

*Law (Education)* (1925) Department.

*Ordry.* SERIES.

G.O. No. 1566

DATED 7-9-1925.

[Despatch Abstract.]

Ramanuami Ayyar, T.C

Assistant, Govt. Training School,  
Trichinopoly - Recovery of overpayment



# BACK PAPERS.

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| Cw 661<br>20-6-26 |     |             |       |      |     |             |       |

C.F. 30-41,000-8-9-24.

Law (Education)

DEPARTMENT.

2



Received ..... 1925 ..... Registered ..... 1925

Subject.

Memorial of T.C. Ramaswami Ayyar - submitted.

## ENCLOSURES.

No. ....

Ref. on Cur. No. 1295 C/25

Spare copies .....

Station Madras, Dated the 11th August 1925 1925

From (Name) R.C. Grieve, Esq., M.A., B.P.C.S.,  
(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,  
/Through Law (Education) Department.

Sir, The Accountant General/

I have the honour to submit herewith the memorial of T.C. Ramaswami Ayyar, Assistant Model section Government Training school, Trichinopoly and to state that his request is inadmissible under the circumstances stated below:-

(a) In February 1921 T.C. Ramaswami Ayyar was permanent Head clerk, Office of the Assistant Inspector of Schools, Bellary District and sub-pro tem Supervisor on Rs.30 plus 10 in class III of the Supervisor's cadre. He was given a sub pro tem promotion to class II (Rs.40 plus 12) in the said cadre with effect from 1-3-21 and he actually drew pay at Rs.52 from that date to 25-6-22 and went on leave from 26-6-22. He drew at first leave allowances at Rs.52 per mensem. But the sub-pro tem



2  
promotion referred to was finally disapproved by Government  
in G.O.No. 1135 Law (Education) dated 25th September 1922 and  
G.O.No. 435 Law (Education) dated 19th March 1925. Thereupon it was  
ordered that the excess drawn by him over and above the initial pay  
admissible from 1-3-22 should be refunded since Government have  
waived the excess drawn up to that date in G.O.No. 389 Law  
(Education) dated 12th March 1923. However the memorialist was asked  
to refund only the excess over Rs.50 for the months of March and  
April 1922 with reference to Government Memo No. 1266 B-1 dated  
15th May 1922. But he has recalculated the average for 12 months  
prior to the date of the commencement of his leave (26-6-22)

p 4 q-  
a.o. n. 787 LE  
28-6-22  
on his salary drawn at Rs.52 from 1-6-21 to 28-2-22, at Rs.50 from  
1-3-22 to 5-4-22 and at Rs.42-8-0 from 6-4-22 to 25-6-22, under  
the wrong impression that the waived part of his pay as originally  
drawn might be taken into consideration in calculating the average  
for purpose of leave salary. This is also the main contention of  
the teacher in the present memorial. He accordingly claimed  
his leave salary at Rs.50-6-0 and it is not known why the Accountant  
General did not object to his irregular claim in the first  
instance. However when another occasion arose, the Accountant  
General pointed out the irregularity in his letter No. Tri.15-  
394 dated 25th September 1924 and stated that he was entitled  
to leave salary only at Rs.42-8-0 initial pay fixed for him  
from 1-3-22 or at the average calculated on his permanent pay  
at Rs.40 till 1-3-22 and at Rs. 42½ from 1-3-22 to 25-6-22.  
Hence the excess leave salary was required to be refunded.

A  
p 7 infra  
(b) When an excess irregularity drawn is waived as a special  
concession it relieves the drawer only from refunding the over-  
drawn amount but it does not entitle him to take such an excess  
into consideration in fixing his leave allowances or for any  
other purpose. Therefore the teachers' contention that the  
waived part of his pay should be included in the average  
calculated for the purpose of leave is untenable. Another argument

3.  
of the memorialist is that at the time of his taking leave  
(i.e. June 22) his pay was actually Rs.52 and that therefore  
his leave salary should be Rs.52 under Fundamental rules 87 and  
the note thereto. After he went on leave, the sub pro tem  
promotion given him from 1-3-21 was finally disallowed by Govern-  
ment and the revision of the pay of the Secondary grade teachers cadre  
to which the memorialist belongs was ordered to take  
effect from 1-3-22 a date prior to the date of the commencement  
of his leave. ~~through~~ though the G.O.No. 389 Law (Education)  
dated 12th March 1923 sanctioning the revision was issued in  
March 1923. In these circumstances the actual pay of the teacher  
was revised from 1-3-22 at Rs.42½ per mensem and therefore  
his leave salary drawn after the date of the revision of his  
pay should necessarily be revised whatever might have been  
the amount of leave salary that he actually drew. As a conse-  
quence of the said revision the leave allowances drawn in  
excess of Rs.42½ from 26-6-22 have been required to be refunded.  
Hence the memorialist has no right to claim his leave salary  
at Rs.50-6-0 instead of at Rs.42½ admissible under the rules  
and there is no justification for supporting his request for the  
waiver of the excess leave allowances drawn.

I have the honour to be,

S i r,

Your most obedient servant,

A Rama Ray

— 12/8  
for Director of Public Instruction.

P.V.S. 12/8



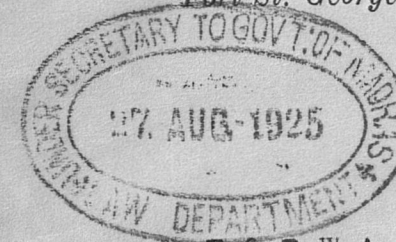
No. Try.1-13

4  
OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 25th August 1925

Enclosures.

15



FORWARDED.

L. Cu 2644C  
27/8/25

2. In the circumstances reported, Mr. T. C. Ramasawmy Ayyar is entitled to a leave salary of only Rs. 42-8-0 per mensem.

Dy. Accountant-General.

The Secretary to Government

Law (Education) Department.



51 5  
Trichinopoly, Dated 13<sup>th</sup> July 1925

To

His Excellency the Governor in Council,  
Fort St. George, MADRAS.

