

Home (1916) Department.
Education
Ordinary SERIES.

G.O., No. 1279

DATED

30 11 16

INDEXED

[Despatch Abstract.]

State scholarships.

Addressing the Government of Bihar and Orissa on the subject of the recovery from T. Kumaran Nair a former State technical scholar of a sum of £.25-17-9 overdrawn by him as scholarship allowance from the India Office in July 1914.

Home (Education) Dept.

9

MEMO.- No. 3197(a)-2
16.10.16

The Government Solicitor is requested to advise Government on the following ~~matter~~ ^{case}:-

2. In January 1910 applications were invited for a State technical scholarship to be awarded in that year for the study of 'glass-making' and the Government of India eventually decided to award the scholarship to ~~the~~ T. Kumaran Nair, son of retired Senior Hospital Assistant A. Pangunni Nair, Cherpulacherry, Malabar district. The subject of study was subsequently changed from 'glass making' into 'metallurgy'. In accordance with the instructions of the Govt. of India, ~~the~~ T. Kumaran Nair was directed to proceed to England so as to arrive there by the ~~the~~ middle of September 1910 and ^{to} report himself at the India Office.

3. ~~T.~~ T. Kumaran Nair pursued ^{his} studies in England till July 1914 when, owing to the serious illness of ~~his~~ father, he had to return to India rather suddenly. He had at that time drawn in advance his scholarship allowance up to the 10th of September 1914 and he undertook to repay the sum of £ 35-17-9 which he had drawn from the India Office in advance. After his return to India and sometime prior

(M) No 314
29-1-16

(O) No 1303
21-4-16

(E) No 2382
18-7-16

(E) No 2382
18-7-16

(P) No 470
3-5-15

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2

to March 1915 he wrote to the India Office stating that he had been unable to find employment and was not therefore in a position to repay his debt. The Secretary of State accordingly allowed him time to repay the amount after he had secured employment.

4. In May 1915 ~~T. Kumaran Nair~~ wrote to this Government from Sakchi, Kalimatti, requesting that the claim for the refund of the amount overdrawn by him might be waived as, under the rules, he ~~was~~ ^{was} eligible for leave for about nine ~~months~~ ^{weeks} on full allowance in respect of the period of his ~~stay~~ ^{stay} in England. In reply he was informed that he should prefer his request to the Secretary of State.

5. From a communication dated the 5th May 1915 received by the Director of Industries from the General Supdt. of the Tata Iron and Steel Company, Bombay, it appears that T. Kumaran Nair had been working for them on a salary of Rs. 200 per mensem for the previous five months, i.e. from December 1914, and that his statement made to the India Office that he was unemployed in March 1915 is ~~not~~ ^{not} correct. Again in March 1916 ~~he~~ ^{T. Kumaran Nair} wrote to the Director of Industries that he was employed as Asst. Chemist, East India Ry. ~~Jabalpur~~ ^{an}, and that he had not made any arrangements for the repayment of the debt. There ~~was~~ ^{was} appears to be no prospect of recovering the amount from ~~him~~ ^{the man} ~~without instituting~~ ^{without instituting} legal proceedings.

6. The Government Solicitor is requested

go 470
3-5-15

go 559
27-5-15

Page 6 of 11

the man

3

to advise as to the correct procedure to be adopted in the institution of a suit for the recovery of the amount due.

7. Copies of the undermentioned papers are forwarded for reference:-

- (1) G.O. No. 304, Revenue, dated the 29th January 1910.
- (2) G.O. No. 1303-04, Rev. dated the 21st April 1910.
- (3) G.O. No. 2382, Rev. dated the 18th July 10.
- (4) Letter from the India Office, dated the 23rd March 1915.
- (5) G.O. No. 470, Education, dated the 3rd May 1915.
- (6) G.O. No. 559, Education, dated the 27th May 1915.
- (7) Letter from the India Office, dated the 8th August 1916.
- (8) Letter from the Tata Iron and Steel Co. Ltd., to the Director of Industries, Madras, ~~Madras~~ No. 1877, dated the 5th May 1915.
- (9) Letter from ~~the~~ T. Kumaran Nair to the Director of Industries, Madras, dated the 20th March 1916.

(M)
(O)
(F)
(P)
(P)
(V)

Page 1 of 11

Page 6 of 11

do

To

The Government Solicitor,
(with enclosures).

