

Law (1921) Department.

(Ed.)

only SERIES.

G.O. No. 1758

DATED 7-12-21

INDEXED

[Despatch Abstract.]

University of Madras -- Gopalachariyar I.R.Ry., V.L. - late

Head clerk - grant of enhanced pension - reconsideration -
previous orders - declined.



by name:

SECRETARY TO GOV. OF MASS.
10 NOV-11 1921
COMMONWEALTH DEPARTMENT

SENATE HOUSE, _____

£ 34060
671127

Registrar, University of Madras,

Law (Education) Department.

M 1-3
 of Gro No.
1562
 27.10.21

This point
was also
brought to
notice in the
note to the
Geo. (P) - 1.7
of (P)

Government may now see fit to relax its control of even that expenditure from the Fee Fund which pertains to payments of pensions to University servants even though the provisions of G.O. No. 268, Educational, dated 14th May 1901, under which such pensions were first made payable, have not yet been explicitly abrogated, and has directed me to request that the Government will favourably consider the possibility of refraining in future from any interference in expenditure by

the University of funds not granted to the University by
Government for specific purposes.

I have the honour to be,

Sir,

Your most obedient servant,

Francis Dawson

REGISTRAR.

NOTES.

Premium papers

Geo No.	52	257	8	1.2.01
" "	268	"	"	14.5.01
" "	676	"	"	5.10.07
" "	240	"	"	6.5.10
" "	121	"	"	5.2.26
" "	361	transferred	8	24.3.20
" "	1246	"	"	26.26.20.20
" "	303	down (2nd)	"	2.8.21
" "	1563	"	"	27.10.21

Law (Edw) Dept

C. 3406 B - From the Registrar, University
of Madras No 10586 d/10.10.21

Subject Enhanced pension to
Mr. V. M. Gopalaachariar,
late Head clerk, office of
the University of Madras

The question of the
grant of an enhanced pension to
Mr. V. M. Gopalaachariar, late Head
clerk, office of the University of Madras
was discussed in the notes with No
1563 Law (Edw) d/27.10.21 and
it was decided that the provisions
of the C. S. R should be complied
with. For orders whether the
decision already arrived at
with ^{now} be reconsidered.

Ms's note imp. 8
of the Bco (P)

2 In para 2 of the letter
of the Syndicate raises the ^{general} question of
the relaxation of the financial control of the Board over
the funds of the University. The law
on the subject is contained in Section
XV of the Act of Incorporation (XXVII
of 1857) which runs thus:—

“ * * * * * Such fees shall be
carried

"carried to one general fee fund for the
 "payment of expenses of the said uni-
 "versity, under the ^{directions} regulations and
 "regulations of the Governor of Port St. George
 "in Council, to whom the accounts
 "of income and expenditure of the
 "said university shall once in every
 "year be submitted for such examination
 "and audit as the said Governor of
 "Port St. George in Council may direct."

As regards the degree of control that should be exercised,
 attention is solicited to the notes with Govt. No. 52 (28/1) 1.2.1901 (A)
 The question of the relaxation of

the control which Govt. exercise
 in the matter of the grant of pensions
 and gratuities to university servants
 came up for consideration in 1920
 and it was held that the Syndicate's
~~last~~ power to fix the pensions of its
 servants was not absolute and
 that the instructions contained in Govt.
 No. 268 (28/1) of 14.5.01 should
 be complied with. — Vide Govt. No.
 361 (Home (Gen)) of 24.3.20 ^{± 1246 (28/1)} 26.10.20 (Q), (K)
 D. P. I. then ^{pointed out} ~~suggested~~ that the
 enforcement of the rigid observance
 of the provisions of the C.S.R. was
 contrary to the general attitude
 of delegation of powers to self-governing
 bodies

Vide postum sidelined
 on p. 4 of the notes
 to Govt. No. 361
 24.3.20 (Q)

p. 4 of the
 notes to Govt. (Q)

cf

pt 3-4 of the
 notes to Govt. No.
 361
 24.3.20 (Q)

bodies and suggested the desirability
 of issuing specific directions and
 regulations for the payment of expenses
 of the university from the general fee
 fund. ^{as is contemplated in section 15 of Act No. 10 of 1901}
 No decision was however arrived
 at on the general question.

3. It pointed out by the D. P. I.
 in 1920 the decision on the question
 depends on whether Govt. are or are not
 willing to accept the possibility of
 the University acting counter to
 sound financial principles. The accept-
 ance of the suggestion in the con-
 cluding sentence of the Registrar's letter
 will ~~lead to~~ ~~make~~ the Govt.
 control over the expenditure from
 the university fee funds only nominal
 for orders.

The Act leaves it open
 to the Govt. to lay down
 any directions or regula-
 tions in respect of the
 utilization of the University
 fee fund. The control

has till now been nominal or ~~partial~~
 partial, the ~~main~~ object being that suggested
 by the D. P. I. in his note, referred to above.
 Since the restrictions were issued
 originally, matters have changed

considerably. Local bodies over which strict control had been exercised, ~~and~~ have been given free hand in the management of their own affairs. In his note, written after personal discussion with C₄ & H₃, ~~that existing~~ ~~states that~~ in connection with the payment of travelling allow. due to members of the Senate Committee. His Excellency stated that if the amount was to come from the University fee fund, there would be no objection. He thinks the Ministry has also since expressed similar opinion in that file. There seems therefore to be no objection to give the University a free hand in regard to the expenditure from the fee fund. The Senate may be left to exercise control over the Lybrate if necessary. The Govt. may withdraw

separate file

14.11.21

The Lybrate already possesses the power of granting pensions & gratuities to its employees in accordance with the C.S.R. What ~~they~~ ^{it} asks for now is that ~~they~~ ^{it} need not come up to Govt for granting pensions (+ gratuities)

