



PUBLIC (SERVICES) DEPARTMENT

G.O. No. 2998, 3rd September 1949

Madras Public Service Commission—Annual Report for 1948-49—Recorded.

READ—the following paper :—

Letter from the Secretary, Public Service Commission, to the Chief Secretary to Government, Public (Services) Department, dated the 8th/11th June 1949, No. 2384-A/49-1.

[Madras Public Service Commission—Annual Report for 1948-49.]

With reference to rule 18 of the Commission's Rules of Procedure, I am directed to forward the Commission's Report for the year 1948-49. Copies of the appendices to which reference has been made in the report, are not being forwarded. They will be forwarded if required.

ENCLOSURE.

REPORT FOR 1948-49.

I. PERSONNEL.

There was no change in the personnel of the Commission during 1948-49.

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	1,05,446	0	0
2 Fees from candidates who appeared for the Special and Departmental Tests conducted by the Commission	1,24,748	0	0
Total ..	2,30,194	0	0

EXPENDITURE.

1 Pay of officers	1,03,527	6	0
2 Pay of establishment	57,650	13	0
3 Travelling allowance and other compensatory allowances	1,257	11	0
4 Dearness allowance	24,229	14	0
5 Advertisement charges	14,558	4	0
6 Remuneration to Examiners	41,400	6	0
7 Other contingencies including service postage stamps and expenditure connected with examinations	33,920	7	6
Total ..	2,76,544	13	6

III. VOLUME OF CORRESPONDENCE.

The Commission dealt with 120,078 references during the year against 80,054 references during the preceding year.

IV. WRITTEN EXAMINATIONS CONDUCTED BY THE COMMISSION.

SPECIAL TESTS.

The Special Tests were held twice a year, in June 1948 and in December 1948 and were conducted at 29 centres in June 1948 and 28 centres in December 1948. Pudukkottah was deleted from the list of centres from the examinations held in December 1948. There were 6,483 candidates in June 1948 and 6,974 candidates in December 1948, as against 6,561 and 6,753 candidates, respectively, in the corresponding months of the preceding year.

An analysis of the results in these tests is given in **Appendix A-2.***

DEPARTMENTAL TESTS.

The Departmental Tests were held twice a year in June 1948 and in December 1948 at 25 centres. There were 1,169 candidates in June 1948 and 1,449 candidates in December 1948 as against 1,216 and 1,247 candidates respectively in the corresponding months of the preceding year.

An analysis of the results in these tests is given in **Appendix A-2.**

HALF-YEARLY EXAMINATIONS IN LAW AND LANGUAGES FOR ASSISTANT COLLECTORS, POLICE OFFICERS, ETC.

These examinations were held thrice in July 1948, in November 1948 and in January 1949. The tests by which these examinations were conducted, the number of candidates for each of these tests and an analysis of the results are given in **Appendix A-3.***

COMPETITIVE EXAMINATION.

Clerks, etc., in the Madras Ministerial Service, in the Madras Judicial Ministerial Service and in the Central Branches of the Secretariat Service.

For direct recruitment of clerks, etc., to these services, a common competitive examination was held in October 1948, for which the number of applicants and the number admitted to the examination were 4,066 and 3,698, respectively, as against 3,956 and 2,986 in the previous year. On the results of the examination, 1,659 candidates were selected for appointment as clerks, etc., during 1949. Of these, 92 were selected for the Madras Judicial Ministerial Service. No candidate was selected for appointment as lower division clerks in the Central Branches of the Madras Secretariat Service, as no candidate was required to be selected for that category. One thousand eight hundred and sixty-two candidates selected in previous years who had not yet been appointed were brought on to the new lists prepared for 1949.

An analysis of the results of the examination with reference to the educational qualifications of the candidates is given in **Appendix A-1.*** The percentages of the number selected to the number examined were 77.6 per cent of graduates, 62.2 per cent of Intermediates and 41.9 per cent of S.S.L.C. holders.

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

Name of community.	Number selected.	Percentage of the total number selected.
Brahmans	148	8.9
Non-Brahmans (Hindu)	742	44.7
Backward Hindus	420	25.3
Muslims	137	8.3
Christians	185	11.2
Harijans	27	1.6

The number of candidates available for selection from among the Harijans, the Muslims, the Christians, the Backward Hindus qualified in Telugu and the Non-Brahmans (Hindu) qualified in Tamil, Telugu and Kannada, was less than the number required from those communities. Candidates of the Brahman community and Backward Hindus qualified in Tamil and Kannada had therefore to be selected in advance of their turns.

Typists and steno-typists in the Madras Ministerial Service, the Madras Judicial Ministerial Service and the Madras Secretariat Service.

The recruitment of candidates for the posts of typists and steno-typists in these services was as usual made on the results of a common competitive examination which was the same as a portion of that for clerks, etc., referred to in the preceding paragraph. 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 (45/150) 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 typist or steno-typist and were declared eligible for transfer or promotion to other posts in the abovementioned Services on the satisfactory completion of probation as typists or steno-typists.

The number of candidates who obtained qualifying marks (45/150) for selection for appointment as typists and steno-typists was far less than the number required for such appointment. In view of the paucity of candidates for these classes of appointments the Government, at the instance of the Commission, reduced the minimum qualifying marks prescribed for this recruitment to 25 and this enabled the selection for appointment as typists of an additional number of 92 candidates who possessed the required technical qualification in typewriting. Even then, the number selected fell short of the total number required by 69 as shown below :—

Number required.	Number of applicants.	Number selected.			Total.	Deficiency.
		Madras Ministerial Service.	Madras Judicial Ministerial Service.	Madras Secretariat Service.		
393	323	260	11	53	324*	69

* Of these candidates 29 were selected both for the Madras Ministerial Service and Madras Judicial Ministerial Service and Madras Secretariat Service.

Posts of clerks in the Madras Ministerial Service and the Madras Judicial Ministerial Service for which security should be deposited.

Eleven candidates applied for admission to the competitive examination and eight of them secured qualifying marks and all the eight were selected. The total number of candidates required was 25 and there was practically no competition for this class of post.

Posts of women clerks, etc., in the Madras Ministerial Service for appointment in offices and institutions solely managed by or intended for women.

Twenty-six candidates applied for appointment to posts of clerks, etc., in offices and institutions solely managed by or intended for women. Of these 23 appeared for the examination and out of them 19 secured qualifying marks. Out of these only seven could be selected. The total number required was 11 and this demand could not be met owing to paucity of candidates qualified in Telugu for this class of posts.

General Educational Test of the S.S.L.C. Standard.

The competitive examination for recruitment to the ministerial service referred to above was thrown open as a General Educational Test of the S.S.L.C. standard to unpassed men already in service and to unpassed employees under Local Boards and Municipal Councils, the Hindu Religious Endowments Board and such of them as obtained the prescribed percentage of marks were declared eligible for promotion to higher posts or transfer to other services, or for confirmation or higher rates of pay (in the case of unpassed qualified typists).

There were 618 applicants for this General Educational Test and 60 of them obtained the prescribed percentage of marks, as against 599 and 40, respectively, in the previous year.

REPORTS FROM EXAMINERS.

Extracts from the reports of the examiners on the answer books valued by them are given in Appendix B.*

Special Tests—June 1948.

