

ORDINARY, MS.

Pulke DEPARTMENT.
G.O., DATED *7-3-92*
No. *150*
157

INDEXED.

When given for copying

[Despatch Abstract.]

Directing that the post
of India be addressed
as to the date from
which the promotion
of Military Commission
is to be calculated

5000

WP
WP

PRIVATE.

1. Began life in the Uncovenanted Service.
2. Passed the Special Tests for the grade of Deputy Collector obtaining very high places.
3. Registered for a Deputy Collectorship and promised one.
4. Met Sir Charles Turner Chief Justice who recommended Judicial Service.
5. Passed the Special Tests for the grade of Sub-Judge with hardly 3 months' preparation.
6. Appointed District Munsiff with promise of promotion as Sub-Judge after a short trial, there having been no passed Musalman as Munsiff or Sub-Judge since the institution of the Tests.
7. Appointed same year (1881) to the Civil Service with 1st Class Magisterial powers and after completion of 25 years of age, which points to the selection being on the ground of "proved merit & ability"- *Vide* Rules.
8. With every probability of exemption, elected to pass the Standard Examinations & passed them in time.
9. After a short interval for necessary correspondence, confirmed in the Civil Service in September 1884.
10. Appointed a Fellow of the University and elected by the Syndicate to the Board of Studies.
11. Passed for High Proficiency in Canarese and Persian and for Honours in the former.
12. In the U. C. Executive Service might have been now a Deputy Collector of 10 years' standing or in the Judicial Service a Sub Judge of some 8 years' standing, expense of life being very much less.

13. Unlike other Statutories adopted such habits ^{mode of} life as could command the regard and respect socially of European colleagues *solely as a means of official success* and not for the sake of novelty.
14. Have had in consequence to meet the social demands of two communities.
15. Being of more than 11 years' standing in the Service gets barely Rs 500 a month.
16. Two boys in Bangalore for education with a house, a carriage and an establishment of servants, costing in all not less than 200 Rs.
17. More pay an absolute necessity. If no relief forthcoming, search for better paying employment elsewhere indispensable, though on other considerations including those of gratitude to present employers, very distasteful.
18. As for capacity and fitness, the Hon'ble Sir Philip Hutchins and the Hon'ble Messrs. Stokes, Garstin and Grose and others to be referred to.

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Manaparai, Trichinopoly District
/ 3 - January 1892.

To

His Excellency

The Right Honorable

THE GOVERNOR IN COUNCIL

FORT ST. GEORGE.

The humble Memorial of **Mir Shujaet Ali Khan** of the Madras Civil Service.

Most Respectfully Showeth,

That the promotion of your Excellency's Memorialist, temporary and permanent alike, was, up to his appointment as Acting Sub-Collector in Salem in 1890, regulated according to his service from the date of *admission*.

That your Excellency's Memorialist is now given to understand that his service is, for the purpose of promotion, to count from the date of his *confirmation*.

That, in consequence of the above departure from the rule hitherto followed, your Excellency's Memorialist was made to vacate his acting appointment as Sub-Collector in Salem while one or two of his Juniors were acting as Sub Collectors; and that he has since been passed over on several occasions in favor of some of his Juniors who were confirmed as Head Assistants after your Excellency's Memorialist had been confirmed as such, and of others who have not even attained to the rank of Head Assistant.

That your Excellency's Memorialist is referred to G. O. dated 29th September 1890 No. 662 Public as the authority for the recent change in the rule of promotion.

That the order of the Government of India read in the above G. O., in defining "the relative claims of all those classes which will in future be eligible for appointment to the scheduled offices", states that "the claims of Civilians who passed the Competitive Examination in or before the year 1879 must be satisfied before the question of promoting any Statutory Civilian, whether he elects to retain his present position or enters the Provincial Service, can be entertained", and that "the Civilians of succeeding years are equally entitled to have their legitimate claims to promotion safe-guarded by providing that the extent to which promotion in the listed posts may be given to Statutory Civilians and Members of the Provincial Service combined shall not, except in the special circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of 12th September 1889, exceed the extent to which, at the time of their recruitment, Statutory appointments might have been made under the rules of 1879".

