

Home (1918) Department.
(Education)

Ordinary SERIES.

G.O. No. 1014

DATED 5-8-18

INDEXED

[Despatch Abstract.]

Government College, Kumbakonam.

Informing M. R. Ry. K. S. Sambasiva Ayyar that the Government are not prepared to admit the claim of M. R. Ry T. M. Ratchapakesa Ayyar, formerly employed as Demonstrator, for salary ^{for} the period from the 17th December 1917 to the 5th April 1918.

From

M.R.V. K. S. Sambasiva Ayyar Avl., B.A.B.L.,

High Court Vakil, No. 2 Little Market Street,

Teppakulam Post, Trichinopoly. ---

To

The Chief Secretary to the Government of

Madras.

Sr.

On behalf of T.M. Panchapagesa Ayyar, son of Meenakshi-
sundram Ayyar, Hindu Brahmin, now unemployed, residing in Double Ma-
hal Street, Trichinopoly Port, I beg to give you the notice here-
under under Section 80 Civil Procedure Code.

2. My client Mr. T.M. Panchapagesa Ayyar was by the Director
of Public Instruction, Madras, as per Refon. Cur. No. 7156 of 1916,
dated 27-10-1916, appointed as temporary Demonstrator in Physics on
Rs. 50/- per mensem in the Government College, Kumbakonam, for the
period ending the date of the reopening of the College after the
summer vacation of 1917, which happened to be on the 2nd July 1917.
The said order was communicated to my client by the Principal of the
Kumbakonam College as per his endorsement ~~XXXX~~ R.C. No. 441 of 16
dated 5-12-1916.

3. The College reopened after the summer vacation of 1917 on
the 2nd July 1917. Previous to the above date (i.e.) on 19-6-17,
the Principal as per R.C. No. 441 of 1916 dated 19-6-1917, asked my
client to report by return of post whether he was willing to con-
tinue in service in the College ^{during the} the academical year 1917-18. My
client replied in the affirmative. The Director of Public In-
struction, Madras, made an order Ref. on Cur. No. 3903 of 17 dated
9-11-1917, to the effect that my client would be retained in ser-
vice till the 31st April 1918 on Rs. 50/- per mensem and the same
was communicated to my client by the Principal, Government College,
Kumbakonam as per Ref. on Cur. No. 441 of 1916 dated 19-11-17.

4. My client accordingly continued in service and discharged
his duties to the satisfaction of the Principal and is in posses-
sion of the testimonial from the latter. Thereafter by his order

dated 20th December 1917

on Cur. No. 3903 of 17 dated 10-12-1917, the Director of Public Instruction appears to have approved of the recommendation of the Principal of the Kumbakonam College that my client's services may be dispensed with from the 17th ¹² December 1917 and the Principal communicated on 17-12-1917 the order of the Director of public Instruction to my client by his R.C. No. 441 of 17 dated 14-12-1917.

4. The aforesaid order of the Director of Public Instruction is illegal and contrary to the terms of the ^{engagement} ~~agreement~~ of my client by the ^{Director} ~~order~~ in this way, viz, that my client who was entitled to be in service till the 5th April 1918, was thrown out of employment from the forenoon of the 17th December 1917.

5. My client thereafter submitted petitions on 19-12-1917 and 2-1-1918 to the Director of Public Instruction protesting against the wrongful order dispensing with his services, and no reply has been received thereto.

6. My client has been diligently trying to find out an employment elsewhere, but has been hitherto unable to secure one.

7. In these circumstances the Government is liable to make good to my client the loss that has been accrued to him owing to the wrongful act of the Government.

8. My client estimates the damages at Rs. 184-3-1 being the salary that he could have received if he had continued in service from the forenoon of 17-12-1917 till 5-4-1918 at Rs. 50/- per mensem.

9. The cause of action for the suit arose at Kumbakonam on 17-12-1917 when the breach of contract on the part of Government took place within the jurisdiction of the Small Cause Court at Kumbakonam.

10. My client therefore claims payment to him of Rs. 184-3-1 and interest, and in default he will be under the painful necessity of filing a suit as he may be advised.

Requesting early consideration and favourable orders.

I beg to remain,

Sir,

Your most obedient servant,

M. Kumbaswamy
High Court

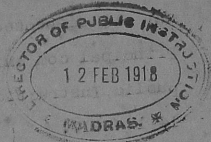
Trichinopoly,
Dated 16 January 1918.

1-2-1918

1918

From

K.S. Sankar Liva
High Court Calcutta
Bachchanth



The Chief Secretary
to the Government
Madras

Dated 1-2-1918
Despd 1-2-1918
Recd

En. Int.