Generally speaking, the answers were fairly satisfactory in some of the tests but not so in the others. Verbatim reproduction from the books without studying the questions and understanding their implications was noticed by some of the examiners. In the paper on the Indian Evidence Act of the Criminal Judicial Test, Part II, the answers revealed a complete ignorance of the general principles and in the paper on the Account Test for Executive Officers the answers revealed lack of intelligent and proper grasp of the essential principles of audit. In the Translation Test the performance poor in Tamil and Telugu and was fairly satisfactory in Malayalam. Mistakes of grammar and bad spelling continued to exist.

Special Tests—December 1948.

The examiners' reports showed that the standard of the answers was fairly satisfactory in some of the tests and that in some others, particularly in the Revenue Tests and in the Account Test for Subordinate Officers, Part I, it was not satisfactory. Inadequate preparation, copying from the books without relevancy and without understanding the questions, omission to number questions or to incorrectly number them, defective expression and lack of practical knowledge, were some of the chief defects noticed by the

examiners. In the Account Test for Subordinate Officers, Part I, many candidates did not know what enclosures should be attached to a pay bill when increments are granted or leave is sanctioned, thus exhibiting ignorance of the elementary principles of accounts. The practical knowledge exhibited by the candidates in the Public Works Account Code, etc., of the Account Test for Public Works Department Officers and Subordinates and in the Account Test for Subordinate Officers, Part II, was reported to be poor. In the Translation Test in Tamil, Telugu and Malayalam the answers were not considered satisfactory.

Departmental Tests—June–July 1948.

The general performance of the candidates in most of the Departmental Tests was fair. In the Local Fund Audit Department Test paper on Fundamental Rules and Travelling Allowances Rules and in the Field Surveyor's Test in Tamil it was, however, poor. In the language tests the answers were satisfactory in Tamil, Telugu and Urdu, but not satisfactory in Malayalam and Kannada. Tamil words were used in some of the answers in Malayalam and Telugu script used in the Kannada answers. Mistakes in spelling, grammar and idiom continued to exist.

Departmental Tests—December 1948—January 1949.

The answers of the candidates in some of the Departmental Tests were satisfactory though in some cases the answers were not generally definite and to the point. The habit of introducing irrelevant matter continued. In the Language Tests the performance of the candidates was fair in Tamil and Urdu but not satisfactory in Malayalam and Kannada. Mistakes of grammar, spelling and translation continued to exist.

Madras Ministerial Service, etc., 1948.

The position revealed by the examiners' reports may be summarized as follows:—

The general level of performance of the candidates in English Composition as evidenced by answers continued to be far from satisfactory.

In the general knowledge paper, the performance of the candidates was on the whole satisfactory though their vocabulary was too poor and their answers abounded in bad spelling.

In Precis-writing the standard of attainment continued to be poor.

In the Translation and Composition paper, the performance of the candidates was on the whole fair but the essay part of it was not satisfactory as they were unable to write grammatically correct and idiomatic prose.

Group I Services—Competitive examination of the B.A. (Hons.) Standard—July 1948.

Only a few candidates attained a really high standard in the paper on English Composition. In the paper on English Language and Literature History of England only a small minority was capable of dealing with the paper and the majority of the candidates did not know enough about English Literature or the English Language.

The performance of the candidates in the other language papers was very bad both in matter and language. The answers on the whole were not satisfactory and the standard in general was very low. Mistakes of spelling and grammar were a common feature.

The general standard of the examinees in the other subjects was indeed low and the candidates seemed to have come with very little preparation.

*Group II Services—Competitive examination—(B.A. Pass Standard)—
September 1948.*

In English Composition and in English Language and Literature and History of England, the performance of the candidates as a whole was disappointing. Most of the candidates were below the standard. There was a woeful ignorance of even the rudiments of paragraph structure. Spelling mistakes were common. Candidates were unable to correct sentences, the mistakes in which could be easily spotted.

With a few exceptions the performance of the candidates has been reported by the examiners to be poor in other subjects also.

*Group III Services—Competitive—Examination (Intermediate Standard)—
September 1948.*

In English Composition the candidates were guilty of very elementary grammatical mistakes. They showed lack of precision and accuracy in their expression. Often there was no paragraphing. There was also a general lack of ideas though there was a good deal of superficial cleverness.

In the language papers, the performance was not very satisfactory.

The performance of the candidates in the other subjects was poor.

V. STATUTORY RULES, REGULATIONS, ETC.

(i) PROMULGATION AND AMENDMENTS.

(a) Statutory rules or amendments to them were issued by the Government in 227 cases during the year. In respect of 103 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 106 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 Government issued in consultation with the Commission Special Rules for the Madras Commercial Taxes Service and the Madras Commercial Taxes Subordinate Service.

(c) The Government issued in consultation with the Commission amendments to the Madras Co-operative Subordinate Service Rules prescribing direct recruitment to the post of Senior Inspector of Co-operative Societies, in respect of a special recruitment of 100 candidates made in 1948.

(d) The Government issued amendments to the Special Rules for the Madras Secretariat Service prescribing a pass in the Revenue Test, Parts I, II and III as an additional qualification for appointment by transfer to the post of upper division clerks in the Revenue Department. The Commission while agreeing to the amendments issued by the Government pointed out that the Commission should have been consulted before the amendments were issued.

(e) The Government without consulting the Commission issued *Ad hoc* Rules in 1944 in respect of temporary posts of Supervisors in the Industries Department and requested the Commission in 1949 to give its "formal" approval for the rules issued in 1944. While agreeing to the rules already issued, the Commission pointed out that consultation with the Commission was not a mere formality and that the issue of the rules without prior consultation with it was statutorily irregular.

(f) Under the Madras Civil Services (Classification, Control and Appeal) Rules, reduction of pension is not a statutory penalty and it is not obligatory on the part of the authority concerned to give the officer concerned an opportunity to show cause why his pension should not be reduced. The Government decided that it was only fair and just that the Officer concerned should be given an opportunity to explain and to vindicate himself if possible in cases where a reduction in pension was contemplated on the basis of fresh allegations which came to notice after his retirement and of which the Officer had no previous opportunity to give his explanation. They ordered that in such cases the procedure prescribed in Rule 15 (a) of Madras Civil Services (Classification, Control and Appeal) Rules should be followed.

(ii) RELAXATIONS.

There were 308 cases in which the statutory rules were relaxed by the Government under section 241 (5) of the Government of India Act, 1935. Of these, 67 cases related to the relaxation of prescribed qualifications, in favour of persons not in Government service.

(iii) TEMPORARY APPOINTMENTS.

(a) During the year under report, there were 4,602 cases (as against 4,113 cases in the previous year), 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 again drawn to this Government Order.

(b) There were only two cases (against 11 cases last year) 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 be recorded in the orders making the appointment or promotion.

(iv) EXCLUSION OF POSTS FROM THE SERVICE RULES.

The conditions of service in the following posts were declared by the Government under the proviso to section 241 (2) of the Government of India Act, 1935, to be matters not suitable for regulation by rule :—

(1) Posts of Superintendent, upper division clerks, lower division clerks and steno-typists sanctioned for the intensive Khadi Scheme.

(2) Care-taker for Government Guest House.

