

# Government of Madras



PUBLIC (SERVICES) DEPARTMENT

G.O. No. 2670, 8th September 1944

Madras Public Service Commission—Annual Report for 1943-44—Recorded.

READ—the following paper :—

Letter from Sri Rao Bahadur P. K. GNANASUNDARA MUDALIYAR, Secretary, Public Service Commission, to the Chief Secretary to Government, Public (Services) Department, dated 13th July 1944, No. 2578-A/44-1.

[Madras Public Service Commission—Annual Report for 1943-44.]

With reference to rule 18 of the Commission's Rules of Procedure, I am directed to forward the Commission's Report for the year 1943-44. Copies of the Appendices, to which reference has been made in the report, are not being forwarded. They will be furnished if required: but even, if furnished, they need not, in the opinion of the Commission, be printed in view of the necessity for the strictest possible economy in the use of paper at the present juncture.

## ENCLOSURE.

### REPORT FOR 1943-44.

#### I. PERSONNEL.

There was no change in the personnel during the year.

#### II. RECEIPTS AND EXPENDITURE.

##### Receipts.

	RS.	A.	P.
1 Fees from candidates who appeared for the competitive examinations (oral or written) conducted by the Commission .. .. .	46,687	0	0
2 Fees from candidates who appeared for the Special Tests and Departmental Tests conducted by the Commission .. .. .	1,08,306	0	0
Total ..	1,54,993	0	0

##### Expenditure.

1 Pay of officers .. .. .	1,06,570	0	0
2 Pay of establishment .. .. .	35,478	0	0
3 Travelling and other compensatory allowances .. .. .	5,239	2	0
4 Dearness allowance .. .. .	6,639	13	0
5 Advertisement charges .. .. .	7,582	10	0
6 Rents .. .. .	6,000	0	0
7 Remuneration to examiners .. .. .	29,253	4	0
8 Other contingencies including service postage stamps and expenditure connected with examinations .. .. .	17,624	12	11
Total ..	2,14,387	9	11

#### III. VOLUME OF CORRESPONDENCE.

The Commission dealt with 65,017 references during the year against 50,384 references during the preceding year.

#### IV. WRITTEN EXAMINATIONS CONDUCTED BY THE COMMISSION.

##### Special Tests.

The Special Tests were held twice, in June and December 1943 and were conducted at 25 centres including Pudukottah and Mercara. There were 4,943 candidates in June 1943 and 5,158 candidates in December 1943. In 1942 the examinations were held only once and the number of candidates was 3,741.

The candidates who appeared for the Account Test for Subordinate Officers, Parts I and II, held in June 1943 at the Masulipatam centre were re-examined at Madras on 6th September 1943 as the Commission had reason to believe that most of the candidates had resorted to malpractices.

An analysis of the results in these tests is given in Appendix A-1.\*

#### *Departmental Tests.*

The Departmental Tests were held twice, in June and December 1943, at 23 centres. There were 1,248 candidates in June 1943 and 1,205 candidates in December 1943. In 1942 the examination was held only once and the number of candidates was 1,091. An analysis of the results in these tests is given in Appendix A-2.\*

A new test designated Fisheries Department Test II was instituted in the year under review and the first examination was held in June 1943.

#### *Half-yearly examinations in Law and Language for Assistant Collectors, Police Officers, etc.*

During the year under review the Commission conducted two examinations, one in July 1943 and the other in January 1944. The tests by which the examinations were conducted, the number of candidates in each of those tests and an analysis of the results are given in Appendix A-3.\*

#### COMPETITIVE EXAMINATION.

#### *Madras Ministerial Service and Madras Judicial Subordinate Service— Posts of clerks, etc.*

A common competitive examination was held in October 1943, for which the number of applicants and the number admitted to the examination were 2,245 and 2,015 respectively. On the results of the examination, 1,690 candidates were selected for appointment as clerks, etc., during 1944; 1,578 of these were for the Madras Ministerial Service and 112 for the Madras Judicial Subordinate Service. One hundred and ninety-one candidates who had been selected in previous years were brought on to the lists for 1944.

An analysis of the results of the examination with reference to the educational qualifications of the candidates is given in Appendix A-4.\* The percentage of the number selected to the number that sat for the examination was 96.7 among graduates, 97.2 among Intermediates and 87.2 among holders of the Secondary School-Leaving Certificates.

The following statement shows the number of candidates selected under each community and the percentage in round figures which that number bears to the total number selected:—

Name of community.	Number selected.	Percentage to the total number selected.
Non-Brahman (Hindus) .. .. .	691	41
Brahmans .. .. .	795	47
Muhammadans .. .. .	98	6
Christians .. .. .	83	5
Scheduled Castes .. .. .	23	1
<b>Total ..</b>	<b>1,690</b>	<b>100</b>

All the candidates who obtained the minimum marks qualifying for selection were selected. The number of candidates available, for selection from among the Scheduled castes, the Muhammadans, the Christians and the Non-Brahman (Hindus), was less than the number required from each of those communities. Candidates belonging to the Brahman community were therefore selected in advance of their turns; but, as candidates from even this community were not available in sufficient numbers, the demands for candidates from the appointing authorities could not be met in full.