Subject

Submitting notice of suit
in the circumstances state
herein.

11/2

3

3191 4
Home Education Dept

CNo. 3094

memo 3094 29.2.18

Referred to the D.O. for

Early remarks

18
9.2.18

11/2

Reminded
Puduppu
21.3.18

Revised
with 11/2
11.4.18

The D.O. with current
in original to be returned with reply

180 reminder — 21.3.18.

3191 2-1
3191 2-1

Subject

Home (Education)

DEPARTMENT.

C.F.-29.

Received

191 .

Registered

191 .

Subject.

Submitting remarks of the Director regarding the legal notice tendered on behalf of T.M. Panchapagesa Ayyar, late temporary demonstrator, Kumbakonam College.

ENCLOSURES.

No.

Ref. on Cur. No. 3903/17,

Spare copies

Station Madras, Dated the 6th April 1918. 191

From (Name) The Hon. Mr. J.H. Stone, M.A.F.R.H.S.C.I.E
(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

In returning herewith the Legal notice referred to me for remarks in Government Memo. No. 309 A-1 Home (Education), dated 9th February 1918, I have the honour to state that M.R.Ry T.M. Panchapagesa Ayyar has no claim for any arrears of salary in connection with his employment as a temporary demonstrator on Rs. 50 per mensem in the Kumbakonam College. The post is a temporary one and sanction for its continuance is accorded by Government from time to time on the Director's recommendation. M.R.Ry T.M. Panchapagesa Ayyar entered on his duties as a temporary demonstrator at the College on 18th December 1916 and his services were terminated on 17th December 1917 as the Principal had good reason to believe that his influence in the College was not for the best. As he was holding only a temporary appointment

Home (Education) Department.

Memorandum No. 309A-2.

Dated 17 April 1918.

With reference to his letter No. Ref.

on Cur. 3903/17, dated the 6th April '18,
the Director of Public Instruction is
(the may possibly now)
requested to furnish copies of the pro-
ceedings and other papers relating to the
employment of T. M. Panchapagesa Ayyar in
the Government College, Kumbakonam.

To the Director of Public Instruction,

(Memo only).

no previous notice of discharge seems to have been considered necessary, especially as he was entertained by the Principal in the first instance only until the 17th December 1917. The statement made in the legal notice to the effect that the testimonial granted by the Principal is evidence of the satisfactory manner in which M.R.Ry T.M. Panchapagesa Ayyar discharged his duties is misleading. On this point Mr. Statham says:-

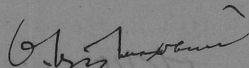
"M.R.Ry T.M. Panchapagesan explained to me that if I sent him away without any certificate at all it would seriously damage his future. I therefore consented to write him a short certificate saying his work had been satisfactory. He came to me on 4 or 5 occasions and asked me to add a sentence about his character, which I advisedly refused to do. Judging by the way in which he is trying to make use of my certificate I am still further of the opinion that the college is benefited by his withdrawal."

2. In these circumstances the notice may, it seems to me be referred to the Law officers of Government for legal opinion as to whether any suit on the part of M.R.Ry. T.M. Panchapagesa Ayyar would be sustainable.

I have the honour to be,

Sir,

Your most obedient servant,



for Director of Public Instruction.

P.V.S. 6/4



Ref. on cur. 7189/17 of 27.10.18
3903/17 of 9.11.17
3903/17 of 10.12.17

Remind if on 5/5/18
A

AK
14.4.18

To The Hon'depty.
As
Mistry

From

Mistry.



15.4.18

Eden A
1036

K. S. Sambasiva Niyas M. BABL.
High Court Vakil.
2. Little Market Street.
Jeppakulam (Mistry)

To

The Chief Secretary
to the Government of Madras.

Sir,

In continuation of the notice of suit
that I forwarded to you on or about the 1st
of February 1918 on behalf of Mr.
T. M. Panchoo-pagesa Niyas, lately Demons-
trator in Physics in the Government College,
Kumbakonam, I beg to state that I
have not as yet been favoured with any
reply thereto.

I beg that I may soon be favoured
with a favourable reply.

I beg to remain,
Sir,

Your obedient servant,

K. S. Sambasiva Niyas
High Court Vakil

15.4.18
Mistry

Address
22

Komal (C. 4) Dept

CNO 309, 978 + 1036A

Memo No. 309A-3
23 24 18

Mr. R. K. S. Sambasiva
Ayyar A. is informed that
his two letters of 1.2.18 and 15.4.18
~~have been received~~ regarding
Mr. R. T. M. Panthapagesa Ayyar
formerly employed in the Govt.
College, Kumbhakam have been
received and ^{that the subject matter is} ~~are~~ under consideration.

