[Edl. / 6.]
500—24-8-97.

Educational (1898) Department.

ORDINARY MS.

G.O., No. 510 – 11

DATED 17 – 8 – 98

INDEXED.

19-19

C

[Despatch Abstract.]

Addressing the G of I on the subject of the introduction of a rule for regulating the manner in which promotions of Edul Officers, who have elected to remain in the Graded Service, to the first two classes of that Service shall be allowed, and also for restricting temporarily ~~the~~ grant of the special allowances sanctioned in para 10 of Home Dept Resolution No 4 Education / 204-215 of 23-7-96.

T
17/8/98

BACK PAPERS.

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

FURTHER PAPERS.

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

Rno. 316/98.

[Edl./5]
1,000—5-3-97

Educational (1897) Department.

Endl. G.O. No.
letter No. 950
4-2-98

CURRENT No. 1530

777/96
778 SS.

Endt. No. 12 d/ 5th January 1898.

~~Order~~

PUBLIC INSTRUCTION
6 JAN 98
MADRAS

Referred to the Director of Public Instruction for remarks.

H Tremenheere.
Ag Secretary to Govt.

NB
4/1/98

TO BE RETURNED
WITH REPLY.

From

The G of I.

Home
Education

No. 343

Dated	11	12-97
Received	18	12-97
Registered	18	12-97
Enclosure	-1	
Spare copies.	-7.	

SUBJECT.

Forwarding extract of a letter from the Govt. of Bengal ~~on the~~ re the promotions of Edl. officers who have elected to remain in the graded service and requesting to be furnished with the views of this Govt. on the matter.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract (paragraph 5) of a letter from the Government of Bengal, No. 2088-Education, dated the 29th July 1897.

5. Officers who were in the old service have been allowed their choice between remaining under that system and entering the reconstituted service. Sir Alexander Mackenzie allowed them a further opportunity of exercising that choice when the points raised in the present letter shall have been decided. It is advisable therefore to lay down a principle by which the promotions of the officers under either system shall be regulated, and this the Lieutenant-Governor proposes to do by laying down the following rule:—

> No officer, to whichever service he may belong, will have any claim to permanent promotion, be it to class I or II of the Graded Service, or to one of the staff allowances in the Indian Educational Service, till such time as he would have had a legitimate expectation of preferment on the supposition that the Educational Department officers who were in the Graded Service on the 1st August 1896, had elected for the particular service to which he belongs.

In other words, no officer under the *new* scheme will be eligible for promotion to the higher class of personal allowance while *two* men remain above him, or to the lower class while *six* men remain above him on the combined list of officers serving under both systems, and no officer remaining under the old system will be eligible for promotion to the 1st class while *two* men remain above him, or to the 2nd class while *eight* men remain above him on that combined list. The proposed rule has its disadvantages, but it is based on the principle that no officer can rightfully claim any advantage which would not have been opened to him had all his seniors elected the service to which he belongs, and that therefore no junior officer in the old service can claim promotion, in spite of the fact that senior officers in the new service, who would otherwise have come within range of promotion, are not entitled to it.

CURRENT N 1530

No. 343.

CHIEF SECRETARY
18 DEC 1897
GOVERNMENT OF MADRAS

FROM

J. P. HEWETT, ESQ., C.I.E.,
Secretary to the Government of India,

TO

The Chief Secy. to the Govt. of Madras.

Home Department.
Education.

