Public Works (1896) Department.

G.O., No. 931 W
932

DATED 14-3-96

[Despatch Abstract.]

Engineer Establishment: Orders fixing the dates of promotion of certain officers of the to Assistant Engineers, Rs. grade.

The Govt: of India addressed regarding the promotion of certain officers ineligible under the time rule.

[P.W. 25. 1,000—1-10-96.]

BACK PAPERS.

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

FURTHER PAPERS.

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

PUBLIC WORKS DEPARTMENT.

P/ No 931 W & 14 March 1896

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

D/O from the Suptg. Engineer, I Circle, No. -, dated 26th January 1896.

Office Note to the Examiner, P.W. Accounts, No. 769 C. dated 10th Feb. 96.

,, from -do- No. 154 A. dated 26th Febry. 1896.

W
9 Mar

The dates on which the under-mentioned Assistant Engineers 2nd grade were, or will be, eligible for promotion to the 1st grade, will -- now be entered against their names as follows:-

Mr. J. J. Howley 23rd October 1895.

,, R. N. H. Reid 16th May 1896.

,, R. Gopala Aiyar 1st July 1 ~~84~~ 1894.

,, R. Srinivasa ~~Aiyar~~ Aiyangar 1st July 1896.

2. Mr. R. Gopala Aiyar will be promoted to Asst. Engineer 1st grade, sub pro tem, from the 9th November 1894, in the vacancy caused by Mr. Peters retirement, but as he is junior to Messrs. Howley, Reid and Marshall in date of appointment to -- Asst. Engineer old 2nd grade, he will revert to Asst. Engineer 2nd grade new classification from the 15th July 1895, the date on which Mr. Howley passed the departmental standard and the latter officer will be promoted from that date. Mr. Reid the

next

13/3/96

(40—1,000—21-4-94.)

next senior officer did not pass - the departmental standard until the 6th January 1896, while his junior - Mr. Marshall passed it on the 15th July 1895. The latter officer will therefore be promoted to Asst. Engineer 1st grade sub pro tem from the 23rd October 1895, the date on which Mr. Howley qualified under the time rule. He will revert from 6th January 1896, when Mr. Reid will get the step.

3. Mr. R. Gopala Aiyar will be reminded that as he is now serving in a Telugu District he must pass the 3rd class test in that language to be eligible for permanent promotion to Assistant Engineer 1st grade.

4. As the interpretation given by the Examiner to Clause (3) para 59 Chapter I Vol. I P.W. Code appears - open to doubt, the Govt. of India -- will be addressed on the subject.

(H.E. No. 932-W.d/14 March 1896.)

The Examiner, P.W. Accounts.
- S.E. III circle (return form 3).

To

The Secretary to the
Government of India,
P.W. Department.

Sir,

I am directed to inquire how -- the rule in clause (3), para 59, -- Chapter I, Vol. I, P.W. Code is worked with reference to Engineer lists - under the Govt. of India. The point -- which requires elucidation is whether when an officer, eligible under the time rule, is passed over for promotion, each vacancy which occurs may be filled in succession by junior -- officers not eligible under the time rule in supersession of the same -- officer, within the measure of the -- limiting scale. The following cases are given in illustration. Three -- vacancies exist in the scale of 1st grade Assistant Engineers, two from 15th July 1895 and one from 6th January 1896. One Assistant Engineer -- 2nd grade (A) only is eligible under the time rule for promotion to 1st grade from the first mentioned date but it is not considered desirable to promote him. Can two 2nd grade -- officers (B & C) not eligible under the time rule be promoted to 1st -- grade from 15th July 1895, and a third officer (D) from the 6th January '96 in supersession of (A). In the case - in point, (B) becomes eligible for -- promotion under the time rule on the 23rd October 1895, and the Examiner holds that the rules on the subject of such promotions contemplate that when there is a supersession no further promotion can be made in room of the individual so superseded until the

the first nominee becomes qualified in his own right. Under this interpretation, (C) cannot be promoted, notwithstanding the existence of a vacancy, until the 23rd October 1895 when (B) becomes eligible under the time rule, and (D) cannot be promoted on the 6th January 1896, because (C) is not eligible under the time rule on that date.