*Madras Ministerial Service, the Madras Judicial Subordinate Service and the Madras Secretariat Service—Posts of typists and steno-typists.*

The selection of candidates for the posts of typists in the Madras Ministerial Service, the Madras Judicial Subordinate Service and the Madras Secretariat Service was, as usual, made on the results of a common competitive examination which was the same as that for clerks, etc. Applicants for the posts of typists and steno-typists, who possessed the educational qualification prescribed for appointment as clerks, were given the option of appearing either for the single paper in English Composition, or for all the four papers of the competitive examination. Those who appeared for English Composition only and obtained qualifying marks were selected for appointment as typists or steno-typists only. Those who appeared for all the four papers and obtained qualifying marks were selected for appointment as typists or steno-typists and were declared eligible for transfer or promotion to other posts in the abovementioned services on satisfactory completion of probation as typists or steno-typists.

The number of applicants admitted to the examination and the number selected on the results thereof are shown below :—

Number of applicants.	Number selected.			Total.
	Madras Ministerial Service.	Madras Judicial Subordinate Service.	Madras Secretariat Service.	
127 .. .. .	74	4	40	118

One of the candidates selected was a woman.

*Clerks in the Local Fund Audit Department, clerk, upper division, in charge of classification work in the Connemara Public Library and upper division clerks and lower division clerks in the Madras Secretariat Service.*

As the new scheme of recruitment by competitive examination by means of a combined written and oral test had been held in abeyance for the duration of the war, candidates for appointment as clerks in the Local Fund Audit Department, as clerk, upper division, in charge of classification work in the Connemara Public Library, and as upper and lower division clerks in the Madras Secretariat Service were also selected on the results of the same written test held for the recruitment of clerks, etc., in the Madras Ministerial Service and the Madras Judicial Subordinate Service.

The number of candidates admitted to the examination and the number selected on the results thereof and the communities to which the selected candidates belonged were as follows :—

	Clerk in the Local Fund Audit department.	Clerk, upper division, in charge of classification work in the Connemara Public Library.	Upper division clerks in the Madras Secretariat Service.	Lower division clerks in the Madras Secretariat Service.
Number of candidates admitted.	80	53	54	164
Total number selected .. ..	45	1	10	57
Number selected under each community—				
Non-Brahman (Hindus) .. .. .	22	1	3	37
Brahmans .. .. .	19	..	..	14
Christians .. .. .	1	..	3	2
Muhammadans .. .. .	3	..	3	4
Scheduled castes .. .. .	..	..	1	..

*Madras Custom House.*

Lower division clerks in the Madras Custom House were also selected on the results of the same competitive examination as that conducted for the selection of candidates for posts in the Madras Ministerial Service and the Madras Judicial Subordinate Service. The number of candidates admitted to the examination was 18. Seventeen of them obtained qualifying marks and were selected. The selected candidates belonged to the following communities :—

Hindu Brahmans .. .. .	3	Christians .. .. .	1
Hindu Non-Brahmans .. .. .	14	Muhammadans .. .. .	1

*Appointments for which there were no applicants.*

Applications were invited for the selection of one candidate for appointment as telephone clerk in the Madras Secretariat Service and one candidate for appointment as Hindustani Translator in the Madras Judicial Subordinate Service. No candidates applied.

*Reports from examiners.*

Extracts from the reports of the examiners on the answer books valued by them are given in Appendix B.\* On the whole they are exceedingly depressing.

*Special Tests—June 1943*—The examiners in the Translation Test reported that the translations, on the whole, were poor. The examiners in the Civil Judicial Test expressed the view that the candidates, with a few exceptions, did not understand the subjects properly. The examiners in the Revenue Test found that the standard of attainment of the candidates was low and that the candidates had very little practical knowledge of the revenue administration. The examiners in the Criminal Judicial Test stated that the knowledge displayed by the candidates was on the whole poor and that their capacity to apply the provisions of the Codes in a practical way was also poor. One examiner in the Account Tests commented on indiscriminate copying from text books by candidates.

*Special Tests—December 1943.*—With a few exceptions, the answers in the Translation papers were reported to contain a large number of spelling and grammatical mistakes and mistranslations. In the Civil Judicial Test, the examiners reported that, except in the case of the paper on the Stamp, Court Fee and Suits Valuation Acts, the papers were not satisfactorily answered and that a large majority of the candidates did not have a clear and comprehensive view of the subjects. Questions of a general character were stated to have been rarely attempted successfully and copying of irrelevant matter from the books was stated to be common. Similar criticisms were made by the examiners in the Revenue Test, who also reported that while the candidates were able to refer to the appropriate provisions of the law or standing order, their general tendency was to quote them in full instead of giving direct and brief answers. In the Criminal Judicial Test, the examiner in the Indian Evidence Act reported some improvement in the quality of the answers; the examiner in the Criminal Procedure Code found that the paper on "General Principles" was done better than that on "Detailed Application"; but, on the whole, the standard reached was poor. In the Account Tests too, practical questions were reported to have been answered unsatisfactorily.

