CHAPTER V

INTEGRATION OF SERVICES

Another great administrative problem to be tackled by the new State of Karnataka owing to the States' Reorganisation was the integration of services - both gazetted and non-gazetted. The new State welcomed the employees who came from the erstwhile areas of Bombay, Madras, Hyderabad and Coorg. Option was given to the employees of the erstwhile areas either to come and serve the new State of Karnataka or to remain in their parent States. No restrictions were placed on them.

"Already there were 1580 Gazetted Officers and 92,667 non-Gazetted Officers belonging to the Old Mysore State. They expressed their willingness to continue in the new State and hence they were allowed to continue in their respective positions. Similarly, 55 Gazetted Officers and 231 non-Gazetted Officers from Coorg, 132 Gazetted Officers and 2,621 non-Gazetted Officers from Madras-Karnataka area, 327 Gazetted Officers and 20,739 non-Gazetted Officers from Hyderabad-Karnataka area and 564 Gazetted Officers and 23,137 non-Gazetted Officers from Bombay-Karnataka area opted to serve the new State
of Karnataka and accordingly they were allocated to this State. So all the employees who were serving on 31st October, 1956 in the transferred territories of Bombay, Madras, Hyderabad and Coorg were deemed as regional allottees to the new State.

The State Government allotted all these officers to different departments after revising the cadre strength of the State Civil Services. The integration of services in a newly formed State which comprises areas of more than one State is necessarily supplemental, incidental and consequential to the reorganisation plan. The personnel of the different integrated regions do not possess the same attributes. Diversity in respect of qualifications, the conditions of service, the grades, the duties and responsibilities and jurisdictions in relation to each of those services is an inevitable factor. Difficulties are inevitable in bringing about integration of services, the object of which is to create and evolve a homogeneous civil service for carrying on the administration of the new State. The Fact-Finding Committee appointed under the Chairmanship of Shri M. Sheshadri by the Government of Old Mysore expressed the following views in connection with the integration of services:
Among the administrative problems that arise in the event of the integration of different areas into a composite State, the one relating to services is beset with complications. The problems that present themselves include the allotment of posts, the allocation of personnel to fill the posts allotted and fixation of scales of their emoluments. The posts that have to be allotted fall into two categories, namely; Gazetted and non-Gazetted. The Gazetted cadre will include what are called listed posts to be held generally by members of the All India Services like the I.A.S., I.P.S. and other posts which are open to the officers of the States Civil Services in the Executive, Judicial Branches and Technical Departments like the Agriculture, Medical and so on. The cadre of listed posts for each State has already been fixed. A certain percentage of these posts is generally available for being filled by the officers of the State Civil Services.

The next question that will have to be faced is in respect of the personnel to be allocated to fill the posts thus transferred. Linguistic prejudices are bound to play an important part in the selection of personnel. This circumstance will only add to the
difficulties of the situation. The integration of services is rendered more complicated when the scales of salaries vary in different areas. The examination of the scales of emoluments prevalent in Hyderabad, Bombay and Madras reveals marked variations both in respect of salaries and allowances: (2) The Central Government advised the State Government to follow the recommendations of the Report of the States' Reorganisation Commission 1955 and the principles laid down in the States' Reorganisation Act 1956.

Recommendation of the States' Reorganisation Commission

The following are the views expressed and the recommendations made by the States' Reorganisation Commission headed by Syed Fazl Ali:

"Para 803: The most urgent problems, perhaps, which the reorganised States, will have to tackle, will be those connected with the integration of the personnel drawn from various areas into the administrative structure. We have deemed it necessary to deal with this matter at some length, because the reorganisation of the States is likely to be undertaken at a time when the burden thrown on the administrative services will be very great."
"Para 804: The constitution of this commission has led to a number of claims and counter claims, and has created a degree of emotional unrest resulting in the deterioration of the law and order situation in certain areas. For sometime to come, the responsibilities of Governments and services in the disputed areas may, therefore, be particularly heavy. The general elections are also due to be held shortly, and the second five year plan may be well underway by the time proposed reorganisation takes effect. The cumulative strain which all this will impose on the administrative services may be expected to be so considerable that the greatest importance must be attached to the maintenance of the morale of the services and to measures which are necessary to ensure that administrative efficiency is not impaired."

"Para 805: In recent years, problems more or less similar to those with which the new administrations will be faced, have had to be handled in connection with the integration of the princely States and also in connection with the formation of Andhra. We have already referred to the fact that the integration of services in the Part B and Part C States has proved to be much more
difficult than was anticipated. This process has had
to be spread over very nearly six or seven years and
even in some cases, it has not been completed. The
lack of any clear criteria for the gradation of the
service personnel inherited from the integrated States,
the free exercise of the rights of appeal against
decisions taken by competent authority and the failure
on the part of the State Governments either to finalise
the decision taken or to accord to the problem the
priority which it deserved, seem to explain this delay.
Whatever the reasons, the uncertainty which prevailed
in the initial years after the formation of the present
Part B and Part C States, has been such as to affect
service morale and to impair efficiency."

"Para 806: The separation of Andhra was relatively
simple, considered merely from the administrative point
of view. But even in this case, we understand that the
allocation of personnel belonging to the All India and
other services to the new unit had at certain stages
to be negotiated between the two areas of the composite
Madras State. This negotiation proved, in the event,
to be not too difficult. It is not clear, however,
whether in the absence of special arrangements, a
detailed division of existing administrative cadre and
the personnel will prove to be equally easy in the case
of the States which will have to be broken up."

"Para 807: This is not a matter in respect of
which a policy of drift or what amounts virtually to
that, can be considered satisfactory. The Government
of India, no less than the State Governments concerned,
will have to give to this question very high priority."

"Para 808: The reconstitution of the sanctioned
State cadres, will have to be taken in hand as soon as
the new units are set up. This should not involve any
difficulty except in so far as common services or posts
which cannot be clearly related to any particular area
are concerned. Even in these cases, it should normally
be possible to arrive at decisions by agreement."

"Para 809: Against the posts thus determined, the
allotment of personnel may be made primarily on the
basis of the option of the employees. This option
should be respected as far as possible, but it must be
consistent with the public interest which will require
a division which on the one hand will be satisfactory
to the services as a whole and on the other hand will
be fair to the new States themselves."
"Para 810: The integration of services which will follow the determination of the cadres and the allotment of personnel should be based on definite principles which should, as far as possible, be of uniform application throughout India. Some of the principles which seem 'prima facie' to be suitable are that seniority among the officers in the State of origin inter se should not be varied to the disadvantage of those who are now in employment and should be continued until such time as uniform pay scales, not less advantageous than those enjoyed by them in the parent State, are evolved. It is also of the greatest importance that the body constituted to integrate the service personnel of the different States should be such as to inspire confidence and that only one appeal from a decision regarding the integration should be permitted."

"Para 811: It is not necessary at this stage to enter into any greater detail. The procedure which was adopted in the case of Andhra was to constitute two Committees composed of the members of the service themselves, representing the separating areas of composite Madras, and these Committees did most of the work in the first instance. Prima facie, this procedure seems to be suitable."
Para 812: The Government of India are directly concerned with the reallocation to the prospective States of the personnel of the All India Services and normally Government of the new State should be responsible for the division and reconstitution of the rest of the services. We wish, however, to draw the attention of the Governments concerned to one important aspect of the problem with which they will be called upon to deal. An eminent public man pointedly drew our attention to the fact that the existing smaller units which may be integrated with the larger States should not be treated as annexed territories and that Government servants belonging to these smaller units should be treated fairly and even generously. We realise the importance of this question and hope that the reorganisation of the administrative machinery in the States will be effected in such a manner that no section or group may be left with a sense of grievance.\(^{(3)}\)

The Views of Pay Structure Committee

Similarly the Pay Structure Committee appointed by the Government of Old Mysore in 1955 on the eve of the States' Reorganisation, in paragraph 35 of their report, observed thus: Scales of pay in Hyderabad are
generally higher than those in Mysore. The scales of pay as recommended by the Committee are lower than those existing in Coorg, Bombay and Hyderabad, while they may compare favourably with those of Madras in the lower cadres. The integration of services would, therefore, be a big problem as the officials in the areas coming to us would be drawing higher emoluments and our officials doing the same kind of work and of equal or perhaps higher qualifications may suffer in relative ranking owing to poor scales in Mysore."(4)

The Provisions of States' Reorganisation Act 1956

The States' Reorganisation Act 1956 made certain provisions with regard to the integration of services. The following is the text of Section 115 of the above mentioned Act.