(3) Overseer (Fieldman) sanctioned for the Pomological station at ~~Coimbatore~~ Coimbatore.

(4) Research Officer and Gazetted Assistant attached to the Economic Adviser to Government.

(5) Drivers and cleaners for vehicles attached to Government Guest House.

(6) Temporary posts of Accounts Officer in the Madras Electricity System.

(7) Temporary posts of Assistant Engine Wright and Electrical charge-man in the Lignite Investigation, South Arcot.

(v) EXCLUSION OF POSTS FROM THE PURVIEW OF THE COMMISSION.

The following posts were excluded from the purview of the Commission during the year :—

(1) Any post of clerk in the Local Fund Audit Department when filled by the appointment of a person who was recruited direct as an Apprentice in the Madras Local Fund Audit Subordinate Service and whose probation was terminated for failure to pass the prescribed tests or for failure to complete his training satisfactorily.

(2) Court clerk of the Office of the Administrator-General and Official Trustee when held by an Advocate clerk or an estate clerk.

(3) Officers constituting the Tribunal for Disciplinary Proceedings.

(4) Commercial Tax Officers including Assistant Secretary, Board of Revenue (Commercial Taxes) when recruited by transfer from the Madras Civil Service (Executive Branch), District Registrars in the Madras Registration Service or Inspectors of Excise in the Madras Excise Service.

(vi) (a) APPOINTMENTS MADE UNDER REGULATION 18 (b) OF THE MADRAS PUBLIC SERVICE COMMISSION REGULATIONS, 1937.

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 under section 266 (3) (b) of the Government of India Act :—

- (1) Assistant National Savings Officer.
- (2) Clerk, Madras Secretariat Service.
- (3) Clerk, Madras Ministerial Service (three cases).
- (4) Typist, Madras Ministerial Service (two cases).
- (5) Research Officer and Gazetted Assistant to Economic Adviser to Government.
- (6) Special Officer to organize the course of citizenship training.
- (7) Additional Rent Controller, Madras.
- (8) Special Officer for Electro-culture experiments.
- (9) Assistant Surgeon, Madras Medical Service.
- (10) Assistant Lecturer, Madras Educational Subordinate Service.
- (11) Area Rationing Officer and Regional Transport Officer.
- (12) Electrical Engineer (Mines).
- (13) Assistant Provincial Rationing Officer and Assistant Motor Transport Controller.
- (14) Area Rationing Officer (three cases).
- (15) Regional Transport Officer.
- (16) Supervisor, Madras Engineering Subordinate Service.
- (17) Assistant Provincial Motor Transport Controller.
- (18) District Munsif, Madras Subordinate Civil Judicial Service.

(b) APPOINTMENTS ON CONTRACT.

Appointments by contract are not within the Commission's purview unless the period of contract exceeds five years. In the following cases of such appointments, the Government requested the Commission to interview

the applicants, who had already applied, and select candidates. The Commission interviewed the candidates and made its recommendations to the Government :—

(1) Principal, Teachers' College, Saidapet.

(2) Professor of Dental Surgery, Medical College, Madras and Dental Surgeon, Government General Hospital, Madras.

An officer of the department was appointed to item 1 and the Commission's nominee was appointed to item 2.

(c) APPOINTMENT OF OVERSEAS SCHOLARS.

The Government addressed the Commission regarding the procedure for making appointments to posts in the Provincial Services, of scholars sponsored by the Government for advanced studies abroad on their return to India. The selection of candidates for such studies having been made by a selection Committee on which the Commission was represented, the Commission agreed under the latter part of Regulation 18 (b) of the Madras Public Service Commission Regulations, 1937, to the appointments of the scholars on their return to India after successfully completing their studies, to such posts as were within the Commission's purview and as could be offered to them, being made without the ordinary statutory reference to the Commission. Orders were accordingly issued by the Government, and heads of departments were directed to examine the question of relaxation of the relevant statutory service rules in favour of such scholars with a view to their appointment.

VI. RECRUITMENT TO THE SERVICES.

(a) DIRECT RECRUITMENT BY COMPETITIVE EXAMINATION COMPRISING AN ORAL TEST IN THE SHAPE OF AN INTERVIEW DURING 1948-49.

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 64 classes of posts in the Provincial and Subordinate Services (as against 25 in the previous year) and two other posts. The posts for which the selections were made are given in Appendix C-1 * 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 3,139 (as against 1,605 in the previous year).

Reports containing the general impressions of the technical experts who participated in the oral tests, on the technical attainments and performance of the candidates at the oral tests wherever furnished are given in Appendix C-2.*

(b) DIRECT RECRUITMENT BY COMPETITIVE EXAMINATION, COMPRISING BOTH A WRITTEN TEST AND AN ORAL TEST IN THE SHAPE OF INTERVIEW DURING 1948-49.

During the year, the Commission held for the first time the combined competitive examination comprising a written test as well as an oral test for direct recruitment to the non-technical Provincial and Subordinate Services and recruited candidates on the results of the written and oral test or the written test, where the written test alone had been prescribed. The examinations were held in Madras.

(i) *Provincial Services (Group I).*

The examination was of the B.A. (Hons.) standard and was held for direct recruitment to the Madras Civil Service (Executive Branch) (Deputy Collectors), the Madras Registration Service (District Registrars), the Madras Co-operative Service (Deputy Registrars of Co-operative Societies) and the Madras Police Service (Deputy Superintendent of Police). The number of applicants and the number admitted to the written test were 550 and 501, respectively. Of the 501 candidates admitted to the written test, 209 obtained not less than 30 per cent of marks and qualified themselves for admission to the oral test. Of the 204 candidates admitted to the oral test, 90 candidates obtained qualifying marks. Full particulars regarding the communities of the applicants, etc., are given in Appendix C-3.*

(ii) *Subordinate Services (Group II).*

The examination was of the B.A. standard and was held for direct recruitment to the following services and posts:—

- (1) Madras Ministerial Service—Probationary Revenue Inspector.
- (2) Madras Registration Subordinate Service—Reserve Sub-Registrar (candidates other than Harijans).
- (3) Madras Co-operative Subordinate Service—Junior Inspectors (candidates other than Harijans).
- (4) Madras Local Fund Audit Subordinate Service—Apprentice.
- (5) Madras Ministerial Service—Clerk, Local Fund Audit Department.
- (6) Madras Ministerial Service—Upper division and lower division clerks in the office of the Board of Revenue.
- (7) Madras Secretariat Service—Clerks other than those in the Central Branches.

Recruitment to items 5 to 7 was made on the basis of a written test only. The number of applicants and the number admitted to the written test were 720 and 661, respectively. Of the 661 candidates admitted to the written test, 216 obtained not less than 30 per cent of marks and qualified themselves for admission to the oral test. Of the 216 candidates admitted to the oral test, 183 obtained qualifying marks. The number of candidates for the post of Junior Inspector of Co-operative Societies was far less than the number required and in respect of Lower Division clerks in the Madras Secretariat Service there was paucity of candidates under certain communities and languages. Full particulars regarding the communities of the applicants, etc., are given in Appendix C-3.*

(iii) *Subordinate Services (Group III).*

The examination was of the Intermediate standard and was held for direct recruitment to the following services and posts:—

- (1) Madras Registration Subordinate Service—Reserve Sub-Registrars (Harijans).
- (2) Madras Co-operative Subordinate Service—Junior Inspectors (Harijans).
- (3) Madras Fisheries Subordinate Service—Sub-Inspector of Fisheries.