Calcutta, the 11th *December 1897.*

SIR,

I AM directed to forward for the information of the Governor in Council an extract, paragraph 5, of a letter* from the Government of Bengal in which a rule is suggested for regulating the manner in which promotions of Educational Officers, who have elected to remain in the Graded Service, to the first two classes of that Service shall be allowed, and also for restricting temporarily the grant of the special allowances sanctioned in paragraph 10 of Home Department Resolution No. $\frac{\text{4-Education}}{\text{204--215}}$, dated 23rd July 1896. It seems to the Government of India obvious that promotion in the Graded Service, for those who remain in it, cannot be calculated as if actual vacancies were caused by the transfer of the services of senior officers to the Indian Service. At the same time it would be undesirable that any officer who remained in the Graded Service should see his junior enjoying one of the allowances while he himself is not admitted to the first two classes. The proposal of the Government of Bengal to regulate promotions, for the time being, on a combined list, seems to the Government of India to be suitable; but as the rule regarding this matter should, if possible, be uniform they would be glad to learn the views of the Governor in Council on the subject.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewett.

Secretary to the Government of India.

---

* No. 2088, dated 29th July 1897.

1897
Ed Dept.
Enclos. No 1
To
C. No. 1530

Educational (1898) Department.

CURRENT No. 153

479/96 sec
480/97
150/97

UNDER SECY TO GOVT
5 FEB 98
PUBLIC

R278/97
R361/97

From The Director of Public Instruction,
Madras.

Order

No. 950

Dated 4th February 1898.
Received
Registered } 5-2-98
Enclosures one (C No. 1530 of 97 Edl.)
Spare copies

SUBJECT.

Returning with remarks Govt. Endorsement No. 12, Edl., dated 5th January 1897, referring extract from a letter from the Govt. of Bengal re the promotions of Educational officers who have elected to remain in the graded service.

DESPATCHED
- 4 FEB. 1898

BACK PAPERS.

G.O.	No.	Department.	Date.
	361	18-9-	97 R
	278	: 16-7-	97 R
	150	: 13-3-	97 Mis
	480	: 10-8-	96 Coly
	479	: 10-8-	96 "

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 153

OFFICE OF THE DIRECTOR OF
PUBLIC INSTRUCTION,
Madras, 4th February 1898.

No. 950

From

THE HONOURABLE MR. D. DUNCAN, M.A., D.Sc. LL.D.,
DIRECTOR OF PUBLIC INSTRUCTION,
Madras,

To

The Secretary to Government,
Educational Department.

SIR,

I have the honour to return with the following remarks Endorsement No. 12, Educational, dated 5th January 1898.

flag O

2. Under the Government of India Resolution No. $\frac{4\text{-Ed.}}{204-215}$ dated 23rd July 1896, all the European officers with the exception of Mr. Metcalfe, who was then on furlough preparatory to his retirement, were given the option of coming under the new scheme or continuing on the graded list, and all the officers, with the exception of Messrs. Wilson, Bilderbeck and Bourne expressed their desire to come under the new scheme. Dr. Wilson was then in the first class, Mr. Bilderbeck in the second

class

Ed. Cor. / 22 1,000—1-7-97

class and Dr. Bourne in the third class of the graded service. These three, together with Mr. Metcalfe, who was in the second class, and who was then on the eve of his retirement, were allowed to remain in the graded service, and the other officers were appointed to the Indian Educational Service. If Mr. Metcalfe had been given the option, he would certainly have elected to continue in the old grade as he was then in receipt of Rs 1150 and would reach the maximum of the grade earlier under the old than under the new scheme. The officers who elected to continue in the graded service must have understood from para 15 of the Resolution quoted above and para 13 of the Government of India's despatch to the Secretary of State that they would obtain promotion *as vacancies occur in it* (the graded service), subject to the condition that only those considered fit for promotion would get it. It was apparently on the assumption that he would obtain promotion to the second class on Mr. Metcalfe's retirement that Dr. Bourne elected to continue in the graded service, and he was promoted to that class on Mr. Metcalfe's retirement. Just before the introduction of the new scheme the third class of the graded service consisted of

flag O

So. 480 Sl
10-8-98
flag P

vide 80
Rw 378 Sl
16-7-97
/ flag N

of Messrs. Stuart, Marsden, Logan and Bourne; and in the fourth class was Mr. Stone. To Messrs. Stuart, Marsden, Logan and Stone the four personal allowances allotted to Madras were sanctioned, while Dr. Bourne received promotion to the second class on Mr. Metcalfe's retirement. His promotion is in accordance with the Government of India's view that 'it would be undesirable that any officer who remained in the graded service should see his junior enjoying one of the allowances while he himself is not admitted to the first two classes'.