"Sub-Section 4 - Every person who is finally allotted under the provisions of sub-section (3) to a successor State shall, if he is not already serving therein, be made available for serving in that successor State from such date as may be agreed upon between the Governments concerned and in default of such Agreement, as may be determined by the Central Government."
"Sub-Section 5 - The Central Government may by order establish one or more Advisory Committees for the purpose of assisting it in regard to:

(a) the division and integration of the services among the new States and the States of Andhra Pradesh and Madras, and

(b) the ensuring of fair and equitable treatment to all persons affected by the provisions of this section and the proper consideration of any representations made by such person - provided that the Conditions of Service applicable immediately before the appointed day to the case of any person shall not be varied to his disadvantage except with the previous approval of the Central Government." (5)

Measures Undertaken by the Government of Karnataka

In the light of the views expressed by the Fact-Finding Committee, the States' Reorganisation Commission and the Pay Structure Committee and the provisions of the States' Reorganisation Act 1956, the Government of Karnataka undertook the following measures in order to bring about the integration of services. These measures can be classified into two categories.
1) Constitution of Committees

2) Directions and Instructions.

1) Constitution of Committees

A separate department known as the States' Reorganisation Department was established in the Secretariat and a Special Secretary was appointed in charge of the department entrusted with the responsibility of dealing with matters pertaining to the integration of services. But now, it is called as the General Administration Department (Integration) which is in charge of the Deputy Secretary. In the initial stage, the department had to face several difficulties while equating the various kinds of posts. They are the following: a) the difficulty of nomenclature; b) the difficulty of determining the exercise of powers and jurisdiction etc; c) the different scales of pay of officers hailing from five different regions; d) the difficulty in gathering actual facts and verifying these facts in the case of all officers who came from different areas to the new State of Karnataka. The Inter-State Seniority Lists of Government Servants of all categories coming from different areas of the State had to be prepared as early as possible in order that individual Government
Servants might have no grievance and postings might be made without injustice to individual Government Servants. Hence, as a first step in this direction, two Committees were established to assist the Government of India for the preparation of Inter-State Seniority lists for purposes of integration of services. The following Committees were established:

1) For persons in Class I scale and above.
   The members of the Committee were:

   A) Chief Secretary - Chairman.
   B) Shri Puttarangaswamy, I.A.S. Secretary to Government; Planning and Development Department.
   C) Shri K.J. Rebello, I.A.S. Secretary to Government, Home Department;
   D) Shri M. Vasudeva Rao, I.A.S., Divisional Commissioner;

2) For other Government Servants.
   The members of the Committee were:

   A) Secretary of the Administrative Department concerned - Chairman;
   B) The Head of the Administrative Department concerned;
   C) The other officers serving in the Department.
and coming from a State to which the Secretary and Head of the Administrative Department do not belong (The idea was that in this Committee, Mysore, Bombay, Hyderabad and Coorg were to be separately represented by officers coming from these areas). These Committees were directed to meet regularly every Friday and Saturday from the week commencing from Friday, the 23rd November, 1956. In order to enable these Committees to cope with their work, it was suggested that in respect of Class I Government Servants, a provisional list should be prepared by the Secretary of the Administrative Department concerned in consultation with the Head of the Department and in respect of Government servants at lower categories, the Head of the Department should designate two or three officials to prepare provisional Inter-State Seniority List at different levels. The Committees mentioned above were directed to scrutinise the list and submit their final recommendations to the Government. The second step taken by the State Government
was to lay down general principles for
equation of posts and determination of inter-
State seniority. The principles to be
followed in preparing inter-State seniority
lists were decided at the Delhi Conference
and they were not to be departed from.
Officers entrusted with the task of
preparing the provisional inter-State
seniority lists were directed to keep them
in mind. The Government of Karnataka issued
the following directions and instructions
from time to time on the basis of principles
decided at the Delhi Conference.

2) Directions and instructions

A) The Government directed in their Official
Memorandum (7) - "In determining the equation of posts,
the following factors should be borne in mind."

1) The nature and duties of a post;
2) The responsibilities and powers exercised by
officers holding the post, the extent of territorial
or other charge held or responsibilities discharged;
3) The minimum qualifications, if, any prescribed
for recruitment to the post;
4) The salary of the post;

It was agreed that in determining relative seniority as between two persons holding posts declared equivalent to each other and drawn from different states, the following points should be taken into account:

1) Length of continuous service, whether temporary or permanent, in a particular grade: This should exclude periods for which an appointment is held in a purely stop-gap or fortuitous arrangement;

2) The age of the person: Other factors being equal, for instance, seniority may be determined on the basis of age.

It was also agreed that as far as possible the inter-State seniority of officers drawn from the State should not be disturbed. The provisional inter-State seniority lists should be prepared in form annexed.

Department: ______________________

Name of service: __________________
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post</th>
<th>Designation of the post</th>
<th>Name of the officer</th>
<th>Pay scale in the State</th>
<th>Post of the pay scale orders</th>
<th>Pay in the said post</th>
<th>Final result</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-10-56</td>
<td>'N'</td>
<td>31-10-56</td>
<td>'B'</td>
<td>31-10-56</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3) Further supplementary instructions were issued in another Official Memorandum:(8)

1) Official Memorandum No. SS 7081-7181/3R dated 8th November 1956 contains the principles to be followed in preparing inter-State seniority lists as recommended by the Government of India. In this State, however, there are five different pay-scales and the variations in these pay-scales are so great that the taking into account of the salary of a post in determining either equivalence of posts or seniority may not yield just results. Therefore, the salary of a post should not be taken into account except where the other conditions are equal and do not yield a definite result.
2) In the Old Mysore State, Gazetted posts were not classified into Class I and Class II as in other States. As the first Committee mentioned in para 2 of the Memorandum to deal with inter-State seniority lists of Class I Officers, it was suggested in the 'Note' under para 2(1) of the Memorandum that posts in a time-scale of pay equivalent to the Mysore Civil Service may be deemed to be in Class I. This is only an indication; but the various Departmental Committees will have to decide whether particular posts in the Old Mysore cadre are equivalent posts which come within Class I category or not. As the recommendations of the Departmental Committees, will, in any case, be scrutinised by Committee No.I, the latter will ensure uniformity of treatment by suitable modifications where necessary.

3) In establishing equivalence of posts, it would be very useful if Departments keep in mind the new organisational set up for any Department in the new State of Karnataka. Departments are also required to prepare drafts of Cadres and Recruitment rules as early as possible. If in establishing equivalence of posts, the new set up is not kept in mind difficulties may arise again when the new organisation is brought into operation. Besides, if the draft Cadres and Recruitment Rules are
kept in mind, they will provide solutions for some of the problems which are likely to arise in preparing inter se seniority lists vis; whether posts which are in some States in the same cadre and in some, in different cadres should be kept in one cadre or in separate cadres, whether the seniority lists for a particular category of posts (particularly non-Gazetted posts) should be prepared on a State wide basis, on a regional basis or on district basis etc. The preparation of the inter se seniority lists should not, however, be deferred until the draft Cadre and Recruitment Regulations are finalised. If the Departmental proposals in this respect are later on modified on any account, there will not be much difficulty in making suitable modifications in the inter se seniority lists prepared to suit the new conditions.

G) In a further Official Memorandum the Government laid down some general principles for equating posts and determining inter-state seniority:

1) In the principles indicated by the Government of India for integration of services, it is provided:

a) that seniority shall be determined by length of continuous service in equivalent cadres and;
b) that the inter se seniority of officers drawn from the same State shall not be disturbed.

These two principles are conflicting to some extent and the manner in which the two main objectives of fixing the seniority on the basis of total continuous service in equivalent posts and of maintaining the inter se seniority among officers from each area should not be reconciled, has been given careful consideration.