Se
20.4.18
MK
23/4/18

23/4/18

20/4/18
To Mr. R. K. S. Sambasiva Ayyar
B. A. B. L.
1. High Court Vakil
2. Little Market Street
Tebbakulam
Trichinopoly.

{ 21.4.18
Dependent

19

Registered

191

No.

Spare copies

R.C. No. 3903/1

Station MADRAS., Dated the 22 April 1918. 191

From (Name) The Hon'ble Mr. J.H. Stone, M.A., F.R.H.S.,
C.I.E.,
(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

18/
mistake for 27-11-16. No communication on this subject
issued from this office under the former date.

I have the honour to be,

Sir,

Your most obedient servant,

24/
22-11-

G. Krishnasami
For Director of Public Instruction

B.R.

11/ 10
Copy of Proceedings of the Director of Public Instruction, Madras
R.O.No.7156/16 dated 27-11-16. -----

Read the following:-

Letter from the Principal, Government College, Kumbakonam R.O.
No.441/16 dated 21-11-16. -----

In the circumstances of the case the appointment of
M.R.Ry. E.M. Panchapagesankar and M.R.Ry.C. Viraraghavan as
temporary demonstrators of the Kumbakonam College will be con-
sidered to have been made and their exemption from Examination
rules sanctioned for the period from the date of their joining
duty until the date of the re-opening of the college after the
summer vacation of 1917 under Article 264 of the Civil Service
Regulations and para 2 of the Madras Supplement thereto, they
will be eligible to draw salary for the vacation, if they return
to duty on the re-opening day after that vacation.

2. The Principal, Government College, Kumbakonam
is informed that in future, the term of appointment in the case
of temporary demonstrators should be stated to be only up to the
date of commencement of the summer vacation. -----

Copy of Proceedings R.O.No.3903/17 dated 9-11-17 of the Director
of Public Instruction, Madras. -----

(B) Read the following:-

Government order No.1377 Home (Education) dated 1-11-17. -----

With reference to his letter R.O.No.441 dated 17-10-17 the
Principal, Government College, Kumbakonam is informed that Govern-
ment have, in their order read above, sanctioned the retention ~~will~~
till the 5th April 1918 of the two temporary demonstrators on Rs.50
each per mensem employed in the institution. -----

Copy of Proceedings of the Director of Public Instruction, Madras
R.O. No. 3903/17 dated 10-12-17.

Read the following:-

Letter from the Principal, Government College, Kumbakonam R.O.

No. 441 dated 30-11-17. X

The recommendations of the Principal, are approved
and sanctioned.

2. The proposals promised in the concluding portion
of the letter read above are awaited.

B...2214-18

For Director of Public Instruction

X
Recommending that the services of M.R. V. Viraraghavan
may be continued until the 5th April and the services
of M.R. T. M. Panchapagesa dispensed with from the
17th December 1917.

Home Education Dept.
C.No. 1085 A.

Memo No. 309 A-4, 27.10.18

With reference to the
correspondence ending
with this letter no. 3903 of
22-4-18

The D.P. I. is requested to
furnish copies of the following
papers relating to the
employment of M.R. T. M.
Panchapagesa Ayyar in the Govt.
College, Kumbakonam:-

(1) Letter from the Principal, Kumbakonam
College, to M.R. T. M. Panchapagesa Ayyar
R.C. no 441 of 19.6.17

(2) The reply of M.R. T. M. Panchapagesa
Ayyar to the above

(3) Letter from the Principal, R.C. no
441 of 17.10.17 to the D.P. I.

(4) Letter from the Principal to M.R.
T. M. Panchapagesa Ayyar, R.C. no 441
of 19.11.17

(5) Letter from the Principal to the
D.P. I., R.C. no 441 of 30.11.17

(6) Letter from the Principal to
M.R. T. M. Panchapagesa Ayyar,
R.C. no 441 of 14.12.17

First reminder to issue after a fortnight

To the D.P. I. (memo as)

Superintendent

19.4.18

19.4.18

3074/18

Home (Education)

DEPARTMENT.

Received



Registered

191

Subject.

Replying to Government memorandum No.309 A-4 dated

Home (Education) dated 30-4-1918 relating to the
 employment of ^{Mr. J. M. Panchapakesa Iyer} in
 the Government College, Kumbakonam.

ENCLOS RES

No.

