

Public (1897) Department.

ORDINARY PRINTED.

G.O., No. 1057

Dated 17-8-98

[Despatch Abstract.]

Head Assistant's down in the Buddapak Dist

Declaring that the _____
which was converted into a Dy Colln's
post in S.O. No 510 Rev of 21st May 1892,
to the Passed Assistantship transf'd
to the Prov'l Civil Service under S.O.
no 27 Public of 18th Jan'y 1893

1/1/98

BACK PAPERS.

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

FURTHER PAPERS.

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

Government { 1898 } of Madras. PUBLIC.

Recd.

Regd.

} 1898.

Enclosures

Spare copies

G.O., No. 1057, 17th August 1898.

AUGUST.

Head Assistant's Division in the Cuddapah District.

Declaring that the —, which was converted into a Deputy Collector's post in G.O., No. 510, Revenue, dated 21st May 1892, is the Passed Assistantship transferred to the Provincial Civil Service under G.O., No. 27, Public, dated 18th January 1893.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

G.O., No. 297, Revenue, dated 28th March 1892.

ABSTRACT.—Approving Board's recommendation for the redistribution of the Divisional charges in the Vizagapatam district and for replacing the General Charge Deputy Collector by a European Covenanted Officer of Head Assistant Collector's standing as well as for adopting the taluk establishment proposed by the Collector for Palkonda taluk.

G.O., No. 510, Revenue, dated 21st May 1892.

ABSTRACT.—Directing that the Head Assistant Collector from the Cuddapah district be transferred to the Vizagapatam district, one of the Deputy Collectors from the latter district being sent to the former district to be put in charge of the Head Assistant's division.

G.O., No. 27, Public, dated 18th January 1893.

ABSTRACT.—Directing that the present scale of Deputy Collectors' Provincial Service be increased by the addition of an appointment to the fifth class and that M.R.By. R. Ramachandra Rao be gazetted to be a Deputy Collector of that class.

ORDER—No. 1057, Public, dated 17th August 1898.

His Excellency the Governor in Council is pleased to declare that the Head Assistant's division in the Cuddapah district, which was converted into a Deputy Collector's post in G.O., No. 510, Revenue, dated the 21st May 1892, is the Passed Assistantship transferred to the Provincial Civil Service under G.O., No. 27, Public, dated 18th January 1893.

(True Extract.)

G. STOKES,
Chief Secretary.

To the Revenue Department.
" Accountant-General.

NOTE FOR THE CHIEF SECRETARY.

In accordance with the Chief Secretary's instructions, the papers regarding the abolition of the Head Assistant's Division in Cuddapah in 1892 and the transfer of the Head Assistantships of Godavari, Tirunelveli and Trichinopoly to the Provincial Civil Service are submitted.

2 The papers regarding the first point have been tied separately in this case and are

G.O. No. 297 Rev., d/28th March '92
" No. 510 " d/ 21st May 1892

It will be seen that the arrangement then made was that the Head Asst. Collector of Cuddapah should be transferred to the Vizagapatam district, one of the Dy. Collectors from the latter district being sent to Cuddapah to be put in charge of the former Head Assistant's division. From the notes in the orders it would appear that this arrangement was resorted to in order to avoid a reference to the Govt. of India for sanction to an increase to the cadre appointments of the Indian Civil Service. It seems however to be questionable whether the action of the Govt. of ^{Madras} India in 1892 was not ultra vires. The transfer, though it involved no extra expense, did really involve the abolition of an appointment carrying a larger salary than

Rs.250 per mensem and the creation of another appointment of the same nature, and for this apparently the sanction of the Govt. of India should have been obtained. The schedule to 24 and 25

Vic. Sp:54, which recites the appointments which are reserved by law for the members of the Indian Civil Service, mentions the offices of "Asst. Collector" and "Sub-Collector" generally, and the creation of a new Head Assistantship is not incorrect ~~as the schedule covers all Asst. Collectors.~~

as the schedule covers all Asst. Collectors. From a financial point of view, the arrangement of 1892 appears to have been ultra vires. It is not known how far the Revenue Dept: ~~has~~ ^{is} in the matter of rearrangements of sub-divisions and there may possibly be orders in that department which countenance abolition of particular divisions and creations of new divisions.