2) In all the States, seniority is generally determined with reference to the length of continuous service in a cadre. The exceptions to this will arise in the following cases:

a) Where an officer has been placed above a person with longer continuous service, e.g., where there has been direct recruitment to the particular grade and the direct recruits have been given a higher rank (according to cadre-rules in each State) than officers, who had been officiating in the grade even prior to the first appointment of the direct recruits, or where an officer's claim for promotion had been passed over for whatever reason and a junior is promoted and subsequently on appeal or otherwise the officer has been promoted and
given a rank in the higher grade above his junior in the lower grade and;

b) where an officer has been placed specifically below a person with less continuous service, e.g., where an officer has been reduced in rank as a punishment and hence his rank is lower than that of officers promoted to the post after him.

3) Government direct that as far as possible the decisions of former Government in cases of the kind mentioned at (a) and (b) in para 3 above should not be interfered with, unless, of course, the orders are passed after 1-10-1955 when they will be liable to review. With a view to secure this object, an Inter-State Seniority List may first be prepared omitting cases of the nature indicated at (a) and (b) of para 2. Such a list will indicate the seniority strictly in accordance with length of continuous service and also there would not be any disturbance in the inter se seniority of officers drawn from the same State. In this list, the persons mentioned at (a) and (b) para 3 should be inserted at appropriate places as follows:

1) Persons mentioned at (a) of para 2 will be
inserted just above the promotee from the same State who was immediately below them in the State list.

2) Persons coming in the category (b) of para 2 will be inserted just below the officer of the same State who was immediately above them in the State list.

3) While determining the inter-State seniority of Gazetted Officers, only the length of service in equivalent posts should be taken into consideration.

D) In an Official Memorandum, the Government issued certain instructions relating to the publication of provisional inter-state seniority lists: "Inter-State Seniority Lists of Government Servants from different States are being prepared by the various authorities, who have been entrusted with this task in accordance with the directions in Official Memorandum No. SS.7081-7181 dated 8th November 1956. Government have considered the desirability of giving an opportunity to Government Servants from different areas to submit representations, if any, against the place assigned to them in the Inter-State Seniority Lists before these lists are finalised. It is essential that these lists should be completed as early as possible in order to enable postings or promotions
to be made without undue delay. Accordingly the following instructions are issued:

1) The provisional seniority lists of Gazetted Officers will be forwarded by the Committee, which prepares it, to the Secretary, States' Reorganisation Department, who will arrange for its publication in the Mysore Gazette. The Notification will indicate also the equivalence of posts adopted and any other general principles which may have been followed in the preparation of Inter-State Seniority Lists. Any Government Servant dissatisfied with his position in the list on the grounds connected with the establishment of equivalence of posts or any other matter relatable to States' Reorganisation may submit his objections through a written application direct to the authority specified for the purpose in the Notification itself and simultaneously send a copy of his representation to the Head of his Department and to the Secretary, States' Reorganisation Department. The objections shall be stated concisely and should refer to relevant matters, as otherwise the application is liable to be summarily rejected.

2) The representation should be sent within thirty days of the time of publication of the Notification.
in the Gazette. Immediately on expiry of this period, for the action to revise and finalise the lists will be undertaken.

3) No intimation to individual Government Servants affected by the seniority lists will be sent. The publication of the lists in the Gazette will be deemed sufficient notice. Government servants are accordingly advised to watch the publication in the Gazette carefully, so that whenever lists relating to them are published in the Gazette, they may, if they have any representations to make, make their representations in time.

4) As already mentioned, the representations shall be restricted solely to matters relatable to States' Re-organisation and the integration of Government servants belonging to different States. Representations by Government Servants in respect of their seniority on the grounds not connected with States' Reorganisation can continue to be made by individual Government Servants in accordance with the normal procedure prescribed for such representations.

5) The representations received will be considered by the Committee which prepared the provisional seniority lists, as they may deem necessary in the light of representations received. The revised seniority lists, with
the comments of the Committee on every individual representation received, will be forwarded to the Secretary, States’ Reorganisation Department. These recommendations will be scrutinised by a Committee presided over by Chief Secretary and submitted to Government for orders with necessary recommendations. The finalised lists will be published in the Gazette. The above procedure will apply mutatis mutandis to non-Gazetted servants too. The provisional seniority lists, in their cases, will not be published in the Gazette but will be circulated to the offices in which the employees concerned are serving. A copy of the list should also be arranged on the Notice Board of every such Office."

E) Certain clarification were issued by the Government in the Official Memorandum: (11) "In the Memorandum No. SS.10018 dated 16th November 1956, instructions were issued that where it is essential in the interest of administrative efficiency and due discharge of work that some of the posts which became vacant after 1-11-1956 must be filled up without delay, if the posts are regional posts, they should be filled up only by persons belonging to the region, the senior-most
official of that region being appointed to be "in charge" to fill that post. It was also indicated that if an officiating appointment is absolutely essential, the senior-most official of the region may have to be appointed to officiate in that post, mentioning specifically that the order of appointment is valid until further orders only and is provisional pending finalisation of the inter-State Seniority List when the appointment is liable to be reviewed.

The provisional Inter-State Seniority lists of Gazetted Officers of a number of Departments have either been published or are ready for publication after having been scrutinised by the Committee presided over by the Chief Secretary. It may not be correct to make promotion on a regional basis after the provisional Inter-State Seniority Lists have been approved for publication. The provisional Inter-State Seniority Lists approved by the Committee presided over by the Chief Secretary after such approval is communicated to the Administrative Department. Promotions on the basis of these lists will also be made whenever only incharge arrangements have been ordered and made. These appointments will also be provisional until the Inter-State Seniority Lists are finally decided by Government.
Officiating arrangements ordered prior to the approval of the provisional seniority lists need not be interfered with until the Inter-State Seniority Lists are finally approved after considering the objections.

F) With regard to continuance of allowances drawn prior to 1st November 1956, the Government clarified the matter by issuing an Order to the effect: *(12)* "In Government Order No. P1(B) 14034-14133-Bud.119-56-3 dated 25th January 1957 read above, new scales of pay and allowances were sanctioned with effect from 1st January 1957 applicable in respect of all new entrants joining services after 1st November 1956 from the date of their appointment and in respect of all other employees of the Mysore State in service as on 1st November 1956 including all Government Servants allotted to the new State of Mysore from the several integrating areas, only at their option. (The rates of dearness allowance drawn by the officials coming to service of the new State of Mysore from the integrating areas of the States of Bombay, Coorg, Hyderabad, Madras and Mysore vary considerably. While communicating their decisions under Section 115(7) of the States' Reorganisation Act 1956 on the question of the protection of service conditions to be afforded to State Service personnel affected by States' Reorganisation,*
the Government of India have left the decision regarding the dearness allowance to the State Governments with the observation that the State Governments should consider when any reduction is made, the desirability of providing for necessary adjustments being made in such manner as not to reduce the total emoluments drawn by a person immediately before reorganisation. It has further been decided by the Government of India that house rent allowance, compensatory allowance and city allowance should be dealt with on the same basis as dearness allowance.

After considering all aspects of the question and the decision of the Government of India, regarding protection of service conditions to State service personnel, Government direct that dearness and other allowances drawn by the State service personnel allotted to the new State from the States of Bombay, Coorg, Hyderabad, Madras and Mysore be dealt with as follows:

(a) The rates of dearness allowances indicated in the Government Order dated 25th January 1957 will be applicable from 1st April 1957 even to officers and officials who do not opt to the new scales pay.
(b) Where the basic pay plus dearness allowance of the non-optees is less than the basic pay plus dearness allowance drawn for October 1956, the difference will be treated as personal allowance to be absorbed in future increments. Where the rate of increments is more than one-third of the difference, only one-third of the difference will be absorbed in each of the next three increments accruing after 1st April 1957. Where the rate of increment is less than one-third of the difference, the full increment will be adjusted to reduce the personal allowance, until the entire difference is adjusted.

(c) Koyna Project Compensatory Allowance: This allowance will be discontinued from 1st November 1956 as it was payable only at the project site. Persons working at the project sites of major projects in the new State may be given the project allowance admissible under the Government Order dated 25th January 1957.

(d) Hill Allowance: This may be discontinued from 1st November 1956.

(e) The house rent allowance sanctioned by the former Governments in places in the new State of Mysore will continue till 31st March 1957 in respect of existing employees. Persons posted to these places after
1st April 1957 will not get this allowance. Even in respect of officials who continue to work in these places after 1st April 1957, the allowance will be treated as personal allowance to be absorbed in future increments. House rent allowance payable to some classes of Government Servants employed in specified Departments or performing specific duties, in lieu of rent-free quarters, will be continued until a revised list of officers entitled to rent-free quarters is drawn up for the whole State.