Spare copies

V.C. No. 3903/17

Station MADRAS., Dated the 22nd May 1918. 191

From (Name) The Hon'ble Mr. J. H. Stone, M.A., F.R.H.S.

C.I.E.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras,

Home (Education) Department.

Sir,

With reference to Government memorandum No.309

A-4 Home (Education) dated 30-4-1918, I have the honour
 to submit herewith copies of the marginally noted papers

1. Letter from the Principal, Kumbakonam College to M.R.Ry. T.M. Panchapakesa Iyer R.C.No.441 dated the 19-6-1917. relating to the employment of M.R.Ry. T.M. Panchapakesa Ayyar in the Government College Kumbakonam.
2. The reply of M.R.Ry. T.M. Panchapakesa ayyar to the above.
3. Letter from the Principal to the Director of Public Instruction R.C.No. 441 dated the 17-10-17.
4. Letter from the Principal to M.R.Ry. T.M. Panchapakesa ayyar R.C.No.441 dated the 19th November 1917.
5. Letter from the Principal to the Director of Public Instruction R.C.No.441 dated the 30th November 1917.

I

November 1917.

and 6. letter from the Principal
to M.R.Ry. T.M. Panchapakess Ayyar
R.O.No.441 dated the 14th Decem-
ber 1917.

I have the honour to be,

Sir,

Your most obedient servant,

Shankararam
22.5.18
For Director of Public Instruction

B.R.

Copy of letter ^{from} R.M. Statham Esq., Principal, Government college,
Kumbakonam R.O.No.441 of 16 dated 19-6-17.

The demonstrators are requested to be good enough to
report immediately whether they will continue in service in
the college during the academical year 1917-18.

Copy of letter from M.R.Ry. T.M. Panchapakess Ayyar to the
Principal, Government college, Kumbakonam dated 25-6-17.

With reference to your memo dated 19th June 1917, I
beg to state that I wish to continue as demonstrator in
Physics in the Government college, Kumbakonam, during the
academical year.

Copy of letter from R.M. Statham Esq., Principal, Government
college, Kumbakonam to the Director of Public Instruction
Madras R.O.No.441 dated the 17th October 1917.

With reference to your Proceedings Ref on C.No.3903 of
17 dated 8-8-17, I have the honour to request that the ser-
vices of the temporary demonstrators mentioned below may be
continued till and including the 5th ^{of} April 1918, the date on
which the college closes for the next summer vacation from
the dates noted against them.

M.R.Ry.C. Viraraghavan)
Temporary demonstrator) 15-11-17
in Chemistry.)

M.R.Ry.T.M. Panchapakess)
Temporary demonstrator in) 17-12-17.
Physics.)

Reference on C.No.3903 of 1917
Dated the 9th November 1917.

Proceedings of the Director of Public Instruction.

Read

R
Read the following:-
G.O.No.1377 Home (Education) dated 1-11-17.

With reference to his letter R.O.No.441 dated 17-10-17 the Principal, Government College, Kumbakonam is informed that Government have in their order read above, sanctioned the retention till the 5th April 1918 of the two temporary demonstrators on Rs.50 each per mensem employed in the institution.

/By order/

(sd) S. Venkatrama Iyer,
MANAGER.

R.O.No.441 of 16 dated 19-11-17.

True copies communicated to the demonstrators through the science lecturers.

/sd/ R.M. Statham
Principal.

Copy of letter from R.M. Statham Esqr., Principal, Government college, Kumbakonam to the Director of Public Instruction, Madras R.O.No.441 of 16 dated 30-11-17.

With reference to your Proceedings Ref on G.No. 3903 of 17 dated 19-11-17, I have the honour to recommend the continuance of M.R.Ry.C. Viraraghava Ayyar, Demonstrator in Chemistry in *science Service* till and including 5th April next. The period of one year already sanctioned in the case of the other demonstrator M.R.Ry.T.M. Panchapakesa Ayyar expires by the 16th December 1917, I recommend that his services may be dispensed with after that date. Proposals for a substitute will be submitted later on.

Ref on G.No.3903 of 1917
dated 10-12-17

Proceedings of the Director of Public Instruction

Read the following:-

From the Principal, Kumbakonam college, R.O.No.441/16 dated 30th November 1917, recommending that the services of M.R.Ry.

C.

18
14
C. Viraraghavan may be continued until the 5th April and the services of M.R.Ry.T.M. Panchapakesa Ayyar dispensed with from the 17th December 1917.

The recommendations of the Principal are approved and sanctioned.

2. The proposals promised in the concluding portion of the letter read above are awaited.

/By order/

(sd) S. Venka rama Ayyar,
MANAGER.