Conto 268 14.5.01

p. 104

~~as has been~~ even when not complying the provisions of the C.S.R. Even so Local Govt is bound to comply with the provisions of the C.S.R. in granting pensions and the Lybrate can hardly complain if it does not possess more power in this respect than the Local Govt. However, the Fee Fund belongs to the University - and ~~if~~ ^{if} there can be no perhaps be any serious objection if the Govt allows an absolutely free hand to a body like the Lybrate to manage the Fee Fund as it likes.

19/11/21

M3

While I do not object to the Lybrate managing the Fee Fund ^{Lybrate could} ~~as it likes~~ still there is power now in Govt to see that the Lybrate does not act contrary to sound financial principles. The C.S.R. having laid down a scale which binds the Govt also binds the Lybrate, it is entirely unreasonable to require the ordinary procedure - G.O. 36/8243 9.20

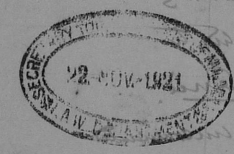
2. I cannot ~~see~~ ^{abrogate} ~~allow~~ ^{abolish} all control over the Fee Fund so long as Sec IV or the

Not of Incorporation still remains Ad
 Law. The order issued in
 S.O. 208 vol 14 May 1901 also
 gives the instructions which shall
 be observed by the Syndicate in dealing
 with the cases. The Syndicate has
 power to fix salaries & allowances
 of the establishment & has no power
 relative to the payment of pensions
 & gratuities to retiring members of
 the establishment as it exists -
 In the S.O. states that pensions
 & gratuities, as the case may be,
 will be granted from the University
 fund in accordance with the
 rules laid down in the Civil Service
 Regulations for advising & unincorporated
 servants to the service of Government.
 The Syndicate are also informed by
 S.O. Flag K, that this rule still
 remains in force -

- On both grounds 1. That in view of S.O. 208 of May 1901
 and the subsequent order in S.O. 361 of
 24.3.22 and 1246 of 26.10.1920
 the action of the Syndicate is financially
 unimpaired, being opposed to C.S.R. regulation
 2. That by virtue of S. 41 of Act 1857

67 of 1857
 This letter of
 the Act of 1857 gives
 Govt full control
 over finances.
 It is a fact
 that the Govt in Council
 may issue directions
 & regulations for the
 payment of from
 the fund fee fund
 expenses of
 University -

X Geo No 488
 1841



OD on 25/11/21

25.11.21

has control over the finances of
 University. Grant may issue
 directions & regulations for the
 payment from the fund fee
 fund & expenses of University.
 The whole question is recently
 reviewed in S.O. (266) 26.10.1920
 I do not see the necessity of raising
 this question in this reference
 meaning in future from any
 interference in expenditure connected
 by the Syndicate. This letter
 question does not arise from the reference
 and ought not to have been raised
 in this file of the Syndicate

22/11/21

A draft order is subd for
 approval. It may be circulated
 to A. &

24.11.21
 MS 28/11/21
 H2

I must say that I am all for giving the
 University full liberty over the expenditure
 of their own funds, as far as that under our
 rules is possible. They are a responsible body of
 people who will be looked after. I wish, if my hon. coll.
 agreed with the order to conform with this
 principle
 10.30.11.21

Lebanvilleil than Heible in answer

M₃

1.12.21

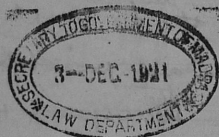
After discussion with my hon. coll. I do. say that while Govt. are most anxious to give the University as complete freedom as possible over the expenditure of their own fund, they are of opinion that the rules must be followed, & that the Govt. Govt. is to not allow any suggestion to give gratuities where do not conform with the rules

Draft issue as above.

W. 3. 12. 21

8/12/21

Revised 3/12



A revised draft

order is submitted

5/12/21

5/12/21

5/12/21

When received for Fair-copying.

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When despatched ..

Date.

Initials.

University of Madras

Gopalachariyer

M. R. V. M. - late head clerk - part of enhanced pension - reconsideration - previous orders - declined

READ AGAIN G.O. No. 1583 dated

27-10-1921 (P)

READ ALSO:-

C. No. 3406B

From the

Registrar, University of Madras

10586 dated

10-11-1921

ORDER.

His

No. 1758, dated 7-12-1921.

The Syndicate is informed that, while the Govt. are most anxious to give the University as complete freedom as possible over the expenditure from the University Fee Fund, they are of the opinion that the rules in the C.S. R must be followed. They are therefore unable to reconsider the orders already passed in Govt. No. 1583 dated 27th October 1921, declining

declining to sanction the
grant of enhanced pension
to MRSY V. M. Gopalachariyar,
late Head clerk of the office
of the University of Madras.

~~5.12.21~~ The attention
5.12.21 A
5.12.21 5/12/21

DESPATCHED
2 DEC. 1921
9/16

To
The Registrar, University
of Madras
Copy to the Hon. Secy

When given for copying
When copied
When examined
When signed

192

READ AGAIN G.O. No.
192

ORDER No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT A A A A A A A

STATEMENT WITH DETAIL.

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IN ORIGINAL

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