3 As regards the bearing of this question on the Provincial Civil Service it will be seen from paragraph 4 of India's letter No.300 d/14th Feb. 1890, [on page 2 of G.O.No.401 d/ 4th June 1890] that in determining the question of which appointments should be transferred to the Provincial Civil Service, the number of cadre appointments of Sub- and Asst. Collectors was taken at 42. This included 15 Sub-Collectorates and Principal Assistantships, 24 Head, Senior and Special Assistantships and 3 appointments of ^{Sub} Assistants. It will be seen from pages 94-96 of the

vis. clauses (3) and (4) of para 4 of the G.O. No. 391 d/ 30.8.92 which governed the Provincial Civil Service then existing page 52 of the Hand-book of Procedure and Precedents.

L. L. 50. Ry. 171803
L. 3 Ry. VII 71828.
Ad: VII 71857.

15
74
3
42

Special Assistants 4
Senior " 2
Head " 18
24

page 1 of G.O. No. 342 Pub. dated 18-5-92

Nº 510 Rev
21-5-92

2
Civil list that the Head, Senior and Special Assistantships still number 24. This proposal of the Govt. of India was ^{accepted} in para 3 of this Govt's letter No.401, d/4th June 1890 and the transfer was ^{sanctioned} ~~notified~~ in Govt. of India, Home Dept: No. 134 d/21st April 1892. (See also and in appendix A to that resolution, on page 4 of the same order. It will be observed that the Revenue Order ^{remodelling} ~~transferring~~ the charges in Cuddapah and Vizagapatam is dated 21st of May 1892, but it has also to be noted that the notification ~~was~~ in regard to the listed appointments in this Presy. did not issue until the 21st Decr. in accordance with the request in paragraph 7 of ~~Govt. of~~ India's letter No.2194, d/10th Novr. '92 on page 3 of G.O.No.877 Pub., d/16th Decr. 1892. The point for consideration is whether the changes made in the ~~divisional~~ ^{divisional} charges of Cuddapah and Vizagapatam involved the transfer of an appointment to the Provincial Civil Service. There can be no doubt that a Head Assistantship was at that time converted into a Dy. Collector's post, but ^{at} the same time a fresh appointment of Head Asst. was created by the Govt. of Madras. If the matter is ~~viewed in the light that it is~~ the change then made is to be considered as a transfer of the Head Assistantship of Cuddapah

Provincial Service

Cuddapah to the ~~By Collector's list~~,
the action of this Govt. was ~~clearly~~ ^{badly} wrong,
for the transfer of the Head Assistant-
ship of Cuddapah must have been made
without regard to the claims of Indian
Civilians to that post, and the creation
of a new Head Assistantship was finan-
cially ~~impossible~~ ^{impossible}. At the same
time it is submitted that the facts of
the case show that the Govt. of India
^{intended} that of the 24 Head, Senior and Special
Assistantships in this Presy., 4 should
be ultimately transferred to the Pro-
vincial Civil Service. If the Head
Assistantship of Cuddapah is to be
treated now as a transferred appointment,
then this Govt. will have dealt with
25 Head, Senior and Special Assistant-
ships and dealt with more appointments
than it had powers to deal with. In fact,
it will have of its own motion increased
the cadre of the Indian Civil Service.
~~There is no question of the transfer of the Head Assistantship of Cuddapah to the Provincial Civil Service.~~
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5 ^{It is} Govt. takes up the position that
the Head Assistantship of Cuddapah was
transferred in 1892 to the Provincial
Civil Service, the questions must arise
under what authority the Madras Govt.
made the transfer ~~of the Head Assistantship of Cuddapah to the Provincial Civil Service.~~
in Cuddapah, — what power it had to
create a fresh appointment of Head Asst.
in

*The transfer of the
Assistantship should have
added a Dy. Collectorship
on Rs 500 to the Dy. Comm.
list (which it did not),*

*and why the salary was not
transferred as a Dy. Collectorship
on Rs 500.*

3
in Vizagapatam, and whether the claims of
Indian Civilians were taken into consi-
deration before the transfer of this
Head Assistantship to the Provincial

Civil Service was made.

