

22-8-03 ✓

ORDINARY, PRINTED.

Public DEPARTMENT.

G.O., DATED 14-1-13

Nos 762 }
763 }

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Despatched in print.

[Despatch Abstract.]

Statutory Civilians

Informing the
Govt of India that the practice
in force prior to 1890, under which
— were ranked with Indian
Civilians according to the date
of their first appointments shall
be reverted to.

For Letter.

Packet - Same as above, but omit
"The Govt of India"

Gobt. of {1893} Madras.
PUBLIC.

Issued

Read.

Encl.

G.O., &c., 14th September 1893,
Nos. 762, 763.

SEPTEMBER.

Statutory Civilians.

Informing the Government of India that the practice in force prior to 1890, under which — were ranked with Indian Civilians according to the date of their first appointments, should be reverted to.

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No.

ENCLOSURE.

CURRENT No.

2382 - 2

STATEMENT WITH DITTO.

ORDER, &c., OF GOVERNMENT - A.

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(not paged).

NUMBER OF COPIES
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Order complete. 30
Letter only. 30
Order complete with Letter. 30

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

BACK PAPER, No.

OF 15

FURTHER PAPER, No.

1226

OF 15

21370694

sent this soon
Wm. 66 16/9

5. I am directed to say that the Government of India will have no objection to modifying the recent orders and restoring the previous practice, under which Statutory Civilians were ranked according to the date of their first appointments, if the Governments of the Provinces in which this practice was in force before 1890 are of opinion that this should be done. I am to enquire if His Excellency the Governor in Council is of opinion that the former orders should be reverted to in the case of Statutory Civilians in the Madras Presidency who have not been transferred to the Provincial Service.

6. I am to explain that this change will not affect the Provincial Service scheme except so far as the Statutory Civilians are concerned. As regards members of the Provincial Civil Service the transfer of posts to that service will take place according to the orders in paragraph 2 of my letter of the 27th May 1892, at the rate of one-sixth of the posts recruited for in each year after 1881.

7. It should, of course, be understood that the orders in my letter of the 27th May 1892 regarding the promotion of Statutory Civilians, and those in the concluding paragraph of this department's letter of the 14th February 1890, will still remain in full force; except in the case of short acting vacancies, which are usually filled by an officer on the spot, or one who can conveniently be spared from other duties, no appointment to a district headship or judgeship will be made in the case of a Statutory Civilian unless he has proved himself thoroughly fit for the promotion.

8. I am to request a very early reply to this letter. The Government of India would be glad if the substance of the reply could be reported by telegraph in advance.

ORDER—dated 14th September 1893, No. 762, Public.

The following telegram will be despatched to the Secretary to the Government of India, Home Department, Simla :—

“Your letter, 28th ultimo, 1202, Public. This Government considers that the previous practice under which Statutories were ranked according to date of first appointment should be reverted to.”

(True Extract.)

J. F. PRICE,
Chief Secretary.

LETTER—to the Secretary to the Government of India, Home Department, dated Ootacamund, 14th September 1893, No. 763, Public.

I am directed to confirm the marginally-noted telegram despatched this day in

“Your letter, 28th ultimo, 1202, Public. This Government considers that the previous practice under which Statutories were ranked according to date of first appointment should be reverted to.”

Indian Civilians according to the date of their first appointments, should be reverted to in the case of such of them as have not been transferred to the Provincial service.

2. I am to point out that Indian Civilians are not appointed to the service at all until they have completed their final examinations in England as well as the competitive examination; that they are formally gazetted as admitted to the service only on arrival in this country; that their probation begins on their arrival and that, though they are not confirmed by formal order, they are strictly on probation and liable to removal from the service until they pass their departmental examinations. Their position after arrival is precisely similar to that of Statutory Civilians after first appointment as probationers, and, in the opinion of His Excellency in Council,

seniority in both cases should count from the commencement of pensionable service, i.e., from date of arrival and admission to the service in the case of Indian Civilians and from date of first appointment as probationers in the case of Statutories.

3. For these reasons His Excellency the Governor in Council agrees with the views expressed in paragraph 4 of your letter under reply and considers that the deduction of two years on account of probation from the seniority of Statutory Civilians as compared with Indian Civilians should be set aside.