The number of applicants and number admitted to the written test were 58 and 49, respectively. Of the 49 candidates admitted to the written test, 19 obtained not less than 30 per cent of marks and qualified themselves for admission to the oral test. All the 19 candidates admitted to the oral test obtained qualifying marks. Full particulars regarding the community of the applicants, etc., are given in Appendix C-3.*

(c) RECRUITMENT TO THE PROVINCIAL SERVICES BY TRANSFER FROM THE
CORRESPONDING SUBORDINATE SERVICES.

During the year under report, the Commission dealt with 44 references relating to the Provincial Services (as against 41 cases in the previous year) and either drew up approved lists of officers of the corresponding Subordinate Services who were qualified and suitable for appointment to the Provincial Services or advised on the suitability of officers nominated for such appointments.

Madras Agricultural Service.	Madras Jail Service.
Madras Animal Husbandry Service.	Madras Medical Service.
Madras Co-operative Service.	Madras Police Service.
Madras Educational Service.	Madras Public Health Service.
Madras Electrical Service.	Madras Registration Service.
Madras Engineering Service.	Madras Survey and Land Records Service..
Madras General Service.	

(d) RECRUITMENT CANCELLED.

At the instance of the Government, the Commission selected a candidate for appointment by direct recruitment as Lecturer in English in the Madras Educational Service (Men's Branch) in a vacancy not reserved for war service candidates. Three other war service candidates were also selected for appointment by direct recruitment as Lecturers in English in that service in vacancies reserved for persons with war service. The names of the four candidates were communicated to the Government and the candidates also produced certificates of physical fitness. Sometime after the selections, the Government decided as a measure of retrenchment to convert eight posts of Lecturers and Professors in English in the Madras Educational Service into posts of Assistant Lecturers or Assistant Professors in the Madras Educational Subordinate Service. In view of this decision, the selections made were cancelled and the fees paid by the applicants were refunded to them.

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

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

- (1) Lecturer in Agricultural Economics, Madras Agricultural Service.
- (2) Professor of Electrical Communication Engineering, Madras Electrical Service.
- (3) Professor, Law College, Madras, Madras Educational Service.
- (4) Workshop Engineer, Arthur Hope Polytechnic, Coimbatore, Madras Industries Service.
- (5) Superintendent, Automobile Section, Arthur Hope Polytechnic, Coimbatore, Madras Industries Service.
- (6) Principal, Government Textile Institute, Madras Industries Service.
- (7) Principal, Arthur Hope Polytechnic, Coimbatore, Madras Industries Service.
- (8) Assistant Industrial Engineer, Madras Industries Service.
- (9) Second Physicist, Barnard Institute of Radiology, Madras Medical Service.

(10) Research Officer, College of Indian Medicine, Madras, Madras Medical Service.

(11) Professor, Siddha, College of Indian Medicine, Madras Medical Service.

(12) Professor, Unani, College of Indian Medicine, Madras Medical Service.

(13) Physical Director, College of Indian Medicine, Madras Medical Service.

(14) Demonstrators in Biology and Chemistry, Madras Animal Husbandry Subordinate Service.

(15) Posts of Language Assistants and Assistants in Agriculture, under School Assistants (Men's Branch), Madras Educational Subordinate Service.

(16) Posts of Language Assistants, Assistants in Physics, Natural Science (Tamil), Geography and Home Science (Telugu), under School Assistants (Women's Branch), Madras Educational Subordinate Service.

(17) Tutor, Modern Medicine, College of Indian Medicine, Madras Medical Subordinate Service.

(18) Assistant Professor of Siddha (Research), Madras Medical Subordinate Service.

(19) Assistant Professor of Unani (Research), Madras Medical Subordinate Service.

(20) Reader, Siddha (Research), Madras Medical Subordinate Service.

(21) Reader, Unani (Research), Madras Medical Subordinate Service.

(b) In the following cases, the number of applicants was small and so the field of selection on a competitive basis was limited :—

	Number of	
	Posts advertised. (1)	Qualified applicants. (2)
1 Superintendent, Fruit Research Station, Madras Agricultural Service	2	6
2 Assistant Agricultural Chemist, Malt Factory, Madras Agricultural Service	1	2
3 Agricultural Research Engineer, Madras Agricultural Service ..	1	1
4 Lecturer in Engineering (Civil), Madras Agricultural Service ..	1	2
5 Gazetted Superintendents, Agricultural Research Station, Madras Agricultural Service	15	23
6 Lecturer in Zoology, Madras Educational Service	1	3
7 Assistant Engineer (Mechanical), Madras Electrical Service ..	2	6
8 Assistant Mechanical Engineer	1	1
9 Assistant Superintendent, Public Works Workshops, Madras Engineering Service	1	1
10 Ceramist, Madras Industries Service	1	4
11 Chief Accountant of the System offices, Electricity Department, Madras General Service	3	1
12 Assistant Professor, Modern Medicine, Madras Medical Subordinate Service	1	1
13 School Assistants, Madras Educational Subordinate Service (Men's Branch) other than those mentioned in item 15 of paragraph VII (a) above	32	41
14 School Assistants, Madras Educational Subordinate Service (Women's Branch) other than those mentioned in item 16 of paragraph VII (a) above	46	20

		Number of	
		Posts advertised.	Qualified applicants.
		(1)	(2)
15 Supervisors, Madras Engineering Subordinate Service .. ..	..	300	257
16 Supervisor, Madras Industries Subordinate Service .. ..	..	6	12
17 Civil Assistant Surgeon, Class II (Men) .. ..	..	48	45
18 Do. (Women) .. ..	..	11	8
19 Official Receiver, Madras Judicial Ministerial Service .. ..	..	1	4
20 Second-class Health Officers, Madras Public Health Subordinate Service .. ..	..	23	3
21 Upper Subordinate, Madras Agricultural Subordinate Service ..	..	203	146
22 Veterinary Assistant Surgeons, Madras Animal Husbandry Subordinate Service .. ..	..	72	17
23 Assistant Lecturers, Madras Educational Subordinate Service (Women's Branch) .. ..	..	8	13
24 Assistant Professor, Ayurveda Telugu, Madras Medical Subordinate Service .. ..	..	1	1
25 Assistant Professor, Siddha, Madras Medical Subordinate Service .. ..	..	1	3
26 Tutor, Ayurveda, Madras Medical Subordinate Service .. ..	..	1	3
27 Tutor, Siddha, Madras Medical Subordinate Service .. ..	..	1	3
28 Tutor, Unani, Madras Medical Subordinate Service .. ..	..	1	2
29 Pandit in Sanskrit, Madras Medical Subordinate Service .. ..	..	1	1
30 Assistant Professor, Unani, Madras Medical Subordinate Service .. ..	..	1	2

VIII. ASSISTANCE RENDERED TO GOVERNMENT.

As desired by the Provincial Government a Member of the Commission served on the *ad hoc* committee for the selection of Provincial Service Officers for the emergency cadre of the Indian Administrative Service.