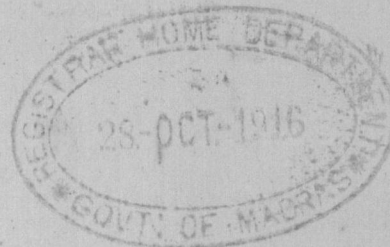
Received
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mv 8
15.10.16

Noted in CB
20.10.16

12/10/16

14.10.16

16/10/16



4
CN. 3849 208

28.10.16

Recd 30/10/16

No. 1466.

Madras 27th October 1916.

From

Henry Brightwell,
Government Solicitor,
Madras.

To

The Secretary to Government,
Home Department,
Education.

Sir,

p-1-3
I have the honour to acknowledge receipt of Memo
No. 319/782 dated the 20th October 1916 with enclosures which
I have read and return herewith.

2. I am of opinion that a suit for the recovery of --
£ 25-17-9 may be filed against T. Kumaran Nair at the place --
where he resides in a Civil Court of the lowest grade competent
to try the case and it should be filed before the 10th September
1917.

* As for his residence please
See page 6 note file

I have the honour to be,
Sir,

Your Obedient Servant,

Henry Brightwell

Government Solicitor.

5/

Mem o:- 3197a-3 d/11-11-16

With reference to his letter No. 1466, dated the 27th October 1916, the Government Solicitor is requested to state whether a suit can be filed against T. Kumaran Nair who is now residing at Jamalpur in a Civil Court in the Malabar district of which he is a native. *A copy of his letter dated the 20th March 1916 is sent herewith for reference.*

2. He is also requested to advise the Government whether the written consent of the authorities in England is necessary to the institution of the suit.

Recd & kept with Mr. 19.11.16

Ref

To the Government Solicitor,

Madras (Memo only)

with copy of Nair's letter 20.3.16. m.f.6. 20/3/16

CR 9.11.16

[Signature]

Sol 4238
17. 11. 16



No. 1582.

Madras 16th November 1916.

From

Henry Brightwell,
Government Solicitor,
M a d r a s.

To

The Secretary to Government,
Home (Education) Department,
M a d r a s.

Sir,

I have the honour to acknowledge receipt of your Memo No. 3197-A3 dated the 11th November 1916.

2. No suit can be filed against T. Kumaran Nair in any Civil Court in the Malabar District of which he is a native. The suit should be filed only at the place where he resides i.e. at Jamalpur.

3. I am of opinion that no written consent of the authorities in England is necessary to the institution of the suit, as under section 32 of the Government of India Act 1915 the Secretary of State for India in Council may sue and be sued by the name Secretary of State for India in Council as a body corporate.

4. The plaint should be signed by such person as the Government may by general or special order appoint in this behalf and be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case.

I have the honour to be,

Sir,

Your Obedient Servant,

Henry Brightwell

Government Solicitor.

DEPARTMENT.

Seett. II-8-13,002-4-13.

CURRENT No.

From

Received

191

Registered

191

Subject.



INDIA OFFICE,
WHITEHALL, S.W.

8th August 1916.



My dear Sir,

Will you please refer to previous correspondence ending with my letter of the 26th March 1915 regarding Mr. T.K. Nair, former Government of India Technical scholar, who returned to India suddenly in July 1915, owing to the serious illness of his father. In that letter I expressed our regret at hearing that Mr. Nair had not been successful in obtaining employment on his return to India in spite of the good qualifications he had obtained in this country, and expressed the hope that if an opportunity occurred the Government of Madras would do what they could to help Mr. Nair to turn his training to good account. I also mentioned that the Secretary of State in Council had decided that the sum of £25. 17. 9. overpaid to Mr. Nair in respect of his scholarship allowance should be recovered from him when he obtained employment and was in a position to repay the amount. In July 1915 I wrote to Mr. Nair direct to Sakchi Kalmatti, Bengal, from which address a communication had been received from him, reminding him of

The Chief Secretary,
to the Government of Madras.

this

DEPARTMENT.

CURRENT No.

From

Received

191

Registered

191

Subject.