J. F. PRICE,
Chief Secretary.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From C. J. LYALL, Esq., C.S.I., C.I.E., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, the 28th August 1893, No. 1202.

In paragraph 11 of this department's letter, No. 300, dated the 14th February 1890, and subsequent correspondence on the same subject, it was decided that the claims to promotion of a Statutory Civilian who elected to retain his present position should only be considered after the claims of Indian Civilians whose covenants bear dates previous to that of his confirmation had been satisfied; or, in other words, that Statutory Civilians should take rank for promotion relatively to Indian Civilians according to the date of their confirmation and not that of their first appointment. This decision has been given effect to in the Madras Presidency.

2. It has now been represented to the Government of India by two of the Local Governments concerned that this decision has caused much dissatisfaction among the Statutory Civilians; and that, in the opinion of the Local Governments referred to, it involves hardship on them in provinces in which they were up to 1890 ranked with Indian Civilians according to the date of their first appointment on probation. The Local Governments suggest that the former arrangements should be restored, and that the claims of Statutories to promotion as compared with Indian Civilians should be considered with reference to the date of their first appointment.

3. I am to explain that the grounds on which the decision of February 1890 was based were, first, that while the appointment of Statutory Civilians in India began in 1880, the reduction in the recruitment of Civilians in England to make room for the Statutories in the grades of the Civil Service was not actually commenced till the open competition of 1880 (the candidates selected at which came out in 1882), the candidates selected in 1879 and former years having been recruited to fill the full proportion of the vacancies for which Civilians were required; and, secondly, that a Statutory Civilian appointed on probation in any year was on the same footing as an Indian Civilian appointed as a probationer for the service after passing the open competitive examination in that year, and that both the Statutory Civilian and the Indian Civilian should take rank with effect from the date on which they emerged from the probationary stage—the latter from the date of his covenant and the former from that of his confirmation.

4. On the other hand, it is urged that Statutory Civilians in certain provinces were—rightly or wrongly—ranked with reference to Indian Civilians up to 1890 according to the date of their first appointment on probation, and that the recent orders directing that they should be ranked according to the date of their confirmation have had the effect of retarding their promotion, and have, in this respect, deprived them of advantages which they had in practice previously enjoyed. It has also been pointed out that the probation of a Statutory Civilian differs from that of an Indian Civilian, in so far as the former was actually at work and rendering pensionable service during his probationary period.

in force prior to 1890, under which Statutory Civilians were ranked with Indian Civilians according to the date of their first appointments, should be reverted to in the case of such of them as have not been transferred to the Provincial Service.

2. I am to point out that Indian Civilians are not appointed to the service at all until they have completed their final examination in England as well as the competitive examination; that their probation begins on their arrival and that, though ~~they are not formally~~ ^{by formal order} confirmed, they are strictly on probation and liable to removal from the service until they pass their departmental examinations. Their position after arrival is precisely similar to that of Statutory Civilians after first appointment as probationers, and, in the opinion of H. E. in Council, seniority in both cases

should

that ~~their~~ they are formally gazetted as admitted to the ^{only} service on arrival in this country;

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should count from the commencement of pensionable service - i.e. from date of arrival and admission to the service in the case of Indian Civilians & from date of first appointment as probationers in the case of Statutory Civilians.

3. For these reasons H. E. The Govt in Council agrees with the view expressed in para 4 of your letter under reply and considers that the deduction of two years from ^{seniority} ~~of probation~~ the seniority of Statutory Civilians as compared with Indian Civilians ^{be at once} should ~~no longer be made~~.

C.S.
11/9

11/9/93

4/10/93

I am replying to the telegram a letter to the Gov^t of India alluded to in this note. I think the 2 years probation passed in England by probationers for the Indian Civil Service (as shown by the articles of agreement executed between them & the Gov^t of State) is exactly analogous to the 2 years of probation passed by probationers ~~in probation~~ before confirmation. That service for pension & seniority in the Indian C.S. is both done & counted for the 2nd of final app^t. I think Para 2 of the letter to India of Sept. 16th /93 N^o 763 is wrong in its allegation that C.S. probationers are on probation until they pass their departmental examⁿ.