R.O.No.441 of 16 dated 14-12-17.

True extract communicated to the Demonstrators concerned through the lecturers in science.

(sd) R.M. Statham,
Principal.

B.R.

Viraraghava Ayyar
22.5.18
For Director of Public Instruction

C.No.1350-A.

Memorandum No.1350A-2 dated 22-6-1918.

(I)

In G.O.No.855,Home(Education), dated the 10th August 1916 the Government sanctioned the employment, for a period of one year from the date of appointment, of two temporary demonstrators on Rs.50 each per mensem in the Government College, Kumbakonam. To one of these posts M. T.M.Panchapagesa Ayyar was appointed with effect from the 18th December 1916, the date of his joining duty until the date of the reopening of the college after the summer vacation of 1917. On the 19th June 1917 the Principal of the College called upon the demonstrator to report whether he would continue in service in the College during the academical year, 1917-18. M.R.Ry.T.M.Panchapagesa Ayyar replied on 30th June 1917 intimating his assent. Thereupon the Principal applied on the 17th October 1917 to the D.P.I. for the continuance of the services of the demonstrator till 30th April 1918. The Government sanctioned the proposal and the Principal communicated the sanction to the demonstrator on the 19th November 1917. Subsequently however, it came to the notice of the Principal that M.R.Ry.T.M.Panchapagesa Ayyar was exercising a bad influence on the students. The Principal recommended on the 30th December 1917 to the D.P.I. that the services of the demonstrator should be dispensed with with effect from the 17th December 1917. The Director approved the proposal and the order was communicated.

Page 11 of 16

Page 16 of 16

Page 17 of 16

the demonstrator on the 14th December 1917.

M.R.Ry.T.M.Panchapagesa Ayyar now claims salary for the period from 17-12-17 to 5-4-18 on the ground that under the terms of his engagement he was entitled to remain in service till the latter date and has also given notice through his Vakil his intention to file a suit.

3. The Government Solicitor is requested to advise whether, in the circumstances, the claim set up by M.R.Ry.T.M.Panchapagesa Ayyar is valid, whether he could legally claim any period of notice in respect of the discharge of his services and if so, for what period and whether a suit, if he is instituted, is sustainable as against the Government.

A copy of the undermentioned papers relating on the subject is enclosed:-

- Proceedings of the D.P.I.R.C.No.7156/16, dated the 27th November 1916.
- Letter from the Principal, Kumbakonam College to M.R.Ry.T.M.Panchapagesa Ayyar, R.C.No.441, dated 19th June 1917
- Reply to No(3) from M.R.Ry.T.M.Panchapagesa Ayyar dated the 25th June 1917
- Letter from the Principal, Kumbakonam College, to the D.P.I.R.C.No.441, dated the 17th October 1917
- Proceedings of the D.P.I.R.C.No.3903 dated 12th November 1917 and the endorsement of the Principal, Kumbakonam College, R.C.No.441, dated the 19th November 1917.
- Letter from the Principal, Kumbakonam College, to the D.P.I.R.C.No.441, dated the 30th November 1917.
- Proceedings of the D.P.I.R.C.No.3903, dated the 10th December 1917 and the endorsement of the Principal, Kumbakonam College, R.C.No.441/16, dated the 14th December 1917.

Legal notice received from M.R.Ry.K.S.Sambasiva Ayyar, B.A., B.L., dated the 1st February 1918

Letter from the D.P.I. to the Govt.R.O.C.No.3903, dated the 8th April 1918.

To the Govt. Solicitor.
(O.M.)

Home (Es) C No. 1876A



From

M.R.Ry. K.S. Sambasiva Ayyar
High Court, Vellore

Trichinopoly, Teppakkulam

To

The Secretary to the
Government of Madras

Home (Educational) Department

Sir,

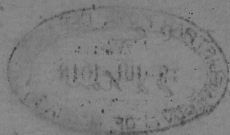
Adverting to your memorandum No. 309, A2 dated 23rd April 1918, in which it was informed that my letter dated 1-2-1918 + 15.4.18 regarding M.R.Ry. T.M. Panchapagesa Ayyar formerly employed in the Government College Kumbakonam, were under consideration, I beg that my early order may be passed, specially so as a very long interval has passed and the period of limitation for instituting a suit, if necessary, has almost expired, requesting a very early reply.

reply

I beg to remain, Sir

Your most obedient servant

K. Sambasiva Ayyar
High Court, Vellore



22

17

Home Department.
Education Branch.

REMINDER.

REPLY.

