manual.
 Copy to Public (Services-B)

True copy/Forwarded/By order.

Superintendent.



Ref From the SGP. No. SBC/P&M/489 30-12-48
" " " " NO SBC/1049-49 D/19-4-49.

The S.G.P. has enquired in his letter dated 30.12.48 whether one Sri S. Govindaswamy Nayagar, an acting layer-on in the Govt Press, who was entertained on 7/2/1944 may be absorbed in one of the permanent vacancies and if so to grant necessary exemption from age-limit as he is now 48 years old. But from the Service book of Sri S. Govindaswamy Nayagar, it is seen that he is only 38 years old. (the date of birth being 13.3.1911)

No age-limit is prescribed for such posts. There seems no objection to the S.G.P. absorbing him in one of the permanent vacancies irrespective of the age.

Pub (Ser) may see.

Q.R.
5/5/49

$$\frac{JP}{5828}$$

Exp. H. v. d. 493 C2/49-3.
7/5/1949.

p 109 of BK No. 114

The Madras government press subor-
dinate services ^{rules} ~~shall~~ apply only to persons whose
(i) on the 26th May 1930 holding in a
substantive capacity ^{certain} ~~the~~ post of ~~layers~~ on
in the Government Press, Madras, borne

[P.T.O.]

on the permanent cadre of the service; or
(ii) on that date holding such position in an
officiating or provisionally substantive capacity
and ~~has~~ ^{have} been subsequently confirmed in
such posts without having reverted therefrom.

Sri. S. Govindaswamy Nayagar was entertained
as a layer-on on 7-2-1944. The Madras
Government Press Subordinate Service Rules cannot
therefore apply to him. E. & P.H. Deptt. may be
requested to put up a copy of the rules applicable
to Sri. S. Govindaswamy Nayagar.

2. Sri. S. Govindaswamy Nayagar
is said to be 45 years old by statement and
appearance whereas his service register shows
that he is only 38. This discrepancy in ^{his} age
should be investigated.

With the above remarks the file may
be returned to E. & P.H. department.

11/5/49 M 11/5/49 15/5/49 E.P.H.
From the S.A.P. of 27.5.49

Please see the S.P. of 13.4.49. May be
sent to P.H. (Sens), in re
to A above.

18/6/49 Pub (Ser)

p109 of B.K. 114

p187.

A.

p187.

Kept below

Pub (Ser) B
no 1608/49
16.5.49



E.P.H. U.O. 49302/49-4
3.6.49



p1307

M
to state

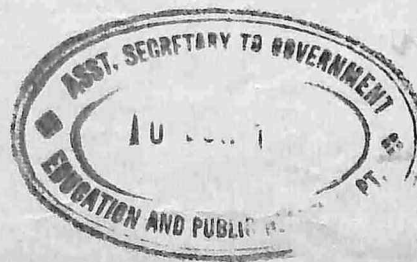
I remember that
was a 7-2-1944
he was 33 then
I think that is true
it still is true
A

Pub (Ser) B
no 1881/49
10.6.49

With reference to para 1 of this department's note on
pp.1-2 ante, please see the note of E & P.H. at 'X' on p.2
ante. The Superintendent, Government Press states that the
Government Press Subordinate Service Rules ^{are} ~~is~~ applicable
to Sri S. Govindaswamy Nayagar. With reference to the
position stated by this department on pp.1-2 ante it is not
clear how the Government Press Subordinate Service Rules
are applicable to Sri Govindaswamy Nayagar who was appointed
as layer-on ^{only on} ~~the~~ 7-2-1944. E & P.H. department may be requested
whether any amendments have since been issued to the Govern-
ment Press Subordinate Service Rules and if so to put up
a copy of those amendments. If this ^{has been} ~~is~~ not done there must
be some Executive Orders governing the conditions of service
of employees of the Government Press not coming under the
scope of rule 1 of the Government Press Subordinate Service
Rules. // May be returned to E & P.H. for furnishing the
information required above.

M 6/6/49 6/6/49 9.6.49 E.P.H.

A also M. Ro. has been asked
to issue the G.O. May be
in 25.6.49.