That Your Excellency's Memorialist respectfully begs to submit that the above order of the Government of India is unjustifiable in as much as the gentlemen who offered themselves for recruitment in 1879 did so with the knowledge that under a Statute the Government had power to appoint Natives of India to listed offices without limit of number.

That Your Excellency's Memorialist begs, however, to submit that it is not so much against the above order as against the interpretation that is placed on it that he now appeals.

That Your Excellency's Memorialist with due deference begs to submit that the concession made in the above order in favor of the Competition Civilians cannot be any authority for a general rule that the service of the Statutory Civilians shall, for the purpose of promotion, count from the date of their confirmation.

That the extent to which the order of the Government of India restricts the action of Your Excellency's Government is that the Civilians who passed the Examination in 1879 and signed the covenants in 1881 and their seniors shall be promoted in preference to Your Excellency's Memorialist and that the proportion of the Statutory Civilians shall not exceed the limit contemplated in the rules of 1879.

That Your Excellency's Memorialist was admitted in December 1881 and that therefore his promotion according to his service from the date of his admission does not affect the promotion of the Civilians of 1881 and of preceding years.

That, so far as the concession made in favor of such Civilians is concerned, the question of the promotion of Your Excellency's Memorialist remains, thus, unaffected by the above order of the Government of India; nor does the concession made in favor of the Civilians of succeeding years affect that question, as the restriction in their case relates to *numbers* but not to *grades*.

That your Excellency's Memorialist most humbly and respectfully prays that Your Excellency in Council may be pleased to rule that his service, which for pension and leave counts from the date of his admission, shall, for promotion also, count, as it did up to 1890, from that date.

That Your Excellency's Memorialist begs to submit that in making the above prayer he is praying merely for the restoration of a rule which has, owing to an unwarranted interpretation of the order of the Government of India, been changed.

That should Your Excellency in Council be, for any reason, unwilling or unable to rule as prayed for, Your Excellency's Memorialist further prays that Your Excellency in Council may be generously pleased to consider whether Your Excellency's Memorialist deserves to be promoted under paragraph 21 of the Secretary of State's despatch of 12th September 1889.

That Your Excellency's Memorialist, as in duty bound, shall ever pray.

Your Excellency's humble Memorialist.

Muhammad Ali

SECRET
16 JAN 57
GOVERNMENT

My dear Price

H.E. would be
obliged for a note re such
removal from his share
who knows. It is his
return
Yours truly
C. Marshall



23^d January 2

My dear Mac Carlin,

I enclose, as req^d
in your ltr. of the 14th, a note re
Mr. Sugaat Ali's Memorial.
Similar Memorial has been
in the office. C. No. 131.

The papers are sent
to H. E. first as the matter is
particularly one of appointment.

Yours sincerely
H. E. S. S. S.

Manaparai, Trichinopoly District
January 1892.

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Your Excellency's humble Memorialist.

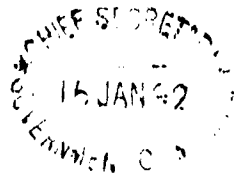
CURRENT NO

Public Depth

29/9/90 20662 Post

From

The Coll^y of Trichinopoly



To The Chief Secretary
to Govt.
Fau de George.

Dated 14 } January 1892
Recd 15 }

Encls: 2 cc. of memorial

Forwarded
Howeloh

14 January
1892.

Forwarding a memorial from
Mr. Mir Shujat Ali Khan
in regard to the rule of Country
service for promotion

C.No. 141-Memorial from Mr Mir Shujaat Ali Khan

Mr Mir Shujaat Ali asks--

I--that, for purposes of promotion, his rank in the Civil list may be calculated from the date of his first appointment to, & not from that of his confirmation in the Statutory Service.

II--that, failing this, his promotion under para 21 of the Secretary of State's despatch may be considered.

2 The first of these questions has been raised on previous occasions--please see para 4(c) of Mr Muhammad Raza Khan's letter on page 2 of G O dated 28rd Jany. 1889 No 692, paras 4 & 10 of Mr Manavedan Raja's letter & para 2 of letters from Messrs Rajagopalachari & Varada Rao on page 6 of the same G O.

