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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU
Public Works DEPARTMENT

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U.C.

Not to be folded or roughly handled

செய்து கொடுக்கப்பட்டது.

J. W.

I had imagined that the
face: now numbered 82 in
the table (Chap. I. page
16) would have been
altered in the revision.
It ~~was~~ has not been,
and I cannot under-
stand its meaning.

~~Temporary~~
Promotions, it says, may
be made "in the same
"in the name of officers
who, while temporarily
"promoted to a grade,
"become permanent pro-
"motion to that grade."
What a temporary promotion
can be made in such
a case?

Supposing there are
three grades of execution
beginners, filled as
shown below:-

1 st grade	1. A	
	2. B	
	3. C	
	4. D	
2 nd do	1. A'	
	2. B'	
	3. C'	
	4. D'	
3 rd do	1. A''	
	2. B''	
	3. C''	
	4. D''	

D goes away on furlough,
and A is temporarily
promoted to the 1st grade.
By his promotion, a temporary
vacancy is temporarily
caused in the 2^d grade,
and A² is temporarily
promoted to that grade,
and so on.

While on furlough, D dies
or resigns, thus causing
a permanent vacancy
in the 1st grade.

A is then confirmed—
"receives permanent pro-
motion to" the 1st
grade, as the Code
expresses it, and ac-
cording to the para: in
question a temporary
promotion can be made in
his place. How can it
be? A temporary
promotion was made when
A received his temporary
promotion—and the officer
so promoted, A², can be
confirmed, can receive
permanent promotion, now
that A has been confirmed,
but no temporary promotion

can be made. 986
The part of the para:
under notice would seem
to imply that temporary
promotions in the name
of a man temporarily
promoted must be withheld
until he has been
confirmed in the higher
grade: which is absurd.

Surely temporary pro-
motions, provided that none
of the grades are too
full, can leave the
department?

But, if this is the
case, it could hardly
be gathered from
the Code; it might
possibly be inferred
from the one word
"transient" in para: 83.

2. This last mentioned
para: partly goes
over the same ground
as 82, and the end
of 98 is a repetition of 83. 986 23/8

3. Might not the order

of paras: 81-107 be
with advantage raised?
paras: 95-99. e.g. while
of general questions, and
are separated from 81
and 82 by paras: relating
to matters of procedure.

A.H.
23/8

C (2)
Please consider
the above remarks

25-8-79 A.H.

To W. W. 47 4 5/9/79

This note raises again
a very important issue
that had, I thought,
been definitely set at
rest.

The arrangements
agreed upon when drawing
up

28/5
up the Madras Code more
as follows.

(a) That where our system
was exactly the same as
that of the Government
of India, we were to
accept the rules of the
Government of India
intact, on the understand-
ing that what was
found sufficient elsewhere
would be found sufficient
here. - It being presupposed
that if any inconvenience
were found here in the
Government of India rules
it would be found
elsewhere and would
properly form the ground
of a reference from this
Government to the
Government of India
with the object of
getting the rules altered
generally.

(b) But that when our system differed from the Government of India, the Government of India rules should be modified to agree with our system.

The case brought forward in this note regarding para 82 falls under case (a). It does not form part of the Code Committee's duties to alter it, but it might be the duty of the Local Government to point out the ambiguity to the Government of India.

Though badly worded, I think the object of the para is plain enough. In the particular case brought forward in the note of D's dying while
on

on furlough of course no temporary promotion would take place. - The drafter of the rule, however, evidently had in his mind's view, the case of A, B, or C's dying, which by far the more likely case to occur, and then in that case, A would get permanent promotion and B would get temporary promotion as laid down in the rule.

I cannot defend the present Government of India Code. Some parts I accept myself on faith

But as it is, we have had
to make the best of it.
Had the Committee approached
the Government of India
code in the spirit of this
note, there would, I think,
by this time have been
little or nothing left of it.

July
6/9/79

W. B. 6/9/79

A. W.

Let me see a draft
of the modifications you
would propose in the
para, and I will see
what can be done with
it.

9/9/79

Please see draft the proposal
to strike out para. has been made
to show clearly that permanent promotion can
be given.

To Mr.

Letter dated
6/9/79

Some remarks made by
you several months ago
led me to think that
the Special Code Committee
intended to remove any
ambiguities in the revised
F. of S. Code as well as
to strike out what was
redundant.

Even if the latter interpretation
of the para. in question
were accepted, the fact
would remain that in a
proposedly complete definition
of so important a term
as "temporary promotion,"
no mention is made of
the what is necessarily
the commonest kind of
such promotion - that
directly resulting from
another temporary pro-
motion.

But it is submitted
that the Com. has rejected
the question in the
same wrongly-raised form.

the drafter of the paragraph.

The Sr. admits that the
aids employed in the
paragraph aren't applicable
in a case like that
supposed in the note of
the 23rd ult., but he says

It's far more likely
that A or B or C, should
die than D, and in
the event of one of those
officers dying, B^d would
"get the & temporary pro-
motion as laid down in
the Code".

In making this remark,
the Sr. has forgotten
that D represents a
class as well as an
individual; that he
stands for the non-effective
members of a grade just
as A, B, and C, stand
for the effective members.
Very often there are more
non-effectives in a grade
than effectives, and then
of course the probabilities

are in favor of one of
the former class dying.
Say D. $\frac{2816}{9}$

In the next place, granting
that it is A, or B, or C, who
dies, while D is on furlough,
it is not the case that
B^d "gets temporary promotion
as laid down in the Code,"
that is to say in the
"room of an officer (it)
who, while temporarily pro-
moted to a grade has
received permanent promotion
to that grade".