12.6.49

20/6/49

44355

Solution. With regard to M
of P.H. now of P.H. Service also,
it is submitted that the Govt.
Press Subordinate Service Rules do
apply to this individual. At
the time of framing rules for

The Govt. Press Subordinate, 1935,
 a specific provision was made in the rules as to the applicability of the Rules. In G.O. 951 P.M. 3 16.11.33, certain classes of employees of the Govt. Press were excluded from the provision of Civil Service that classification rules, but certain persons who came under the definition of K in F 49 of G.O. 139 PS 3 24.1.35 continued to be governed by the Statutory Rules. In the Govt. Press Subordinate Service (SPL) Rule promulgated in 1935, the word K refers to above because part of the rule. (Rule 2). It thus follows that the Govt. Press Subordinate Service Rules are applicable to not only to the class of persons referred to in rule 2 but also to persons subsequently appointed under provision. There several amendments have been made to these

Rule 2
 in F 29
 (G.O. 139 PS
 24.1.35)

F 49 - (S)

PS (S)

F 49 - (S)
 F 58 - (S)
 F 2 - (S)

rules subsequent to 1935, the no amendment has been made to rule 2. The fact remains that these rules are applicable to all persons in Govt. Press Subordinate Service who joined their service after May 1930. There are no other rules governing the Govt. Press Subordinate Service in these rules. In the these rules the provision refers to Public (Serv) in.

JD
 29/6/49

AM
 30/6/49 Pub (S)

Public (Serv) Deptt.

With reference to this department's note on p 3 ante please see the note of E. & P. H. Department on pp 3-5 above. It is submitted that it is difficult to reconcile the statement of the E. & P. H. Department with the provision in rule 1(a) of the Madras Government Press Subordinate Service Rules. If the position is as stated by the E. & P. H. Department they may be requested to take steps to amend the Special Rules suitably.

2. Before the question of confirmation of Sri S. Govindaswamy Nayagan is considered E. & P. H. Deptt. may also be requested to investigate the discrepancy in his age as now given by him and that entered in his service register. There is a difference of nearly seven years between the age as entered in the service register and that given by him. This is too much to be ignored.

218.7.
 22nd JUL 1949
 CHIEF SECRETARY

[P.T.O.]

With the above remarks the files may be returned to F. & P. H. Deptt.

13/7/49
17.7.49
13/7/49

Publ Ser 78
no 2284/W-1
18.7.49

E.P.H (C2)

Please see the ^{notes} remarks of the S.G.P. on Pub (Ser) on p 5 ante. With reference to para 2 of the notes a draft memo. to the S.G.P. is subd for approval. After issue of the draft the file may be sent to legal for remarks w.r.t A on p. 5 ante.



(Issued as memo no. 4936/49-6820/49)

DM 21/7/49
Legal (ai)

Legal Department

E.P.H.UO. 4936/49-7
25-7-49



According to rule 1 of the Special Rules for the Madras Government Press Subordinate Service, those rules are applicable only to persons who were on the 26th May 1930 holding in a substantive capacity any of the posts referred to in that rule or who were on that date holding such posts in an officiating or provisionally substantive capacity and have been subsequently confirmed in such posts. The rules are not therefore applicable to persons who did not hold any of the posts referred to in rule 1 in any capacity whatsoever on the 26th May 1930. ^{The rules} They will have to be suitably amended if they are to apply to persons like Sri Govindaswamy Nayagar who were appointed only after the 26th May 1930

Legal no No 9443/49-1
20.7.49
E & P. H.

58502



E.P.H.
C2

Please see the letter from the S.G.P. on p. 17. The Service Book, Personal file and the confidential record may be sent to him for reference and return.

A draft memo. is subd. for approval. The file will be resubmitted after issue, with ref to B on p. 6 ante.

4.8.49
J.B.
5.8.49

DM 6/8/49 20

E.P.H. (C2)

The file relates to the application of the Govt. Press Subordinate Service Rules to those who are appointed ^{in the Press} after 26th May 1930. The question arose in connection with the application of the rules to one Sri S. Govindaswamy Naicker who was entertained as a layer-on on 7-2-44. According to Rule 1 of the Govt. Press Subordinate ^{Rules} these rules apply only to persons who were (i) on the 26th May 1930 holding in a substantive capacity any of the ^{specified} following posts in the Govt. Press, Madras borne on the permanent cadre of the service; or

(ii) on that date holding such posts in an officiating or provisionally substantive capacity and have been subsequently confirmed in such posts without having reverted therefrom.