IX. APPEALS, PROPOSALS FOR DISCIPLINARY ACTION, ETC.

The Commission advised on 27 appeals, 10 memorials or petitions, 26 proposals for disciplinary action, 10 cases relating to reimbursement of the cost of defence incurred by public servants and 9 references relating to the grant of pension (as against 19 appeals, 13 memorials or petitions, 15 proposals for disciplinary action, 6 cases relating to the reimbursement of the cost of defence incurred by public servants and 17 references relating to the grant of pension in the previous year).

X. THE GOVERNMENT AND THE RECOMMENDATIONS OF THE COMMISSION.

(i) In its proposals sent in May 1947 for the selection of candidates for appointment by transfer as Deputy Collectors, the Board of Revenue recommended the name of a certain Tahsildar for inclusion in list 'B' (list of Officers considered fit for temporary appointment). In view of the fact that the latest report on this officer contained some adverse comments of the Collector, the Commission at first classed him as 'not yet fit' for inclusion in list 'B'. But the Board informed the Commission that the officer was in its opinion the second best candidate of the particular community to which he belonged and that the remarks in the latest report were

made by a different Collector only six weeks after his predecessor had given a very good account of the officer. The Board further remarked that the Collector who had noted some adverse remarks had been in the District only for less than two months and that those adverse remarks must not prevail over the considered views of more senior officers recorded in the personal file. The Commission agreed with the Board and recommended the candidate for inclusion in list 'B'. The Government did not accept the Commission's recommendation. They did not give any reason for doing so. This is an instance of violation of the accepted convention that the Commission's recommendations should be accepted by the Government except where grounds of policy were involved or imperative reasons existed for not accepting them. In the present case neither of these exceptions was present and the Commission must express its regret that the Government should think fit to deviate from its advice in such a case.

(ii) In September 1947, the Secretary to Government in the Local Administration Department sent to the Commission proposals for the selection of candidates for appointment by transfer as Assistant Secretary to Government in that Department. In respect of one of the officers included in his proposals, he observed that the officer had not actually worked as a Superintendent in his department; that he had become an approved probationer in the post of Superintendent (and had therefore become eligible for consideration for the post of Assistant Secretary) only because the rules provided for his services as District Rationing Officer and City Firewood Rationing Officer being taken into account for the purpose; and that he had had no office experience for the last several years. The officer concerned was technically qualified for appointment by transfer as Assistant Secretary to Government. He had worked in the Secretariat for more than ten years though not as a Superintendent and in view of his good record and of the fact that he must have controlled office staff as Municipal Commissioner and later as Rationing Officer and could not be considered to have had no office experience, the Commission considered him fit for appointment as Assistant Secretary to Government in his turn. The Secretary to Government as head of the department agreed with the Commission's view. But the Government did not accept the Commission's recommendation on the ground that the officer concerned had never actually worked as a Superintendent and had been absent from the Secretariat on other duty since 1934 and that when given a chance he did not choose to return to the Secretariat as Superintendent and prove his fitness for promotion as Assistant Secretary by working satisfactorily in that capacity for a period of six months.

(iii) In December 1947, the Secretary to Government in the Development Department sent to the Commission his proposals for the selection of candidates for appointment by transfer as Assistant Secretaries to Government in that Department. The Commission agreed with him in his recommendations except in respect of one officer, whom he considered 'not yet fit' as he had been out of touch with Secretariat work for a long time and had never worked as a Superintendent in the Secretariat. The Commission took the view that on the basis of his record as a whole and in view of the fact that he had had varied experience and grip over subordinates, that officer could be tried as an Assistant Secretary notwithstanding the fact that he was out of touch with the Secretariat work and had not actually worked as a Superintendent. This tentative view of the Commission was communicated to the Secretary to Government (who is the head of the Department concerned) in December 1947 and he was informed that if he did not accept the Commission's view in respect of that candidate he might

be interviewed in accordance with the procedure prescribed in the Commission's Rules of Procedure. In April 1948, even before the Commission's final recommendations were communicated to them, the Government informed the Commission that they did not agree that the candidate referred to above should be included in the approved list. They also deviated from the order of preference in which the Commission had arranged the names of the other candidates who had been found fit. Apart from the fact that the Government passed orders in this case even before the Commission's final advice reached them the rejection of the Commission's tentative views without giving the Commission an opportunity to reconsider and make a fresh recommendation was not in consonance with well-established practice and convention.

(iv) Approved lists of officers belonging to the Subordinate Services who are considered fit for appointment to the corresponding Provincial Services are drawn up by the Commission annually in accordance with a programme approved by the Government. One such list of officers belonging to the Madras Agricultural Subordinate Service who were considered fit for appointment to the Madras Agricultural Service was drawn up by the Commission in January 1947. Three officers whose names were considered in that connection were considered by the Commission to be 'not yet fit.' The head of the department concerned, viz., the Director of Agriculture, was in agreement with the Commission's view and the Government also accepted it in February 1947 and approved the list as drawn up by the Commission.

Before the next annual list was due to be drawn up, the three officers in question petitioned the Government for the inclusion of their names in the approved list. The Government consulted the Commission and the Commission's advice in respect of each of these officers was as follows:—

First Officer.—The Commission interviewed him in January 1947, in the presence of the Director of Agriculture and found him not up to the required standard. He was only a S.S.L.C. holder and Licentiate (not a graduate) in Agriculture. There was nothing outstanding about him and on the basis of his record up to the time of the interview, the Commission saw no reason to revise its estimate of him. His case would again come up for consideration when the next list fell due in accordance with the programme.

Second Officer.—He was also a S.S.L.C. holder and a Licentiate. Two Directors of Agriculture thought poorly of him in 1944. He was censured and warned in May 1946 for negligence of duty and shirking responsibility. He was 51½ years old and there were several adverse remarks in the latest report for the half-year ending 31st December 1946. His case also would come up again for consideration when the next list fell due.

Third Officer.—There were as many as 35 officers senior to him who also had been considered along with him as 'not yet fit' and it would be unfair to them to pick out his case alone for consideration before the next list fell due. The proper course was to consider his case along with those of his seniors when the next list fell due.

For the above reasons, the Commission did not recommend these officers for inclusion in the list and suggested postponement of the consideration of their cases until the next list fell due.

The Government accepted the Commission's view in the case of the second officer but rejected its advice in the cases of the other two officers

They stated "In view of their good records in the face of which it is difficult to explain their non-inclusion in the approved list (they) deserve special consideration and they should be included in the approved list."

This is another case, of violation of the accepted convention that the Commission's advice should be accepted by the Government except where grounds of policy were involved or imperative reasons existed for not accepting it, since no grounds of policy or imperative reasons can arise or exist in connexion with the consideration of merits of a few specified subordinates for appointment to gazetted rank, particularly when there were several other officers in respect of whom the question whether they had good records and whether they deserved special consideration was not gone into merely on account of the accident of their petitioning the Government as these three officers did, before the next list fell due.