(f) Compensatory and city allowances will be continued upto 31st March 1957 in the places where they were being paid prior to 1st November 1956. The officials who were posted to these places after 1st April 1957 will not get these allowances. Those who were working in these places on 1st April 1957 will have these allowances treated from 1st April 1957 should be only under specific orders of Government.

(g) In respect of officials who were getting Bombay City house rent allowance and Bombay City compensatory allowance or similar allowances in the States of Hyderabad, Madras and Coorg and have been posted to Bangalore or other places within Mysore State, the said allowances
may be created as absorbable personal allowances from 1st November 1956.

(h) The allowances drawn by officials in Bellary District will also be dealt with in accordance with the above principles. Continuance of all other allowances not covered by the Government Order dated 25th January 1957 should be only under specific Orders of Government.

(G) With regard to protection of service conditions to be afforded to State service personnel, the Government clarified the matter by further issuing an Order(13) to the effect: "It will be recalled that the question of protection to be afforded in the matter of various service conditions to personnel affected by reorganisation immediately before the date of reorganisation, should be protected as indicated below:

I. Pay

A) Permanent Employees

i) Substantive pay - Substantive pay as well as the scale in which the substantive pay is drawn should be protected in all cases;

ii) Officiating pay - Where an officer had officiated continuously on a particular scale of pay or would have
officiated on that scale but for his officiating appointment to a post on a higher scale or proceeding on leave or deputation, for a minimum period of three years immediately before 1st November 1956, the pay as well as the scale of pay on which he had so officiated should be protected as if it were pay and scale drawn in a substantive capacity.

(B) Temporary Employees

In the case of temporary employee:

1) Where a person was in temporary employment and drew pay in a particular scale for a period of not less than three years immediately before the 1st November 1956, the pay (not the scale) drawn by him immediately before such date should be protected subject to his continued employment after reorganisation on a post not lower than the one held immediately before the date of reorganisation;

ii) Where such a person is appointed after reorganisation to a post lower than the one held by him immediately before reorganisation, he should count the period of temporary service rendered by him in the higher post in the matter of fixation of pay on the scale attached to the post to which he is so appointed; and
iii) Where such a person had been in temporary employment and drew pay in a particular scale for a period of five years or more immediately before 1st November 1956, the pay drawn by him immediately before that date as well as scale in which it was drawn, should be protected subject to his continued employment after reorganisation on a post not lower than the one held immediately before the date of reorganisation.

II. Special Pay

Special Pay should be protected to the same extent as pay, in a case in which special pay was being drawn clearly in lieu of a higher time scale, immediately before the 1st November, 1956.

III. Leave Rules

The Government of India have considered the matter carefully. Having regard to the practice adopted by the Central Government and perhaps also by the State Government in this matter whenever leave rules were revised in the past and the views expressed at the December Conference, the Government of India would suggest State Governments allowing every Government servant affected by reorganisation to exercise the option of electing either the set of
leaves rules applicable to him immediately before reorganisation or the one adopted by the State to which he is allotted.

IV. Pension

Every permanent Government servant affected by reorganisation should be allowed the option to elect either the rules of pension applicable to him immediately before the date of reorganisation or the rules adopted by the new or reorganised States to which he is allotted.

V. Provident Fund

Where, in any case, rates of interest on provident fund were guaranteed to any employee immediately before 1st November 1956, benefits in respect of accumulations as on the date of reorganisation should be admissible to him on the rates so guaranteed.

VI. Dearness Pay

Dearness Pay should be protected to the same extent as pay.

1) It will be recalled that at the December Conference of State representatives, the question whether any protection should be given in respect of
Rules and conditions applicable to Government servants affected by reorganisation immediately before the date of reorganisation in the matter of travelling allowance, discipline, control, classification, appeal, conduct, probation and departmental promotion was also considered. The Government of India agree with the view expressed on behalf of the State representatives that it would not be appropriate to provide for any protection in the matter of these conditions. As regards Rules relating to medical attendance, they agree that no protection as such need be provided. They, however, consider it unlikely that in an age of growing emphasis on the provision of such welfare items as medical attendance by the State, any State Government would wish to cut down medical attendance facilities which might have been available to a set of employees in their parent State immediately before reorganisation.

2) On the question of protection of dearness allowance, the general sense among State representatives was that dearness allowance was variable in character and therefore, there should be no question of protection as a matter of right in the case of such an allowance. The Government of India would be content to leave this matter to be decided by the State Governments themselves.
but hope that in doing so, State Governments would consider the desirability of providing for necessary adjustments being made in such manner as not to reduce the total emoluments drawn by a person immediately before reorganisation. The Government of India have also decided that house rent allowance, compensatory allowance and city allowance should be dealt with on the same basis as dearness allowance.

3) It will be recalled that on one point on which agreed conclusions could not be reached at either of the two conferences of State representatives in the question of pay to be allowed to a person affected by reorganisation on subsequent promotion in the new or reorganised State to which he is allotted, i.e., whether on such promotion, he should be allowed the benefit, if any, of the scale of pay to which he would have been entitled on such promotion in his parent State. The Government of India have given very careful thought to this question in the light of the views expressed by State representatives at the two conferences mentioned earlier. They have come to the conclusion that it would be equitable to allow every person affected by reorganisation, the limited protection of drawing pay on promotion to a post one stage above the one held by him in a
substantive capacity or on which he had officiated continuously for a minimum period of three years immediately before the date of reorganisation, on the scale of pay that would have been admissible to him on such promotion in his parent State before reorganisation, if such scale is more favourable than the scale attached to the post in the new or reorganised State to which he is allotted. In coming to this conclusion, the Government of India have taken into account the practice adopted by the Central Government (and some State Governments also) on previous occasions whenever pay-scales were revised. They have also taken note of the fact that there is an essential difference between a situation in which a State Government revised the pay scales of its own employees and another in which the question giving protection in respect of such service condition as remuneration to employees inherited by a State from another as a result of such a large scale reorganisation of States as had just been given effect was involved and especially when allotments were made otherwise than on the basis of option of employees.

4) In respect of such conditions of service as have been specially dealt with in the preceding paragraphs, it will be open to the State Governments to take action
in accordance with the decisions conveyed therein and so long as State Governments act in conformity with these decisions, they may assume the Central Government's approval in terms of the proviso to sub-section (7) of Section 115 in the States Reorganisation Act. In all other cases involving Conditions of Service not specifically covered in the preceding paragraphs, it will be necessary for the State Government concerned to obtain the prior approval of the Central Government in terms of the above provision before any action is taken to vary the previous conditions of service of an employee to his disadvantage. In the event of any doubt arising as to the intention of the Central Government about any of the points dealt within this letter, State Governments would no doubt refer the matter to the Government of India for clarification.

The contents of the above order were conveyed to the State Government by the Central Government in their letter No. 5/6/57–SR(S) dated 27th March 1957 and the same was reissued by the Government of Karnataka by another Official Memorandum referred above for the information and guidance of the Heads of Departments, the Secretaries to Government and the Deputy Commissioners of the State.
H) With regard to the clarification sought by the Accountant General, Bangalore in the matter of admission to the Madras Contributory Provident Pension Fund of employees transferred from the old Madras State consequent on the reorganisation of States from 1st November 1956, the Government of Karnataka issued an Order to the effect: "Since there is no fund like the Madras Contributory Provident Pension Fund in the Mysore State, no Government servant will be eligible to be admitted to the above Fund from 1st November 1956. As regards Government employees who are already subscribers to the above Fund (viz. on 31st October 1956), they will be given the option to come under the new Pension Rules 1957 subject to the following conditions (as laid down in Rule 45 of the Madras Contributory Provident Pension Fund Rules, 1950).

1) A subscriber shall cease to subscribe to the Madras Contributory Provident Pension Fund;

11) The amount of contributions made by the Governments of Madras and Mysore together with interest thereon standing to his credit in the Fund shall be recredited to the Government of Mysore (under the appropriate head of account);
iii) The amount of subscriptions by the Government servant together with interest thereon, standing to his credit in the Fund shall be transferred to his credit in the General Provident Fund (Mysore) (to come into effect from 1st April 1957 for which separate orders will be issued) to which he will be eligible to subscribe in his new post under the Mysore State;

iv) his pensionary benefits shall be governed by the new Pension Rules and the Mysore Government shall bear the full pensionary liability in respect of the services rendered by him from the commencement of qualifying service.