Pub (Services) have noted that as Sri S. Govindaswamy Nayagar was entertained only on 7-2-1944 the Madras Govt. Press Subordinate Service Rules cannot apply to him. ~~It may~~

2. It may be noted that prior to their ^{framing} ~~framing~~ the framing of the Spl. Rules for Govt. Press Subordinate service, the Govt. excluded certain employees of the Govt. Press from the operation of Civil Services (Classification, Control and Appeal) Rules. The employees in question were specified in the Schedule

A on p 2 ante
E & P. H.

p 49 of 5

8/ to the notification in G.O.951 Pub(Services) dated 16th Nov. 1933. But It would be seen from the notification in the above G.O. that it was not all these employees that were excluded but only such of them as (1)

- (a) were not on the 26th May 1930 holding any post mentioned in the schedule in a permanent capacity, or
(b) were not on that date holding any such post in an officiating or provisionally substantive capacity and have been subsequently confirmed in such post without having reverted therefrom.

This condition was afterwards embodied as Rule 1 (then Rule 2) in the Govt. Press Subordinate Service Rules. These rules have been from time to time amended and they have been practically applied to all persons who have joined duty in the Govt. Press Subordinate service after 26-5-1930. This department has pointed out this aspect of the applicability of the rules in the notes on pp 4 and 5 ante and there are no other rules governing the Govt. Press Subordinates- vide portion B on p 5 ante.

3 Pub(Services) state that if the position is as stated by the Department above, this department may be requested to take steps to amend the special rules suitably in consultation with Legal. Legal also hold that the rules will have to be suitably amended if they are to apply to persons like Sri S. Govinda Nayagar who were appointed after 26-5-1930.

4 It seems that to put the matter beyond doubt and ~~ambiguity~~ ambiguity rule 1 of the Madras Govt. Press Subordinate Rules may be amended suitably. A draft order amending Rule 1(a) of the Govt. Press Subordinate Service Rules is put for approval.

5 Pub(Services) and Legal may see for remarks



E.P.H. No. 4932/478
17.8.49

U.O. Note removed
19 for issue

21
PUBLIC (SERVICES) DEPARTMENT

Please see the typed note of E & P.H. Department at pp.7-8 ante.

According to Rule 1 of the Madras Government Press Subordinate Service Rules, those rules apply only to persons who were (i) on the 26th May 1930 holding in a substantive capacity any of the posts in the Government Press, Madras, borne on the permanent cadre of the Service mentioned therein or (ii) on that date holding such post in an officiating or provisionally substantive capacity and have been subsequently confirmed in such post without having reverted from there.

The proposal of the E & P.H. department in the file is to amend the Government Press Subordinate Service Rules so as to bring persons appointed in the Government Press subsequent to 26th May 1930 also within the scope of the Statutory Rules applicable to Government Press Subordinates employed before 26th May 1930. A draft notification put up by the E & P.H. Department below seeks to give effect to this.

2. Attention is, in this connection, invited to the notes at pp.16-21 of G.O.No.139, Public Services, dated 24-1-1935 leading to the issue of the Government Press Subordinate Service Rules. From these notes and rules it is clear why the Government Press Subordinate Service Rules have been made applicable only to persons in service on 26th May 1930 and why those rules were made inapplicable to subsequent entrants. The idea behind in excluding the new entrants from the scope of the Statutory provisions is that an establishment of the kind of the Government Press should not be tied down with elaborate procedure in regard to its administration and disciplinary control. The position does not seem to have been since changed and no amendment to the Special Rules seems called for bringing the employees as a whole under the scope of the Statutory Rules.