The permanent promotion
and the temporary promotion
have but a very slight
connection with one another.
The fact that A^d, by
receiving permanent promotion
while A, or B, or C, deceased,
has left open the place
which he was temporarily
filling, does not alter
the temporary promotion
conceded from him; it
comes, as before, from
D, who is on furlough.

In other words, the temporary promotion is one falling under class (A) of the paragraph in the Code; it is one made in the case of an officer who has gone on furlough. And if B' were in turn to receive permanent promotion, and C' to be raised temporarily to the grade, C' would receive his promotion in the room - not of B' permanently promoted, but of D' still on furlough.

It seems to be of some consequence that the Code should show clearly that under all circumstances temporary promotions can only give rise to temporary promotions; permanent promotions to permanent promotions.

M.S.P. 9/9

Proposed modifications in the P.H. Code 28/6/12

Para: 82 New Edition.
Para: 88, Sect. II, Cap. I. First Edition.
Para: 62 Vol. II, 2d. of P.H. Code.
Read

Temporary promotions may be made (1) in the case of officers who have gone on furlough or deputation for periods exceeding three months, or (2) in the case of officers temporarily promoted to a higher grade under the operation of the foregoing clause.

Para: 103 New Edition.
Para: 79, Sect. II, Cap. I. First Edition.
To be struck out.

[The "if from any cause a grade has left by one or more officers than is allowed by the sanctioned scale" the local Govt. should be able to complete the number]

of the grade by noting
the requisite number of
permanent promotions to
it. They might have to
wait for years before a
third permanent vacancy
occurred.]

W. H.
10/5

AW

On the rulings now
submitted to be altered
are those of the S of I
tune sanction to the pro-
posed modifications
will be necessary before
adoption in London
— and we therefore
draft of letter to the
S of I in the case which
I shall estimate be
submitted

W. H.

25/10/79
The draft is put
up. W. H. 3/11

No. 2816 W. 8th Nov. 79
To Secretary.
India
2816
2

Sir
I am directed to
draw attention to the
62nd paragraph of
Section ii, Chapter I
of the fourth Edition
of the Government
of India Public Work
Code, the latter part
of which appears to
require to be modified.
It is there stated
that temporary pro-
motions can be
made "in the case
of officers who, while
temporarily promoted
to a grade, receive
permanent promotion
to that grade."
The

W. H.

Cen. 31/10/79. Ptd. 3-11-79.

2. The vacancy that would admit of the permanent promotion of the officer would be caused by the death or resignation

(1.) of the officer on furlough or ^{on} long deputation exceeding 3 months duration whose place was being held by the officer of temporary rank,

or
(2) of one of the effective officers in the grade.

3. In the first case, the confirmation of the officer holding the temporary appointment in that appointment at once does away with the vacancy, and no fresh temporary promotion can be made.

In the second case, after the permanent promotion has been made, a temporary vacancy

2816
certainly exists, but it appears to be incorrect to say that the promotion of this vacancy is made in the room of the officer who has been appointed to the permanent vacancy. It is actually a fresh appointment made in the room of the officer absent on furlough or deputation, and the temporary promotion is therefore not falling under ~~the~~ the first clause of the paragraph in question.

4. It is of some consequence, I am directed to say, that the Code should clearly show that under all circumstances temporary promotions can directly give rise only to temporary pro-

promotions - permanent to permanent. To regard the temporary promotion in the case above mentioned as ~~the~~ directly resulting from the permanent promotion is calculated to cause confusion.

5. Moreover it is desirable that in a paragraph professing to define the term 'temporary promotion', some mention should be made of the commonest kind - the promotion in the lower grades which result from a temporary promotion in a higher grade. And ~~no allusion~~ nothing is said on this point in the Code.

I am to suggest that the paragraph in question might run as

follows: - 2816
H

Temporary promotions may be made in

(1) in the case of officers who have gone on furlough or deputation for periods exceeding three months.

(2) in the case of officers temporarily promoted to a higher grade under the operation of the foregoing clause.

7. I am at the same time directed to ask whether the 7th paragraph of the same section might not be omitted with advantage be omitted. It provides that "if from any cause a grade has been left by one or more officers than is allowed by the sanctioned scale, on the 3^d occasion of any officer being removed, two promotions

"to that grade may be
made instead of one."

8. It is not known what
led to the insertion
of the paragraph, but
it is considered that
a local Government
should have the power
at its discretion
to at once complete
the strength of a
grade ^{should it see a necessity}
~~under such a~~
~~or so doing~~
= ~~consideration~~, by making
as many permanent
promotions into it as
may be required.

~~Permanent~~
Vacancies admitting
of permanent promotions
are of comparatively
rare occurrence, and
years might elapse
before the double
promotion allowable
under the paragraph
could be made. The

2816
5
circumstances under which
a grade had fewer officers
in it than the sanctioned
scale permitted would
be exceptional, and
it is probable that
whenever there was such
a condition of things,
the immediate completion
of the ~~grade~~ strength,
or the reduction of
the sanctioned scale,
would be advisable.

M.M.

3/10

Att

3-10-79

Desp'd to India
8-11-79

Min. N. 2816 to of 8 November 79

Wm W. Huddleston

✓
2816
1

Draft on New York

Att

31/10/79

For 2816

Inc. 2816 W 28 November 1879

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Cer 31.10.79. Att 5.11.79.