Those who do not exercise the above option will continue as members of the old rules in accordance with the rules in force on 31st October 1956.

I) 1) With regard to the subject of reckoning of the total continuous service of the erstwhile Coorg employees (non-Gazetted) for purposes of gradation in the inter-State Seniority List, the Government clarified the matter by issuing an Order to the effect: (15) where as in erstwhile Mysore State and the erstwhile States of Bombay, Madras and Hyderabad, there was a distinction
between Secretariat and non-Secretariat Service, in the erstwhile Coorg State, there was no such distinction for purposes of recruitment, promotions, transfers etc. A common gradation list was being maintained there in respect of the entire ministerial staff of all the Departments of the Coorg Government including the Secretariat.

2) On the eve of integration consequent on the abolition of the Coorg Secretariat, a number of officials of the erstwhile Coorg Secretariat were posted to various non-Secretariat Departments by the erstwhile Coorg Government and also officials of one Department were posted to another to facilitate their absorption in the new State.

3) One of the conditions laid down for determination of seniority in the inter-State list is the length of continuous service in the equated cadre. In view of the different procedure that existed in the erstwhile Coorg State, this principle for determining seniority will adversely affect the employees of erstwhile Coorg State who were absorbed in various Departments only on the eve of integration. It is therefore directed that in the Inter-State Seniority List, the position of the officials who were posted by the erstwhile Government
of Coorg on 1-11-1956 counting the entire total continuous service put in by them in the equated cadre, whether in the particular Department or in the secretariat should not be affected.

J) With regard to general principles for determining equation of posts, fixation of inter-State seniority and reckoning of service in the equated grade, the Government issued an Order to the effect: (16) "While considering the question of equation of posts in the gazetted cadres, Government have laid down the following general principles for guidance in connection with finalisation of Inter-State Seniority Lists of gazetted officers.

I) "Equation of posts in several Departments should be determined on the principles mentioned below:

   a) Nature and duties of the post.
   b) Responsibilities and powers exercised by the officer holding the post, extent of territorial and other charges hold or responsibilities discharged.
   c) The minimum qualifications, if any, prescribed for recruitment to the post and;
   d) The salary of the post when the other things are equal."
II) "In determining the seniority as between persons holding posts which are declared as equivalent, length of continuous service in the equated post, including continuous officiating service, if any, should be the basis, subject to the modification that in respect of the officials belonging to the State of Madras, whose deemed date of promotion was determined before 1-11-1956 and that date is more favourable to the individual than the date of continuous officiation, the Government should have the benefit of the deemed date and that in other cases, that is, where the deemed date was not determined on or before 1-11-1956, the rule of continuous service will prevail."

III) "In respect of upgraded posts, services in the lower posts should count for purpose of seniority: (a) when its status is altered without any alteration in duties and responsibilities or pay scales and the same person has held the post throughout the relevant period; (b) when the pay-scale has changed as a result of general revision of pay scales but not other grounds."

IV) "Periods spent on 'Probation' should count as service for purpose of seniority only when such service was counted for seniority in the parent State before 1-11-1956."
V) "In connection with the maintenance of inter se seniority in the parent State, instructions contained in OM. No. S.S. 14169-289 SRO dated 9-1-1957, should be followed."

VI) "Officers who came over with the merger of Bellary should have their seniority fixed in the same manner as above. In applying the principles, the question of preserving inter se seniority of officers of Old Madras State should be kept in mind. But cases where the seniority of any official is already concluded by an order of Government and in consequence thereof, promotion has been made and there is no pending appeal, the question of his seniority should not be reopened."

The above principles are of general applicability and have, therefore, to be followed while finalising the inter-State seniority lists of non-gazetted officers also. The Secretaries to Government and Heads of Department are requested to obtain and keep ready the necessary material, for implementing the above decisions of Government at the time of finalising the inter-State seniority lists of non-gazetted officers.

1960 Integration Rules

In the light of these orders, the two Committees reviewed the cases of officers pertaining to their
integration of services and then submitted their reports. On the basis of the recommendations made by these two Committees, the State Government issued Karnataka State Civil Services Integration Rules 1960 and the State's Reorganisation Department was requested by the Government to follow these rules while preparing the Inter-State Seniority Lists. According to the Karnataka State Civil Services Integration Rules 1960: "The services and the classes and categories of posts, sanctioned in connection with the affairs of the new State of Karnataka, shall be the services and the classes and categories of posts in respect of which the posts held by the allotted Government servants on 31st October 1956, shall be equated under these Rules. Posts held by the allotted Government servants on 31st October 1956, shall, with effect from November 1, 1956, be equated and declared as equivalent, in respect of each service under the different classes and categories of posts, with reference to the following factors, namely:

a) The nature and duties of the post;

b) The responsibilities and the powers exercised by the officers holding the post: the extent of territorial or other charge held by the incumbent or the responsibilities devolved on the holder of the post;
o) The minimum qualifications if any, prescribed for recruitment to the post;

d) The salary of the post: provided that the salary of a post held shall not be taken into consideration except where the other factors are equal and it is not possible to determine the equation on the basis of those factors.

After the determination of the equation of posts in accordance with the provisions mentioned above, the Inter-State Seniority of allocated Government servants who on the 31st Day of October 1956, held equivalent posts, shall be determined in accordance with the provisions of this part, in respect of each category or class of posts in every service as on the first day of November 1956. Regarding Inter se Seniority Lists, where in respect of allocated Government Servants from any State, no Inter se Seniority List had been prepared before the first day of November 1956 or when such list had been prepared and it had not been brought up to the 31st day of October 1956, an Inter se seniority list shall be prepared in accordance with the Rules applicable to such Government servants prior to the first day of November 1956. The Rules said that the length of continuous service in equated posts should be taken into consideration while determining the
seniority between the allocated Government servants. In other words, the list shall be prepared after determining the seniority by making reference to the length of continuous service, whether in a permanent, temporary or officiating capacity, in equated posts, excluding periods during which an equated post was held in a purely stop-gap or fortuitous arrangement: Provided that:

a) Where the length of continuous service is the same, in respect of two or more Government servants, the persons older in age shall be deemed to be senior to the person younger in age.

b) Where two or more categories of posts of the same State have been declared to be equivalent to any category or class of posts in the new State of Karnataka, the total continuous service in all the categories of posts in the former State, shall be deemed the length of continuous service.

c) The inter se seniority of allocated Government servant from the same State shall not be varied unless to give effect to proviso (b) or unless on equitable grounds such reservation is deemed necessary.

d) If in respect of any allocated Government servant from the State of Madras "a deemed date" of
promotion had been determined before 1st November 1956
and the determination of the length of continuous service
with effect from the 'deemed date' is more favourable,
the length of his continuous service shall be deemed to be
from such "deemed date." The length of continuous
service has been taken to include the following categories
of services:

1) Service as Probationer: Service as a probationer
in an equated post of any State shall be deemed to be
service in an officiating capacity for purposes of
determining the length of continuous service, if any
such service as probationer would count for determination
of seniority in that State;

2) War Service: The period of war service of an
allocated Government servant from any State shall be deemed
to form part of continuous service in any post, for
purposes of determining the length of continuous service,
if such war service would not count for determination of
seniority in that State;

3) Service relating to Upgraded posts: Where an
equated post is an upgraded post, service in the post
prior to the upgrading shall be deemed to be continuous
service in the upgraded post for purposes of determining the length of continuous service, if the upgrading enhanced the status of post without any alteration in the duties and responsibilities or pay-scale (other than during a general review of pay scales) and the same person held the post both before and after upgrading;

iv) In the case of an allocated Government servant who had been transferred from any Department to any other Department, his service before such transfer in any class or category of post, which carries the same scale of pay as the class or category of post held by him on the 31st day of October 1956, shall be deemed to be the continuous service, unless the rank of such Government servant in the class or category of post in which he was serving on the 31st day of October 1956 had been finally fixed by the appropriate authority in the inter-se seniority lists or list before the first day of November 1956.