To The Govt. Solicitor

To

THE

The undersigned ~~has the honor to invite~~
is directed to invite
~~invites~~

attention to the communication noted in the

O.M. No. 1350A-2, dated 22. 6. 18 margin and to

request that
this reminder may be returned at once with
information as to—

(1) the stage at which the matter now is,
and (2) the date by which a reply may be
expected, and

(3) the circumstances which have caused the
delay.

2. It is requested that the reply to this
reminder may be sent not later than

Office Home Dept.

Station Oracampus

Dated

Signature.

Registrar
Designation.

SUBJECT.

Legal notice on behalf
of R.R. J. M. Paruchapakere
ayyar, formerly employed
as demonstrator in the Govt
College, Kumbakonam, claiming
to be an initiate in the appointment

Telegram
To Govt. Solicitor, Madras
28.5. Ref. Memo. 1350-A-2
22nd June regarding
Please expedite the
claim for damages by
J. M. Paruchapakere
demonstrator Kumbakonam
College. Please Expedite
reply.
20/7/18

Department of the Interior

Washington

REPLY

REMINER

To The Post Office

Handwritten notes on the left side of the page, including "The Post Office" and "Handwritten notes".

Handwritten notes in the center of the page, including "The Post Office" and "Handwritten notes".

Office Home Bldg.
Station Procurement
Date July 1918

RECEIVED

Handwritten notes at the bottom of the page, including "The Post Office" and "Handwritten notes".

CURRENT NO. 2499 JUDICIAL B.

CURRENT NO. 2500 JUDICIAL B.

Home (53) No. 1922 A / Aug 23 1918

TELEGRAPHS. NOTICE. This form must accompany inquiry made respecting the telegram.

Charges to pay.		Service Instructions.	
Re.	At.		
22	11	50	32

Handed in at (Office of Origin) Date Hour Minute

TO Madras Home

Read here as 17 H. 30 M.

Memorandum 1350 22nd June transfer of
govt pleader for disposal under go.
P954 Judicial. 14th June 1912 your telegram
handed him = government solicitor

N.B.—The name of the Sender, if telegraphed, is written after the text.
Lal Chand & Sons—2750—1917—80,000 Bzs. (Edn. II)

Judicial

DEPARTMENT.

Received



Registered

191

Subject.

Forwarding his opinion with reference to Memorandum
No. 1350 A-2, Home (Education), dated 22nd June 1918.

ENCLOSURES.

No.

Spare copies

Opinion No. 61.

Station Madras, Dated the 22nd July 1918. 191

From (Name) V. Ramesam, Esq.,

(Designation) Ag. Government Pleader, Madras.

To The Secretary to the Government of Madras,
Home (Education) Department.

Sir,

With reference to Memorandum No. 1350 A-2, Home
(Education), dated 22nd June 1918, I have the honour to
forward herewith my opinion in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

Ag. Government Pleader.

I think the contemplated suit of Mr. Panchapagesa Ayyar can be resisted by Government on two grounds:-

1. Assuming that the correspondence discloses a contract according to which Mr. Panchapagesa Ayyar is entitled to be employed till April 1918, it does not follow that his services cannot be dispensed with for proper reasons. Where a proper case is made out against a servant, a master is entitled to dismiss the servant even before the termination of the period for which he was engaged. (Lama ~~v.~~ v. Arding 10 Exch. 734. Bray v. Chandler 18 C.B.718. cited in Smith's Law of Master and Servant 6th Edn. p. 110). In this case I assume that it came to the notice of the Principal that Mr. Panchapagesa Ayyar was exercising a bad influence on the students. Probably to prove this, Mr. Statham has to be examined on behalf of the Government as a witness in the case.

2. It has been held in some cases that there can be no contract of employment with the Crown for a term of years and though a contract be made expressly for a term, legally the employment is only during the pleasure of the Crown vide Dume v. Queen 1896, 1 Q.B. 116.

This principle seems to have been applied to Home, Colonial and Indian Governments. (Vide Ilbert's Government of India pp. 183 and 184 - Edition of 1915). The point is expressly decided in Ram Das Hogra v. Secretary of State for India (17 C.L.J. 75; 18 C.W.N.106; 16 I.C.922).

Ramdas

Madras, 22nd July 1918.

Ag. Government Pleader.

Home (Education) Department

(C.No.309) From M. R. Ry K. S. Sambasiva Ayyar Avl.,
A
dated the 1st February 1918.

(C.No.978 A) From the D.P.I., No. 3903, dated 6th
April 1918.