3 Mr Manavedan Raja, in para 12(d) of his Memorial in the original of G O dated 11-4-91 No 289/90, raised the same point. The Secretary of State, in despatch dated 13-6-91 No 63 Public, stated that the various questions touched on in the Memorials forwarded with the above G O had been fully considered & saw no reason to vary the orders contained in the G O.

Page 31 of G O dated 4th June 1890
No 401

It does not appear that by the rules anything can be done as regards altering the memorialists' position on the list although it is not apparent why he is placed below Muhammad Raza Khan. The question then remains as to whether he should be granted a personal allowance. This involves a question affecting the general body of Statutory civilians, & the basis on which their scale of payment rests, and the matter be brought up in Council.

G O dated 5th August 1891, No 695.

Note

... have ... as do ... jaal ...

the papers that gave rise to the change whereby Statutory & Covenanted Civilians were ~~shown~~ ^{shown} separately in the Civil list will be found in the original of G O dated 13th August 1889, No 699. The practice previously had been to exhibit both classes of officers in one list, ranking Statutory Civilians by date of first appointment. This being considered to be opposed to the instructions of the Govt. of India, as contained in Home Dept. Resolution dated 29-12-79 No 59-2324-29, the Acct-Genl was requested in Memo dated 25th July 1889, to make the change referred to above. At the same time the Govt. of India was addressed regarding the promotion of Statutory Civilians, & though no ^{separate} reply has been received to this letter, the ruling in Home Dept letter extracted in G O d/ 29th Sept 1890 No 662, which fixes the date of confirmation of a Statutory Civilian as corresponding with that of arrival of a Covenanted officer, has been accepted as settling the question for the present & till the future of the Statutory Service is definitely decided.

5 Mr Mir Shujat Ali contends that a mis-interpretation has been placed on the instructions of the G. of I. It is submitted that the construction placed on the ruling by this Government is the

- prints
G O dated 30-4-80, No 636.

only possible one. The action of this Govt has been, moreover tacitly confirmed by Secretary of State's despatch in G.O. d/ 5-8-91 No 688. From the examples given by the G. of I. in the letter extracted in G.O. of 29th Sept, it will be seen that

the claims of C D & E, Statutory Civilian confirmed in 1881, 82 & 83, are, subject to certain conditions, to be preferred to those of Members of the Indian Civil Service who passed the Competitive exam. in or after 1890-i.e. those who joined the service in or after 1882. It is thus apparent that the intention of the G. of I. is that, except under special circumstances, the date of confirmation of Statutory officers & that of arrival of Covenanted Civilians are, for purposes of promotion, to be taken as equivalent.

The papers regarding the transfer of Mr. Shujaat Ali from Hosur, to which he refers in para 3 of his Memorial, will be found in G.O. R-No 36 dated 12-1-91.

Mr. Shujaat Ali's second request is submitted for orders. and for His consideration when there is any opportunity for promoting Mr. Shujaat Ali.

to his first request - D add to what is said above. The question

I do not agree with the view that the intent of the Govt of India is that the date of confirmation of Statutory Civilian is that of arrival of Covenanted Civilian. The case of D who was confirmed in 1882, though he is not confirmed until a year after. The case of E who was confirmed in the same year as D is also to be preferred, tends to strengthen this view. I consider therefore that the Govt of India should be guided from its reply to this Govt's letter of Augt. 87. That letter says all that can be said for the Covenanted Civilian & very little it amounts to, in my opinion. It says that whatever on the Statutory Civilian's side of the case. I continue to hold the view that the decision of 1889 was surely unjust to the Statutory men. The competition men are not in any sense on probation during their two years in England; they have completed their training & admission, and are not admitted till the final examination & these are in India. They are strictly on probation afterwards until they complete their training and pass their examinations; and during this period their position is precisely analogous to that of Statutory Civilians on probation. They are subject to the same liability as to further qualification, they do the same work, and do precisely similar work; and it is, in my opinion a gross injustice that the time should be taken for promotion in the case of Statutory Civilian.

1
2
3
4
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6
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8
9

Gent. (including their Ex^{cs} the four & the Commander in Chief) except the Hon. Mr. Stokes considered that the unfairness lay in the practice then existing of counting as permanent service qualifying for the promotion of Statutory Civilians a period during which they were merely on probation & in ordinary circumstances as ignorant of their work as the young Englishmen at home during their two years of probation. To go back from the decision then arrived at would necessitate a volte face, for no reason that are apparent, of the Madras Gent., the Genl. of India & the Secretary of State.