3. The existing position in respect of Press employees, (the entrants after 26th May 1930) so far as Service Rules are

concerned, seems to be as follows:-

The Government Press Subordinate Service Rules ~~apply~~ statutorily apply to the kind of persons mentioned in Rule 1 of those Rules. To persons excluded from the scope of the Statutory Rules, those rules have been made applicable by an executive direction subject to any modifications that might be made from time to time by executive orders. There is, therefore, not much difference between the two classes of ~~persons~~ ^{persons} so far as application of Service Rules ~~are~~ ^{is} concerned. It is only in the case of disciplinary proceedings ~~that~~ ^{The employees excluded persons} have been wholly excluded from the scope of the Madras Civil Services (Classification, Control and Appeal) Rules ~~and~~ ^{and} a simpler procedure prescribed and in the case of all other matters such as method of recruitment etc., the Statutory Rules have been made applicable to ~~the excluded employees~~ ^{them} by an executive direction. In other words, the Statutory Provisions in the Madras Government Press Subordinate ^{Service} Rules ~~will~~ ^{will} apply to the excluded persons in a non-statutory manner. - see notes and orders in G.O.No.83, Finance, dated 9-2-1934

4. Legal may be requested to state whether the position stated above is not correct.

Legal Department.

In the notification published with G.O. No.951, Public (Services), dated 16-11-1933, the ministerial officers and inferior servants of the Government Press mentioned in the Schedule to that notification other than those referred to in the proviso to the notification were wholly excluded from the operation of the statutory

pp 100-110 of G.O. No. 114
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p 2 of V
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b

M

V

S.O

Pub. (Sr. S.) Dept
G.O. No. 2953/49-1
10.9.49



pp 28-30 (W)

Legal NO NO
11579/49-1
28-9-49

p. 28-30 (W)

This corresponds to the
proviso to Sec 24(2)
of the Act, 1935

rules. But in G.O. No. 83, Finance, dated 9-2-1934, a direction was issued that in respect of all matters such as methods of recruitment, pay, leave allowance, pension and other conditions of service, conduct and discipline, and appeals in disciplinary cases, the existing rules and orders governing them shall apply to the above persons. This leaves room for the argument that the latter G.O. has only undone what the earlier G.O. purported to do, with the result that the rules in question still continue to apply to all the ministerial officers and inferior servants of the Government Press. If the intention is that the rules should not apply to such of those ministerial officers and inferior servants of the Government Press as are not covered by the proviso to the notification in G.O. No. 951, Public (Services) dated 16-11-1933, the proper course would be to make a declaration under the proviso to section 24(2)(b) of the Government of India Act, 1935, that the conditions of service of those persons are matters not suitable for regulation by rule and then to issue executive instructions setting out clearly and in detail their conditions of service.

88
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Rule (Sr. S.)

With reference to this Dept.'s note on pp.9-10 ante. please see the note of the Legal Dept. on pp.10-11 above. The position taken by the Legal Dept. in their note is not clearly understood.

In the notification published with G.O.No.951, Public (Services) dated 16-11-1933, under then rule 4 of the Civil Services (Classification, Control and Appeal) Rules, the ministerial officers and the

inferior servants of the Government Press, mentioned in the schedule to that notification, other than those referred to in the proviso to that notification, were excluded from the operation of the statutory rules. The provisions in this G.O. have also been embodied in the special rules in the Government Press Subordinate Service when they were re-issued - see G.O. at pp.1-2 and the notes leading to rule 2 in Part II of those rules at p.58 of the G.O. at (S). G.O.No.83, Finance, dated 9-2-1934 has not undone what was done in G.O.

No.951, Public (Services) dated 16-11-1933. What that G.O. has done ^{was to apply} is only that the provisions of the statutory rules ^{might} have been made applicable to the excluded persons in the

Government Press in a non-statutory manner subject to any modifications that the Government ^{might} issue from time to time - compare paragraph 2 of G.O. on p.2 of (V).

It is presumably in this view that the orders in para. 3 of G.O.No.2127, Education, dated 8-11-1946 have been issued. This paragraph should be deemed to have modified to the extent specified therein the applicability of the statutory rules to the excluded persons in the Govt.

Press. If the contention of the Legal Dept., namely, that the statutory rules will apply to all the officers of the Government Press, ^{in virtue of orders in (V)} this paragraph will have no meaning as it cannot override the provisions of the statutory rules.

Legal may see again in the light of the above

remarks.