This is an
new item
which was not brought
to the notice of
the Secy in the
letter of 14/8/16

this debt of £25. 17. 9. owing to the Secretary of State and of a debt of £9 owing by him to the Distressed Indian Students' Aid Committee, 21, Cromwell Road, S.W. in respect of an advance made by them to help Mr. Nair with his return to India. Since then I have heard nothing; no part of the money owing to the Secretary of State has been paid, and the D.I.S.A. Committee report that they have received no communication or remittance from Mr. Nair. Under the circumstances I should be glad if it were possible for you to give me any information as to Mr. Nair's present whereabouts and financial position. If he has now secured employment and is in receipt of a salary, perhaps some pressure might be brought to bear upon him to induce him to repay the amounts outstanding against him.

Yours very truly,

C.E.
A. Mallet

Secretary for Indian Students.

NOTES.

Page 2

Home Dept. - (India)

Please see the Indian

Office letter of the 23rd March 1915 on pages 142 of G. G. No. 4 To Edl., d) the 3rd May 1915. In ^{para 2 of the ltr.} the Director of Industries was requested to watch the necessity of the amount of £25.17.9 stated to have been ascertained by Mr. T. Durnwatan Nayar and to render Mr. Nayar such help as he could reasonably give in the matter of securing employment. Since then there has been but a single communication from Mr. Nayar praying ^{that} ~~for the matter of~~ the claims in question, ^{might be solved} on the ground that the amount stated to be ascertained was in respect of a period of 9 weeks for which he was eligible for privilege leave or full allowances. In reply he was told that this Govt. could not interfere in the matter and that he might address the Secy. of State for India through the Secy. for Indian Students,

India Office - V. G. 559 Edl., d) the 27th May 15

2 It now appears that Durnwatan Nayar has not made any

Such representation to the Secy: of State and that he owes a further debt of \$9 to the Postpaid Indian Student Aid Committee.

3 With reference to the ~~conclusion~~ ^{conclusion} of the India Office letter on page 2 ~~and~~ ^{also}, it is submitted that there is no information in the office as to Mr. Nayan's present whereabouts and financial position. Mr. Leachman and the ~~to~~ ^{may} perhaps be requested w/o to State whether ~~the~~ ^{any} and information about the individual is available.

original Notes

11-9-16
11/18/16

14-9-16

Mr. Leachman to

Edin 3197(a)-1

16. 9. 16.

Reply.

In his letter of 23rd March 1915 the Secretary for Indian Students, India Office, stated that Mr. T. K. Nair had written to him to say that he had been unable to obtain employment. The

X
(copy enclosed) p. 6 ufr.

X
(copy enclosed) p. 6 ufr.

General Superintendent of the Tata Iron & Steel Co. wrote, however, on 5th May 1915 to say that Mr. Hain has been working for them on a salary of Rs 200 p.m. for the previous five months, i.e. from Dec. 1914. This raises a presumption that Mr. Hain had told a falsehood to the Secretary when he informed him that he had not obtained any employment. He was employed as Assistant Chemist, East India Dy. Jamolpur in March 1916. & wrote to this office that he had not made any arrangements to repay the debt.

Mr. Hain seems to have been in good employment ever since Dec. 1914, but has shown no disposition to pay up his debt.

I suggest, therefore, that legal proceedings may be taken against him, & the Secretary for Indian Students informed of the history of this case.

M.H.L.
23. IX. 16.

Noted in Co.



6/12

Copy of letter from the Tata Iron & Steel Company Ltd.
No.1877/15 dated 5th May 1915.to the Director of Industries, Madras.

Replying to your letter No.E.-46, dated the 30th ultimo.
in regard to Mr. T.K. Nair, a state technical scholar, beg to say that
there is evidently some misunderstanding in regard to this, as Mr.
Nair is at present in our laboratory at Rs.200 per month, and has been
for the past five months.

Copy of letter from T.K Nair dated 20th March 16. to
the Director of Industries, M a d r a s.

B.

Your letter No⁴⁶ of 1st March. As I was away from my
Head quarters I could not reply to you before.

I have not as yet made any arrangements for the refund.

It is impossible to communicate all changes of my address
but my permanent Head quarters are at Jamalpur, so long as I am in
E.I. Railway and in addition to this my permanent home address at
Beherpalaherry^(Malabar) would find me wherever I am.

Home Dept.
(Cal.)

It is for consideration whether, as suggested by Mr. Lowenkron on page 5 ante, legal proceedings should be taken against Mr. Kumaran Nayar. For that case, the Genl. Solicitor may be requested to advise as to the procedure to be adopted in filing a suit. And receipt of such advice the India Office may be addressed.