(Subject- Legal notice on behalf of M.R.Ry T.M
Panchapagesa Ayyar, formerly employed as Demonstra-
tor, Kumbakonam College, claiming damages for termi-
nating his appointment on the 17th December 1917,
instead of retaining him till the 5th April 1918 as
originally agreed to).

The ~~usual~~ procedure to be followed in ~~these~~
~~of the kind in question~~
cases, is laid down in para 2 of B.S O.No.92. ~~2~~
The Standing Order provides that, if the proceedings
complained of are found to have been wholly indefensible,
immediate redress should be granted. If the complaint
is plainly groundless, no action is necessary beyond
collecting the information required to defend the
threatened action.

2. In the present case the Director states that
M. R. Ry T. M. Panchapagesa Ayyar has no claim for any
arrears of salary and that he was entertained in the
first instance by the Principal only until the 17th
December 1917. The petitioner in para 3 of the notice
refers to some orders agreeing to retain him till the
5th April 1918. The Director has not forwarded copies
of the relevant papers connected with the petitioner's
employment in service and ^{it} is not therefore possible to
decide whether the petitioner's grievance is well
founded. It is submitted that the D.P.I. may be asked
to submit copies of the correspondence. Draft Memo is

Page 5 of 5

Page 1 of 5

submitted.

NK
11/4/18

Issue then submit the file to the Secretary for perusal

CR
19.4.18

Enno no 309 A-2 Home (22n) 17.4.18.]

The memo has issued. The file is submitted to the Secretary. A letter from the petitioner's valil requesting early order ^{since received} to the file - p. 6 of c.f. has been added.

18.4.18

NK
19/4/18

Reply to the valil that I have received his communication it is under consideration

20/4/18

a draft memo is submitted for approval

20/4/18

NK
23/4/18

CR
22/4/18

[memo no 309 A-3 & 23.4.18]
CNo 1085 A from the 2-2 no 3203 & 22.4.18

The Director has only forwarded copies of the proceedings issued by him on the subject. Copies of the following correspondence seem also necessary: -

- (1) Letter from the Principal, Kumbakonam College, to Mr. R. C. no 441 & 19.6.17, asking the latter to

para. 3-p.1, cf

whether he was willing to continue in service during the academical year 1917-18.

(2) The reply of Panchapagesa as to the above

(3) Letter from the Principal to the D.D.

R.E. no 441 of 17.10.17.

(4) Letter from the Principal No 441

of 19.11.17 communicating to Panchapagesa after the sanction for the retention of the demonstrators post till the 5th April 1918

(5) Letter from the Principal to the D.D.

R.E. no 441 of 30.11.17; &

(6) Letter from the Principal to Panchapagesa

Aggr. R.E. no 441 of 14.12.17.

Perhaps the D.D. may be asked to obtain copies of the above and forward them to Govt. at an early date.

2. The Director has not also stated what action he took on the petitions sent to him by the Panchapagesa Aggr. in December 1917 and January 1918. He may now be requested to furnish information on this point.

3. The essential point to be ascertained is whether Panchapagesa was re-employed

upto the 5th April 1918 as stated by him or only upto the 17th December 1917 as stated in the Director's letter on page 5 of CF. The

D.D. may also consult the Govt. Solicitor as to the status of temporary employees in respect of notice of discharge.

please see p. 11 of CF

para 3 - p 1 of CF

p. 12 of CF

para 4 - p 2 of CF

para 6 - p 2 of CF

Page 1 of CF

24.4.18

26/4/18

he may call ~~for~~ for these papers,
he may personally consult the post. solicitor
later on.

CA
28/4/18

Draft call for papers to D.D. 9
mm
28/4/18

A draft memorandum is submitted for
approval.

CA
28/4/18
MS
20/4/18

CA
30/4/18

[Memorandum no. 3009 A-4 & 30.4.18].

Cur. no. 1350 A from the D.D. I. no. 3903 & 22.5.18.

From the papers now received it is observed
that the ~~above~~ statements in the petition
that Panchapagesa Ayyar was specifically
asked in June 1917 whether he would continue in
the college during the academical year 1917-18
and that he ~~refused~~ agreed to do so, are correct.

On receipt of the consent of the demonstrators
the Principal applied in October to the D.D. I
for the continuance of the two temporary
demonstrators ^{by name} (Panchapagesa Ayyar and another).