*Departmental Tests—June 1943.*—The examiners observed that the performance of the candidates was, on the whole, not good. Lack of practical knowledge of the subjects and failure to attempt practical questions on the part of candidates were noticed by more than one examiner.

*Departmental Tests—December 1943.*—In some subjects the examiners noticed satisfactory answers; in others the performance of the candidates was below the standard required. Careless reading and imperfect understanding of the questions, lack of practical knowledge and power of expression, failure to answer questions of a practical nature, copying of irrelevant matter from the books and inadequate preparation were some of the faults noticed by the examiners.

*Madras Ministerial Service, etc., 1943.*—The position revealed by the examiners' reports may be summarized as follows:—

The general level of performance of the candidates was lower than in the previous years and the examiners suggested that the reason for this was to be found in the more attractive careers provided by the war for the better type of candidates.

The answers to the questions in the English Composition paper abounded in violations of the rules of grammar, in wrong punctuation and in indications of a lack of calm and cogent thinking. The effective test in composition, provided by questions such as those requiring candidates to write a letter or an essay, yielded depressing results.

In the paper on General Knowledge the answers of majority of the candidates betrayed ignorance of facts and a lack of the power of observation.

In *Precis-writing*, though the papers were distinctly easier than on previous occasions, the performance of the candidates was, as usual, very bad and a great majority did not understand what *Precis-writing* was or what exactly was expected of them.

In the Translation and Composition Paper, though the translation of one of the passages was done fairly well, the translation of idiomatic sentences was worse than in previous years and, in the part of the paper relating to Composition the candidates betrayed incapacity to think clearly or independently or to grasp the sense and scope of the topic chosen.

#### V. STATUTORY RULES, REGULATIONS, ETC.

##### (i) *Promulgation and amendments.*

(a) Statutory Rules or amendments to them were issued by the Government in 254 cases during the year. In respect of 47 of these, the Commission was consulted before the rules were issued. Many of the rest were amendments of a routine nature. Excluding such routine cases, there were 103 cases in which the Commission was not consulted. These cases related either to posts excluded from the purview of the Commission or to matters in respect of which under section 266 (3) of the Government of India Act, 1935, it was not necessary for the Commission to be consulted.

(b) The Madras Provincial and Subordinate Services Rules were amended to specify the communities classed as "Backward Classes" and to grant them the same concessions regarding the age-limits for recruitment to the services as those already granted to the Scheduled castes.

(c) The same rules were amended to make provision for the extension of probation in cases where, at the end of the prescribed period of probation, a probationer was found to be not yet suitable for full membership.

(d) The Madras Civil Services (War Service) Personnel Recruitment Rules, 1941, were amended—

(i) to include whole-time service in the special organization for the production of war supplies through small scale industries within the definition of "War service";

(ii) to authorize the Director of Public Instruction to decide whether a candidate for appointment to the Madras Ministerial Service had acquired by experience or otherwise qualifications equivalent to those prescribed in the Special Rules for that service;

(iii) to make ineligible, for the concessions allowed by those rules, persons whose service in the A.R.P. Organization had been characterized in their discharge certificates as "indifferent" or "bad" and persons who had been discharged from the Army, Navy or Air Force or from any other kind of war service as defined in those rules, for any reason other than medical invalidation, demobilization or completion of engagement; and

(iv) to permit the filling of the "reserved" vacancies temporarily by direct recruitment or by transfer or by promotion and in consultation with the Commission where it should be consulted, until they were filled after the war by persons who had rendered war service.

(e) The Madras Civil Services (Classification, Control and Appeal) Rules were amended—

(i) to prescribe compulsory retirement before completion of 25 years of qualifying service as one of the penalties, and

(ii) to reduce the time limit for preferring appeals from six months to two months.

(f) *Definition of "Direct Recruitment"—Amendment.*—The definitions of the terms "Recruited direct" and "Approved probationers" in the statutory rules as they stood prior to 5th July 1943 created in several instances a practical difficulty in connexion with the admission to the competitive examinations held by the Commission for direct recruitment to certain services, of applicants who, though the prescribed period of their probation in other services had expired, had not been declared by the appointing authorities to have completed satisfactorily their probation in those services and so had not attained the status of approved probationers

on the date of the Commission's notification or on the date of their applications, but who were subsequently declared by the appointing authorities to have completed satisfactorily their probation and so were rendered statutorily ineligible for direct recruitment to the services for which they were eligible when they applied.