2. To give another case. There are now three vacancies in the 2nd -- grade of Executive Engineers. The senior Executive Engineer 3rd grade has already been passed over and will probably not be promoted to higher rank. Can the three vacancies be filled in succession by junior officers not eligible under the time rule, or must each officer wait for promotion until the one previously promoted becomes eligible? To go further, if an Executive Engineer 3rd grade attains 19 years service without promotion, can promotions be made from Executive Engineer 2nd to 1st grade or from 3rd to 2nd -- grade within the measure of the -- limiting scale, among officers who are not eligible under the time -- rule? This Government would be glad to be informed of the practice -- followed

followed in lists under other administrations.

I have &c.

7/5/96

W.

C4025
5.3.96

H.6
Civil

Promotions on the
Engineer establt.

No 931-32 W dg 14 March
1896.

E/J

18/3

DESPATCHED
14 MAR. 96

Please return to
E Clerk

H-E-7/3R 13/3.

The following are
the grounds on which I
base my claim to promotion
to Assistant Engineer, 1st Grade,
with effect from 15th July,
1895, the date on which
I passed the departmental
[illegible] examination: —

Romilly and I
joined the Dept. as
Assistant Engineers, old
2nd grade, on the same
date (1st October 1889),
Romilly being immediately
senior to me.

On 23.4.92 we
were both promoted to

Assistant Engineer, old 1st grade, sub pro tem. (vide Govt. of St. George Gazette no 19 dated 17th May 1892).

On 26.10.92 we were both promoted permanently to the above grade.

On 18.8.94 Romilly was promoted to Assistant Engineer, new 1st grade; permanent, (vide Govt. of St. George Gazette no ~~44~~ 36 dated ~~30.10.94~~ 25.9.94) I was not then eligible for this promotion, as I had not passed the departmental standard

on 23.10.92 I therefore, I Completed 3½ yrs Continuous sub pro tem service, followed by confirmation, in the 2nd grade.

† i.e. after less than 2½ years service in 2nd grade

examination.

In September 1894, Srinivasa Aiyangar was also promoted from Assist. Engineer 2nd grade to 1st grade permanent. Since then there have been no more promotions from 2nd grade to 1st grade.

On the 15th July 1895, I passed the departmental Standard examination; & as there were at the time only 12 Assistant Engineers 1st grade, against a limiting scale of 14, I cannot indicate

Why I have not been promoted from that date. It is true that I had not completed "3½ years "service (Permanent, or "Continuous sub provisional "service followed by "Confirmation) in the "2nd grade, or 6½ from "date of entering the "3rd grade of Assistant "Engineer" (vide P.W. Code Vol. I, Chap I, para 5-9 (2)); but still less had Romilly in August, 1894, since we have both exactly the same length of service; and

no new rules about promotion from Assistant Engineer 2nd grade to 1st grade have been issued, (or at least published), since the date of his promotion, although revised rules have been issued regarding promotion from Assistant Engineer 1st grade to Executive Engineer, 3rd grade, temporary rank.

vide Resolution of Govt of India no 524 G dated 20.2.95

× 8450 with 6-3-95 cns 1913 and L C A W on 26/2/96

Murray's promotion to Executive Engineer, 3rd grade, permanent, on 23.9.95 made a 3rd

No. 7696

vacancy among the
Assistant Engineers, 1st
Grade.

———"———

The above is
a full statement of my
claim to promotion
from 15th July, 1895;
but in addition to the
above-mentioned grounds
I have a further claim
to promotion from
23rd October, 1895, as on
that date I completed
"3½ years continuous
"sub pro tem service,
"followed by confirmation,

in the 2nd Grade & thus
became fully eligible for
promotion under PW Code
Vol I Chap I para 59 (2).

W Storey
22-1-96

P. W. CURRENT No. 867.

1888/96

Rec'd 29.1.96

My dear Burlton.

Herewith a statement of Howley's case which please consider. He also mentions another point in a D.O. which is that Gopala Aiyer whose position according to the last classified list is below Marshall Reid & Howley joined the Dept in April 1887 and was promoted to AE or 1st Grade Sub pro tem in Jan 1891. Under the time limit therefore he is qualified for promotion to next 1st Grade. As however he has not been promoted altho' there are 2 or 3 vacancies either Marshall a Howley ought to have been promoted in his stead, just as Romilly was promoted in place of Srinivasa Iyengar Reid was not eligible as he had not passed his departmental Standard Exam.