Through

The Headmaster,  
Government Training School,  
TRICHINOPOLY.

The humble petition of T. C. Ramaswami Ayyar,  
assistant, Model Section, Government Training School, --  
Trichinopoly, most respectfully shewth:--

That the petitioner has been the permanent 2nd  
assistant, Model Section, Government Training School,  
Trichinopoly. He was the Sub-protem Supervisor of Ele-  
mentary Schools, Rasipuram till 5-4-22 and reverted to his  
permanent appointment on 6-4-1922. He had been drawing  
Rs. 52 (Rs. 40 & Rs. 12 temporary addition) with effect from  
1-3-1921 to 25-6-1922. From 26-6-1922 to 25-1-1923 he  
was on leave on average pay on medical certificate and  
from 26-1-1923 to 5-1-1924 on leave on half average pay  
on medical certificate and a leave allowance of Rs. 52/-  
was sanctioned, for the first time in July 1922. His  
initial pay was fixed at Rs. 42½ with effect from 1-3-1922 in  
Proceedings No. 325 c/23 dated 27-6-1923 of the Director  
of Public Instruction, Madras. But prior to the receipt  
of this order, the petitioner was paid leave allowance at  
Rs. 52/- from 26-6-22 to 25-1-23. The Government having  
pleased to order to waive the excess pay drawn up to 1-5-22

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infra



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1-5-22 by Supervisors consequent on their promotion ordered from grade to grade by the Director of Public Instruction and the initial pay having been fixed at Rs.42½ with effect from 1-3-1922, his average leave salary had to be reduced from Rs.52 to Rs.50/6/-. The Accountant General, Madras, called for a statement of excess pay drawn by the petitioner and in that statement submitted, it was detailed that a sum of Rs.38/11/- being the pay and leave allowance drawn in excess need be recovered from him. Please vide copy of Proceedings of the Director of Public Instruction R.C. No. 2219 C of 23 Dated 27-8-23. (Enclosure A.). This amount was refunded in full in February 1924 as soon as he joined duty from leave and the fact of recovery reported to the Accountant General. On 25-8-1924 a bill for 27/6/- being the difference of leave allowance claimed with reference to the order of the District Educational Officer, Trichinopoly R.C. No. 367 T.R. of 22 Dated 12-7-24. (Encl B.) and forwarded to the Accountant General for pre-audit was returned unpassed with further orders that the leave allowance of Rs.50/6/- originally approved of by him was now said to be in excess and that the excess amount over Rs.42½ drawn from the commencement of the leave i.e., from 26-6-22 should be recovered from the petitioner. As per this order, he has to pay again Rs.76/9/- in addition to Rs.38/11/- already refunded by him.

12-13  
C/O  
Copies of the Accountant General's Orders Nos. Tri. 15-394 Dated 25-9-24 and Tri. 15-777 Dated 22-1-25 enclosed for favour of reference. (Enclosures C & D). The objections raised therein are detailed below with explanations furnished against each:--

OBJECTIONS.

1. The average leave allowance should have been claimed at Rs.42½ from 26-6-22 and not at Rs.50/6/-.

EXPLANATIONS.

Prior to the receipt of the G.O. disallowing the promotions of Supervisors and waiving the excess drawn over the initial leave had been



OBJECTIONS.

EXPLANATIONS.

G.  
C.O. 389 LG  
12.3.23

11. In calculating the average leave allowance, the amount waived by Government should not have been taken into consideration.

\* \* \* \* \*

and also the leave allowances -- drawn and paid to the petitioner at Rs. 52/- per month. The initial pay was fixed in July 1923 whereas the leave allowance sanctioned in July 1922. The leave allowance was fixed with reference to the pay drawn at the time of taking the leave and also with reference to the pay drawn during 12 months previous to the date of availing of the leave. Immediately on receipt of the order fixing the initial salary and with reference to the G.O. waiving the excess amounts, the petitioner's pay had to be reduced to Rs. 50/- from 1-3-22 to 5-4-22 and Rs. 42/- from 6-4-22 the date on which he joined the Training School. Owing to this reduction in his pay his average salary had to be reduced from Rs. 52/- to Rs. 50/6/-. The excess pay over Rs. 42/- drawn and paid up to 5-4-22 was waived by Government. It naturally -- follows that the excess leave allowance drawn and paid with -- reference to the pay drawn during the above period prior to the -- receipt of the order of fixture of initial salary should also be considered to have been waived. There was no date in July, 1922 for fixing the leave allowance at Rs. 42/- per month. In fact the leave allowance of Rs. 52/- -- drawn and paid to the petitioner till the date of receipt of the order of fixture of the initial salary should not have been reduced to Rs. 50/6/-. The petitioner will have no objection to refund excess leave allowance over -- Rs. 42/- claimed after the receipt of the order of fixture of the initial salary viz., from July 1923

As explained above the leave -- allowance was not calculated after the receipt of the order of fixture of the initial pay. The leave allowance was sanctioned in July 1922, whereas the order fixing the initial salary was received in July 1923. The petitioner will have no objection to refund any excess leave allowances drawn from and after July 1923, the same being calculated without taking into consideration of the waived amount.



OBJECTIONS.

EXPLANATIONS.

iii.

The leave salary has been fixed with reference to the pay irregularly -- drawn from 1-6-1921.

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IV. The petitioner's case does not appear to fall under any of the -- clauses 1 to 4 in para 2 of G.O. Mis 647 Financial dated 6-9-24 prescribing -- the principles to be observed in determining the eligibility for waiver.

V. The fact that the -- excess leave salary was drawn prior to the order fixing the initial salary is no reason for admitting the claim and that the salaries were only provisional and that on it that account a second statement was called for showing the amount due to or from the Subordinates concerned after the fixture of the initial salary.