Cns 15.20

3. I am not sure whether the word *six* in the third line of the last sub para of para 5 of the letter from the Government of Bengal is not a mistake for *eight*, the figure occurring in the eighth line of the same sub para. Under any circumstances the proposed rule would work very hard and the arrangements made in Madras would be upset if the rule were given retrospective effect. On the 1st January 1897 when the reorganization scheme was given effect to, there was no vacancy in the first class and therefore Mr. Marsden could not have been given the second of

(i the higher personal allowances; Mr. Stuart ~~was~~ being entitled to the first as senior to Mr. Marsden in the Graded service. Again, there were three officers in the first and second classes combined, and so only one of the personal allowances would have been available for officers electing to come under the new scheme. Consequently the personal allowances sanctioned for Messrs. Marsden, Logan and Stone could not have been given. If the officers had been given the option under the restriction which the Government of Bengal would introduce, several officers who elected to come under the new scheme would not have done so. I am, therefore, of opinion that the rule has many disadvantages and would be productive of much hardship and discontent. Even if such a rule is considered absolutely necessary, it should not, I think, be given retrospective effect, as it would seriously disturb the arrangements already sanctioned.

I have the honour to be,
Sir,
Your most obedient Servant,
D Duncan
Director of Public Instruction.

Ed
UKR

Order no 570 d/17-8-9

[G/25]
500—30 4-93.

Edl. DEPARTMENT

C. Nos. 1530 & 153.

SUBJECT.

~~HIS EXCELLENCY THE GOVERNOR.~~

~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~

THE HON'BLE MR. ARUNDEL.

Promotions of Educl. officers in the Graded Service & the grant of special allowances.

FOR ORDERS.

In the first of the above current the Govt. of India has forwarded for the consideration of this Govt. an extract ~~from~~ of a letter from the Govt. of Bengal suggesting a rule for regulating the manner in which promotions of Educl. officers, who have elected to remain in the Graded Service, to the first two classes of that Service, shall be allowed, & also for restricting temporarily the grant of the special allowances sanction in para 10 of the Home Dept. Resoln. x No. 4 Ed./204-215 d. 28th July 1896. Under that resolutn., all the European officers with the

x Read with G.O No. 479 Educl., d. 10th August. 1896. Flag A.

exception of Mr. Metcalfe, who was then on furlough preparatory to his retirement were given the option of coming under the new scheme or continuing on the graded list, & all, except three, chose to come under the new scheme. The proposal of the Govt. of Bengal is to regulate promotions on a combined list of the officers under the two systems, & this proposal is approved by the Govt. of India. In his letter d. 4th Febry. 1898, the D.P.I. is of opinion that the rule proposed by the Govt. of Bengal has many disadvantages & would be productive of much hardship & discontent. It is submitted that to introduce such a rule as that suggested by the Govt. of Bengal now, after the officers have made their choice of coming under the new scheme or of continuing on the graded list & obtaining promotion as vacancies occur in it, would be very hard on them.

Current No. 153

Orders are requested as to the terms in which the Govt. of India may be addressed on the subject. A.C. 19.7.98.

[G./25]
1,000—16-3-98.

C22/7
A25/7

Education
~~LOCAL AND MUNICIPAL~~ DEPARTMENT.

C. No. 1530 + 153

SUBJECT.

Promotion of Edcl. officers in the Graded Service & the grant of special allowances.

FOR ORDERS.

H-24.