It seems to be clear from the papers referred to in the above note that the Madras Govt Press Sub Service Rules do not, and are also not intended to, apply as such to persons appointed after 26.5.30. Such persons have been excluded from the purview of the statutory rules by the notification of 1933 and this

A on p.29 (S)

No.139, Pub (Ser.) dated 16-11-1933

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notification has not been cancelled or modified subsequently in any manner. The 1934 G.O. only contains executive instructions in respect of these posts. It also appears that the 1933 notification continues in force by virtue of Sec 276 of the Govt Act 1935 and should be deemed to have been issued under the proviso to Sec 24(2) legal may kindly see again for any remarks

Legal Department.

The whole point is whether G.O. No. 83, Fin., dated 9-2-1934, so far as the ministerial officers and inferior servants of the Government Press dealt with therein are concerned, can be construed as laying down executive instructions only. If we can be sure of such a construction, there will of course be no need to follow the course suggested by this Department at A on page 11 ante.

Unfortunately, paragraph 2 of that G.O. does not set out the executive instructions, but only provides that "the existing rules and orders" shall apply to the persons concerned until they are specifically cancelled or modified. Can it not be argued that that was in effect making the statutory rules per se applicable - thereby undoing the very thing which G.O. No. 951, Pub. (Ser.), dated 16-11-1933, sought to do? An argument of that kind does not seem impossible and it is to avoid such doubts that this Department suggested the course at A on p.11 ante.

Legal (B1)

19

Pub (Ser) Dept.

The further note of the Legal Dept. on p 13 ante may be perused and the file returned to E.H. who may consider the question of taking action as suggested by Legal at A on p 11 ante.

29/x/49.

Edn. & P.H. Dept. (C2)

Please see this Department note on pp. 7-8 ante and the notes of Pub (Ser) and Legal following.

The rules that were in force prior to 1926 are those issued by the Secretary of State under section 96-B of the Government of India Act and printed as enclosure 3 on pp. 12-16 of Letter 615 ^{Public} ~~Dir.~~ dated 17-6-1926. These rules called the Civil Services ~~Classification~~ (Governors' Provinces) Classification rules, gave full powers to local Governments to inflict all kinds of punishments upon the members of the subordinate service subject to the following conditions:-

(1) that a properly recorded departmental enquiry should be held when an officer is proposed to be reduced, removed or dismissed;

(2) that the delegation of power to any subordinate authority should provide for at least one appeal against the orders of the subordinate authority to such higher authority as the local Government may prescribe.

3 With reference to the above, the local Government at first delegated all their powers of punishment in respect of the Government Press Subordinate Service to

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no 2953/49-4

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the Superintendent, Government Press and provided for an appeal to Government against his orders. Subsequently the Government have delegated the powers of punishment in respect of portions of the Government Press establishment to the Assistant and Deputy Superintendents and have provided one appeal to the Superintendent, Government Press against the orders ^{of the} ~~before~~ Assistant and Deputy Superintendents. The position before 1926 was that the members of the Government Press subordinate service had a statutory right of departmental enquiry in respect of reduction, removal and dismissal and of one appeal against all orders of punishment passed by subordinate authorities.

In 1926 the Civil Services (Governors' Provinces) Delegation Rules were issued and these rules gave with effect from 9-3-1926 full powers to local Governments to make rules, regarding conditions of service, pay, allowances and pensions of Provincial and Subordinate Services. But no rules have been issued by the Local Government regarding discipline under the Delegation rules of 1926. In 1930 the Civil Services (Classification, Control and Appeal) Rules were issued with effect from 27-5-1930. These rules cancelled the Civil Services (Governors' Provinces) Classification rules and the Civil Services (Governors' Provinces) Delegation Rules, 1926. Under rule 7 of the Civil Services (Classification, Control and Appeal) Rules, all the rules which were previously in operation continued to be in operation. The position on 27th May 1930 ^{was} ~~is~~ therefore that all the members of the Government Press Subordinate service have the same right as they had before 1926, i.e. statutory right of departmental enquiry in the case of reduction, removal and dismissal and one appeal against all kinds of punishments passed by subordinate authorities.

P.T.O

5 Under Rule 4 of the Classification Appeal rules 1930 the Local Govt. might by a notification in the Fort St. George Gazette exclude wholly ~~and~~ in part from the operation of these rules any ministerial or petty officers ~~are~~ or inferior servants ~~of~~ or any classes of such officers or servants to whom the Govt. declare that the rules ~~cannot~~ suitably be applied and these rules should ^{therefore} to extent specified ~~see~~ to apply.