I am bound to admit that on re-consideration
the passage alluded to somewhat overdoes the
natural facts of the case, in my opinion.
But better might be said, "if any one is injured
totally - he can turn up for himself."
Resubmitted. It is for personal
of the note of the Hon. Sec. L. D. Foster

Cire
x x x ^{h q s s} ~~perhaps~~ certain during
it and to prove this pitiable
remains in the service. The
one-sided character of the Indian
civilian command, as
before it the law binding on the
Leg of State when he is bound
at all by it, as justifying the
breaking of Indian civilians with
injustice. 107/107/90 L.H.

I consider that the term probation is quite properly applied, ^{to} the case of Covenanters, viz. to a period in which they are still under training for the performance of their duties, & during which they are required to pass certain tests of fitness, failing which they are liable to removal from the service. The covenant, as everybody knows, is a unilateral contract

186
17 Oct.

Civilian ~~and~~ ^{To the P.C.S.} ~~after~~ after coming out to this country have not got things through a resolution to force them fit men to enter the service as Statisticians had to do - & it was a gross act of injustice to the Government when that the Statisticians did leave has allowed to count their 2 years of probation for pension. This was the only mistake - but for which the present question of Pension had arisen. After entering the Service the Statisticians had to

xxx

Order. 14th Sep 1893. *original*
No. 762. *Sept 1893*
The following telegram will be
despatched to
Home, Simla

* Your letter 28th ultimo 1202
Public & This Government considers
that ^{the} previous practice under which
Statutories were ranked according
to date of first appointment
should be reverted to.

Deep withal
23/9/98

* [H. E. Lelsgorn]

Dear
Liam reports to the
telephone number
I.H.F.
13/9/93

(seen by J. A.)
14/9/78

Public Department

No. 763.
Letter to the Secretary to the
Gov. of Russia,
Heron Dept.

Sir,

I am directed to confirm the marginally-noted telegram in ~~which~~⁺ despatched this day in reply to your letter of the 28th ultimo, No 1202 Public, in which the opinion of H. E. the Governor-in-Council was requested as to whether the practice

Competitive Examination only
+ that it is expressly stated
that I shall receive an
appointment to the Civil Service
if I satisfy the Examiners
at the periodical Exam. held
in England & am otherwise
qualified according to the Regu-
lations of the Civil Service
Commissioners.

The second paper is a
Certificate granted after
my final Exam^{on} in England
that I have been appointed
a Member of the Civil Service.
The third paper is a copy of
Mr. Gillman's Covenant; I have
not got my own Covenant by
me. I beg to point out that
there is not a single word
in this Covenant about pro-
bation. On the contrary it
begins by reciting that the
Covenantor has been appointed
a Member of the Civil Service
& goes on to say that the
Covenantor's service is to
continue during the pleasure
of Her Majesty, Her Heirs &
Successors, to be signified under
the hand of the Sec^y of State for
India. Then follow the articles
of agreement which contain
a stipulation that the Covenantor
shall obey all such orders
relating to himself or his conduct
as he shall receive from the
Sec^y of State in Council, or
the Gov^t of India or any person
who shall have lawful authority
to command him. It is under
this general stipulation that

a Civilian is bound to pass
the Exam^{ns} prescribed as
tests by the Gov^t in India
& as doubt, if he persistently
failed to pass the Sec^y of
State could remove him
on the ground that he had
not fulfilled the terms of
his Covenant.

But if it be held that this
fact reduces the position
of a Civilian to one of
mere probation, then I
submit, it is just as
reasonable to hold that
a Civilian is on probation
during the whole course of
his service because at
any time he may be dismissed
by the Sec^y of State for
breach of his Covenant.
This however is not the
position to which the words
"on probation" usually
refer & a glance at the
Covenants of Educational
Officers who really do come
out on probation will show
how different is the position
of Covenanted Civilians; to
illustrate what I mean I
would invite attention to para-
6 of the Covenant printed in
G.O. Dy 21 Feb. 1889, N^o 100, E.O.
I have not drawn up a formal
Memorial on the subject because
the decision of Gov^t to which
allusion is made is not yet
public property. But I should
be much obliged if you would
see if you could lay this before the
Hon. Members.

4
26 Sept.

Note for C.S.

I beg to invite attention to what appears to be an error in para. 2 of Letter of 14 Sept. 1923, No. 763, Pnt., to the G. of I.