\* \* \* \* \*

\* \* \* \* \*

The petitioner was promoted to the 2nd Grade Supervisor on a pay of Rs.40/- & Rs.12/- from 1-3-21. The drawing of pay at Rs.52/- is not irregular in the face of Govt. Order. No. 1266 B-1 of 12-5-22, and G.O. No. 787 dated 28-6-22. The promotion given by the Director was disallowed only in G.O. No. 1135 Law Education dated 25-9-22. Further, the Supervisors were -- permitted to draw the minimum pay in the scale of Rs.50-5-75 sanctioned for Supervisors. The drawing of pay at Rs.50/- is not irregular. A leave allowance -- of Rs.50/- seems to be admissible.

The order of fixture of the initial salary having been received in July 1923, the leave allowance at Rs.52/- had to be fixed in July 1922 with reference to the then existing orders of Government. Therefore the Spirit of G.O. No. 647 Financial dated 6-9-24 may be applied in the case of the poor petitioner.

The petitioner begs to point out that he has no objection to refund the excess pay drawn by him. *The same was already refunded by him.*

The difficulty is about the excess leave allowance drawn under proper authority prior to the receipt of the Government orders under reference and prior to the order of fixture of initial salary. The petitioner also begs to submit that it is only in the second statement referred to by the -- Accountant General, a sum of -- Rs.38/11 was shown as the net sum to be refunded by the petitioner. Please vide ENCLOSURE "A" *pp 6-11 infra*. This amount having been approved of by the Accountant General and the full amount remitted in Feb. 1924 by the petitioner and reported to the Accountant General, the question of recovery in the petitioner's case was once for all settled and to rake up the question a second time after a lapse of time and especially at a time when a claim was made for an -- allowance subsequently sanctioned. (Please vide Enclosure B) is a very hard case. If the claim was not made, the question of refund would not have risen at all.

1012 infra



25- 9 9  
VI. OBJECTIONS.

To waive the excess leave salary, there are no existing orders of Government and that Government sanction is necessary to waive the amount in question.

EXPLANATIONS.

Similar cases may be rare. For the reasons stated above, and for the reason that the petitioner was out in 21 years' faithful service under Government and that he has suffered considerably in the new time scale, his case may be sympathetically considered and that the excess leave allowance ordered from the petitioner may be waived as required by the Accountant General.

In this connection, it is submitted that the petitioners' prayer for obtaining the necessary sanction of the Government to waive the amount was not favourably considered by the Director of Public Instruction. Please Vide Encl. E. p 14 *infra*

The Accountant General has also ordered to effect the recovery of Rs.76/9/- at 1/3 of the petitioner's pay without -- hearing any representation from the departmental officers and -- 1/3 of the pay is being recovered from the petitioner.

The petitioner who has a big family to support is being put to difficulties by the refund order of the Accountant General. Owing to the abolition of the Supervisors' Agency, he lost all chances of promotion and had to receive a less pay. Now the petitioner is ordered to refund a further sum of Rs.76/9/- drawn 7 years back while the refund question was once for all settled in his case by refunding Rs.38/11/- as per original order.

The petitioner therefore humbly begs His Excellency will be pleased to view his case sympathetically and order to waive the amount of Rs.76/9/- ordered by the Accountant General to be recovered from the petitioner.

Copy submitted to His Excellency the Governor in Council, Fort St. George.

M A D R A S.

*Panna Sumeri Ayya*  
The Petitioner.



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ENCLOSURE A.

Copy of endorsement R.c 64/23 dated 10-9-23 of the --  
Headmaster, Government Training School, Trichinopoly, communica-  
ting copy of the Proceedings of the Director of Public Instruc-  
tion, Madras R.c No. 2219 C/23 dated 27-8-23. (7)

With reference to the Accountant General's endorsement  
A.B.V. Tri. 95 of 4-8-1923, the attention of the District Educa-  
tional officer is invited to Proceedings R.C. No. 2678 C/22 dated  
28-3-23 regarding the refund of Sub-protem allowance drawn by  
certain Sub-ordinates of the Supervisor's *Cadre* and Pro: R.C.  
No. 325c/23 dated 27-6-23 fixing the initial pay of T.C. Rama-  
swamy Ayyar in the new time scale, and he is requested to be  
good enough to instruct the teacher in question to refund the net  
~~amount~~ drawn by him over and above the initial pay as directed  
in Proceedings quoted above and to report the result to the ---  
Accountant General and to this Office.

Communicated to T. C. Ramaswami Ayyar, Permanent 2nd Assistant,  
Model Section, Government Training School, Trichinopoly on leave  
at Palankurichi.

2. The amount drawn in excess of what is due to him is  
shown in the statement herein enclosed.

3. He is requested as directed by the Accountant General  
and the Director of Public Instruction to arrange for the early  
refund of the amount viz., Rs.38/11/-