6 Under rule 9 of the Civil Services (Classification, Control and Appeal) Rules and proviso to direction 1 in G.O. 592 Public (Ser) dated 25-5-1931, the Local Government had no powers to alter to the disadvantage of any person in service on 26-5-1930 any of the conditions of service applicable to him on 26-5-1930 unless the Local Government had such powers on 8-3-1926 or unless such person gave his consent. That consent would not be given might be presumed. The Local Govt. had no powers on 8-3-1926 to frame rule regarding conditions of services, over-riding the two conditions referred to at 'B' in page 14 above. It therefore followed that in respect of the persons who were on 26-5-1930 holding posts in an officiating or provisionally substantive capacity and have been subsequently confirmed without reverting therefrom, the Local Government had no powers to exclude them from the scope of the Civil Services (Classification, Control and Appeal) Rules, if such exclusion would be to their disadvantage. In respect of all others, the Local Government had powers to alter the conditions of service.

7 Rule 55 of the Civil Services classification and Appeal Rules, requires that before a Govt. servant is reduced, removed, or dismissed an enquiry should be held, and the procedure outlined therein should be followed. It was proposed to exclude from the operation of the Civil Services (Classification and Appeal) Rules certain subordinate technical staff of the Madras Govt. Press. The main ~~was~~ object of the proposed exclusion ~~is~~ to obviate the elaborate procedure laid down in Rule 55 of those Rules in connection with the infliction of punishment on the members of that staff.

8 The proposed exclusion would not apply to person who were holding on 26-5-1930 (the date of coming in effect the Classification and Appeal rules) permanent post, or who were on that date holding posts in an officiating or provisionally substantive capacity and ~~had~~ were subsequently confirmed without a reversion therefrom. Such persons would continue to enjoy the privileges admissible under the Classification, Control and Appeal Rules. Accordingly, Govt. issued a notification with G.O. 951 Pub. (Ser.) dated 16-11-33 excluding the Govt. Press Employees with certain exceptions ~~wholly~~ completely from the scope of the Civil Services (Classification, Control and Appeal Rule).

9 In respect of the excluded employees provisions (3) and (4) to paragraph I of the Direction in G.O. 592 Public (Ser.) dated 25-5-31 issued by the Secy. of State in Council would apply, and that it was enjoined that the requirements in proviso (3) of that direction should be strictly observed by the Supdt. Govt. Press. and that the same procedure should be observed in respect of orders of reduction and recovery of from pay of the whole or part of any pecuniary loss caused to the Govt. by negligence or breach of orders. In respect of all other matters ^{such as the following} it was ordered that the existing rules and orders governing them ~~shall~~ ^{should} apply ~~and~~ unless they are specifically cancelled or modified.

(1) Methods of recruitment, pay, leave allowance, pension and other conditions of service;

(2) Conduct and discipline (other than the penalties of reduction, removal, dismissal and recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders.)

(3) Appeals in disciplinary cases.

(10) Public (Services) hold that the Madras Govt. Press Subordinate Service Rules do not and are not intended to apply as such to persons appointed after 26-5-1930, and such persons have been excluded from the purview of the ^{statutory} ~~statutory~~ rules by the notification

of 1933. They also observe that the instructions in G.O. 83 Fin. dated 9-2-34 contains only executive instructions in respect of these posts. Legal Deptt. states that paragraph 2 of that G.O. does not set out the executive instructions but only provides "the existing rules and orders" shall apply to the persons concerned until they are specifically cancelled or modified.

11 In the present file the question has arisen whether the Govt. Press Subordinate service rules issued in 1935 applies to a person was entertained as a layer-on on 7-2-44. Under rule 1 of those rules it ^{the} laid down as follows:-

11 These rules shall apply only to persons who were (i) on the 26th May 1930 holding in a substantive capacity any of the following posts in the Government Press, Madras, borne on the permanent cadre of the service; or (ii) on that date holding such posts in an officiating or provisionally substantive capacity and have been subsequently confirmed in such posts without having reverted therefrom.