It is there stated that Covenanted Civilians are strictly on probation & are liable to removal from the service until they pass the Higher Standard Examination in this country. On this ground the Govt. has decided that Statutory Civilians ought to take rank from the date of first appointment on probation & not from the date of confirmation.

I venture to submit that the Govt. has overlooked the fact that Civilians appointed in England receive a covenant by which they are guaranteed their appointments & which contains no allusion to their being on probation.

As I am one of those who will be affected by the recent decision of Govt.

I trust that I may be excused for bringing the matter to notice.

I enclose three papers.

The first of these is my "Articles of Agreement as a Probationer for the Civil Service of India."

I beg to invite attention to the fact that these Articles are declared to endure for the space of Two years from the date of passing the

but there can be no doubt that the
Probationary Civilian have had very hard
measures. They had very different prospects
than they now have held out to them
when they entered the service and there
is reasonable ground for their dissatisfaction.
There are only six of them left in the
service and giving them the concession
for the two years will not make
any appreciable ^{real} difference with regard
to the promotion of Indian Civil Servants
which will in future be very rapid.

HP
4/9/93

I have always considered that the Statisticians
have been badly treated, and I am sure that they
feel to be.

I am very glad to find that the Govt. of India are
now disposed to reconsider their position, and I also
quite agree with their para 4. & would reply in
the affirmative to para 5.

I think that it is rather confusing to apply the
term probationers to Probationary Civilians while at
the same time and to Statisticians during the period
between their first appointment and confirmation.
Because it is the fact that even after they have
commenced their service in India they are still
probationers in the ^{strict} meaning of the term, while
Statisticians after their confirmation have ceased to be
such.

I thoroughly concur with the views taken by Sir A.
Stokes on this subject.

W
10 Sep.

Pub 40762-755/14/9/93

(1) that the ~~present~~^{existing} rule has had the effect of retarding the promotion of students and has depressed them

Uls
82p.

I do not agree with Para 4 of the
 letter from the Govt of India &
 reply to Para 5 in the negative.
 These out of the 4 members of Lord
 Curzon's committee felt free in favour
 of trusting the 2 years of a State
 Army civil and service on probation
 as equivalent to the 2 years
 spent ^{in England} by a civilian (I suppose)
 the open competition exam. The
 mistake was allowing the 2 years
 of probationary service in the former
 can count for pension - ^{yes and} the question

Ц.о.

Heo

What is said above may be true

222

Current No. 2800

From The G. of I.

Dated 28 August 1893

FOR ORDERS.

Before being sent to the G. of I. the papers should be referred to the Secretary of the Public Department.
9/9/93

I want to see the originals of the papers quoted in this note.

U.S.
Slep.

NOTE

The Original papers have been procured from Madras and are submitted as directed.

marked

9/9/93

I was not a party to the letter 13 Aug 89 No. 689, & beg to refer to my note attached with the original papers. I think that the deduction of two years from the service of Statutory civilians as compared with Indian civilians was exceedingly unfair. The point is quite independent of the question, which was the one chiefly dealt with in the letter quoted, whether the names of the Statutories should be shown in a separate list or not; and the argument in para 2 of the letter that Statutories while on probation were to rank below Statutories who were confirmed, the latter were to count seniority only from the date of confirmation is quite unfounded.

Covenanted civilians are not appointed to the service at all until they have completed the final examination in England as well as the competitive exam; their probation begins on their arrival; and though there is no formal proceeding for their confirmation, they are strictly on probation.

With reference to the point raised in the present current, please see Public letter of 13 August 1889, No. 689, in which an opinion was expressed in favour of promoting Statutory civilians for promotion, relatively to Indian Civilian according to the date of their confirmation. The argumentation to this letter. No direct reply was received from the Govt. of Madras, but the point is now considered to be settled by the announcement of the Govt. of India in para 11 of its letter of 14 July 1893 (page 14 of forwarded file) that the claims to promotion of Statutories, who retained their present position, would come into consideration after those of Indian Civilians whose covenants bore date previous to their confirmation. Prior to August 18,

COMMITTEE NO. 2288

2288

E

From

The Govt of India.