The object of direct recruitment being to get young men with good qualifications into the services, the Commission saw no reason why, if young men possessing all the necessary qualifications including the age prescribed in the service rules were already available in the services in any capacity (whether substantive officiating or temporary), they should be debarred from competing, in open competition with others, for other posts in the same or other services. It felt that, if the restrictions rendering approved probationers and full members ineligible for direct recruitment to other categories of posts were removed, a better class of candidates would enter the subordinate services, from which they were deterred by the fear of being disqualified for higher posts. The Commission accordingly suggested that the term "recruited direct" in the service rules should be altered as follows:—

"A candidate is said to be 'recruited direct' to a service, class, category or post when, in case his first appointment thereto has to be made in consultation with the Commission, on the date of its notification inviting applications for the recruitment, and in any other case, at the time of his first appointment thereto, he is not in the service of the Crown in India, or, if he is in that service, a period of five years has not elapsed since his first appointment to it."

The Government accepted the Commission's suggestion and issued the necessary amendments to the service rules.

(g) *Madras Ministerial Service—Selection of candidates on a language area basis.*—In March 1940 the Government approved tentatively a revised procedure for the selection of candidates to the Madras Ministerial Service on a Language area basis, instead of on a district basis, and requested the Commission to report on the working of that procedure after a period of three years.

The Commission reviewed the position in May 1943 and observed that the procedure had worked satisfactorily in that it resulted in the selection of the best of the successful candidates but that, as an inevitable corollary candidates sometimes found themselves allotted to districts distant from their native districts, with the result that many candidates applied to the Commission for transfer to their native districts. The Commission therefore desired to watch the working of the procedure for some more time before expressing a final opinion concerning the desirability of its continuance as a permanent measure and suggested that, in the meanwhile, with a view to alleviating any hardship caused to candidates by their employment in districts far away from their native districts, the Madras Ministerial Service Rules be amended so as to provide for mutual transfers of candidates subject to certain conditions.

The Government agreeing with the Commission, directed that the procedure in question be tried for three more years and also amended the Madras Ministerial Service Rules suitably.

#### (ii) *Relaxations.*

There were 134 cases in which the Statutory Rules were relaxed by the Government under section 241 (5) of the Government of India Act, 1935. Of these, 38 cases related to the relaxation of the prescribed qualifications in favour of persons not in Government service.

*Relaxation of rules—Use of section 241 (5) of the Government of India Act, 1935—Restriction.*

In its annual report for 1941-42, the Commission commented on the inappropriateness of invoking section 241 (5) of the Government of India Act, 1935, and relaxing statutory service rules for the purpose, not of dealing with the case of persons serving his Majesty in a just and equitable manner within the meaning of that section, but of supplying in the public interest a deficiency which could not be supplied in the manner prescribed in the statutory rules. The Commission again took up the matter with the Government in the year under report and at its instance the Government issued orders to the effect that if any rule came up for relaxation

frequently, the proper course was to amend it so that it could operate without the necessity for its frequent relaxation and that the power conferred by section 241 (5) of the Act should as far as possible be restricted to cases of undoubted hardship caused to individual officers by a strict application of the rules.

(iii) *Check against violations—Scrutiny by the Commission of appointments and promotions made by the appointing authorities.*

The following statement shows the number of cases in each department in which appointments and promotions made by the appointing authorities were found by the Commission to have been made in contravention of the statutory rules. The irregularities were rectified at the instance of the Commission :—

Department.	Number of cases.	Department.	Number of cases.
Excise .. .. .	2	Public works .. .. .	1
Forest .. .. .	1	School of Indian Medicine .. .. .	2
Industries .. .. .	3	Revenue .. .. .	8
Judicial .. .. .	8		—
Medical .. .. .	1	<b>Total .. .. .</b>	<b>28</b>
Police .. .. .	2		—

In addition to these 28 cases, 12 cases of appointments and promotions made in contravention of the statutory rules in the following departments, were brought to the notice of the appointing authorities or the Government for rectification :—

Department.	Number of cases.	Department.	Number of cases.
Agricultural .. .. .	2	Public Health .. .. .	1
Co-operative .. .. .	1	Survey .. .. .	5
Industries .. .. .	2		—
Medical .. .. .	1	<b>Total .. .. .</b>	<b>12</b>

(iv) *Temporary appointments.*

(a) During the year under report there were 2,743 cases in which the concurrence of the Commission was sought and given for the continuance beyond three months of temporary emergency appointments made by the appointing authorities in various departments.

In a large number of cases, the appointing authorities failed to obtain the concurrence of the Commission in sufficient time before the expiry of the three months' period as required by paragraph 2 of G.O. No. 4021, Public (Services), dated 9th January 1943. The attention of the appointing authorities concerned was drawn to this fact and they were asked to observe the instructions contained in the Government order strictly in future.