(v) In May 1947 the Board of Revenue in its proposals for the selection of candidates for appointment by transfer as Deputy Collectors recommended the name of a certain Tahsildar whose name was then in list 'B' (list of officers considered fit for temporary appointment) for inclusion in list 'A' (for regular appointment) as the second candidate under the community concerned. The Commission after comparing his record with those of others of the same community who were also in list 'B' agreed with the Board of Revenue that he should be included in list 'A' as the second candidate under the particular community, and recommended his name to the Government in August 1947 for such inclusion. The Government did not accept the Commission's recommendation in respect of this candidate. In his place, the Government included in list 'A' the name of another Tahsildar who was also in list 'B' but was recommended only for retention in that list both by the Board of Revenue and the Commission. In the result, the candidate recommended both by the Board of Revenue and the Commission for inclusion in list 'A' was left out and another candidate who was not so recommended was included in the list. The reason stated by the Government for not accepting the Commission's recommendation was that they found that the officer whose name they put in list 'A' had the best record among those whose names were in list 'B' under the particular community. This deviation from the Commission's advice is yet another instance of violation of the accepted convention that the Commission's recommendations should be accepted by the Government except where grounds of policy were involved or imperative reasons existed for not accepting them. In the present case neither of these exceptions was present and the Commission must express regret that the Government should think fit to deviate from its advice in such instances where the merits of individual officers were in question and in which both the head of the Department and the Commission were in agreement.

(vi) In May 1946 the Surgeon-General brought to the notice of the Government deficiencies in the provision stores in the Victoria Caste and Gosha Hospital (now Kasturba Gandhi Hospital for Women and Children) Madras. On a detailed investigation deficiencies in stores to the extent of Rs. 12,912 under various items were noticed. The storekeeper who was in charge at the time the deficiencies occurred, committed suicide. During the period when the deficiencies occurred, in addition to the Superintendent of the Hospital, there were three different Resident Medical Officers who were responsible for the supervision and control of the stores of the hospital. In August 1947 the Government referred to the Commission for advice the question of recovery from these officers of the loss caused to the Government.

The Commission felt no difficulty in finding that the Superintendent of the Hospital was technically guilty on all the charges framed against her. But having regard to the strong mitigating circumstances, it deprecated any severely punitive action against her. The person responsible for the loss was the storekeeper and if he could have been caught and found with the goods or their value in his possession, there would have been no question of recovering any thing from any body else. The Commission considered that the fact that he had committed suicide should not be made a ground for any severe action against the Superintendent. It was true that as a general principle it was the duty of the head of the institution to see that all the subordinates did their duty and that the Superintendent did not arrange for the periodical verification of stores. But in this respect the Superintendent was in good company. For, the Surgeon-General was also responsible for not carrying out the stock-checking and control contemplated in the Civil Medical Code and the Auditors also had failed to bring to the Superintendent's notice that there had been no physical verification of the provision stores at any time. In the Commission's opinion it was impossible to assess the responsibility of each of the various parties involved and apportion the loss among them. The Superintendent's contention that it was not possible for her as a doctor with multifarious professional duties to discharge, to attend to the mass of details connected with store-keeping of such magnitude was accepted by the Surgeon-General and also by the Government by their recognition of the need for the appointment of a Lay Secretary for the hospital. The Commission in the circumstances recommended that only a token recovery of Rs. 100 be made from the Superintendent.

As regards the Resident Medical Officers, no duty in connexion with the preparation of indents was laid upon the Resident Medical Officers by any rule. The Commission was unable to see that their action in initialling the indents rendered them liable for the correctness of the indents in the absence of any such rule. There was nothing to show that the Resident Medical Officers were entrusted with any responsibility for the provision stores which were in the custody of the storekeeper and for which he maintained the stock accounts. They seemed to have been in charge of only the medical stores and it did not appear to the Commission that they could be charged with slack supervision over the receipts and issues of the articles purchased during the emergency in 1942 and held in reserve stock, which were all provision stores. The Commission held that since those officers had no responsibility for the reserve stocks they should not have been charged at all. It recommended that no action need be taken against the Resident Medical Officers as it had not been proved that any neglect of duty on their part contributed to the loss caused to the Government.

The Government, however, differed from the Commission's views and advice and ordered the following recoveries :—

Superintendent—Rs. 100 per month for twelve months.

Resident Medical Officers—In two cases Rs. 10 and Rs. 20 per month respectively for twelve months and in the other case Rs. 585 in suitable instalments.

They stated that as the head of the institution the Superintendent should be held personally responsible for the proper maintenance of stock accounts and the correctness of the verification reports and that in spite of delegations and apportionment of work among other officers in the institution, the Superintendent had to be deemed to have been responsible as the head of

the institution for exercising general control. As regards the Resident Medical Officers the Government stated that by passing the indents prepared by the storekeeper, they rendered themselves liable for the correctness of the indents and that their explanations could not be accepted as satisfactory and they could not be absolved from responsibility in the matter.

(vi) The Special Officer for Departmental Enquiries conducted an enquiry against a Taluk Supply Officer (Deputy Tahsildar) for certain irregularities alleged to have been committed by him in the procurement of paddy and recommended that he should be reduced to the post of a lower division clerk. The Collector considered that the punishment recommended by the Special Officer was too severe for the charges proved and ordered that the accused officer should be reduced to the post of an upper division clerk for a period of one year spent on duty. The Special Officer, who considered that the punishment recommended by him was the appropriate one, took the matter to the notice of the Board of Revenue for review of the orders passed by the Collector. The Board held that the punishment imposed by the Collector was sufficient. The Special Officer thereupon brought the facts to the notice of the Government for such action as they deemed fit and necessary. The Government referred the case to the Commission for advice.

The Commission considered that in view of the extenuating circumstances mentioned by the Board of Revenue, the punishment awarded by the Collector could not be regarded as too light, that the accused officer's record was fairly good and that there was no need to reduce him to the post of a lower division clerk, the duties and responsibilities of which were practically the same as those of an upper division clerk. It agreed with the Board that reduction to the post of an upper division clerk was adequate and advised that no enhancement of that penalty was called for.

The Government, however, disagreed with the views of the Commission. They said that there was a material difference between the responsibilities attached to the post of an upper division clerk and those attached to the post of a lower division clerk and considered that the punishment recommended by the Special Officer was more appropriate in the circumstances. They accordingly directed that the accused officer should be reduced to the post of a lower division clerk.

The Commission is not able to understand what grounds of policy or imperative reasons existed in this case for the Government's interference and for rejecting the advice of the Commission on such a matter in which the question involved was merely whether the reduction should be to the post of a lower division clerk or to the post of an upper division clerk and in respect of which the Collector of the district, the Board of Revenue and the Commission had all taken the view that penalty of reduction to the post of an upper division clerk already imposed by the Collector was adequate.

(viii) In the case of a District Educational Officer who was charged with certain irregularities and who was about to retire, the Special Officer (Departmental Enquiries) held all the seven charges proved and recommended that he be dismissed from service. The records were sent to the Commission for its advice. The Commission held that all the charges, except two charges, were proved. It recommended that for the proved charges, the accused officer be removed from service and that in view of his long service and his generally satisfactory previous record, a compassionate allowance not exceeding two-thirds of the pension which would have been admissible to him if he had retired on medical certificate be granted to

him. The Government agreed with the findings of the Commission on the charges. They were, however, of the view that having regard to the nature of the proved charges dismissal rather than removal was the appropriate punishment and that there was no case for the grant of any compassionate allowance to the accused officer. They, therefore, deviated from the Commission's advice and ordered that the accused officer be dismissed from service.