In the case of Government servant allocated to serve in connection with the affairs of the State of Karnataka under sub-section (1) of Section 63 of the Andhra State Act 1953, the inter-State seniority of officers shall be fixed in the same manner as in the case of Government servant allocated to serve in connection with the affairs
of the new State of Karnataka from the State of Madras under sub-section (2) and (3) of Section 115 of the States' Reorganisation Act 1956.

Provided that in fixing the inter-State seniority under this Rule the reference to inter se seniority in proviso (c) to Rule 7 (i.e. the Rule dealing with the length of continuous service in equated posts on the basis) shall be construed as reference to inter se seniority as in force on the 30th September 1953.

Provided that this rule shall not be applicable to a Government servant whose rank in the inter se seniority list of any class or category of posts in the State of Karnataka had been fixed after the first day of October 1953 and before the first day of November 1956. The inter-State seniority list of such Government servant shall be fixed in the same manner as in the case of Government servant allocated to serve in connection with the affairs of the new State of Karnataka from the Old State of Mysore under sub-section (1) of Section 115 of the States' Reorganisation Act 1956. When an allocated Government servant has on the 31st day of October, 1956, a permanent or other lien on any post included in any other class or category of posts and has been officiating in any other post included in any other class or category
of posts, his name shall be included in the Inter-State Seniority List of the class or category of posts in which he has been officiating.

The Integration Rules 1960 also dealt with the fixation of Inter-State Seniority in cases where inter-se seniority was not in accordance with the length of continuous service. According to these Rules, the rank in the inter-State Seniority list shall be fixed in accordance with the provisions of sub-rule (2) in the following cases, namely:

1) Where there has been recruitment to any class or category of posts both by promotion of Government servant in a service (that is recruitment by promotion) and also by appointment of persons not in such service i.e. by Direct Recruitment) and in accordance with the Rules in force relating to the determination of Inter-se Seniority, the rank of a person recruited by promotion although the person recruited by promotion, has rendered service in an officiating capacity in that class or category in that class or category of posts for a longer period than the person appointed by Direct Recruitment.

2) Where in respect of recruitment to any class or category of posts by promotion of Government servant
in a service, a person holding a higher rank in the seniority list of the class or category of posts, has been fixed below that of any other Government servant, whose length of continuous service in that class or category is less than that of the Government servant on whom the penalty is imposed.

3) Sub-rule (2) of this Rule says "after preparing a draft of Inter-State Seniority List in accordance with the Integration Rules 1960 (From Rules 5 to 13) (a) the rank of the Government servant appointed by Direct Recruitment referred to in class (1) above shall be fixed in the Inter-State Seniority List, immediately above the rank in the Inter se Seniority List immediately above the rank of the person recruited by promotion whose rank in the Inter se Seniority List was immediately below the rank of such Government servant; (b) the rank of Government servant referred to in Clause (III) above shall be fixed in the Inter-State Seniority List immediately below the rank of the person whose rank in the inter se seniority list was immediately above that of such Government servant.

Notwithstanding anything contained in the preceding Rules, the State Government retained the power to reposit
with retrospective effect any allocated Government servant to any post or to refix with retrospective effect the rank of any allocated Government servant in the Inter-State Seniority List in which his name is included, if such reposting or refixation is deemed necessary in order to rectify any error or to implement any decision of a competent authority or the competent Court of Law. Where an allocated Government servant is reposted to any post or where the rank of any such Government servant in the Inter-se Seniority List is re-fixed, his rank in the Inter-State Seniority List shall be fixed or refixed, as may be necessary, in accordance with such reposting or refixation of rank, as the case may be."

Measures undertaken by the Government of Karnataka

In the light of the above rules and orders, the Committees appointed by the States' Reorganisation Department equated the posts and determined the inter-State seniority lists of officers in respect of various States service cadres. The Committees were careful while determining the Inter-State Seniority List in safeguarding the service conditions of the allottees as assured by the Union Government in its Order (18) to the service personnel. The Committees used to submit the lists to the States'
Reorganisation Department whenever they prepared and the latter used to publish the same. Any aggrieved Government servant dissatisfied with his position in the list on the grounds connected with the establishment of equivalence of posts or any other matter was requested to submit his objections through a written application direct to the authority specified for the purpose in the Notification and simultaneously to send a copy of his representation to the Head of the Department and to the Secretary, States' Reorganisation Department. The representation was to be sent within thirty days of the date of publication of the notification in the Karnataka Gazette. Immediately on expiry of this period, further action to revise and finalise the lists was being undertaken. The States' Reorganisation Department received objections from the aggrieved parties and in turn submitted them to the Committees and they used to review the whole thing. But the State Government did not like to approve the same as it wanted that it should be scrutinised independently by some other Committees. As such, it appointed two Committees in January 1960—the first headed by Shri Dutt I.C.S. and the second headed by Shri Janoja I.C.S., Dutt's Committee was asked to deal with the cases of Gazetted Officers and Janoja's
Committee with the cases of non-Gazetted Officers.

Thus, the State Government approved finally the Inter-State Seniority Lists of officers of a few Departments. It may be illustrated by an example. The Inter-State Seniority List of officers belonging to the Gazetted cadre of the Commercial Taxes Department was approved and published on May 3, 1960. A few officers belonging to the Department of Commercial Taxes filed a number of writ petitions in the High Court challenging the power of the State Government under Section 115(5) of the States' Reorganisation Act 1956 to do final integration of services as one without competence. Mr. M.A. Jaleel was the first petitioner and the issue came up before the High Court. The High Court of Karnataka, Bangalore delivered the following judgment on March 13, 1961:

"The language of Section 115(5), its subject matter and the purpose sought to be accomplished in its enactment make it manifest that the legislative intent was to constitute the Central Government the exclusive authority for integration of services. The authority conferred by Section 115(5) on the Central Government is not in the nature of appellate power. It is original authority."
Though the power to integrate its services would normally have formed part of the executive power of the new State of Karnataka, with the enactment of Section 115(5) of the States' Reorganisation Act 1956, the new State of Karnataka had been deprived of its power to make the integration.

"In view of Article 4(2) of the Constitution of India, Section 115(5) of the States' Reorganisation Act 1956, is not open to criticism that it contravenes the Constitution. It is not permissible for the Union Government which was a delegate of Parliament to assign to the Government of a State its entire responsibility to make the integration. What may be delegated in such cases is the preparation for the final disposition, including preliminary measures, provisional decisions, ministerial Acts and other composite steps that lead to the eventual determination. But, the integration which, when completed finally settles the pattern of the civil service in the State, integrating the service personnel drawn from different States or areas, is what the Central Government alone can make. Whatever assistance the Central Government might derive or requisition from the State, can only form the material on which such integration may rest. Article 258 of the Constitution of India does not authorise the delegation of a power of which the
Union Government, is a donee under a law like the States' Reorganisation Act made under Articles 3 and 4 of the Constitution.

"Nor does Section 117 of the States' Reorganisation Act, 1956 empower the Central Government to divest itself of its duty to make integration and direct the State to do that work. The direction authorised by that Section, is one necessary for the integration to be made by the Centre or for its implementation after it is so made. But the conferment of authority on the Central Government to make the integration does not deprive the Government of the State of its power to consolidate its Governmental operations through a transitional reorganization of its administrative structure during the inter-regnum between the formation of the new State and the amalgamation of the integrated parts of its civil service by the Central Government. Held that the Government Notification integrating services in the Department of Commercial Taxes dated 3-5-1960 was beyond the competence of the State Government."

Thus the High Court delivered the above judgment and the State Government had to accept the judgment. The Inter-State Seniority Lists prepared by the State Government were not final. Those lists were treated as
provisional so they had to be finalised by the Central Government. It took steps to adopt the revised procedure which led to much delay in the finalisation of the Inter-State Seniority Lists. The Central Government asked the State Government to take the assistance of the Central Advisory Committee which had been constituted to deal with matters relating to integration of services of Gazetted officers and the State Advisory Committee which had been constituted to handle matters pertaining to integration of services of non-Gazetted Officers. The State Government began to prepare and publish the provisional Inter-State Seniority Lists. Then it invited objections from the aggrieved Government servants. It made it clear to every one that it would forward the objections with its comments and observations to the Central Advisory and the State Advisory Committees for perusal. These Committees would go through the same and they would submit the lists to the Union Home Ministry for final orders. After the Central Government approved the lists, the State Government would arrange for their publication in the official Gazette.

Examples of equation of posts

A few examples have been cited below to indicate how
the equations were worked out and made in respect of officers working in the following departments.