(b) There were four cases in which the appointing authorities did not follow the direction issued by the Government that the reasons for making temporary appointments or promotions (i.e., the nature of the emergency, etc.), should invariably be recorded in the orders making the appointment or promotion. The Commission drew the attention of the authorities concerned to the omission.

(c) In two other cases the Commission found that the rule under which temporary appointments were made was not correctly cited in the orders of appointment. The Commission drew the attention of the authorities concerned to this mistake.

(v) *Madras Ministerial Service—Transfer of probationers and approved probationers.*

According to the Madras Ministerial Service Rules the Commission's consent is required before a probationer or an approved probationer in the Madras Ministerial service can be transferred from an office in one district to an office in another district. During the year under report, the Commission dealt with 205 applications for such transfer as against 216 in the previous year.

(vi) *Exclusion of posts from the Commission's purview.*

The following appointments and posts were excluded from the purview of the Commission during the year by means of regulations issued under section 266 (3) of the Government of India Act :—

(1) Appointment of two clerks (subjects of Travancore State) in the Timber Supply Division, Trivandrum.

- (2) Assistant Secretaries to the Commissioner of Civil Supplies.
- (3) Security Supervisors, Village Security Scheme.
- (4) Manager, Government Oil Factory, Calicut.
- (5) Temporary post of Defence Loans Commissioner and National Savings Circle Officer, Madras Province.
- (6) Temporary post of Manager, Kollegal Silk Filatures, Kollegal (acquired by Government under the Defence of India Rules).
- (7) Temporary post of Business Manager, Kerala Soap Institute, Calicut.
- (8) Post of Provincial Song Publicity Officer.
- (9) Posts of telephone clerks, Secretariat Exchange.
- (10) Posts of Accounts Officer and Accountants in the Office of the Board of Revenue (Civil Supplies) when recruitment to such posts is made from among the staff of the Accountant-General's Office, Madras.
- (11) Post of Assistant Editor, National War Front.
- (12) Appointment of an employee of the Indian Central Cotton Committee as Assistant Cotton Specialist, Mungari Cotton Improvement Scheme, Adoni.
- (13) Temporary post of Superintendent, Malt Factory, Coimbatore.
- (14) Appointment of four School Assistants and Headmasters and one clerk in the Education Department.
- (15) Appointment of three clerks of the Judicial Department as clerks in the Revenue Department.
- (16) Posts of Food Rationing Officers, I Grade.
- (17) Temporary gazetted post of Propagation Superintendent in the Cinchona Plantations, Anamalais.
- (18) Post of Special Officer for the manufacture of smoked fish.
- (19) Clerks and typists employed in the office of the Board of Revenue (Civil Supplies).
- (20) Temporary post of Special Officer for the development of pottery in the Ceded Districts.
- (21) Deputy Organizers, National War Front in the Nilgiris district.
- (22) Timber Inspectors and ministerial staff employed in the Timber Supply Circle.
- (23) Security Inspectors, Security Instructors (originally designated as Propagandist Inspectors, Propagandists) and village guards appointed under the Village Security Scheme.
- (24) Demonstrators, Appraisers, Textile Assistant Canvasser and menials employed in the office of the Yarn Commissioner and the Collective Weaving Centres under his control.
- (25) Laboratory Attendants in the Pathological Laboratories of the Erskine Hospital, Madura and the Andhra Medical College, Vizagapatam.
- (26) Special Officers in charge of Collective Weaving Centres.
- (27) Staff employed under the National War Front Organization for the running of a Tamil Newspaper.
- (28) Fuel Checking Inspectors in connection with firewood supply to Madras City.
- (29) Staff sanctioned for the National War Front Propaganda vans and Song Publicity Scheme.
- (30) Textile Control Officers, Junior Inspectors, Senior Accountant, Superintendents, Clerks, Typists, Steno-typists, Attenders and Peons employed in the Textile Control Department.

*(vii) Appointments made under Regulation 18 (b) of the Madras Public Service Commission Regulations.*

In the following cases the Commission's concurrence was sought and given, under the latter part of regulation 18 (b) of the Madras Public Service Commission Regulations, for the making of appointments without the ordinary statutory reference to the Commission required by section 266 (3) (b) of the Government of India Act :—

- (1) Clerk, Madras Ministerial Service (three cases).
- (2) Biochemist in charge of Fruit Canning, Madras Agricultural Service.



(3) Assistant Cotton Specialist, Madras Agricultural Service.

(4) Additional Assistant Secretary to the Provincial Rationing Officer and Assistant Provincial Motor Transport Controller.

(5) Assistant, Scheme for the improvement of Cocanadas Cotton, Madras Agricultural Subordinate Service.

(6) Assistant, National Savings Circle Officer.

(7) Deputy Commissioners of Commercial Taxes.

(viii) At the instance of the Commission, orders have been issued in April 1944 to the effect that whenever the need arises for the making of an appointment or class of appointments otherwise than in consultation with the Commission, the normal procedure should be that laid down in the latter part of Regulation 18 (b) and not the issue of a regulation under section 266 (3) of the Government of India Act.