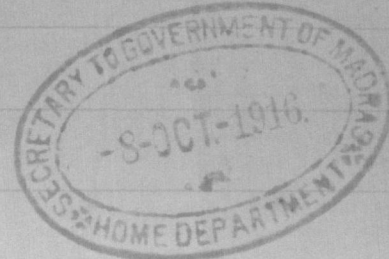
3.10.16

AE

4.10.16

Lt. from Mr. Nayar, I think be taken; and then without delay

5.10.16
6.10.16



A draft memo to the
Govt: Solicitor is submitted for
approval.

CA
9.10.16
AM
12/10/16

CA
14.10.16
Se

16.10.16

[Memo no. 3197(a)-2 of the 16.10.16]

-C. no. 3849 Ed. from the Govt. Solicitor no 1466 of
the 27th October 1916-

Please see the Govt. Solicitor's opinion on
page 4 CF. It is not clear therefore whether a
suit could be filed against Mr Nair in the Malabar
district. A draft memo asking whether legal pro-
ceedings may be instituted in Malabar, is sub-
mitted below for approval.

CA
3.11.16
AM
11/11/16

CA
8.11.16
Se

10/11/16

p. 5 CF [memo no 3197 A-3 d. the 11.11.16]

p. 6 CF C. no 4238 from the Govt. Solicitor, no 1582 d. the 16.11.16

Please see the Government Solicitor's opinion on p. 6 CF. The suit will have to be filed at Jauahpur in the Province of Bihar and Orissa. It is for consideration whether the Govt. of that province may be requested to institute the necessary legal proceedings and the Secretary for Indian Students informed accordingly. If so, the drafts ~~and~~ below are for approval.

AP
22/11/16

[Signature]
29/11/16

[Signature]

[Signature]
30/11/16

[Signature]
2.11.16

22
11/16

[Signature]

2197, 3049 and
C.No. 4238 Edn.

Home (Education) Department.

LETTER: No. 1279 of the 30.11.16
Mis.

To
The Chief Secretary to the
Government of Bihar and Orissa

Sir,

I am directed to address you on
the subject of the recovery from

T. Kumaran Nayar, now employed as

Assistant Chemist to the East Indian

Railway Company, with headquarters at

Jamalpur, of a sum of £25-17-9 over-

drawn by him as scholarship allowance

from the India Office in July 1914.

2. In January 1910 applications

were invited by this Government for a

State technical scholarship to be

awarded in that year for the study of

'glass-making,' and the Government of

India eventually decided to award

the scholarship to T. Kumaran Nayar,

son of retired Senior Hospital

Assistant A. Pangunni Nayar,

G.O. 304 R (M)
29.1.10

G.O. 1303 R (O)
21.4.10

G.O. 2382 R (E)
18.7.10

2. 17
Cherpulacherry, Malabar district. The

subject of study was subsequently
changed from 'glass making' into
'metallurgy'. In accordance with the
instructions of the Government of
India, T. Kumaran Nayar was directed
to proceed to England so as to arrive $\frac{2382}{18.7.10}$ (E)
there by the middle of September 1910
and to report himself at the India
Office.

3. T. Kumaran Nayar pursued his
studies in England till July 1914 when, $\frac{p.1 of G.O. 470}{3.5.15}$ (P)
owing to the serious illness of his
father, he had to return to India
rather suddenly. He had at that time
drawn in advance his scholarship
allowance up to the 10th of September
1914, and he undertook to repay the
sum of £25-17-9 which he had drawn
from the India Office in advance.
After his return to India and some
time prior to March 1915 he wrote to
the India Office stating that he had
been unable to find employment and
was

3. 18 10
was not therefore in a position to
repay his debt. The Secretary of
State accordingly allowed him time to
repay the amount after he had secured
employment.

$\frac{G.O. 559}{27.5.15}$ (V)
4. In May 1915 T. Kumaran Nayar
wrote to this Government from Sakchi,
Kalimatti, requesting that the claim
for the refund of the amount overdrawn
by him might be waived as, under the
rules, he was eligible for leave for
about nine weeks on full allowance in
respect of the period of his stay in
England. In reply he was informed ~~that~~
that he should prefer his request to
the Secretary of State.