Yours truly

[illegible]

?6/1/96

No. 769 C

Received 27 FEB 1896

Government of Madras.

PUBLIC WORKS DEPARTMENT.

Madras, 10th February 1896.

OFFICE NOTE.

From

W

To

C

D/o from the Supty: Engineer I. circle dated 26th Jany: 96.

For favor of opinion as to Mr. Howley's contention that he was eligible for promotion under the time rule on 23rd October 95, i.e. 3½ years from date of his substantive pro tem promotion to Assistant Engineer old 1st grade.

2. If this be conceded, the

(48—1,000—17-12-95.)

the dates on which other officers were or will be eligible for promotion to Assistant Engineer 1st grade must be revised as follows:—

Mr. R. Gopala Aiyar — 1st July 94.
" R. N. H. Reid — 16th May 96.
" R. Srinivasa Aiyengar - 1st July 96.

3. It follows then that R. Gopala Aiyar might have been promoted from 9th November 1894, in the vacancy caused by Mr. Peters' retirement, but as there are officers senior to him in point of service from date of appointment to Assistant Engineer old 2nd grade, it is proposed to promote him to Assistant Engineer 1st grade sub. pro tem from 9th November 94, & to revert him to 2nd grade permanent from 15th July 1895. Mr. Howley will then be promoted in supersession of Gopala Aiyar to 1st grade permanent from 15th July 1895, the date on which he passed the de=partmental standard.

4. Similarly Mr. Marshall will be promoted instead of Gopala Aiyar, from 15th July 95 (date of passing D.S.) in the vacancy caused by Mr. Bell's retirement, and Mr. Reid will be promoted instead of the same officer from 6th January 1896 (date of passing D.S.) in conse=quence of Mr. Wybrow's retirement.

5. Please let me know if you concur.

10/2/96

W

E. No. 27.
1,000—9-12-95.

KEEP-WITH CURRENT No.

dated 189 .

GOVT. OF MADRAS. 1896. P. W. DEPT.

EXAMINER, P. W. ACCOUNTS,

Madras, 26 February 1896.

OFFICE NOTE No. 154 A

To

W.

Your O.N.No.769 C.dated 10th.
February 1896.

Under P.W.Code I. I. 59,clause (5),Messrs. Howley,Gopala Aiyar & Reid, though graded as Asst.Engineers 3rd. Grade under the new classification,were really Asst.Engineers 2nd.Grade for purposes of promotion the effect of their grading being to prevent further promotions until the excesses disappeared.

2. Mr. Howley completed 3½ years from date of his sub pro tem promotion to old Ist.Grade(23rd.April 1892) on 23rd.October 1895 and was therefore eligible for promotion to the Ist.Grade on that date. The proposal to promote Mr.GopalaAiyar sub pro tem from 9th.November 1894 to 14th.July 1895 & supersede him by Mr.Howley from 15th.July 1895 is therefore admissible.

3. Mr. Gopala Aiyar having been superseded by Mr.Howley,the promotion

of Mr. Marshall can have effect only from 23rd. October I895, the date on which Mr. Howley was qualified for promotion - under the time-rule. Similarly, the promotion of Mr. Reid can have effect only from I6th. May I896, the date he would be qualified for promotion under the time-limit.

4. The rules on the subject of such promotions contemplate that when there is a supersession no further promotion can be made in room of the individual - so superseded until the first nominee becomes qualified for advancement in his own right. In the present case, therefore, while Mr. Howley has not completed the qualifying time service, he holds his place in the higher grade as a substitute for Mr. Gopala Aiyar. On his qualifying for promotion in his own right (23rd. October I895) Mr. Gopala Aiyar becomes released and a second promotion in supersession of him becomes available. Mr. Marshall can take this but no further promotion in supersession is permissible, until Mr. Marshall qualifies in his own right.

C.

Ch. 2.

23/2

P. W. CURR... No. 1988

Encl 2 with

Accts 27-2-96

No. 26044 of 13-10-93 x
" 27245 " 25-10-93 x
" 1139 W " 8-5-94 x
" 2188 " 25-5-94
" 965 B " 5-9-94
" 1094 B " 22-9-94
" 1719 W " 11-7-94 x
" 3678 C " 19-11-94
" 551 C " 12-2-95