#### VI. RECRUITMENT TO THE SERVICES.

(a) In paragraph VI (a) of the Commission's annual report for 1941-42, reference was made to the new scheme of direct recruitment to the services classed as non-technical and it was stated that although it was intended to take effect from 1942, the written part of the competitive examination prescribed for Groups I, II and III could not be held in that year. Recruitment to the non-technical services included in those groups was therefore made in that year (as in the case of technical services) on the results of competitive examinations comprising only an oral test in the shape of an interview, except in the case of certain ministerial posts included in group II for which recruitment was made on the results of a common competitive examination comprising only the written test prescribed for Group IV.

The combined written and oral competitive examination prescribed for Groups I, II and III was not held in 1943 also, for the following reasons:—

All vacancies arising in any service on or after 1st January 1943 which should under the rules for that service be filled by direct recruitment had been reserved to be filled after the war by candidates with war service and they could be filled for the duration of the war only on a temporary basis by persons who would be replaced ~~once~~ for all by candidates with war service to the extent to which such candidates would become available after the war. To that extent the training and instruction given at Government expense to persons recruited temporarily would be a waste. The Government therefore ordered that direct recruitment to the following posts included in Groups I, II and III which involved training at Government expense should be held in abeyance:—

(1) Deputy Collector, Madras Civil Service (Executive Branch).

(2) District Registrar, Madras Registration Service.

(3) Probationary Revenue Inspector, Madras Ministerial Service.

(4) Reserve Sub-Registrar, Madras Registration Subordinate Service.

(5) Co-operative Sub-Registrar, Madras Co-operative Subordinate Service.

An exception was made in the case of Junior Inspectors of Co-operative Societies as the Co-operative Department was urgently in need of a large number of this class of officers. The Government also ordered (i) that the written part of the competitive examination prescribed for the non-technical services included in Groups I, II and III should be held in abeyance for the duration of the war, (ii) that Junior Inspectors and such like officers belonging to the non-technical services should be recruited on the results of a competitive examination comprising an oral test only as in the case of the services classed as technical and (iii) that clerks included in Group II should be recruited by only the written examination prescribed for Group IV.

These orders were duly given effect to.

(b) *Direct recruitment by competitive examinations comprising an oral test in the shape of an interview during 1943-44.*—During the year under report the Commission selected candidates by competitive examination comprising only an oral test in the shape of an interview for direct recruitment to 28 classes of posts in the Provincial and Subordinate Services and 2 other posts (as against 29 and 2 respectively in the previous year). The posts for which the selections were made are given in Appendix 'C' \* together with particulars regarding the number of candidates who

applied, the number qualified and examined, the number selected and the qualifications of the selected candidates. The total number of applicants examined was 1,111 (as against 1,248 in the previous year).

(c) *Recruitment to Provincial Services by transfer from Subordinate Services.*— During the year under report the Commission dealt with 46 references relating to the following Provincial Services (as against 28 in the previous year) and either drew up approved lists of officers of the subordinate services qualified and suitable for appointment to the Provincial Services or advised on the suitability of officers nominated for such appointment :—

Madras Agricultural Service.	Madras Industries Service.
Madras Civil Service (Executive Branch).	Madras Jail Service.
Madras Co-operative Service.	Madras Medical Service.
Madras Educational Service.	Madras Police Service.
Madras Electrical Service.	Madras Public Health Service.
Madras Engineering Service.	Madras Registration Service.
Madras Excise Service.	Madras Survey and Land Records Service.
Madras Fisheries Service.	Madras Subordinate Civil Judicial Service.
Madras Forest Service.	
Madras General Service.	

The Commission also advised the Government regarding the suitability of certain Tahsildars for appointment as Commercial Tax Officers and of the Personal Assistant to the Radio Engineer in the Provincial Broadcasting Department for appointment as Assistant Radio Engineer in the same department.

#### VII. PAUCITY OF QUALIFIED AND SUITABLE CANDIDATES FOR CERTAIN POSTS.

(a) There were no qualified applicants for the following posts :—

- (1) Professor of Electrical Engineering, College of Engineering, Guindy—Madras Educational Service (Men's Branch).
- (2) Superintendent, Government Hobart Secondary and Training School for Muhammadan Women, Madras—Madras Educational Service (Women's Branch)—(Applications were invited from Muhammadan women only).
- (3) Chief Accountant of the System Offices in the Electricity Department—Madras General Service.
- (4) Biochemist, King Institute, Guindy—Madras Medical Service (Men's Branch).
- (5) Assistant Lecturer in Chemistry—Madras Educational Subordinate Service (Men's Branch)—(Applications were invited from Muhammadans only).
- (6) Assistant Lecturer in Geography—Madras Educational Subordinate Service (Women's Branch).
- (7) Assistant Lecturer in Malayalam—Madras Educational Subordinate Service (Women's Branch).
- (8) School Assistant in Philosophy—Madras Educational Subordinate Service (Women's Branch).
- (9) Superintendent, Fisheries Technological Institute, Tuticorin—Madras Fisheries Subordinate Service.
- (10) Demonstrator, School of Indian Medicine—Madras Medical Subordinate Service.
- (11) Store-keeper, King Institute, Guindy—Madras Ministerial Service.