As regards the transfer of
the Head Assistantship of Godavari,
Tinnevely and Trichinopoly to the Pro-
vincial Civil Service, attention is
solicited to the following papers and
notes which contain all that is on re-
cord ^{on the subject} regarding these transfers:-

GODAVARI

Note flagged B in G.O.No.914
Pub., d/6th Novr. 1895

Note flagged C in G.O.No.
1017 Pub., d/16th Decr. 1895.

TINNEVELLY

Notes flagged D and XI in G.O.
No.358 Pub., d/16th March 1896.

TRICHINOPOLY

Notes flagged L in G.O.No.
751 Pub., d/18th July 1896 and those
flagged N in G.O.No.50 Pub., d/19th
Jan. 1897.

As regards the Trichinopoly
transfer, it will be seen that at first
this Govt. transferred the Senior
Assistantship of Ganjam to the Provin-
cial Civil Service. It was not noticed
at the time that this was illegal as no
Senior Assistantships have been listed.
The subsequent change of the transferred
appointment that of the Head

Assistantship

Assistantship of Trichinopoly set this matter right and neither the Acct. Genl. nor the Govt. of India has ^{any} raised any objection ^{on} this point.

7 Attention is solicited to the note flagged in G.O. No. 751 Pub. d/18th July 1896. Matters have not changed since that note was written except that the Sub-Collectorate of Coimbatore is at present in charge of a Dy: Collector and has been temporarily transferred to the Provincial Civil Service; the Head Assistantship of Kurnool is not at present held by a native of India; that of Madura is at present under a member of the Indian Civil Service; Sub-Collectorate of Nellore is now under a member of the Indian Civil Service. The Head Assistantship of Nellore would, it is submitted, be a suitable appointment to be transferred; but when a Sub-Collectorate comes to be transferred to the Provincial Civil Service, Ongole, the headquarters of Sub-Collector in the same district, will probably be selected as the division to be transferred. India has

been ~~advised~~ regarding the listing of the Special Assistantships of Godarai. If this appl. goes to the Provincial Service it will complete the four listed Head Assistantships but two appls (Head Asst & Special Asst) will be listed in Godarai.

Not to as a European is used
then an account of Kullatapi.
(vide Mr. Lewis) 17.7.98.

Appointment of Head Assistant
is to be transferred to the P.C.S.
in the permanent J.C.S. vacancies
recently filled up

Chd
17.7.98

If Mr. W. and what it
did in 1892 and transfer back
the H. Assistantship transferred to
Kurnool back to Cuddalore that
H. Assistantship might be better
with advantage and it might
be declared that the King
Dis. ^{or any other} was the passed Assistantship
transferred. But if this change
be objected to then the proposal
listed at the end of the note in
the upper file No. 1 I think be
given effect to.

17.7.98.

Papers to be read in proceedings:—

Againfo. in 297 Rev. Date 28 March 1892

Again G.O., No. 510 " dated 21 May 1892

Again G.O., No. 27 Pub. dated 18 Jan'y 1893.

Current No: of 189 , dated , from

" " " 189 , " " "

" " " 189 , " " "

(P)

Read agny (P) all checked nro cur

3

ORDER. No 1057, D 17th August 1898.
P.S.

I.E. the Governor in Council is pleased to declare that the lead Assistants ~~in~~ ^{division in} the Cuddapah District, which was converted into a Deputy Collector's post in ~~announced~~ G.O. No. 510, Revenue, dated the 31st May 1892, is the Passed Assistantship transferred to the Provincial Civil Service under G.O. No. 27, Public, dated 18th January 1893.

Rev'd for C.I.

DD 10/8/98

XXIII

Act 10-8-98.

6/8/98 Cus 6/8/98

6/8/98
S/P
14/8/98

To
The Revenue Department.
The Accountant General.
" Collector & Magistrate of Cuddapah

Copy to P.C.S. file

27-8-98

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READ AGAIN G O., No.
139

DATED

CURRENT No.

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ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LIMIT OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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