\* \* \* \* \*



statement showing the net amount due from him

| Period                      | Pay drawn for the period |        | Pay due as per Pro. Re 26780/28 <sup>23</sup> + Re 3250/23 dated 27-6-23 |        | Excess amount of pay due from him | Leave allowance drawn |        | Leave allowance due |         | Excess leave allowance due from him | Excess leave allowance due to him | Net amount due from him |
|-----------------------------|--------------------------|--------|--------------------------------------------------------------------------|--------|-----------------------------------|-----------------------|--------|---------------------|---------|-------------------------------------|-----------------------------------|-------------------------|
|                             | Rate                     | Amount | Rate                                                                     | Amount |                                   | Rate                  | Amount | Rate                | Amount  |                                     |                                   |                         |
| March 1922                  | Rs 52                    | - 52   | - 50                                                                     | - 50   | 2                                 | -                     |        |                     |         |                                     |                                   |                         |
| First 5 days of April 1922  | 52                       | - 8    | 11 50                                                                    | - 8    | 5                                 | - 6                   |        |                     |         |                                     |                                   |                         |
| Last 25 days of April 1922  | 52                       | - 43   | 5 42                                                                     | 8 35   | 7                                 | 14                    |        |                     |         |                                     |                                   |                         |
| May 1922                    | 52                       | - 52   | - 42                                                                     | 8 42   | 8                                 | 9                     | 8      |                     |         |                                     |                                   |                         |
| 25 days of June 1922        | 52                       | - 43   | 5 42                                                                     | 8 35   | 7                                 | 14                    |        |                     |         |                                     |                                   |                         |
| Last 5 days of June 1922    |                          |        |                                                                          |        |                                   |                       | 52     | - 8                 | 11 50   | 6                                   | 8                                 | 6 - 5                   |
| July 1922 to December 1922  |                          |        |                                                                          |        |                                   |                       | 52     | - 3                 | 12 - 50 | 6                                   | 30                                | 24 9 12                 |
| First 25 days of January 23 |                          |        |                                                                          |        |                                   |                       | 52     | - 4                 | 1 15 50 | 6                                   | 40                                | 10 1 5                  |
| Last 6 days of January 1923 |                          |        |                                                                          |        |                                   |                       | 25     | 2 4                 | 14 25   | 3 4                                 | 14                                | - -                     |
| February 1923 to June 1923  |                          |        |                                                                          |        |                                   |                       | 25     | 2 12                | 5 10 25 | 3 12                                | 5 15                              | - - - 5                 |
| Total                       |                          | 199    | 5                                                                        | 171    | 11 27                             | 10                    | 493    | 2                   | 482     | 1 11                                | 6 - 5                             | 38 11                   |

Details for the average of Rs 50-6-0

|                                                                     |                |
|---------------------------------------------------------------------|----------------|
| Pay drawn for 9 months from June 1921 to February 1922 at Rs 52-0-0 | Rs 468-0-0     |
| March 1922 at Rs 50/-                                               | Rs 50-0-0      |
| First 5 days of April 1922 at Rs 50/-                               | Rs 8-5-0       |
| Last 25 days of April 1922 at Rs 42 $\frac{1}{2}$                   | Rs 35-7-0      |
| May 1922                                                            | Rs 42-8-0      |
| <b>Total</b>                                                        | <b>604-4-0</b> |
| <b>average</b>                                                      | <b>50-6-0</b>  |



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12  
ENCLOSURE B.

Copy of memorandum R.C. No. 367 of 22 dated 12-7-24 of the District Educational Officer, Trichinopoly to the Headmaster Government Training School, Trichinopoly:--

Under Rule 81 (b) ii last para of the Fundamental -- Rules T.C. Ramaswami Ayyar is eligible for leave on an average pay for 8 months only.

He has been given leave on full average pay already for 7 months from 26-6-22.

He is now granted leave on average pay for the remaining one month from 26-1-23 and he may draw the difference between full average pay and half average pay in respect of this month.

ENCLOSURE C.

Copy of Accountant General's Order No. Tri 15-394 dated 25-9-24 to the Headmaster, Government Training School, Trichinopoly.

In returning herewith <sup>the</sup> ~~the~~ unpassed Supplemental Bill for Rs.27/6/- being the difference of leave allowance claimed for T.C. Ramaswami Ayyar, 2nd Assistant, Model Section, forwarded with your endorsement N.R.C. 127/22 dated 25-8-24, I have the honour to state that the assistant is not entitled to leave salary of Rs.50/6/- per mensem as claimed. As the amount drawn by him as Supervisor at Rs.52/- per mensem from 1-6-21 to 28-2-22 and at Rs.50/- per mensem from 1-3-22 to 5-4-22 were in excess of those admissible under the rules and as the recovery of the excess drawn has been waived by Government, the pay that should be taken into account for calculating the average pay is what was admissible during the period but for the waiver and not what was



was actually drawn which is higher than that found admissible. As the average thus calculated will be less than his pay at the time of taking leave which was Rs.42½ from 1-3-22, he may be allowed leave salary at Rs.42½ under the note to Fundamental Rule 87. The amount of excess drawn from the commencement of his leave viz., 26-6-22 should be recovered from him and the fact of recovery intimated to this Office.

ENCLOSURE D.

Copy of the Accountant General's letter No. Tri 15-777 dated 22nd January 1925 to the Director of Public Instruction, Madras.

In returning herewith the petition dated 20-12-24 of T.C. Ramaswami, acting 2nd clerk, office of the District Educational Officer, Trichinopoly, regarding the overdrawal of leave salary, I have the honour to state that his leave salary should have been fixed not with reference to the rate of pay irregularly drawn but with reference to the rate admissible under the rules. As the excess drawal of leave salary is not covered by any of the existing orders of Government sanctioning waiver of overdrawal by the Subordinates in the Educational Department, the specific sanction of Government is necessary.

I may in this connection point out that the case does not appear to fall under any of the clauses 1 to 4 in para 2 of G.O. No. 647 Mis Financial dated 6-9-24 prescribing the principles to be observed in determining the eligibility for waiver. The fact that the excess leave salary was drawn prior to the fixation of initial pay under the new time scale is no reason for admitting the claim as stated by the clerk, as salaries drawn prior to it should be considered as only provisional and it was on that account, heads of departments were required to send a second statement to this Office showing the amounts due to or from the subordinates concerned after the fixation of initial



initial pay vide last para of this office circular T.M. 24--1--430  
dated 24-1-1922.

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ENCLOSURE E.

Copy of the Proceedings of the Director of Public --  
Instruction Madras Dis. No. 1361 of 25 dated 4-4-25. (2)

Recorded with reference to the Proceedings Dis. No.  
426/25 dated 29-1-25.

2. The District Educational Officer is also requested to  
be good enough to inform T.C. Ramaswami Ayyar that there are no  
special grounds for addressing Government on his behalf for  
waiving the excess leave allowance drawn by him as a special case.

-----  
*Rama Swami Ayyar*

The Petitioner.



Bs  
13/7



15  
Revised initial pay statement - Trichinopoly District. 15

5. Government Training school, Trichinopoly .

Serial No.