On the 5th April 1918. The Directors ~~after~~
~~obtaining~~ then obtained the sanction of Govt.
for the continuance of the post and communicated
it to the Principal, who in his turn, communicated

para 3, page 1 of

page 169 of

p 17 of

do

it to the demonstrators on 19.11.17. Subsequently the Principal in his letter of 30.11.17 recommended to the D.D. the retention of C. K. Narayanaiah as one of the demonstrators ^{up to the 5th April 1918 but proposed to be dismissed on the 16th December 1917} ~~and the dismissal of~~ of Panchapagesa Ayyar ^{should be dismissed on the 16th December 1917} and these proposals were sanctioned by the Director in his proceedings of the 10th December. The correspondence up to 19.11.17 ~~and~~ (prior to the Principal's letter of the 30th November last) clearly shows that Panchapagesa Ayyar was given to understand ~~that he would be retained till the 5th April 1918.~~ ^{that he would be retained till the 5th April 1918.} The reason for the subsequent change of mind on the part of the Principal is not explained in his letter to the Director of 30.11.17. ^{or in the final order to Panchapagesa Ayyar} In these circumstances Panchapagesa Ayyar appears to have real grievance. The

Govt. Solicitor may perhaps be consulted ^{on 27.5.18.} whether a suit is maintainable in the case.

NH

29/5/18

The above view will prevail only if the employer finds the employee acceptable when. The offer & acceptance of the service for the full term is conditional (though implied) on the demonstrator proving throughout that period acceptable. The Govt. are not bound to keep him on whatever might be the nature of his character.

The question is whether he is entitled to any short notice even in the circumstance of his being found undesirable. The Govt. Solicitor may be consulted. CR
31.5.18

The issue will turn on the circumstances under which Pauchapagesa Jari's services were terminated before the close of the period of appointment Saichines.

Can D P I explain these circumstances & also if there be sufficient evidence to substantiate them? Mr 31/5/18

D P I (10) Office of the D. P. I.

H. O. W. C. 62/1918
16.6.1918.



I have consulted Mr. Statham again on this.

He dismissed the man because he was convinced that he was exercising a bad influence on the students. His own reports by the head of the ^{Physic} department in the

College and apparently Mr. Statham had other sources of knowledge also. There does not seem however to have been a peaceful act of misconduct on which dismissal without notice was justifiable.

It seems to me that he is entitled to a
 would be for instead of which and no more.
 In the circumstances, neither the fact nor the
 man's tenure of it were essentially temporary.
 Whether this would be sustainable in court is
 another matter. Mr. Nathan gave a certificate
 that Panchabagesu's work was
 satisfactory, but he now says that it was
 "only moderate". It would be no use laying this
 in court and the case for dismissal would have to
 rest on his bad influence a matter rather hard to
 prove.

15
 16

Home Education Dept.

From Mr. Stone's note above it appears that no
 valid defence could be set up, if the matter goes
 before a Court. For orders whether the Govt.
 Solicitor may be consulted as suggested in the Registrar's
 note on page 6 ante.

A draft memorandum is submitted for approval.

19/6/15

21/6/15

22/6/15

O.M. No 1350 A-2, 22.6.15

NOTES.

Page 8

28
CN-1876A. From K.A.R. K. S. Sambasiva
ayyar 2/7. 7. 18

Mr. Sambasiva Ayyar requests
early order on this case. No
reply has yet been received
to the memo issued to the
Govt. Solicitor on 22nd June last.
He may be reminded. A
draft reminder is placed
below for ~~his~~ approval.

SK
20/7/18.

A
20.7.18

Is one teleph
20/7/18

[Telegram No 285-8 20.7.18]

CN-1922A. In the Govt. Order 22.7.18.

CN-1928A. From the Govt. Order No 61 of 22.7.18

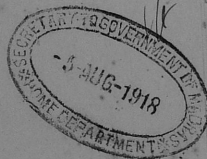
The Govt. Order considers
that the suit can be resisted.
A draft order is submitted
for approval.

SK
20/7/18.

A
1.8.18

21/8/18

P
3.8.18.



Is one

21/8/18

” ” ” ” ” 191

LEAD ALSO:-

C. No. 309 A From M. R. K. Sampa No. I dated 1. 2. 1918

[illegible]

Ми

M.R.Ry K.S. Sambasiva
ayyar avaragal is informed
that the Govt are not
prepared to admit ~~lower~~
the claim of M.R.Ry
J. M. Panchapakesa
ayyar for salary
for the period from
the 17th December 1917
to the 5th April 1918.

8K
30/7/18.

8
1.8.18.

my
2/8/18

2 m R. Ry. K. S. Lambert
 Copy to the A. P. R.
 P. 100, abstract only.

P = Copy, abstract only.
Q = Copy heading only.

When given for copying

When copied

When examined

When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURE TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

PAPERS NOT FILED UP, BEING MEANT FOR OPERATOR
IN ORIGINAL.

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A A A A A A A