A) Department of Social Welfare: The Inter-State Seniority List was prepared in two parts: Part I contained the names of Class I Officers and Part II contained the names of Class II Officers.

I) Gazetted Officers, (Both Class I and Class II)

The posts of Special Social Service Officer, Gulbarga of the former Hyderabad State was treated as Class I post and there were no other posts in other erstwhile States which could be equated to this. Regarding Class II posts, the following posts were considered equivalent to one another:

i) Social Service Officers of the former Hyderabad State on a scale of pay of Rs.250-450.

ii) Backward Class Welfare Officers of the former Bombay State on a scale of pay of Rs.250-325.

iii) Backward Class Welfare Officer of the former Coorg State on a scale of pay of Rs.250-400.

II) Non-Gazetted Posts: The following posts were considered as equivalent to one another:
i) Head Clerk of the former Mysore State, Head Clerk of the former Bombay State and Assistant in Chief Secretariat of former Coorg were considered as equivalent to the post of Head Clerk in the Karnataka State.

ii) Senior Clerk of former Bombay State, Second Grade Clerk of Hyderabad State, First Division Clerk of the Old Mysore State were considered as equivalent to First Division Clerical posts in the new State of Karnataka.

iii) Health Inspector and Social Service Organiser of the Old Hyderabad State were considered as equivalent to Social Organiser and Health Inspectors' posts in the new State of Karnataka.

iv) Junior Clerk of the former Bombay State, III Grade Accountant and III Division Clerk of the former Hyderabad State, Lower Division Clerk of the erstwhile Madras State, and Clerk of the former Chief Commissioner's province of Coorg were considered as equivalent to the post of Second Division Clerks in the new State of Karnataka.

v) Second Grade Stenographers of the Old Hyderabad State were considered as equivalent to the posts of Stenographers.
vi) Third Grade Typists of Hyderabad State, Clerk-cum-Typists of Coorg and Second Grade Typists of the Old Mysore State were considered as equivalent to the posts of Second Grade Typists in the new State of Karnataka.

vii) Women Welfare Organisers of the erstwhile Madras State and Women Welfare Assistants of Coorg, were considered as equivalent to the posts of Welfare Assistants and Women Welfare Organisers in the new State of Karnataka.

viii) The post of Samaj Sevak of Hyderabad was retained and it was considered as equivalent to Junior Co-operative Instructor and Samaj Sevaks in the new State of Karnataka; and

ix) The post of Social Service Inspector of the Old Hyderabad State was considered as equivalent to the post of Special Officer for depressed classes, Social Service Inspectors and Assistant Women Welfare Officer of the new State of Karnataka.

B) Department of Collegiate Education:

1) Gazetted Posts: The Final Inter-State Seniority Lists of Gazetted Officers of the Department of Collegiate Education was published in accordance with
the decision of Government of India in Part III-I of the Mysore Gazette dated 18th May 1967 under Notification No. CAD & ICS 67 dated 12th May 1967. But on consideration of certain review-petitions submitted by some officers, a revised inter-State seniority list was published in Part III-I of the Mysore Gazette dated April 8, 1971 under Notification No. CAD 31 ICS 70 dated 23rd March 1971. The following is the statement showing the decisions of the Government of India on equation of posts of Gazetted Officers.

<table>
<thead>
<tr>
<th>Category - I</th>
<th></th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor Class I - Old Mysore</td>
<td>..</td>
<td>850-50-1000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>700-30-850</td>
</tr>
<tr>
<td>Professor Class II - Old Mysore</td>
<td>..</td>
<td>400-25-700</td>
</tr>
<tr>
<td>Principal, Government College, Mangalore</td>
<td>..</td>
<td>500-300</td>
</tr>
<tr>
<td>Principal, Government College, Mercara</td>
<td>..</td>
<td>500-300</td>
</tr>
<tr>
<td>Professor of Bombay</td>
<td>..</td>
<td>350-1100</td>
</tr>
<tr>
<td>Selection Grade Lecturer, Bombay</td>
<td>..</td>
<td>500-300</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category - II</th>
<th></th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor of Madras</td>
<td>..</td>
<td>300-300</td>
</tr>
<tr>
<td>Professor, Government College, Mercara</td>
<td>..</td>
<td>250-700</td>
</tr>
</tbody>
</table>
**Category - III**

<table>
<thead>
<tr>
<th>Position and Details</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Professor or Reader, Old Mysore</td>
<td>350-25-400, 250-25-350</td>
</tr>
<tr>
<td>Lecturer, Bombay</td>
<td>220-15-400, 200-20-500, 25-25-650</td>
</tr>
<tr>
<td>Lecturers and those with the nomenclature of Professors working in the Presidency College, Madras.</td>
<td>230-30/2-260-40/2-500</td>
</tr>
<tr>
<td>Lecturer, Hyderabad</td>
<td>250-20-450-25-500</td>
</tr>
<tr>
<td>Assistant Professor, Government College, Mysore</td>
<td>250-500</td>
</tr>
</tbody>
</table>

**Note:** On a consideration of the hierarchy of posts existing in the Collegiate Branch and the functions attached to them, it appears that there was no essential difference except in salary between the two classes of Professors of Mysore, in Bombay, on the one hand, there was only one grade for Professors. Government of India have therefore felt that the posts of Professors of Bombay were comparable to both classes of Professors of Mysore and therefore it would be appropriate to equate both classes of Professors of Mysore with the Professors of Bombay. In this category, the posts of Principal, Government College, Mangalore, the Principal, Government College, Mercara and the Selection Grade Lecturer(s) of Bombay have been included.
II) Non-Gazetted Posts: The final inter-State seniority list of non-Gazetted Officers (Tutorial) of the Department of Collegiate Education was published in accordance with the decisions of the Government of India in Part III-I of the Mysore Gazette dated May 3, 1973 under Notification No. GAD 151 INS 70 dated 17th April 1973. The following is the statement showing the equation of posts:

<table>
<thead>
<tr>
<th>Location</th>
<th>Position</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mysore</td>
<td>Lecturers Grade I</td>
<td>200-250</td>
</tr>
<tr>
<td></td>
<td>Lecturers Grade II</td>
<td>150-200</td>
</tr>
<tr>
<td></td>
<td>Lecturers Grade III</td>
<td>100-150</td>
</tr>
<tr>
<td>Bombay</td>
<td>Assistant Lecturers</td>
<td>160-250</td>
</tr>
<tr>
<td>Madras</td>
<td>Assistant Lecturers</td>
<td>150-250</td>
</tr>
<tr>
<td>Coorg</td>
<td>Senior Lecturers</td>
<td>250-400</td>
</tr>
<tr>
<td></td>
<td>Junior Lecturers</td>
<td>150-300</td>
</tr>
</tbody>
</table>

Note: In Ex-Hyderabad State there were no non-Gazetted Posts in the tutorial cadres in the Department of Collegiate Education.