Asst. Secy. Please draft. hastily
H.T. 29.7.98

When the re-organization Scheme ~~came into force~~, was determined upon, the old "Graded" Service stood thus;

First Class.	Wilson.	1400
Second "	Metcalfe	1150
	Bilderbeck	1200
Third "	Stuart	1000.
	Marsden	1000.
	Logan	900
	Bourne.	850.
Fourth "	Nagoji Rau	500
	Stone	750.

2. Under an option given them, those whose names are underlined with red ink decided to remain in the Graded Service, Metcalfe who was on the point of retiring being treated as so remaining. The rest joined the Indian Educnl. Service, as

may be seen in the Civil List.

3. When Metcalfe retired, Bourne was promoted in his place, on the ground that he was next for promotion in the Graded Service & was fitted for it. It had been distinctly laid down by India in putting the scheme before the S. of S, that officers choosing to remain in the graded list shd, if fit, obtain promotion as vacancies shd occur in it (Flag K.)

4. But now India contends that vacancies cannot be reckoned if caused by the transfer of Senior officers to the new Service. Well, it appears to me that Bourne's promotion was not so caused, but by Metcalfe's retirement.

Yes
M.A.

5. India takes action on a proposed Bengal Rule, to the effect that promotion like Bourne's to the second class cannot be made if on a combination of the two services eight men remain above him. The Director suspects

Explained verbally to H.M. that in the view of the Govt of Bengal they represent the limits of probability of promotion
H.T.

I don't understand this, or of how the numbers 8 or 6 are obtained or what they have to do with the matter. X
M.A

that Eight is a mistake for Six. Yet in neither case would Bourne be affected as only five men are above him.

6. If I have understood the matter rightly, this Prest. so far is not affected, Bourne's being the only promotion. And India says it wd be unjust if a man shd not be promoted when his junior is enjoying a personal allowance; & such is the case here, for Stone, Bourne's junior ~~is in~~ has an allowance.

7. Bengal also proposes that of the two classes of personal allowance given under the new Scheme, the higher shall not be given to a man with two above him on such a combined list, nor the lower to a man with six above him. Now Stuart & Marsden who get the higher allowance wd have two above them on such a combined list viz. Watson & Bilderbeck; while of the two Logan & Stone who get the lower, Stone would have six

Why? what have these numbers to do with the matter.

At last See note above: Similar explanation given verbally to H.M. H.T.

above him. Of the four men then drawing personal allowances, three would lose them.

8. No wonder therefore that the Director fights against the new rule, & protests that at least it sh^d^ not have retrospective operation. It is submitted he is right. Mr. Bourne in electing to remain in the Graded Service must have calculated on the promotion he has got, & the officers of the I. Ed^l^ Service who have got personal allowances must have equally ~~by~~ been influenced by the prospect of them in electing for that Service.

If the Director's views commend themselves to H.M., the Gov^t^ of India will be informed accordingly.

H. T.
21. 7. 98.

I agree with the Director's views.
But if the Secy. can explain my difficulties above noted I should be much obliged if he would come over to me & do it in person.

AKA 23. 7. 98.

Done. See notes above.
HT
29. 7. 98.

[G/24]
500-16 5-98.

Educational **DEPARTMENT.**

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No

Current No. 1530 of 1897, dated 11th Decr. , from the Govt. of India Home Edn.

" " 53 " 1898, " 4th Feby. ; " the D.P.I.

" " " 189 , " ; "

ORDER.

The Government of India will be addressed.

not approved vide revised draft

ace 8/8/98

LETTER:-

To

The Secretary to the Govt. of India,
Home Department (Education)

SIR,

In reply to your letter No.343, dated the 11th December 1897, forwarding for the information of the Governor in Council an extract, para.5, of a letter from the Govt. of Bengal, in which a rule is suggested for regulating the manner in which promotions of Educational officers, who have elected to remain in the graded service, to the two first classes of that service shall be allowed, and also for restricting temporarily the

grant

grant of the special allowances sanctioned in para. 10 of Home Dept. Resolution No. 4 Edn./204-215, dated 28th July 1896, and requesting the views of this Govt. on the subject, I am directed to reply as follows:

Flag O. 2 3

FROM ORDERS.