(b) In respect of the following classes of posts the number of applicants was small and competition was restricted :—

Name of post.	Number of	
	Posts advertised.	Qualified applicants.
(1)	(2)	(3)
1 Inspector of Boilers, Madras Boiler Service	2	2
2* Assistant Inspector of Factories, Madras Factories Service (Men's Branch).	1	4
3 Sericultural Expert, Madras Industries Service	1	4
4 First-class Health Officers, Madras Public Health Service	5	9
5 Assistant Superintendent and Monotype Instructor, Madras Stationery and Printing Service.	1	2
6 Assistant Superintendent, Government Press, Madras	1	4

\* **RESERVE.**—Applications were invited from members of Scheduled Caste and Non-Brahmin (Hindus).

Name of post. (1)	Number of	
	Posts advertised. (2)	Qualified applicants. (3)
7 Lecturer, Madras Veterinary College—Madras Veterinary Service.	2	4
8 Upper Subordinates, Grade III—Madras Agricultural Subordinate Service.	100	46
9 School Assistants—Madras Educational Subordinate Service (Men's Branch).	2	3
10 Assistant Lecturer in English—Madras Educational Subordinate Service (Women's Branch).	1	3
11 Supervisors—Madras Engineering Subordinate Service ..	340	89
12 Assistant Superintendent, Cinchona Department—Madras General Subordinate Service.	2	3
13 Lecturer on Allopathic Medicine, School of Indian Medicine—Madras Medical Subordinate Service.	1	2
14 Assistant Lecturers, School of Indian Medicine—Madras Medical Subordinate Service.	6	4
15 Second Class Health Officers—Madras Public Health Subordinate Service.	31	6
16 Veterinary Assistant Surgeons—Veterinary Subordinate Service.	50	14
17 Assistant Radio Engineer, Provincial Broadcasting Department.	2	5
18 Supervisor, Provincial Broadcasting Department .. ..	20	19

### VIII. APPEALS, PROPOSALS FOR DISCIPLINARY ACTION, ETC.

The Commission advised on 15 appeals, 14 proposals for disciplinary action, 5 cases relating to reimbursement of the cost of defence incurred by public servants and 12 references relating to the grant of pension (as against 10 appeals, 11 proposals for disciplinary action, 1 case relating to reimbursement of the cost of defence incurred by a public servant and 4 references relating to the grant of pension in the previous year).

### IX. GOVERNMENT AND THE RECOMMENDATIONS OF THE COMMISSION.

(a) *Procedure for the discharge of probationers.*—A prolonged controversy dating back from a reference which the Commission made to the Government in June 1941, was at last satisfactorily settled in December 1943 by the issue of orders by the Government, in consonance with the Commission's advice, that the termination of the probation of a probationer and his discharge from service within the prescribed period of probation at the discretion of the appointing authority, as well as the discharge of a probationer at the end of the prescribed period of probation, if the appointing authority decides that the probationer is not suitable for full membership, amounts to dismissal, removal or reduction within the meaning of section 240 (3) read with section 277 (1) of the Government of India Act, 1935, and that the probationer concerned should therefore be given a reasonable opportunity of showing cause against the termination of his probation or his discharge, as the case may be, before it is ordered.

(b) *Procedure in disciplinary cases.*—The Madras Civil Services (Classification, Control and Appeal) Rules in so far as they relate to the procedure to be followed in disciplinary cases contained a provision to the effect that after the oral inquiry had been completed, the accused officer should be given an adequate opportunity of making any representation that he might desire to make against the issue of the order imposing the proposed penalty and that in cases where the authority competent to impose the penalty was acting upon the report of an investigating officer, a copy of the report of such officer should be communicated to the accused officer and he should be asked to furnish any representation which he might desire to make with special reference to such report and the findings therein as well as against the issue of an order imposing the penalty. This provision was embodied in the rules at the instance of the Commission and was also in conformity with the ruling of the Secretary of State to the effect that the requirements of section 240 (3) of the Government of India Act, 1935, would not be complied with unless the accused

officer was given a further opportunity to show cause against the imposition of the proposed penalty. On the ground that the Secretary of State subsequently gave another ruling that the technical requirements of section 240 (3) would be complied with if, when the accused officer was called upon to offer his defence in respect of the charges against him, he was also asked at the same time to show cause against the imposition of the penalty considered *prima facie* to be appropriate should the charges against him be held to have been proved, the Government in April 1943 proposed to amend the rules omitting the provision referred to and laying down that it should be made clear to the officer charged that any representation which he might wish to make would be considered by the competent authority, before the penalty was imposed.