5

Name

T.C. Ramaswami Ayyar acting Assistant

Substantive pay on  
28-2-21

R s. 40

Revised scale

35-60

Salary drawn during Dec. 20. Jan. 21. Feb. 21.  
40 40 40

Initial pay fixed  
on 1-3-22

42 1/2

Date of next increment 1-3-23

Remarks.

Stage next above substantive pay  
on 28-2-21.

/True Copy/

A Rama Ray  
— 12/8

for Director of Public Instruction.

P.V.S. 12/8



Law (Education)

DEPARTMENT.

16

192 . Registered . 192 .

Subject.

Memorial of T.C. Ramaswami Ayyar - submitted.

Ref. on Cur. No. 1295 C/25

Station Madras, Dated the 11th August 1925 192 .

From (Name) T.C. Ramaswami Ayyar, Esq., B.A., F.R.G.S.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

/Through Law (Education)

Department.

The Accountant General/

Sir,

I have the honour to submit herewith the memorial of T.C. Ramaswami Ayyar, Assistant Model section Government High School, Trichinopoly and to state that his request is admissible under the circumstances stated below:-

(a) In February 1921 T.C. Ramaswami Ayyar was appointed as clerk, Office of the Assistant Inspector of Schools, Trichinopoly District and sub pay was given as Supervisor on Rs.30 plus 10% of the District Officer's cadre. He was given a sub pro tem promotion to class III of the supervisory cadre plus 12% in the said cadre with effect from 1-3-21 and he was given leave from 26-6-22. He drew at that time Rs.52 per mensem. But the sub pro tem leave allowances at



promotion referred to was finally disapproved by Government in G.O.No. 1135 Law (Education) dated 25th September 1922 and G.O.No. 435 Law (Education) dated 19th March 1923. Thereupon it was ordered that the excess drawn by him over and above the initial admissible from 1-3-22 should be refunded since Government have waived the excess drawn up to that date in G.O.No. 389 Law (Education) dated 12th March 1923. However the memorialist was to refund only the excess over Rs.50 for the months of March and April 1922 with reference to Government Memo No. 1266 B-1 dated 12th May 1922. But he has recalculated the average for 12 months prior to the date of the commencement of his leave (26-6-22) on his salary drawn at Rs.52 from 1-6-21 to 28-2-22, at Rs.50 from 1-3-22 to 5-4-22 and at Rs.42-8-0 from 6-4-22 to 25-6-22, under the wrong impression that the waived part of his pay as originally drawn might be taken into consideration in calculating the average for purpose of leave salary. This is also the main contention of the teacher in the present memorial. He accordingly claims his leave salary at Rs.50-0-0 and it is not known why the Accountant General did not object to his irregular claim in the first instance. However when another occasion arose, the Accountant General pointed out the irregularity in his letter No. Tri.10394 dated 25th September 1924 and stated that he was entitled to leave salary only at Rs.42-8-0 initial pay fixed from 1-3-22 or at the average calculated on his permanent salary at Rs.40 till 1-3-22 and at Rs. 42½ from 1-3-22 to 25-6-22. Hence the excess leave salary was required to be refunded.

(b) When an excess irregularity drawn is waived as a special concession it relieves the drawer only from refunding the over drawn amount but it does not entitle him to take such an excess into consideration in fixing his leave allowances or for any other purpose. The teachers' contention that the waived part of his pay should be included in the average calculated for the purpose of leave is untenable. Another ground

of the memorialist is that at the time of his taking leave (i.e. June 22) his pay was actually Rs.52 and that therefore his leave salary should be Rs.52 under Fundamental rules 87 and the note thereto. After he went on leave, the sub pro tem promotion given him from 1-3-21 was finally disallowed by Government and the revision of the pay of the Secondary grade teachers cadre to which the memorialist belongs was ordered to take effect from 1-3-22 a date prior to the date of the commencement of his leave. ~~through~~ though the G.O.No. 389 Law (Education) dated 12th March 1923 sanctioning the revision was issued in March 1923. In these circumstances the actual pay of the teacher was revised from 1-3-22 at Rs.42½ per mensem and therefore his leave salary drawn after the date of the revision of his pay should necessarily be revised whatever might have been the amount of leave salary that he actually drew. As a consequence of the said revision the leave allowances drawn in excess of Rs.42½ from 26-6-22 have been required to be refunded. Hence the memorialist has no right to claim his leave salary at Rs.50-0-0 instead of at Rs.42½ admissible under the rules and there is no justification for supporting his request for the waiver of the excess leave allowances drawn.

I have the honour to be,

S i r,

Your most obedient servant,

*A Rama Ray*

12/8  
for Director of Public Instruction.

P.V.S. 12/8



Law (Edu) no  
24/7-25

18



L. E. 2171C  
23/7/25

Trichinopoly, Dated 13<sup>th</sup> July 1925.

To

His Excellency the Governor in Council,  
Fort St. George, M A D R A S.

Through

The Headmaster,

Government Training School, awaited.

TRICHINOPOLY.

Copy submitted  
through the proper  
channel may be  
24/7-25

The humble petition of T. C. Ramaswami Ayyar,  
assistant, Model Section, Government Training School, --  
Trichinopoly, most respectfully sheweth:--

That the petitioner has been the permanent 2nd assistant, Model Section, Government Training School, Trichinopoly. He was the Sub-protem Supervisor of Elementary Schools, Rasipuram till 5-4-22 and reverted to his permanent appointment on 6-4-1922. He had been drawing Rs. 52 (Rs. 40 & Rs. 12 temporary addition) with effect from 1-3-1921 to 25-6-1922. From 26-6-1922 to 25-1-1923 he was on leave on average pay on medical certificate and from 26-1-1923 to 5-1-1924 on leave on half average pay on medical certificate and a leave allowance of Rs. 52/- was sanctioned, for the first time in July 1922. His initial pay was fixed at Rs. 42½ with effect from 1-3-1922 in Proceedings No. 325 c/23 dated 27-6-1923 of the Director of Public Instruction, Madras. But prior to the receipt of this order, the petitioner was paid leave allowance at Rs. 52/- from 26-6-22 to 25-1-23. The Government having pleased to order to waive the excess pay drawn up to 1-5-22



