

Educational (1895) Department.

ORDINARY MS.

G.O., No. 61

DATED 23rd Jany 1895

INDEXED.

[Despatch Abstract.]

A. SUBBARAYULU, LOCAL FUND THIRD ACCOUNTANT, NELLORE
COLLECTOR'S OFFICE.

Declining, with remark, to cancel the endorsement
of the Commissioner for Government Examinations rejecting
the application of -- for admission to the Special Test
examinations.

BACK PAPERS.

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

FURTHER PAPERS.

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

Govt. of 1894 Madras.

Local and Municipal Department.

To

The Educational Dept.

Recd 18 Dec 1894

Proceedings, dated 15th December 1894,
No. 2618 L.P.

Subject.

Petition

Passing orders on —
from A. Subbarayalu R.F.
3rd Accountant hellore Collectors
office regarding his claim
to appointments carrying a
Salary of Rs 15 & upwards.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Memorial from A. Subbarayulu, Local Fund 3rd. Accountant, Collector's Office, Nellore, dated 20th November 1894.

The memorialist is a 1st. class Middle School candidate. He was appointed as Local Fund 3rd. Accountant in 1891 on Rs. 15 per mensem, and since 1st. April 1893 his post is pensionable under Article 863 of Civil Service Regulations.

2. *The Government has ordered this year that from 1st. July 1894, no Middle School candidate should be appointed to posts carrying a salary of Rs. 15 and upwards in the public service. The memorialist is now refused permanent and sub-protem appointments of Rs. 15 in the Imperial Department for the above reason but, as submitted in para. 1., he begs to represent that he is already in the pensionable service (i.e.) from 1st. Apr. 1893. Article 865 of Civil Service Regulations and G. O. No. 1368 L. dated 8th June 1892, authorise the transfer of*

such

such servants to Government establishments. The memorialist therefore begs to submit that the restriction about the employment of Middle School candidates does not apply to his case as he is in the pensionable service under Article 863 of Civil Service Regulations and therefore on exactly the same footing with those in the Government service. In this connection the memorialist begs to submit that he would have tried to take up a post of Rs. 15 in the Government service long ago, had it not been for the clear fact that his post was pensionable and that he could get the transfer subsequently. He therefore begs that Your Lordships' Government will be graciously pleased to consider this important question and pass orders in the matter.

3. With a view to pass the necessary Special Tests to be qualified for posts in the Government service for which they are required, the memorialist has applied this year for Translation Test and paid the money and also sent in his application to the Commissioner, but the latter returned it and refunded his money with the following endorsement:-

"Petitioner is informed that as 'Local Fund Service' does not reckon as 'Superior service' for purposes of the Special Test examination notification, his application for admission

admission to the Special Test examination cannot be accepted. The notification for the Special Test referred to in the above is as follows:-

"The Special Tests shall be open to all persons who hold, or are eligible to hold, superior appointments carrying a salary of Rs. 15 per mensem or upwards in the public service."

4. Local Fund pensionable service is public service and the memorialist holds an appointment of Rs. 15 in the superior service and for which a sum of Rs. 1-8-0 being deducted on account of pensionary contribution!

The orders of Government are that contribution should be accepted only for posts in superior service. The memorialist therefore requests that your Lordships' Government will kindly cancel the Commissioner's order which says that Local Fund service is not superior service for the purposes of Special Test examination notification and allow him to appear for Special Test examinations from next year.

Order, dated 15 December 1894, No. 2618 L. Mis.

Paras 2 and 5 of the petition will be referred

reference
seems that
been necessary
2
16.1

C. No. 1481/94

the Collector for report.

The petitioners request in para. 4 will be considered in the Educational Department.

/True extract/

Francis

Ag. Assistant Secretary.

for Chief Secretary.

FOR ORDERS.

The current calls for a definite ruling on two points, though the L & M Dept. remits only para 4 for disposal in the Ed. Dept. The first question is the one raised in para 2. It is this: Whether a First class Middle School man who held permanently a pensionable appointment ^{carrying pay of Rs 15} in the Local Fund Service on the 1st July '94 is eligible for transfer to Govt Service. Under art 865 of the C.S.R. the transfer is permissible but the question it is submitted, requires to be considered from another and a more important point of view. The question involves much more than a mere transfer as will be seen from the following illustration.

Unlike a Govt Servant, an officer holding a Rs 15 appointment in the Local Fund Service gets actually only Rs 13/8, Rs 1/8 of his salary being deducted on account of pensionary contribution.

The Collector of Nellore.

Educational Department.

therefore holds in reality an appointment carrying a salary of Rs 13/8 and his transfer to a Govt appointment carrying a salary of Rs 15 is actually a promotion. Under the Exam. rules brought into operation from the 1st July last, a First class Middle School man holding a Govt appointment on less pay than Rs 15 on the 1st July 94 is not eligible for promotion to a post on Rs 15; it is therefore clear that a Local Fund Servant who gets actually only Rs 13/8 is not eligible for appointment to a Govt post on Rs 15. Local Fund Service is quite distinct from Govt Service; Local Fund Servants can therefore have no claim to an indulgence which is denied to Govt Servants. The L & M Dept., it is submitted, should therefore be informed that First class Middle School men who held pensionable appointments in the Local Fund Service, carrying a nominal pay of Rs 15, on the 1st July '94, are not eligible for transfer to Govt appointments carrying a pay of Rs 15 and upwards.

This ruling also settles the second question raised in para 4; viz., whether First class Middle School men holding pensionable appointments on Rs 15 in the Local Fund Service can appear for the Special Tests. They are ineligible to appear, as the value of their appointment, as shown above, is only Rs 13/8 and as Govt Servants drawing less pay than Rs 15 are

FOR ORDERS.

are debarred from appearing for the Special Tests.

Apart from the considerations urged in the office note above it may be remarked that P.O. 58 June 1892 1368 L. on which the petitioner was contained a saving clause which was his case viz! "Such men (i.e. pensionable local fund servants)

"must of course be qualified under Govt rules for the appointments to which they are transferred."

Now as the petitioner is not a member he is not qualified to hold a Govt appointment in Govt Service & can not be transferred to such an appointment although his Local Fund Service is pensionable.

The expression "superior service" or rather "superior appointments in the public service" - used in the Special Test notification ^(para 4) was never intended to include local fund appointments carrying pay of Rs 15 & upwards & there appears no reason to extend its significance now. ~~It is not possible to extend its significance to local fund appointments~~ ^{Govt Service} ~~as it would have been a hardship to debar men~~

already in local service from
 appearing at the Special Section order
 to qualify for promotion, it is no
 hardship to refuse a local fund
 servant permission to appear at these
 tests when his general educational
 qualifications bar his transfer to
 local service.

It is submitted that there is no need
 say more than.

Order No 61. 23 Jan 1895.

The Commissioner's endorsement

correctly interprets the intention of the
 Special Test Notification & the Govt.

is no reason to cancel it as the
 request.

The L.S. 11. 11. 11.

26 JAN 95
 IN M.S.

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Local Fund Servants &
 brian's rules

H.M.

22/1

(For orders)

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

TRAD AGAIN G.O., No.
 182

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
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