This preamble is ~~perhaps~~ the outcome of the discussions referred to in paras 4 and 6 above. Even in respect of the employees excluded from the Classification and Appeal Rules the

intention of Govt. before issuing the notification in G.O. 951 Pub. (Ser.) dated 16-11-1933 was to obviate the elaborate procedure laid down in Rule 55 of these rules in connection with the ~~infliction~~ infliction or punishment such as reduction, removal or dismissal. It was not the intention of the

Govt. to exclude them ~~from~~ the rules governing service conditions, as will be ~~evident~~ ^{clear} from G.O. 83 Fin. dated 9-2-34.

It seems that the views of Legal seem correct. It is therefore for consideration whether an amendment to the notification of 1933 to this effect will not be sufficient

to enable the members of the Govt. Press subordinate service to be governed by the Service rules issued in respect of the in 1935 and amended from time to time.

12 The file may be sent to Legal for remarks. Pub. (Ser.)

may also see. The point regarding the age of the offg. layer-on raised by Public on page 5 ante has been answered satisfactorily by the SGP in his letter on p 21 cf. Public (Ser.) Legal

EPHED. 49362/49-11
5-12-49

Pub (Ser) Deptt.

[Last seen on p 14 ante]

The further note of E & P.H. on pp 14-18 ante may be perused and the file passed on to Legal.

Pub Ser B No
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Legal Department

It is understood from E & P.H., that the intention is that the General Rules and the Special Rules for the Madras Government Press Subordinate Service and also the Madras Civil Services (Classification, Control and Appeal) Rules, except rule 15(b), should apply not merely to all the holders of posts in the Government Press referred to in rule 1 of the Special Rules, that is to say, those who were holding posts on the 26th May 1930, but also to all those who were appointed subsequent to the 26th May 1930. To carry out the intention, it would appear that the notification published with G.O.No.951, Public (Services), dated the 16th November 1933 and the order issued in G.O.No. 83, Finance, dated the 9th February 1934, should be cancelled and the opening paragraph of rule 1(a) of the Special Rules at flag (K) omitted. The Madras Civil Services (Classification, Control and Appeal) Rules should also be suitably amended so as to make it clear that the detailed procedure prescribed in rule 15(b) of the Madras Civil Services (Classification, Control and Appeal) Rules need not be followed before imposing the penalty of reduction, compulsory retirement, removal or dismissal on any member of the Madras Government Press Subordinate Service, but that it will be sufficient if the provisions of section 240(3) of the Government of India Act, 1935, are complied with in their case.

ASST. SECRETARY TO GOVERNMENT
11 JAN 1950
EDUCATION AND PUBLIC HEALTH DEPT.

Legal no no
16367/49-1
10.1.50

10.1.50

J.S. K/R 10/1/50

EXP. H.

The file relates to the proposed amendments to rule 1 (a) of the Govt. Press Subordinate service Rules. The rule as it stands applies to persons who were in the service on the 26th May 1930. After the promulgation of the Civil Services (Classification, ^{Control and Appeal}) Rules on 27-5-1930 the Govt. had powers under rule 4 of those rules to exclude wholly ^{are} in part from the operation of those rules any ministerial or petty officers or inferior servants ^{or} any classes of such officers ^{are} servants whom the Govt. declared that the rules could not suitably applied and these rules thereupon to the extent specified ceased to apply.

2. Rule 55 of the Civil Services (Classification, ^{Control and Appeal}) Rules 1930 requires that before a Govt. servant is reduced, removed, or dismissed an enquiry should be held and the procedure outlined therein should be followed. As it was felt that it would be difficult to follow the elaborate procedure as laid down in Rule 55 of these rules in connection with the infliction of punishment on the members of the staff of Govt. Press, Govt. issued a notification with G.O. 951 Public (Services) dated 16-11-33 excluding the Govt. Press employees with certain exceptions wholly from the scope of Civil Services (Classification, Control and Appeal) Rules, with the proviso that this exclusion would not apply to Govt. Press Subordinates who were in service on 26-5-1930. ~~The~~ G.O. 83 Fin. dated 9-2-34 however provides that the 'existing rules and orders' shall apply to persons excluded from the Classification rules until they are specifically cancelled or modified.