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1-5-22 by Supervisors consequent on their promotion ordered from grade to grade by the Director of Public Instruction and the initial pay having been fixed at Rs.42½ with effect from 1-3-1922, his average leave salary had to be reduced from Rs.52 to Rs.50/6/-. The Accountant General, Madras, called for a statement of excess pay drawn by the petitioner and in that statement submitted, it was detailed that a sum of Rs.38/11/- being the pay and leave allowance drawn in excess need be recovered from him. Please vide copy of Proceedings of the Director of Public Instruction R.C. No. 2219 C of 23 Dated 27-8-23. (Enclosure A.). This amount was refunded in full in February 1924 as soon as he joined duty from leave and the fact of recovery reported to the Accountant General. On 25-8-1924 a bill for 27/6/- being the difference of leave allowance claimed with reference to the order of the District Educational Officer, Trichinopoly R.C. No. 367 T.R. of 22 Dated 12-7-24. (Encl B.) and forwarded to the Accountant General for pre-audit was returned unpassed with further orders that the leave allowance of Rs.50/6/- originally approved of by him was now said to be in excess and that the excess amount over Rs.42½ drawn from the commencement of the leave i.e., from 26-6-22 should be recovered from the petitioner. As per this order, he has to pay again Rs.76/9/- in addition to Rs.38/11/- already refunded by him.

Copies of the Accountant General's Orders Nos. Tri. 15-394 Dated 25-9-24 & Tri. 15-777 Dated 22-1-25 are enclosed for favour of reference. (Enclosures C & D). The objections raised therein are detailed below with explanations furnished against each:--

OBJECTIONS.

EXPLANATIONS.

1. The average leave allowance should have been claimed at Rs.42½ from 26-6-22 and not at Rs.50/6/-.

Prior to the receipt of the G.O. disallowing the promotions of Supervisors and -- waiving the excess amounts drawn over the initial pay, the leave had been sanctioned.



OBJECTIONS.

EXPLANATIONS.

and also the leave allowances -- drawn and paid to the petitioner at Rs. 52/- per month. The initial pay was fixed in July 1923 whereas the leave allowance sanctioned in July 1922. The leave allowance was fixed with reference to the pay drawn at the time of taking the leave and also with reference to the pay drawn during 12 months previous to the date of availing of the leave. Immediately on receipt of the order fixing the initial salary and with reference to the G.O. waiving the excess amounts, the petitioner's pay had to be reduced to Rs. 50/- from 1-3-22 to 5-4-22 and Rs. 42½ from 6-4-22 the date on which he joined the Training School. Owing to this reduction in his pay his average salary had to be reduced from Rs. 52/- to Rs. 50/6/-. The excess pay over Rs. 42½ drawn and paid up to 5-4-22 was waived by Government. It naturally -- follows that the excess leave allowance drawn and paid with -- reference to the pay drawn during the above period prior to the -- receipt of the order of fixture of initial salary should also be considered to have been waived. There was no data in July, 1922 for fixing the leave allowance at Rs. 42½ per month. In fact the leave allowance of Rs. 52/- -- drawn and paid to the petitioner till the date of receipt of the order of fixture of the initial salary should not have been reduced to Rs. 50/6/-. The petitioner will have no objection to refund excess leave allowance over -- Rs. 42½ claimed after the receipt of the order of fixture of the initial salary viz., from July 1923.

11. In calculating the average leave allowance, the amount waived by Government should not have been taken into consideration.

\* \* \* \* \*

As explained above the leave -- allowance was not calculated after the receipt of the order of fixture of the initial pay. The leave allowance was sanctioned in July 1922, whereas the order fixing the initial salary was received in July 1923. The petitioner will have no objection to refund any excess leave allowances drawn from and after July 1923, the same being calculated without taking into consideration of the waived amount.



OBJECTIONS.EXPLANATIONS.

iii.

The leave salary has been fixed with reference to the pay irregularly -- drawn from 1-6-1921.

\* \* \* \* \*

IV. The petitioner's case does not appear to fall under any of the -- clauses 1 to 4 in para 2 of G.O. Mis 647 Financial dated 6-9-24 prescribing -- the principles to be observed in determining the eligibility for waiver.

V. The fact that the -- excess leave salary was drawn prior to the order fixing the initial salary is no reason for admitting the claim and that the salaries were only provisional and that on ~~xx~~ that account a second statement was called for showing the amount due to or from the Subordinates concerned after the fixture of the initial salary.

\* \* \* \* \*

\* \* \* \* \*

The petitioner was promoted to the 2nd Grade Supervisor on a pay of Rs.40/- & Rs.12/- from 1-3-21. The drawing of pay at Rs.52/- is not irregular in the face of Govt. Order. No. 1266 B-1 of 12-5-22, and G.O. No. 787 dated 28-6-22. The promotion given by the Director was disallowed only in G.O. No. 1135 Law Education dated 25-9-22. Further, the Supervisors were -- permitted to draw the minimum pay in the scale of Rs.50-5-75 sanctioned for Supervisors. The drawing of pay at Rs.50/- is not irregular. A leave allowance -- of Rs.50/- seems to be admissible.

The order of fixture of the initial salary having been received in July 1923, the leave allowance ~~xx~~ at Rs.52/- had to be fixed in July 1922 with reference to the then existing orders of Government. Therefore the Spirit of G.O. No. 647 Financial dated 6-9-24 may be applied in the case of the poor petitioner.

The petitioner begs to point out that he has no objection to refund the excess pay drawn by him. *The same was already refunded by him.*

The difficulty is about the excess leave allowance drawn under proper authority prior to the receipt of the Government orders under reference and prior to the order of fixture of initial salary. The petitioner also begs to submit that it is only in the second statement referred to by the -- Accountant General, a sum of -- Rs.38/11 was shown as the net sum to be refunded by the petitioner. Please vide ENCLOSURE "A".