(ix) In the case of an Agricultural Demonstrator, who was charged with certain irregularities, the Director of Agriculture held that for the proved charges the punishment of stoppage of increment for one year was called for. But in view of the fact that the accused officer was due to retire, the Director took a lenient view and let him off with a censure. The Government, however, considered that the leniency of the Director was misplaced and were of the view that the case called for a more severe punishment. They accordingly reopened the case and requested the Director to institute fresh proceedings against the accused officer by directing him to show cause against reduction of his pay to a lower stage in the time-scale. This was done and the records were sent to the Commission for advice. The Commission agreed that for the proved charges, the penalty of censure imposed by the Director was inadequate, and was of the opinion that the penalty of reduction in pay was inappropriate as the accused officer had by then retired from service and as he must have had already drawn by pay which was proposed to be reduced. It advised that the most appropriate course was to reduce his pension under Article 470 (b), Civil Service Regulations by an amount not exceeding rupee one a month. The Government however considered that a reduction of pension by rupee one was too small. They, therefore, deviated from the Commission's advice and ordered that the accused officer's pension should be reduced by Rs. 10 a month.

(x) A jail warder was dismissed from service on charges of theft of vegetables from the jail and insolent behaviour towards the gate-keeper.

The order of dismissal was passed by the Superintendent of the Jail on 27th September 1944. The warder preferred an appeal to the Inspector-General of Prisons, who declined to interfere. He then submitted a petition to the Government who rejected it on 8th August 1945. He thereafter submitted a memorial to the Minister and was told on 8th August 1946 that the Government declined to interfere. He submitted another petition to the Minister on 17th October 1946 and this was also rejected. The warder again petitioned the Minister on 29th October 1946 and he was told that the Government declined to interfere and that further representations from him would remain un-noticed. These numerous orders had no effect on the warder; for, on 1st April 1947, he again memorialized the Minister and this memorial was referred to the Commission on 24th June 1947. The Commission noticed that the warder had not been given the reasonable opportunity contemplated by section 240 (3) of the Government of India Act, as interpreted by the Federal Court in Lal's case and advised that the Superintendent should give him such opportunity and pass fresh orders. The Government accepted this advice and in pursuance of it the Superintendent, after complying with section 240 (3) of the Act, passed a fresh order dismissing the warder from 27th September 1944. A statutory appeal to the Inspector-General of Prisons lay against that order. But the Warder did not avail himself of it. Instead, he submitted a memorial to the Minister on 3rd January 1948, and the Government referred it to the Commission for advice on 14th June 1948. The Commission found that it had been proved

that the warder committed theft of vegetables from the jail and that when stopped at the gate he behaved insolently towards the gate-keeper, and it took the view that a jail warder who committed such offences deserved no less a punishment than dismissal. It accordingly advised the Government to reject the memorial. But the Government rejected the Commission's advice and reinstated the warder in service without giving any specific reasons, observing merely that "having regard to all the circumstances of the case", the punishment of dismissal was "far too severe for the offence committed." If a member of a Jail staff, who is subject to strict discipline, does not deserve dismissal for theft and insolent behaviour, the Commission is unable to see who does.

(xi) A Minister's Personal clerk while travelling in a Government jeep which overturned sustained an injury as a result of which he lost the little finger of his right hand. The Government referred the case to the Commission with the suggestion that he should be granted a monthly pension of Rs. 10 under rule 9 (3) of the Extraordinary Pension Rules.

The Commission stated that as the Medical Board had classed the injury only as "severe" and as not "equivalent to the loss of a limb", and award could be made only under the substantive portion of rule 9 (3) of the Extraordinary Pension Rules and not under the proviso to that rule and that the clerk would be eligible only for a gratuity and not for a pension unless the relevant rule was relaxed in his favour. The Commission advised that as the period of his unfitness for duty was only 15 days he might be granted a gratuity equivalent to one month's pay which was the amount admissible under the said rule.

The Government did not accept the Commission's advice but sanctioned the grant of a pension of Rs. 20 per mensem. This amount was double the amount originally thought of by the Government themselves as appropriate for the injury. They stated that the clerk had suffered permanent loss of his little finger in the right hand and the third finger in the same hand had become unserviceable and that since he would be seriously handicapped in his usual avocation on account of the injury and as the Government had accepted the liability to pay "third party risks" in cases where their vehicles were involved, they had decided to allow a pension of Rs. 20 per mensem to the clerk.

(xii) In June 1945, the Government sanctioned, among others, a temporary post of Assistant Research Officer of the rank of Assistant Engineer for the Irrigation Research Station at Poondi and filled the post temporarily under the emergency provisions of the rules. In the ordinary course, the post was one of a regular appointment to which could only be made in consultation with the Commission.

The Government subsequently asked for the Commission's concurrence to the appointment of the person who had been temporarily appointed, them being made without the ordinary statutory reference to the Commission. The reasons given for this proposal were—

(1) according to the original intention the post should be deemed to be a specialist post requiring special additional qualifications and experience, other than Engineering prescribed for the regular Assistant Engineers.

(2) the delay, which might be involved in making a regular appointment after advertisement would seriously handicap the work already started on the right lines,

(3) the candidate temporarily appointed to the post possessed all the special qualifications prescribed for the post and he was considered eminently suitable for the post; and

(4) a change in personnel would, in view of the nature of the work which was being done, be undesirable.

The Commission was agreeable to the appointment being made without the ordinary statutory reference to it but only on condition that the person appointed was not regarded as a probationer in the Madras Engineering Service or as entitled by reason only of that appointment to any preferential claim to future appointment to the Madras Engineering Service or any other service. The Government accepted this condition and issued orders accordingly in July 1946.

In May 1947, the Government proposed that the post should be kept outside the Commission's purview, for the reason that it was a "Specialist" one, requiring qualifications and experience other than Engineering prescribed for appointment as Assistant Engineer and that it was imperative to find a suitable and efficient man with aptitude for research. The Commission did not find in this a sufficient justification for excluding the post from its purview. It stated that even if the post was a specialist post requiring special qualifications, it could still make the selection of a suitable and efficient person with the assistance of the Head of the Department who would provide the necessary technical aid in making the selection. The Commission was unable to see how the exclusion of the post from its purview would help better to find a suitable and efficient person, as, whichever authority made the selection, there could be no other way of attracting the best men except through open competition. The Commission accordingly urged that it was in the best position to make such a selection and was the appropriate statutory authority entrusted with the function of making selections even to such posts and that the work was in no way different from that which it performed almost daily. For all these reasons the Commission opposed the proposal to exclude the post from its purview.

In January 1948, the Government again asked for the concurrence of the Commission to the regular appointment of the person already appointed by them temporarily, without the ordinary statutory reference to it. The Commission stated that the person was already holding the appointment on certain terms which had been approved by the Government and that in its opinion there was no urgency or need for altering those terms and that if the appointment was to be made regularly, it should be done in the ordinary way after due advertisement, in open competition at which that person would have his chance along with others, if he was qualified. The Commission accordingly adhered to the views which it had already expressed and regretted its inability to give its concurrence to the making of the appointment without open competition.