3 As the Govt. Press Subordinate Service Rules and the orders in G.O. 83 Fin. dated 9-2-34 stand, ^{apply} The Govt. Press Subordinate Service Rules ~~do not apply to persons in service~~ not only to persons in service on 26-5-30 but also to persons excluded from the ^{Civil Services} Classification ^{Control and Appeal} Rules after 26-5-30. But in a concrete case of a person who join Govt. press after 26-5-30 Public (Services) doubted the application of the Govt. Press Subordinate Service Rules to him though ~~the~~ this deptt. contended that the rules apply to this case. ^{Public Services}

C No. 4936/49 Legal Deptt. agreed with this Deptt's. view. But in

order to carry out the intention Legal deptt. has suggested that the notification ^{850/83 Fin. 9-2-34} published in G.O. 951 Pub. (Services) dated 16-11-1933 should be ~~excluded~~ and the opening paragraph of rule 1 (a) of the Special rules at (K) omitted. It is also suggested that the Madras Civil Services (Classification ~~and~~ Control and Appeal) Rules should also be suitably amended so as to make it clear that the detailed procedure prescribed in rule 55 of the ^{15(b) which corresponds to the old rule} Classification Rules need not be followed before imposing the penalty of reduction, compulsory retirement, removal or dismissal of any member of the Madras Govt. Press subordinate service, but that it will be sufficient, if the provisions of section 240 (3) of the Govt. of India Act 1935 ^{are} complied with. ~~in the same manner~~

The proposal of Legal may be accepted. The file may be circulated to H.M. (E & L).



A draft order is submitted.

A for X above, necessary which may be taken by Public Service for amendment of Civil Services (Classification & Appeal) Rules. for can be - Legal before issue. May be sent to Legal before issue. Public (Services) Legal before issue. ^{Public (Services)} ^{Legal before issue}

EPH No. 4936/49-12 8-2-50

Public (Services) Legal before issue

Public (Services) Dept.

[Last seen on p.19 ante]

The further notes from p.19 ante and the draft notification below may be perused. The subject in para 1 of the draft being a controversial matter, it may perhaps be omitted from the order. It would perhaps be sufficient if the special rules are amended and the notification of 1933 and G.O. No. 83, Fin, dated 9.2.1934 are cancelled, as proposed in paras 2 & 3

The ~~draft~~ amendments indicated in the preamble to the notification may be made.

The orders amending the C.C.A. Rules will be issued in the Pub (Ser-D) Dept. on recd. of a copy of the order with relevant extracts from this file.

The case may be passed on to Legal for scrutiny of the draft notification. They will also advise whether it is really necessary to retain para 1 of the draft.

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Pub Ser B no 583/50-1
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It is presumed that the intention is to give retrospective effect to the amendment. If so, necessary addition may be made to the draft.

88 14.2.50

16.2.50

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AS I / Legal

LEGAL DEPARTMENT.

Paragraph 1 of the draft merely sets out the facts and explains the necessity for the issue of the notification in paragraph 2 of the draft. There seems to be no

Pub Ser B no 583/50-1
17-2-50



objection therefore to retaining paragraph 1.

Subject to the above remark and that of Public (Ser.) at B on p.22 ante, the alterations indicated in red ink on the draft notification may be made.

mm 28/2/50 E.P.H. 28

Legal No: 2694/50
28/2/50

E.P.H. 28



The draft has been suitably amended in para 1 of Public (Ser.) note on p.22 ante with the Legal note above. The draft may issue after perusal by Pub (Ser.) & Legal.

JP 8.3.50

Please put up a clean copy of the draft carrying out the alterations.

9-3-50

A clean copy of the draft carrying out the alterations is submitted.

JP 10.3.50

11-3-50

11.3.50

Pub (Ser.) / Legal.

Pub Ser Dept.

Edn. W. 493 E/49-13
11.3.1950

Pub Ser B no 1129/50-1
14.3.50



The revised draft order below may be perused and the file passed on to Legal.

13.3.50 3717 14.3.50

Legal Department.

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

mm 18/3/50

E.P.H.

Legal no. 4022/50-1
20.3.50

Edm/E.

The draft order, ~~as altered~~ with
the alterations indicated by legal. may now
issue.

~~21/3/50.~~
21/3/50.
21/3/50.

22/3/50

29