$\frac{p.6 Notfile}{3}$
5. From a communication dated the
5th May 1915 received by the Director
of Industries, Madras, from the
General Superintendent of the Tata
Iron and Steel Company, Bombay, it
appears that T. Kumaran Nayar had
been working for them on a salary of

4.

Rs.200 per mensem for the previous five months, i.e. from December 1914, and that his statement made to the India Office that he was unemployed in March 1915 is not correct. Again in March 1916 T. Kumaran Nayar wrote to the Director of Industries ^{Madras} ~~that~~ ^{p.6 Note file} that he was employed as Assistant Chemist, East Indian Railway, Jamalpur, and that he had not made any arrangements for the repayment of the debt. There appears to be no prospect of recovering the amount from the man without instituting legal proceedings.

6. The Government Solicitor, Madras, who was consulted in the matter, is of ~~the~~ opinion that a suit for the recovery of the amount should be filed ^{before the 10th September 1917} ~~only~~ at the place where T. Kumaran Nayar resides, viz., ^{at Jamalpur.} ~~He~~ ^{to Govt. Solicitor} also states that the written consent of the authorities in England is not necessary to the institution of the suit but that the plaint should be signed by such person as the Government may by general or special

5.

order appoint in this behalf and be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case.

7. I am accordingly directed to request that, with the permission of His Honour the Lieutenant Governor ^{in Council}, the necessary legal proceedings may ^{orders to be} be instituted for the recovery of the amount due. I am to forward ^{copies} of ~~each of~~ the undermentioned papers relating to the case:--

- | | | |
|---|------|---|
| M | (1) | G.O.No. 304, Revenue, dated the 29-1-1910. |
| O | (2) | " 1303-4, " " " 21-4-1910. |
| E | (3) | " 2382 " " " 18-7-1910. |
| P | (4) | Letter from the India Office, dated the 23-3-15. |
| P | (5) | G.O.No.470, Edl., dated the 3-5-1915. |
| V | (6) | " 559, " " " 27-5-1915. |
| | (7) | Letter from the India Office, dated the 8-8-16. |
| | (8) | Letter from the Tata Iron and Steel Company, Limited, to the Director of Industries, Madras, No.1877, dated the 5th May 1915. |
| | (9) | Letter from T. Kumaran Nayar, to the Director of Industries, Madras, dated the 20-3-16. |
| | (10) | Letter from the Govt. Solicitor, Madras, No.1466, dated the 27th October 1916. |
| | (11) | -Do.- No. 1582, dated the 16th November 16. |

I have etc.

Home (Education) Department.

21
18
3197-4 dy 30.11.16

D.O.--

My dear Sir,

I am desired to reply to your

letter of the 8th August 1916 request-
ing information as to the whereabouts
and financial position of Mr. T. Kumaran
Nayar, a former Government of India
State technical scholar. On the 20th
March 1916 T. Kumaran Nayar wrote to
the Director of Industries, Madras,
that he was then employed as Assistant
Chemist to the East Indian Railway
Company with headquarters at Jamalpur
and that he had not till then made
any arrangements for the repayment of
the amount outstanding against him.
No further communication has since
been received from him.

2. I am in this connection to
inform you that the General Superin-
tendent of the Tata Iron and Steel

C.No.4238 Edn.

Sp. Letter + D.O.
below

p. 6 N.F.

p. 6 N.F.

22/-3-

Company, Bombay, wrote to the Director of Industries, Madras, in May 1915 that

"Kumaran Nayar had been in the

employ of the Company for ^{the previous} five months,

i.e. from December 1914.
~~was at that time unemployed~~

The Queen's
Statement *MM* to you that he

was at that time unemployed is therefore untrue.

3. As there is no prospect of recovering the amount due ^{in any other way,} the Govern-

ment of Bihar and Orissa have been

requested to institute legal proceedings

T. Kumaran Nayar.
against ~~him~~. A copy of the letter

addressed to that Government is

enclosed ~~for your information~~

Yours ^{truly} sincerely,

20/11
29/11/14

Recd to be pd with incl M/S 1-12-16

To
E. M. M. M. Esq.
Secretary for Indian Students
India Office.

For given for copying
has copied
has examined
has signed

MAIN G.O., No.

CURRENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH EXHIBITS

PAPERS NOT FILLED UP, BEING WANT FOR DESPATCH IN ORIGINAL

A A A A A A A

H.B.-
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.