This amount having been approved of by the Accountant General and the full amount remitted in Feb. 1924 by the petitioner and reported to the Accountant General, the question of recovery in the petitioner's case was once for all settled and to rake up the question a second time after a lapse of time and especially at a time when a claim was made for an -- allowance subsequently sanctioned. (Please vide Enclosure B) is a very hard case. If the claim was not made, the question of refund would not have risen at all.



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VI. OBJECTIONS.

EXPLANATIONS.

To waive the excess leave salary, there are no existing orders of Government and that Government sanction is necessary to waive the amount in question.

Similar cases may be rare. For the reasons stated above, and for the reason that the petitioner was put in 21 years' faithful service under Government and that he has suffered considerably in the new time scale, his case may be sympathetically considered and that the excess leave allowance ordered from the petitioner may be waived as required by the Accountant General.

In this connection, it is submitted that the petitioners' prayer for obtaining the necessary sanction of the Government to waive the amount was not favourably considered by the Director of Public Instruction. Please Vide Encl. E.

The Accountant General has also ordered to effect the recovery of Rs.76/9/- at 1/3 of the petitioner's pay without -- hearing any representation from the departmental officers and -- 1/3 of the pay is being recovered from the petitioner.

The petitioner who has a big family to support is being put to difficulties by the refund order of the Accountant General. Owing to the abolition of the Supervisors' Agency, he lost all chances of promotion and had to receive a less pay. Now the petitioner is ordered to refund a further sum of Rs.76/9/- drawn 27 years back while the refund question was once for all settled in his case by refunding Rs.38/11/- as per original order.

The petitioner therefore humbly begs His Excellency will be pleased to view his case sympathetically and order to waive the amount of Rs.76/9/- ordered by the Accountant General to be recovered from the petitioner.

Copy submitted to His Excellency the Governor in Council, Fort St. George,

*Rama Suman*  
The Petitioner.

M A D R A S.

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ENCLOSURE A.

Copy of endorsement R.c 64/23 dated 10-9-23 of the --  
Headmaster, Government Training School, Trichinopoly, communica-  
ting copy of the Proceedings of the Director of Public Instruc-  
tion, Madras R.c No. 2219 C/23 dated 27-8-23.  
-----

With reference to the Accountant General's endorsement  
A.B.V. Tri. 95 of 4-8-1923, the attention of the District Educa-  
tional officer is invited to Proceedings R.C. No. 2678 C/22 dated  
28-3-23 regarding the refund of Sub-protem allowance drawn by  
certain Sub-ordinates of the Supervisor's *Cadre* and Pro: R.C.  
No. 325c/23 dated 27-6-23 fixing the initial pay of T.C. Rama-  
swamy Ayyar in the new time scale, and he is requested to be  
good enough to instruct the teacher in question to refund the net  
excess drawn by him over and above the initial pay as directed  
in Proceedings quoted above and to report the result to the ---  
Accountant General and to this Office.

Communicated to T. C. Ramaswami Ayyar, Permanent 2nd Assistant,  
Model Section, Government Training School, Trichinopoly on leave  
at Palankurichi.

2. The amount drawn in excess of what is due to him is  
shown in the statement herein enclosed.

3. He is requested as directed by the Accountant General  
and the Director of Public Instruction to arrange for the early  
refund of the amount viz., Rs.38/11/-

\* \* \* \* \*



Statement showing the net amount due from him.

| Period.                       | Pay drawn for the period |        | Pay due as per Pro. Re. 2678 1/23 dated 28-3-23 + Re 325 1/23 dated 27-6-23 |        | Excess amount of pay due from him. | Leave allowance drawn |        | Leave allowance due |         | Excess leave allowance due from him. | Excess leave allowance due to him. | Net amount due from him. |
|-------------------------------|--------------------------|--------|-----------------------------------------------------------------------------|--------|------------------------------------|-----------------------|--------|---------------------|---------|--------------------------------------|------------------------------------|--------------------------|
|                               | Rate                     | Amount | Rate                                                                        | Amount |                                    | Rate                  | Amount | Rate                | Amount  |                                      |                                    |                          |
| March 1922.                   | Rs 52                    | - 52   | - 50                                                                        | - 50   | 2                                  | -                     |        |                     |         |                                      |                                    |                          |
| First 5 days of April 1922    | 52                       | - 8    | 11 50                                                                       | - 8    | 5                                  | - 6                   |        |                     |         |                                      |                                    |                          |
| Last 25 days of April 1922    | 52                       | - 43   | 5 42                                                                        | 8 35   | 7                                  | 7 14                  |        |                     |         |                                      |                                    |                          |
| May 1922                      | 52                       | - 52   | - 42                                                                        | 8 42   | 8                                  | 9 8                   |        |                     |         |                                      |                                    |                          |
| 25 days of June 1922          | 52                       | - 43   | 5 42                                                                        | 8 35   | 7                                  | 7 14                  |        |                     |         |                                      |                                    |                          |
| Last 5 days of June 1922      |                          |        |                                                                             |        |                                    |                       | 52     | - 8                 | 11 50   | 6 8                                  | 6 0                                | 5                        |
| July 1922 to Decr 1922        |                          |        |                                                                             |        |                                    |                       | 52     | - 3                 | 12 - 50 | 6 30                                 | 4 9                                | 12                       |
| First 25 days of January 1923 |                          |        |                                                                             |        |                                    |                       | 52     | - 4                 | 15 50   | 6 40                                 | 10 1                               | 5                        |
| Last 6 days of January 1923   |                          |        |                                                                             |        |                                    |                       | 25     | 2 4                 | 14 25   | 3 4                                  | 14 -                               |                          |
| February 1923 to June 1923    |                          |        |                                                                             |        |                                    |                       | 25     | 2 12                | 5 10 25 | 3 12                                 | 5 -                                | 5                        |
| Total                         |                          | 199    | 5                                                                           | 171    | 11                                 | 27                    | 10     | 493                 | 2       | 482                                  | 11                                 | 6 - 5 38 11              |

Details for the average of Rs 50-6-0.