2. In order to show how the proposed rule would affect the Educl. Dept. of this Presidency, it is necessary to preface this letter by referring to certain points relating to the introduction of the reorganization scheme of the Indian and Provincial services of the Educl. Dept. approved by the Secretary of State and embodied in the Govt. of India Resolution referred to in para. 1 above. Under para. 15 of that Resolution, nine of the ten European officers of the Educl. Dept., who had been permanently appointed to the graded ~~list~~ service, were given the option of electing to continue on the graded list or of coming under the new scheme, the remaining officer, Mr. Metcalfe, who was on the point of retiring, being considered as remaining on the graded list. Three officers, viz. Dr. Wilson, Mr. Bilderbeck and Dr. Bourne, who were in the first, second and third grades respectively, elected to continue on the graded list. The six other~~s~~ permanent European officers on the graded list, viz. Messrs. Stuart, Marsden, Logan, Stone, Chatterton and Middlemast, elected to come under the new scheme.

C. S.

3. With reference, in the first place, to the officers who elected to continue in the graded service, I am directed to say that they must have understood from para. 15 of the Resolution quoted above and para. 12 of the Govt. of India's Despatch no 351 d. 11th Oct. 1895 to the Secretary of State that they would obtain promotion as vacancies occurred in the graded service, subject to the condition that only those considered fit for promotion would get it. Apparently it was on the assumption that he would obtain promotion to the second class on Mr. Metcalfe's retirement that Dr. Bourne elected to continue in the graded service, and he was promoted to that class when Mr. Metcalfe retired.

Flag P.

4. The Govt. of India considers that promotion in the graded service, for those who remain in it, cannot be calculated as if actual vacancies were caused by the transfer of senior officers to the Indian service. But the promotion of Dr. Bourne was not caused by the transfer of the services of senior officers to the Indian Service, but by the retirement of a senior officer, and would not be affected by the proposed rule that no officer can be promoted to the second class on the combined list, while eight men remain above him, since only five men were above Dr. Bourne when he was promoted. Further it is considered by the Govt. of India that it would be undesirable that any officer who remained in the graded service should see his junior enjoying a personal allowance while h f

is

10/8/90

is not admitted to the first two classes, and the promotion in the present instance is in accordance with their opinion Mr. Stone, a junior to Dr. Bourne having been granted an allowance.

5. But, in the second place, although it thus happens to be the case that the proposed rule would not affect the one promotion that has taken place in the graded service since the reorganization, the rule would considerably affect those officers who elected to come under the new scheme and who have been granted personal allowances ~~given to them~~. I am to point out that the effect of the proposed rule that of the two classes of personal allowance given under the new scheme, the higher allowances shall not be given to a man with two above him on such a combined list nor the lower to a man with six above him, if given retrospective effect, would be that three officers, viz. Messrs. Marsden, Logan and Stone would lose the personal allowances already granted to them. I am to add that had the officers referred to in para 2 of this letter been given the option under the restriction which the Govt. of Bengal would introduce, several of those who elected to come under the new scheme would not have done so.

6. In conclusion, I am to state that H.E. the Governor in Council considers that the proposed rule has many disadvantages and would be productive of much hardship and discontent, and that even if the Govt. of India should consider it absolutely necessary to introduce the rule, it should not be given retrospective effect.

given

A. 8/8/98

6/8/98

FFICE,
1898.

been influenced by the ~~promise~~ prospects held out in para. 15 of the Resn. quoted above & para. 12 of the G. of I's Despatch no. 351 of 11 Dec. 95 to the S. of S. that they would obtain promotion as vacancies shd occur~~red~~ in the Graded Service, ~~Subject to the condition that only those considered fit would get promotion~~; and this Govt. could not view favorably any proposal which interfered with reasonable expectations so founded. ~~in that Resn~~