Home Dept

No. 1202

Dated 20th August 1893

Recd 4th Sep^r 1893

~~Unsent~~

Lucie

DEPARTMENT

Regarding the claim to promotion
of Statutory civilians.

in Ref
11. 11. 1893

respect, deprived them of advantages which they had in practice previously enjoyed. It has also been pointed out that the probation of a Statutory Civilian differs from that of an Indian Civilian, in so far as the former was actually at work and rendering pensionable service during his probationary period.

5. I am directed to say that the Government of India will have no objection to modifying the recent orders and restoring the previous practice, under which Statutory Civilians were ranked according to the date of their first appointments, if the Governments of the Provinces in which this practice was in force before 1890 are of opinion that this should be done. I am to enquire if

His Excellency the Governor in Council
is of opinion that the former orders should be reverted to in the case of Statutory Civilians in *the Madras Presidency* who have not been transferred to the Provincial Service.

6. I am to explain that this change will not affect the Provincial Service scheme except so far as the Statutory Civilians are concerned. As regards members of the Provincial Civil Service, the transfer of posts to that service will take place according to the orders in paragraph 2 of my letter of the 27th May 1892, at the rate of one-sixth of the posts recruited for in each year after 1881.

7. It should, of course, be understood that the orders in my letter of the 27th May 1892 regarding the promotion of Statutory Civilians, and those in the concluding paragraph of this Department's letter of the 14th February 1890, will still remain in full force; except in the case of short acting vacancies, which are usually filled by an officer on the spot, or one who can conveniently be spared from other duties, no appointment to a district headship or judgeship will be made in the case of a Statutory Civilian unless he has proved himself thoroughly fit for the promotion.

8. I am to request a very early reply to this letter. The Government of India would be glad if the substance of the reply could be reported by telegraph in advance.

I have the honour to be,

SIR,

Your most obedient Servant,

Chall

Secretary to the Government of India.

Spare copies will follow

CHIEF SECRETARY
24 SEP 93
GOVERNMENT

No. 1202

FROM

C. J. LYALL, ESQ., C.S.I., C.I.E.,
Secretary to the Government of India,

TO

The Chief Secretary to the Government of Madras.

Home Department.
Public.

Simla, the 28th August 1893.

SIR,

IN paragraph 11 of this Department's letter No. 300, dated the 14th February 1890, and subsequent correspondence on the same subject, it was decided that the claims to promotion of a Statutory Civilian who elected to retain his present position should only be considered after the claims of Indian Civilians whose covenants bear dates previous to that of his confirmation had been satisfied; or, in other words, that Statutory Civilians should take rank for promotion relatively to Indian Civilians according to the date of their confirmation and not that of their first appointment. This decision has been given effect to in *the Madras Presidency.*

2. It has now been represented to the Government of India by two of the Local Governments concerned that this decision has caused much dissatisfaction among the Statutory Civilians; and that, in the opinion of the Local Governments referred to, it involves hardship on them in provinces in which they were up to 1890 ranked with Indian Civilians according to the date of their first appointment on probation. The Local Governments suggest that the former arrangements should be restored, and that the claims of statutories to promotion as compared with Indian Civilians should be considered with reference to the date of their first appointment.

3. I am to explain that the grounds on which the decision of February 1890 was based were, first, that while the appointment of Statutory Civilians in India began in 1880, the reduction in the recruitment of Civilians in England to make room for the statutories in the grades of the Civil Service was not actually commenced till the open competition of 1880 (the candidates selected at which came out in 1882), the candidates selected in 1879 and former years having been recruited to fill the full proportion of the vacancies for which Civilians were required; and, secondly, that a Statutory Civilian appointed on probation in any year was on the same footing as an Indian Civilian appointed as a probationer for the service after passing the open competitive examination in that year, and that both the Statutory Civilian and the Indian Civilian should take rank with effect from the date on which they emerged from the probationary stage, the latter from the date of his covenant and the former from that of his confirmation.

4. On the other hand, it is urged that Statutory Civilians in certain provinces were—rightly or wrongly—ranked with reference to Indian Civilians up to 1890 according to the date of their first appointment on probation, and that the recent orders directing that they should be ranked according to the date of their confirmation have had the effect of retarding their promotion, and have, in this

Case 762 914/9

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handed full

190 451
4-6-90