Mr. Duple Ali Khan's ~~subordinate~~ services have in it submitted 25% been of an exceptional character
23/1
23 Jan 4.

Letter to Shujaat Ali c/o to Statutory Civilians in general, and I think it is as unnecessary, as it would certainly be unavailing to raise that question
Mr. Mir Shujaat Ali Khan's Mss
Memorial.
27 Jan

(7)

and it might be added) as the young Englishmen are during the two years on the average of their training in this country after their arrival, when equality with statutory civilians they are on probation in the sense that they are liable to removal if they fail to qualify. In the case of the young Englishmen the period counts for promotion; and it is a legitimate gain of the Statutory Civilians that in their case it does not. It is more than a grievance; it is an injustice.

Md.
27 Jan.
India the Sec^y of State have made no deliverance on the subject.
Mss
They have been better than their word that "...

* Mss
Please see to 2 of Note for Order in 2d.
23/1/91 India Letter of 8th August 90.
no. then received a request of Govt. to collect
the point. In para 12 of the Order of 20/7/90
the construction was given...

Mir Shujat Ali Khan
Memorial
 C. N. 131

I disagree with my hon.
 Colleague, Mr. Stokes, that
 it goes without saying that,
 as the illustration given
 by the Govt of India in
 his letter of 8th Aug^r 1900,
 D is senior to A. in
 civilian charges in 1882.
 It is signed whether
 the civilian is ^{signed his name} or not.
 D was confirmed or after.
 In the present case this
 point is very important
 for the memorialist was
 only ~~confirmed~~ in Dec^r 1901
 and consequently calling
 he confirmed in Dec^r 1903,
 consequently he holds under
 his reputation from the
 Govt of India in 1901
 to be civilian also arrived
 in 1903. D is the hypo-
 thetical case was confirmed
 in 1902 - If he was confirmed
 in Jan^r 1902 he is probably
 senior, but if in Dec^r 1902
 probably junior, to be
 civilian to senior in
 that year. As to E.
 I must for announcement
 the construction put on the
 Govt of India's letter in
 regard to him by my hon
 Colleague - That D would

He was confirmed in
 27 August 1880.

Assume that D. was confirmed & A.
 arrived on the same date in '82. D.
 according to India is to be superior. The
 presumption was admitted to the
 service in '80.

The words are surely as plain as they
 can be. E. (Stat^o Car). confirmed in '82
 is to be preferred to A. arrived in '82.
 This means, if it means anything, that
 E's seniority dates not from his confir-
 mation, but from his admission which
 was presumably in '80. W.L.

33

from other 2. he is doctor.
now have let if he had
decided the Prov. Service
the question then arises what
he needs promotion under
the terms of the 21st Para
of the Army Act's Disposal.

It is perhaps a matter for
regret, if the idea of this is
the connection, that he
has not yet done
up an authoritative exposi-
tion of the advantages the
2nd course by joining the
Prov. Service. I have
asked to explain the
position to the Hon. Secretary
in writing before the end of
1899 - but I am not sure
that any has been done
beyond sending them
copies or extracts of the
papers to read & consider
for themselves.

I don't know what ~~importance~~
possibly any not decision of
1899 may have: Colleagues refer
to - because if he became
Hon. Sec. the Hon. Secretary may have
to be promoted with
reference to the date of
his confirmation, the
better one which he
desires to consider & get
decided, ^{as the} ~~rather~~ for a
further reference to him
to that subject to reply my
reply to Para 7 of his
Govt's letter of 13th Aug 1899.
18609. The Hon. Secretary
has not yet replied
to this, in my opinion,

The question was decided in
the Hon. Sec. in Q.O. 17 11. 90
No 778.

The decision of the Hon. Sec. to count
their seniority from the date of their confirmation
and from that of their admission.
This decision has been acted on since '89
it is well contained that it has been
confirmed & approved by the Govt of India
& the Secretary of State. I say it has not
& therefore I have had to ask for an explicit
declaration on the point.

1660

Reference to P. 3 of Note for Order of G.O. 6112
P.O. 25.1.91 also C.O. 12 of Note for Order
G.O. 778 of 11-11-90.