The Government, however, replied that in view of the importance of Irrigation Research and the deputation of the person who had been appointed temporarily to the United States of America for further studies in Irrigation Research, they had decided to exclude the post from the purview of the Commission so long as it was held by that person. They also issued a regulation to the effect that it shall not be necessary for the Commission to be consulted in respect of the appointment of that person to that post. The Commission cannot but regard such an appointment made otherwise than in open competition as anything but objectionable in the extreme.

(xiii) In 1944, the Government sanctioned the post of a Special Officer for the limited purpose of conducting the more important of the disciplinary enquiries against Government servants which till then the departmental officers were themselves conducting, as it was found that the departmental officers had not the time and, in some cases, enough grasp of the procedure to conduct them with the result that they committed serious defects and irregularities of procedure which necessitated re-enquiry. The object of sanctioning the post was, therefore, to relieve the departmental officers of some departments of a great deal of quasi-judicial work which many of them were little qualified to perform and from the performance of which many of them shrank owing to the amount of time, labour, and trouble involved in the performance of it. It was even then contemplated that the Special Officer should be an officer of high standing with judicial experience, who, after conducting the enquiries and recording his findings, would send the cases with his recommendations to the authorities empowered to impose punishments on Government servants. If the authority competent to impose the punishments were the Provincial Government, they had to refer the cases to the Commission for advice before passing final orders if they were cases of the kind in which it was obligatory for them to consult the Commission under the provisions of the Constitution Act read with the regulations issued thereunder. Until the end of 1948, the Special Officer's findings and recommendations were referred to the Commission in scores of cases and subjected to its scrutiny and there were occasions in which the Commission had to differ from the Special Officer's conclusions.

In March 1948, the Government referred to the Commission the following proposals (among others) of the Corruption Enquiry Committee which they had constituted in 1947 to make recommendations for the eradication of corruption in the Public Services:—

(1) The post of Special Officer should be retained under the designation "Tribunal for Disciplinary Proceedings".

(2) Ordinarily only cases of corruption need be sent to the Tribunal.

(3) Cases enquired into by the Tribunal whether in an original or an appellate capacity, should be disposed of by the Government without consulting the Public Service Commission.

The reference to the Commission of the above proposals was accompanied by draft rules for giving effect to them, which included the following provisions:—

(4) The advice of the Tribunal would ordinarily be accepted; and

(5) no appeal shall lie against the orders passed by the Government on the advice of the Tribunal.

The Commission strongly protested against all these proposals. It drew the Government's attention to the original purpose for which the Special Officer was appointed and pointed out that if his duties were altered as proposed the whole object with which his post was sanctioned would be defeated and that the unsatisfactory situation which it was sought to remedy by his appointment would be revived. The Commission stated that it could not understand how the change of the Special Officer's designation into "Tribunal for Disciplinary Proceedings", the exclusion of corruption cases from the Commission's purview, and the replacement of the Commission by such a Tribunal in so far as those cases were concerned, would bring about the eradication of corruption in the Public Services. Nor could it understand how the continuance of the existing statutory functions of the Commission would retard the eradication of corruption. The Committee which

made the proposal had given no reasons in support of the proposed summary exclusion from the Commission of a part of one of its most important statutory functions and its replacement by the so-called "Tribunal for Disciplinary Proceedings".

The Commission was also unable to see how the Special Officer, even with the proposed new designation, was better qualified or more competent to advise the Government than the Commission in corruption cases. It pointed out that the Commission was the statutory body specially constituted for advising the Government on such matters free of all political influences and that the Special Officer could not and would not have the same status or independence as the Commission had. It emphasized that to replace it by such a Tribunal as that proposed would be a most undesirable infringement of the principles underlying the Constitution Act by which it had been specially created and in which its duties had been defined as including the tendering of advice to the Government on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India including memorials or petitions relating to such matters and that the proposal if given effect would defeat the purpose of the provisions of that Act. It pointed out further that the proposed rule that no appeal shall lie against an order passed on the advice of the Tribunal was *ultra vires*, as under the Constitution Act provision for at least one appeal was obligatory.

The Commission stated further that if the post of Special Officer was not to exist for the purpose for which it was originally sanctioned, there was no need for its continuance and that it might well be abolished.

The Government rejected the Commission's protest and issued the rules as originally proposed except in regard to the provision for one appeal. They also issued a regulation excluding from the Commission's purview disciplinary cases in which they passed orders on the advice of the Tribunal. In justification of their orders, the Government stated—

(1) that there was no intention to depart from the position under which the Commission acts as an advisory and independent body under the Government of India Act, 1935, in regard to disciplinary matters;

(2) that the intention merely was that inasmuch as enquiries into corruption cases would be conducted by a Tribunal comprising two Judicial Officers, practically all the safeguards obtained in a Court of Law would be secured to the accused;

(3) that the Tribunal had one important advantage over the Commission, viz., that it was in the position of a trying judge who heard the witnesses and the accused and could put questions on points that occurred to it in the course of the enquiry and in relation to the documents before it;

(4) that expeditious disposal was quite necessary in regard to corruption cases; and

(5) that cases other than corruption would as usual be disposed of only consulting the Commission.

Item (1).—If there was no intention to depart from the position created by the Government of India Act, 1935, the exclusion of corruption cases from the Commission's purview was unnecessary and the regulation which was actually issued excluding such cases from the Commission's purview was contrary to what was intended.

Item (2).—This overlooks the fact, that although the Tribunal now consists of two Judicial Officers they may sit singly. In any event, the two

officers are actually not a Court of Law; nor can they command the same status or independence as the Commission can.

Item (3).—If this reason or reason (2) is valid why does the Constitution Act create a Public Service Commission and vest it with powers to advise “on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India including memorials or petitions relating to such matters?” Is it permissible to nullify the provisions of that Act concerning the constitution, functions and duties of Public Service Commissions by creating separate Tribunals or other bodies to perform those functions and to discharge those duties? Assuming that “practically all the safeguards obtained in a Court of Law would be secured to the accused” and that the Tribunal is in the position of a trying judge who hears the witnesses, how are the accused or the Commission or the Government deprived of those advantages by the observance of the procedure of consulting the Commission provided for in the Government of India Act, 1935?

Item (4).—The Commission is not aware of any instance in which expeditious disposal has suffered on account of the time taken by the Commission to give its advice. The Government have not quoted any such instance.

Item (5).—The rules issued provide for reference to the Tribunal, besides corruption cases (both original and appellate) “any other case or class of cases which the Government consider should be dealt with by the Tribunal”. The regulation issued excludes from the Commission’s purview all cases “where the Provincial Government pass orders on the advice of the Tribunal”. Therefore even cases other than corruption dealt with by the Tribunal are excluded from the Commission’s purview although it would appear that the intention was to exclude only corruption cases.

In conclusion, the Commission is most emphatically of the opinion that the proposals adopted by the Government constitute a most undesirable infringement of the provisions of the Constitution and that the Government have adopted them without sufficient justification and without realizing their full implications.

Order—No. 2998, Public (Services), dated 3rd September 1949.

Recorded.

(By order of His Excellency the Governor)

K. RAMUNNI MENON,
Chief Secretary.

To the Secretary, Madras Public Service Commission (with 16 copies).

“ Departments of the Secretariat including Governor’s Secretariat but excluding Legal.

“ Consul for the United States of America at Madras.

“ Information Officer, Press Information Bureau, Government of India, Khalil Mansingh Mount Road, Mad.as.