The State Government used to make officiating promotions temporarily pending finalisation of the Inter-State Seniority Lists since the procedure involved in the
finalisation of the lists was cumbersome and complicated. In due course of time, several inter-State Seniority lists were finalised and published in the Gazettes from time to time. On the basis of the ranking of civil servants in the several lists, the courts began to direct the making of retrospective promotions to statutory and other offices. Retrospective promotions involved payment of large sums of money to persons who had not worked in the promotional posts or offices concerned, to the detriment of the finances of the State, besides involving retrospective reversions rendering invalid the statutory functions discharged by the persons reverted. Hence it was necessary and expedient to provide against the said consequences. An Act to provide for the prospective promotions of civil servants and to regulate the pay, seniority, pension and other conditions of service of civil servants in the State of Karnataka including those that are allotted was passed in 1974 by the Karnataka State Legislature. (Please see Appendix No.VI for further details). The following statement contains the names of the departments in the State in respect of which the final Inter-State Seniority lists of officials (as on 18th August 1973) have been published.
Statement showing the number of lists finalised and the Persons Involved (Position - as on 18th August 1973)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Department</th>
<th>No. of ISS lists published</th>
<th>No. of persons involved</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Secretariat</td>
<td>9</td>
<td>25</td>
<td>1300</td>
</tr>
<tr>
<td>2</td>
<td>Revenue Appellate Tribunal</td>
<td>1</td>
<td>-</td>
<td>19</td>
</tr>
<tr>
<td>3</td>
<td>Medical Department</td>
<td>4</td>
<td>388</td>
<td>2908</td>
</tr>
<tr>
<td>4</td>
<td>Indian Medicine</td>
<td>2</td>
<td>-</td>
<td>104</td>
</tr>
<tr>
<td>5</td>
<td>Public Health</td>
<td>6</td>
<td>87</td>
<td>1426</td>
</tr>
<tr>
<td>6</td>
<td>Revenue Department</td>
<td>8</td>
<td>459</td>
<td>1206</td>
</tr>
<tr>
<td>7</td>
<td>Survey, Settlement and Land Records</td>
<td>2</td>
<td>26</td>
<td>770</td>
</tr>
<tr>
<td>8</td>
<td>Police</td>
<td>17</td>
<td>64</td>
<td>2034</td>
</tr>
<tr>
<td>9</td>
<td>Motor Vehicles Department</td>
<td>2</td>
<td>3</td>
<td>139</td>
</tr>
<tr>
<td>10</td>
<td>Labour, Employment and Training</td>
<td>4</td>
<td>38</td>
<td>302</td>
</tr>
<tr>
<td>11</td>
<td>Technical Education</td>
<td>2</td>
<td>15</td>
<td>247</td>
</tr>
<tr>
<td>12</td>
<td>Education (General)</td>
<td>11</td>
<td>155</td>
<td>5192</td>
</tr>
<tr>
<td>13</td>
<td>Forest Department</td>
<td>6</td>
<td>59</td>
<td>361</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Secretariat</td>
<td>1405</td>
</tr>
<tr>
<td>1 Revenue Appellate Tribunal</td>
<td>19</td>
</tr>
<tr>
<td>4 Medical Department</td>
<td>3296</td>
</tr>
<tr>
<td>5 Indian Medicine</td>
<td>104</td>
</tr>
<tr>
<td>6 Public Health</td>
<td>1513</td>
</tr>
<tr>
<td>7 Revenue Department</td>
<td>1665</td>
</tr>
<tr>
<td>8 Survey, Settlement and Land Records</td>
<td>796</td>
</tr>
<tr>
<td>9 Police</td>
<td>2140</td>
</tr>
<tr>
<td>10 Motor Vehicles Department</td>
<td>142</td>
</tr>
<tr>
<td>11 Labour, Employment and Training</td>
<td>340</td>
</tr>
<tr>
<td>12 Technical Education</td>
<td>262</td>
</tr>
<tr>
<td>13 Education (General)</td>
<td>3347</td>
</tr>
<tr>
<td>Total</td>
<td>440</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Animal Husbandry and</td>
</tr>
<tr>
<td></td>
<td>Veterinary Services</td>
</tr>
<tr>
<td>15</td>
<td>Sericulture</td>
</tr>
<tr>
<td>16</td>
<td>Marketing, Weights and</td>
</tr>
<tr>
<td></td>
<td>Measures</td>
</tr>
<tr>
<td>17</td>
<td>Fisheries Department</td>
</tr>
<tr>
<td>18</td>
<td>Agriculture</td>
</tr>
<tr>
<td>19</td>
<td>Commerce and Industries</td>
</tr>
<tr>
<td>20</td>
<td>Excise</td>
</tr>
<tr>
<td>21</td>
<td>State Accounts</td>
</tr>
<tr>
<td>22</td>
<td>Social Welfare</td>
</tr>
<tr>
<td></td>
<td>Department</td>
</tr>
<tr>
<td>23</td>
<td>Development Department</td>
</tr>
<tr>
<td>24</td>
<td>Information and Publicity</td>
</tr>
<tr>
<td>25</td>
<td>Public Service</td>
</tr>
<tr>
<td></td>
<td>Commission</td>
</tr>
<tr>
<td>26</td>
<td>Statistics</td>
</tr>
<tr>
<td>27</td>
<td>Commercial Tax</td>
</tr>
<tr>
<td></td>
<td>Department</td>
</tr>
<tr>
<td>28</td>
<td>Charitable Endowments</td>
</tr>
<tr>
<td>29</td>
<td>Kannada Translation</td>
</tr>
<tr>
<td>30</td>
<td>Legislature Secretariat</td>
</tr>
<tr>
<td>31</td>
<td>Prisons</td>
</tr>
<tr>
<td>32</td>
<td>Printing, Stationery and</td>
</tr>
<tr>
<td></td>
<td>Publications Department</td>
</tr>
<tr>
<td>33</td>
<td>Insurance</td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>34</td>
<td>Food and Civil Supplies</td>
</tr>
<tr>
<td>35</td>
<td>Anticorruption and Technical Audit</td>
</tr>
<tr>
<td>36</td>
<td>Archaeology</td>
</tr>
<tr>
<td>37</td>
<td>Registration and Stamps</td>
</tr>
<tr>
<td>38</td>
<td>Advocate General's Office</td>
</tr>
<tr>
<td>39</td>
<td>Probation and Aftercare Services</td>
</tr>
<tr>
<td>40</td>
<td>Co-operation</td>
</tr>
<tr>
<td>41</td>
<td>P.W.D. (Including Accounts Unit)</td>
</tr>
<tr>
<td>42</td>
<td>Electricity</td>
</tr>
<tr>
<td>43</td>
<td>U.C.C. Unit</td>
</tr>
<tr>
<td>44</td>
<td>Treasury</td>
</tr>
<tr>
<td>45</td>
<td>Education (Collegiate)</td>
</tr>
<tr>
<td>46</td>
<td>High Court</td>
</tr>
<tr>
<td>47</td>
<td>Subordinate Civil and Criminal Courts</td>
</tr>
<tr>
<td>48</td>
<td>Road Transport</td>
</tr>
<tr>
<td>49</td>
<td>Local Self Government</td>
</tr>
</tbody>
</table>

Total: 172 2,858 35,556 38,413

Thus one can see from the above mentioned statement that several inter-State Seniority Lists have been finalised.
by the Central Government. In all 172 Inter-State Seniority Lists in respect of 2,853 Gazetted Officers and 35,555 non-Gazetted Officers have been finalised by the Central Government still so far, on the basis of the proposals submitted by the Government of Karnataka.

They have been published in the Official Gazettes of the State from time to time by the Government of Karnataka. Though the Government of Karnataka have registered appreciable progress in the finalisation of inter-State Seniority Lists, many of the officials are not satisfied with their equation of posts and determination of inter-State seniority. Hence several aggrieved officials have filed writ petitions in the High Court and the Supreme Court. The proceedings in respect of the cases of these officials are still going on. A Statement to that effect has been appended herewith.

<table>
<thead>
<tr>
<th>Statement showing the total number of Writ Petitions filed and the Writ Petitions pending (Position as on 18-8-1973)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total number of Writ Petitions filed                      . 202</td>
</tr>
<tr>
<td>2. Number of Writ Petitions disposed of                      . 2</td>
</tr>
<tr>
<td>3. Cases in which parawise comments have been furnished to Government Advocates . 171</td>
</tr>
<tr>
<td>Total number of Writ Petitions pending                       . 29</td>
</tr>
</tbody>
</table>
Break up of pending cases (29)

a) Parawise remarks awaited from the Heads of Department.
23 (12 from Co-operation Department and 10 from other Heads of Department)

b) Parawise remarks received from the Heads of Department which are under preparation
6 (4 Agriculture Department, 1 - Public Health Department, 1 - Directorate of Public Instructions)

Source: Cyclostyled copy furnished by the General Administration Department (Integration) Karnataka Government Secretariat, Bangalore.

The same position which is described in the above two statements continued till recently. Because Revenue Minister N. Huchhasti Gowda told the Legislative Council on April 15, 1976: "The authority to finalise the inter-State seniority lists for all gazetted and non-Gazetted posts was the Centre and except for the posts of 599 Deputy Tahsildars and 1274 first grade Revenue Inspectors or First Division Clerks in the Revenue Department, over
35,000 posts had been finalised and published. The remaining posts of 1,873 officers in the Revenue Department would be finalised shortly. The problems pertaining to pending cases of inter-State seniority lists have been dealt with in the concluding Chapter.
FOOTNOTES


5) States' Reorganisation Act, 1956, printed at the Government of India Press, New Delhi, 1956, p.44.

7) Ibid., p.3.