33

ccs

44.

1.66

166

but it was at the hands of
 a former part of Hudson
 which appointed the Statutory
 civilians to the number of the
 Hudson Civil Service under
 a separate list - as
 officers holding off to command
 the number of that service -
 This was led to be set
 right subsequently and
 the chapter of the Statutory
 has been - ~~but not necessary~~ the
 attraction has materially
 increased the difficulty of
 disposing of cases of claims
 for promotion like I present
 one.
 I have no objection to the fact
 of Hudson being again asked
 for entry to the question
 put in para 7 of our letter
 of Aug. 13th 1909. No 89 -
 but I cannot shake them
 with the Hon. W. Stoker in
 his assertion that until
 Commissioned civilians have
 passed ^{the} their ^{preliminary} exam,
 their position is ~~statutory~~ ^{precisely} analogous
 to that of Statutory civilians
 "on probation". On the
 contrary, there is a very marked
 difference between the position
 of the 2 sets of officers. The
 Commissioned civilians & their
 Majors to Fort. have entered
 into a war or less volume
 than the equivalent holding
 them in their relations to
 each other during the time

the commented civilian
has been in India.
but nothing of this sort
is to be taken the force
the statutory civilian.

The commented civilian
is considered fit for the
service upon receiving
his certificate & that
is the final act which
constitutes him a member
of the Civil Service and
he dies in India with
credit of his ~~service~~
and his payables are
being reported to the
proper authorities as a member
of the Civil Service his
widow & children (if he
has any) should be
privileged to draw per
centage from his practice,
but nothing of a cognate
character. He is in
possession of a statutory
civilian. He is in the
act of admission
on probation because he
is not a member of the
service ~~as such~~.

No other commented civilian
are liable to be removed
from it & to be removed
known if they do it
from then - but there is
no sanction of the force
down any other
authority to give them
a new & improved
status of position in
the service as in the
case of probationary
statutory men. In the

Its place is taken by the provisions
of the Statute & the rules framed thereunder

No, but because he is not a subscriber
to the Civil Funds.

Precisely.

I differ. They are admitted
then first appointed.

Yes
326.

case of the commented
civilian this quasi-
probationary stage is passed
though, as a necessary result,
after he has been admitted
to the service, while in the case
of the statutory man it is
passed through before they
are admitted to the service.
I am rather of the opinion
for the admitted state.
There is no, in my opinion,
little or no analogy at all
between the position of the
2 classes of officers, & so
for from concluding that it
is a gross injustice that
the term ~~probation~~ should
be used for probation in the
service in the one case
& not in the other. I
think it is a ~~gross~~ ^{great} injustice
in justice to the commented
civilian if that were the
rule.

I agree that it is not
necessary to run the risk
of a personal attack on the
Memorialists or any other
statutory civilian & that it
is quite futile to attempt to
raise it.

I agree with my hon. colleague
that the Memorialists to demand
have been better than those
opposed to statutory civilian
if it has not for the recent
promotion of Ramesh Chandra
Agar to a Dist. Judgeship
& that he declined to ^{urge} ~~accept~~
a special remuneration in
honour of his Rajast

Alkhan to the Govt of India
 under the Order of 1889
 21 of the Govt of India
 despatch - J.H.G.
 20/1/92

The Govt. who says that the question
 of the seniority of Statutory civilians
 is settled in accordance with the
 ruling of the Govt. in 1889, by the letter
 from India quoted in the letter.
 I say that the letter goes against the
 ruling rather than with it.
 The matter must go again to the
 Government.

J.H.G.
 20/1/92

Re-submitted as directed by the L.T.C.
 the Govt.

The papers have been retained for a
 few days in order to make an examination
 of the method in which the Statutory
 civilians in other Provinces are
 dealt with in the matter of promotion.

The result is as follows

In Bombay and the Punjab the position
 of S. civilians for promotion is taken
 the date of first appointment.
 In Bombay they are carried on the
 same list as Commissioned civilians &
 numbered with them.
 This is the only Province in which this
 is done. There is no separate list of S. civilians.

In the N.W.P. & Oude the positions
 of S. civilians for promotion is fixed
 according to date of Commission.
 They are shown in the general list
 of civilians but the names are not
 numbered and they are not numbered
 and there is a separate list.