Pay drawn for 9 months from June 1921 } Rs 468.0-0  
to February 1922 at Rs 52/- }

March 1922 at Rs 50/- ..... 50-0-0

First 5 days of April 1922 at Rs 50/- ..... 8-5-0

Last 25 days of April 1922 at Rs 42 1/2 ..... 35-7-0

May 1922 ..... 42-8-0

604-4-0 or  
average 50-6-0



ENCLOSURE B.

Copy of memorandum R.c. No. 367 of 22 dated 12-7-24 of the District Educational Officer, Trichinopoly to the Headmaster Government Training School, Trichinopoly:--

Under Rule 81 (b) ii last para of the Fundamental -- Rules T.C. Ramaswami Ayyar is eligible for leave on an average pay for 8 months only.

He has been given leave on full average pay already for 7 months from 26-6-22.

He is now granted leave on average pay for the remaining one month from 26-1-23 and he may draw the difference between full average pay and half average pay in respect of this month.

ENCLOSURE C.

Copy of Accountant General's Order No. Tri 15-394 dated 25-9-24 to the Headmaster, Government Training School, Trichinopoly.

In returning herewith <sup>the</sup> ~~the~~ unpassed Supplemental Bill for Rs.27/6/- being the difference of leave allowance claimed for T.C. Ramaswami Ayyar, 2nd Assistant, Model Section, forwarded with your endorsement N.R.C. 127/22 dated 25-8-24, I have the honour to state that the assistant is not entitled to leave salary of Rs.50/6/- per mensem as claimed. As the amount drawn by him as Supervisor at Rs52/- per mensem from 1-6-21 to 28-2-22 and at Rs.50/- per mensem from 1-3-22 to 5-4-22 were in excess of those admissible under the rules and as the recovery of the excess drawn has been waived by Government, the pay that should be taken into account for calculating the average pay is what was admissible during the period but for the waiver and not what was.



was actually drawn which is higher than that found admissible. As the average thus calculated will be less than his pay at the time of taking leave which was Rs.42½ from 1-3-22, he may be allowed leave salary at Rs.42½ under the note to Fundamental Rule 87. The amount of excess drawn from the commencement of his leave viz., 26-6-22 should be recovered from him and the -- fact of recovery intimated to this Office.

ENCLOSURE D.

Copy of the Accountant General's letter No. Tri 15-777 dated 22nd January 1925 to the Director of Public Instruction, Madras.

In returning herewith the petition dated 20-12-24 of T.C. Ramaswami, acting 2nd clerk, office of the District Educational Officer, Trichinopoly, regarding the overdrawal of leave salary, I have the honour to state that his leave salary should have been fixed not with reference to the rate of pay irregularly drawn but with reference to the rate admissible under the rules. As the excess drawal of leave salary is not covered by any of the existing orders of Government sanctioning waiver of overdrawal by the Subordinates in the Educational Department, the specific sanction of Government is necessary.

I may in this connection point out that the case does not appear to fall under any of the clauses 1 to 4 in para 2 of G.O. No. 647 Mis Financial dated 6-9-24 prescribing the principles to be observed in determining the eligibility for waiver. The fact that the excess leave salary was drawn prior to the -- fixation of initial pay under the new time scale is no reason for admitting the claim as stated by the clerk, as salaries drawn prior to it should be considered as only provisional and it was on that account, heads of departments were required to send a second statement to this Office showing the amounts due to or from the subordinates concerned after the fixation of initial --



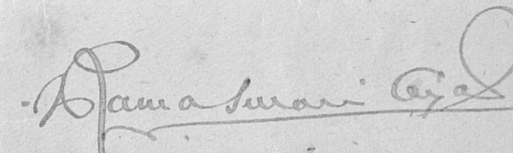
initial pay vide last para of this office circular T.M. 24--1--430 dated 24-1-1922.

ENCLOSURE E.

Copy of the Proceedings of the Director of Public -- Instruction Madras Dis. No. 1381 of 25 dated 4-4-25.

Recorded with reference to the Proceedings Dis. No. 426/25 dated 29-1-25.

2. The District Educational Officer is also requested to be good enough to inform T.C. Ramaswami Ayyar that there are no special grounds for addressing Government on his behalf for waiving the excess leave allowance drawn by him as a special case.



The Petitioner.



Ramaswami Ayyar, T. C.

Asst: Govt: Tg: School,

Technology — Recovery  
of overpayment.

READ AGAIN G.O. No....., dated.....

" " " " ..... "

192

• *READ ALSO:—*

C. No. 2644 From the D. P. J. R. o. C. No. 12954 dated 11.8.1925

Appt. sent of the A. G. No. 104-13, 28. 8. 1925

” ..... ” ..... ” ..... ” ..... 192

ORDER.

Ms.

No. 1566, dated 7-9-1925

The Government  
see no reason to waive  
the recovery of the excess  
pay drawn by T. C.,  
Ramaswami Ayyar, Assistant,  
Government Training School,  
Tiruchinopoly,

DESPATCHED

8 SEP1925

To the D. P. J. ~~with~~  
~~ref: to her letter,~~  
 .. A C. } 210

B 4.9.25

V.TK  
579

Note:- The memorialists request us at page 9, c.f. from the portions Adm.-lined at pp 2 & 3, c.f., it will be



Draw that there is no case  
for foregoing the amount.

to  
4.9.28

When seen for copying \_\_\_\_\_  
When copied \_\_\_\_\_  
When examined \_\_\_\_\_  
When signed \_\_\_\_\_ } 192

READ AGAIN G.O. No. \_\_\_\_\_ DATED \_\_\_\_\_  
192

CURRENT No. \_\_\_\_\_

ENCLOSURES TO C. No. \_\_\_\_\_

ORDER OF GOVERNMENT .. .. .

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED OF, BRING MEANT FOR DESPATCH  
IN ORIGINAL.

N.B.—

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