The Commission was strongly opposed to the proposed amendment. It informed the Government that, in the light of its practical experience, it was convinced not only of the salutary nature of the rule as already framed but also of its effectiveness in providing for the accused officers an adequate opportunity of defending themselves. It said that it had found that the rule had ensured that no aspect of a case of disciplinary proceedings was overlooked and had contributed to the disposal of such cases in a just and equitable manner and it expressed the view that the proposed amendment would be a retrograde step. It urged that there was nothing in the Secretary of State's subsequent ruling which made the amendment either necessary or desirable; that what the ruling stressed was the importance of giving the accused officer an opportunity of making a representation to the final authority before any order punishing him was passed in the event of all the charges or any of them being held to be proved; and that the ruling did not purport to deal with the particular stage of the disciplinary proceedings at which the representation was to be made.

The Government however did not accept the Commission's views. They omitted the provision referred to above and added the following sentence to the rule and stated that the amendment would not in any way affect the interests of the officer charged and would reduce the time taken by departmental proceedings:—

“He (the accused officer) shall, at the same time, be asked to show cause against the imposition of the penalty considered *prima facie* to be appropriate, should the charges against him be held to have been proved. It shall be made clear to the person charged that any representation which he may wish to make in regard to the imposition of such penalty should be submitted along with the written statement and that such representation will be considered by the authority concerned before passing orders imposing any punishment on him.”

Thus the position now is that in cases where the authority competent to impose the more severe forms of punishment has not held the enquiry itself but is acting upon the report of an investigating officer, a copy of the report of such officer will not be communicated to the person charged, who will therefore have no opportunity of making to the final authority an adequate representation about guilt or innocence and punishment with special reference to the report of the investigating officer and the findings therein.

The Commission adheres to the view that the omission of the provision in question is a retrograde step, which, in the light of its experience, will certainly tend to affect adversely the interests of the officer charged.

(c) *Amendments issued without consultation with the Commission.*—The Government in the Development Department issued certain amendments to the statutory rules for the Madras Veterinary Subordinate Service constituting Assistant Veterinary Inspectors of the Forest Department into a separate category in the Veterinary Subordinate Service and regulating the matters mentioned in clauses (a) and (b) of sub-section (3) of section 266 of the Government of India Act, 1935. Before the issue of those amendments the posts of Assistant Veterinary Inspectors of the Forest Department had been designated as Veterinary Assistant Surgeons and had been included in the category of Veterinary Assistant Surgeons in the

Veterinary Subordinate Service. The posts of Veterinary Assistant Surgeons are posts in respect of which under the Madras Public Service Commission Regulations, 1937, it is necessary for the Commission to be consulted concerning the matters mentioned in clauses (a) and (b) of sub-section (3) of section 266 of the Government of India Act, 1935. As the Commission was not consulted before the issue of the amendments referred to, they were legally ineffective.

Moreover, the separation of Assistant Veterinary Inspectors from the category of Veterinary Assistant Surgeons had had the effect of excluding from the Commission's purview the posts of Assistant Veterinary Inspectors which, until such separation, formed part of the category of Veterinary Assistant Surgeons and so were within its purview. The power to exclude from the purview of the Commission the matters specified in section 266 (3) of the Government of India Act, 1935, can be exercised only by His Excellency the Governor in his discretion by means of regulations made under that section and it was not open to the Government to issue under a different section of the Act, viz., (section 241) certain amendments which had the effect of taking away from the purview of the Commission posts which were within its purview until the issue of those amendments.

When these irregularities were pointed out to the Government, they replied that the effect of the amendments was to abolish two posts of Veterinary Assistant Surgeons and create two new posts of Assistant Veterinary Inspectors, that the abolition of the two posts did not require the Commission's concurrence and that the Commission was not concerned with the rules relating to the posts of Assistant Veterinary Inspectors as they fell outside its purview.

The Government themselves had previously informed the Commission that the posts of Assistant Veterinary Inspectors of the Forest Department had formerly been designated as Veterinary Assistant Surgeons and been included in the Madras Veterinary Subordinate Service. There could therefore have been no question of abolishing two posts of Veterinary Assistant Surgeons and creating two new posts of Assistant Veterinary Inspectors. The Commission continues to hold the opinion that the amendments having been issued without consultation with it are legally ineffective.

P. K. GNANASUNDARA MUDALIYAR,  
*Secretary, Madras Public Service Commission.*

**Order—No. 2670, Public (Services), dated 8th September 1944.**

Recorded.

(By order of His Excellency the Governor)

J. B. BROWN,  
*Chief Secretary.*

To the Secretary, Madras Public Service Commission.

„ Departments of the Secretariat (including Governor's Secretariat but excluding Legal Department).

„ Consul for the United States of America, at Madras with reference to his letter No. 020-RB/SV, dated 14th December 1943.