3. With regard to the ~~rule~~ proposal of the Bengal Govt. that no officer under the new scheme shall be eligible for promotion to the higher class of personal allowance while two men remain above him, or to the lower class while six men remain above him on the combined list, I am to say that the enforcement of the rule in this Presy. would entail the loss of personal allowance to three officers, viz. Mr. Marsden in the first class & Messrs. Lolan & Stone in the second.

been influenced by the ~~promise~~
held out in para. 13 of the Res.
quoted above & para. 12 of the
[illegible] Letter No. 55 of 11
Dec 93 to the S. of S. that the
[illegible]

3. [illegible]

By the Resn. of July 1896 one of the higher allowances was allotted the Senior Inspector of Schools; the two lower to the Principals of the Rajahmundry & Kumbakonam Colleges or to an Inspector of long standing and approved Service with superior claims. Mr. Marsden was the Senior Insp., even on a combined list. Mr. Stone was the Principal of the Kumbakonam College; while Mr. Logan was an Insp. of long standing & approved Service whose claims this Govt. considered superior to those of the Principal of the Rajahmundry College ~~Presy.~~ Coll: Calcutta.

only at the ~~Presid~~

There the allowances are open to the two Senior Professors & to Principals of Colleges & Inspectors generally. ~~Here such~~ ~~not as these open~~ not to two Senior Professors ~~but not~~ allotted

P. 7. G.O. 479. Ed.
10. Aug. 96

Presidency

Omit

It seems to me that the Bengal rule might still affect the grant of the allowance. Bengal would say, one of the higher allowances, if given to anyone, must be given to the Senior Inspector of schools, but it can only be given to the Senior Inspector of schools if there are not two men above him on the combined list. The allowances in Madras would, if the Bengal rule were introduced, be restricted in two ways:
(1) they would be restricted to definite appointments, as now,
(2) & further restricted by the Bengal rule

AGC
10/8/98

4. I am to state that in the opinion of this Govt. such a result would be most unfortunate. Each of these officers in electing to leave the Graded for the Indian Educational Service must have been influenced by the perfectly reasonable expectation of securing the personal allowance ~~s~~ which has ~~have~~ been granted him.)

5. I am to draw attention further to a point in which the grant of such allowances in Madras differs from that in Bengal. Here the ~~Senior~~ two higher allowances are ~~allotted~~ ~~Senior Professors & to Principals of Colleges & to Inspectors generally~~ to the definite appointments of Principal, Presidency Medical College, & the Senior Inspector of Schools, & ~~the two lower~~. As Mr. Marsden is the Senior Inspector even on a combined list, the argument of the Bengal Govt. can not affect the grant of the allowance to him. The two lower allowances are reserved for the Principals of the Rajahmundry & Kumbakonam Colleges, though one of them may be given to an Inspector of long standing & approved Service if his claims are superior. In accordance with this arrangement one of the allowances has been granted to Mr. Stone, as Principal of the Kumbakonam College as such; & here again the contention of the Bengal Govt. is out of place. A similar remark applies to the case of Mr. Logan, who in the discretion of this Govt. was chosen as the recipient of the second allowance as an Inspector of long standing & approved service with claims superior to those of the Principal of the Rajahmundry College. And I am to repeat that the prospect of obtaining this allowance must have operated as a motive to Mr. Logan in his election of the new service.

5. For the above reasons I am to represent that ~~the~~ H.E. in C. would regard the introduction of the proposed rule as ~~a hard~~ ~~an~~ inequitable, ~~proceeding~~, & would urge that if the G. of I. shd nevertheless resolve upon its introduction in this Presy, at least it shd not be given retrospective effect.

H.T.
11.8.98

When given for copying 15/8
When copied 15/8
When examined 16/8
When signed Seal book for desp - 16/8
189 .

READ AGAIN G.O., No DATED
189 .

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 IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.