In Bengal it is not clear what the
 rule is. There are 14 S. civilians
 in this Province two of whom are
 still probationers. In the case of

I must say I cannot see any
 difficulty in reading the letter of the
 Govt. of India Aug. 8. 1890 - on the
 point discussed by hon. members -
 as though the position of the respective
 officers are defined by illustration, and
 not by direct citation. Still the illustration
 is so clear to my mind, that I do not
 quite see ^{that} it would serve any good
 purpose to ask India - in point of
 fact - if they mean what they say.
 But as some doubt appears to
 rest in the mind of the hon. Mr.
 Stokes, I have no objection to India
 being again asked to clear up the
 point - answering our letter Aug. 13. 1889.
 I do not follow the hon. Mr. Stokes
 in his notes on the first page of the
 hon. Mr. Parson's note. I understand
 that A does not enter into these
 calculations at all, as he is a

Print up. P. 36 37.

Some out of the twelve men who have
been confirmed, promotion has been ~~referred~~
to ^{higher} Government. Others have been reported
by the date of confirmation. Another case
No. 10 on the list is already one on the
ground of special merit. There may have
been special grounds for the promotion of
the other four - two of these it will
be assumed hold special appointments.
They were not promoted according to date
of fresh appointments.
The list list of the names alluded to
above are submitted.

11 Feb.

I note that the Statutory
Civilians are entered in
Bengal, in separate list
headed "B. Statutory civilians"
who, though not members of the
"common law service" hold app'ts.
"connected with" the service.

25/2/52

Civilian who passed the competitive
examination in 1879, and has to be
preferred in all cases to any statutory
civilian. So as I read it, he should be
left out altogether, as ^{he} ~~that~~ ^{he} ~~can~~, under
the ruling, never have a statutory civilian
preferred before him.

W.
13 Feb.

With reference to the passage I have written
in the margin of H.E.'s note. I observe that
A in my note is not the A in the 1st
illustration. The former is stated to have
served in '82, i.e. to have been selected in
'80. The latter was selected in '79, ~~admitted~~
in '81, & is said to have been in no service.
It would have been better if I had noted
some other letter to designate the man
removed from England in '82.

The 12/5 of India will probably be that
as these men remain Stat. Civils. They
have no claim at all to promotion. Have
any with Indian Civil Serv? And that
in fact is the real question involved
there.

16/8
17 Feb.

W.
18 Mar.

28/2/52

Miss Stuart Allen

Personal

11/2

Resubmitted to the Hon. J. Stokes, C.S.D.
With reference to H.C. the Governor's note.

14/2
In answer to Garsden
C.S.D.

18/2

R. 26/2

C. No. 131

Order. 7 March 1890

The Govt. of India will be addressed.

A/57

Letter - to the Secretary to the Govt. of India, Home Dept.

Sir,

I am directed to invite attention to my letter, of 13th August 1889, No. 689 Public, on the question of the promotion of Statutory Civilians.

2. Since the date of that letter the Covenanted and Statutory Civilians in this Presidency have been separately exhibited in the Civil list and the service for ordinary promotion of the latter class of officers has, relatively to that of Covenanted civils, been calculated from date of confirmation & not from that of first probationary appointment. An examination of the Civil lists of other provinces shows, however, that this system is not adopted throughout India. In Bombay & the Punjab the position of Statutory Civilians for promotion appears to be calculated from the date of their first appointment, and in the former Presidency there is but one

W
5 Mar.

H.C.
2 Mar

St G
3/3/90

List for Statutory and Covenanted officers -
a practice which does not obtain
elsewhere. In the N. W. Provinces &
Oude Statutory Civilians are apparently
promoted according to date of
confirmation, being exhibited both
in a separate list and by un-
numbered italic entries in the
general list. In Bengal again
whilst they are exhibited in a
distinctly separate list, their
promotion, so far as can be seen,
has not been regulated on any
uniform system.

3. In view of these circumstances
I am to request a definite ruling
on the point raised in para 6 of
my letter quoted above.

(From Orders)

1/2
1/2

Cd
27/2

1/2
1/2

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

*dispo
10/3/92*

A A

N.B.—

A = Copy in full.
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