

Edn. (1926) Department.

mis. SERIES.

G.O. No. 1542.

DATED 16-8-26.

[Despatch Abstract.]

Memorial - Swaminatha Ayyar, M.A. - Assistant,
Government Training School, Trichinopoly -
Reconsideration refused.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
8-	626	9	23.4.24				
..	1052	8	20.6.25				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Lodge
 ct. 2546B
 28/10/26
 561B
 14/3/27

P S. 4--800-24-10-23

PRIVATE SECRETARY'S OFFICE, MADRAS.

Memo. No. 2-1052/25

Transferred to the Secretary to Government, Law (Education)

Department, for favour of disposal.

ENCLOSURES :

(By order of His Excellency the Governor.)

MADRAS GOVERNOR'S CAMP,

The 30 . 12 . 1925.

Private Secretary.

To

His Excellency The Rt. Hon'ble

Viscount Goschen of Hawhurst, G.C.I.E., C.B.E.,

Governor, Fort St. George, Madras.

Through

The Director of Public Instruction, Madras,

&

The Headmaster, Government Training School,
Trichinopoly.

The humble Revision Petition of M.R.Ry, M.A. Swaminatha
Iyer, late Sub Assistant Inspector of Schools, Aruppukottai
Range, Ramnad District and at present, Assistant, Government
Training School, Trichinopoly:

Most Respectfully Showeth:---

That the petitioner submitted to His Excellency a Revision
Petition on 12-12-1924, appealing against the great injustice
done to him by the Director of Public Instruction, Madras, in
placing him under suspension for eleven months and one day
without proper and sufficient grounds and in declining to
award to him, the benefits of the provisions contained in
Art. 193 (b) (i) C.S.R., to which he is entitled, as his sus-
pension from duty ^{is} ~~is~~ thoroughly unjustifiable.

2. That the petitioner presented the above petition to the
Headmaster, Government Training School, Trichinopoly ~~xxx~~ who
submitted the same to the District Educational Officer, - -
Trichinopoly and he submitted it to the Director. After the
receipt of the petition in the Director's office on 29-12-24,
it was returned from that office on 6-1-25, in Endorsement
No. N., R.O.C. 3665 C/24, through the proper channel, with the
remark that it was received in a spoiled condition and that a
fresh petition need be submitted. The petition is found to have
been soaked into some medicinal oil and it is not known who

did the mischief. The petitioner was therefore taxed a further sum of Rs. 5/- to get the petition retyped for submission to the Director.

3. That, on the above-mentioned petition His Excellency was pleased to pass orders in G.O. No. 1052, Misc. Law, Education, dated 20-6-25. On the communication of this G.O. to the - - Director, he passed his own orders, in the petitioner's case, in his Proceedings No. R.O.C. 3665 C/24, dated 29-6-1925 and 30-7-1925, (Enclosures I & II).

4. That, though the Director had referred to the No. and date of the G.O. in his Proceedings (Encl. I), he was not pleased to communicate to the petitioner, a copy of the G.O. As the orders contained in his Proceedings are arbitrary and again without pros and cons as usual, and as they are still very unfavourable to the petitioner, he applied to the Director for a copy of the G.O. to know how his representations made in his Revision Petition dated 12-12-24 were viewed by His Excellency and to submit his further representations accordingly. But the Director, in his Proceedings No. R.C. 3665 C/24, dated 20-7-1925, declined to grant to the petitioner a copy of the G.O. Thereupon he applied to His Excellency for the award of a copy of the G.O. and His Excellency was pleased, in Memorandum No. 3040-c-1, Law, Education, dated 5-10-1925, to order the Director for the grant of a copy of the G.O. to the petitioner.

5. That the copy of G.O. No. 1052 Misc. Law, Education dated 20-6-1925 as communicated now by the Director and appended to his Proceedings R.C. No. 3665 C/24 dated 9-10-25, (Encl. III), the petitioner apprehends, is only an extract and not the text of the G.O. in the proper form. The petitioner therefore, requests His Excellency once again, for the grant of a copy of the G.O. in the proper and complete form.

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completed

Did the Director, the petitioner was therefore asked a further sum of Rs. 2/- to get the petition referred for submission to the Director.

5. That, on the above-mentioned petition his Excellency was pleased to pass orders in G.O. No. 1052, Misc. Law, Education, dated 20-6-25. On the communication of this G.O. to the Director, he passed his own orders, in the petitioner's case, in his Proceedings No. R.O.C. 3665 C/24 dated 29-6-1925 and 30-7-1925 (Enclosures I & II).

4. That, though the Director had referred to the G.O. and date of the G.O. in his Proceedings (Encl. I), he was not pleased to communicate to the petitioner, a copy of the G.O. as the orders contained in his Proceedings are arbitrary and again without pros and cons as stated, and as they are still very unfavorable to the petitioner, he applied to the Director for a copy of the G.O. to know how his representations made in his Revision Petition dated 12-12-24 were viewed by his Excellency and to submit his further representations accordingly. But the Director, in his Proceedings No. R.O. 3665 C/24 dated 30-7-1925, declined to grant to the petitioner a copy of the G.O. Thereupon he applied to his Excellency for the award of a copy of the G.O. and his Excellency was pleased, in Memorandum No. 8040-C-1, Law, Education, dated 5-10-1925, to order the Director for the grant of a copy of the G.O. to the petitioner.

3. That the copy of G.O. No. 1052 Misc. C. Law, Education, dated 20-6-1925 as communicated by the Director and appended to his Proceedings R.O. No. 3665 C/24 dated 3-10-25 (Encl. III), the petitioner apprehends, is only an extract and not the text of the G.O. in the proper form. The petitioner, therefore, requests his Excellency once again, for the grant of a copy of the G.O. in the proper and complete form.

6. That, in as much as the copy of the G.O. communicated by the Director, is incomplete as stated ^{above} ~~supra~~, and as he, apart from the G.O., passed his own orders in his Proceedings R.C. No. 3665 C/24 dated 29-6-1925 and 30-7-1925 (Encls. I & II), which alone have been given effect to, the petitioner has to make his further representations, with reference to the - - - Director's Proceedings alone; and these are, as stated above, ~~and~~ without pros and cons and the careful avoidance of the same, indicates that they are against Law and Justice, as explained hereunder. The orders contained in the proceedings are:-

(1) The period (of the petitioner's duty as Personal Assistant to the Assistant Inspector, Salem District), from 6-12-1918 to 10-12-1918 and (his joining ^{time} ~~term~~ in continuation thereof) from 11-12-18 to 19-12-18 ^{are} ~~is~~ treated as Extraordinary leave without allowances.

(2) The period of his suspension from duty as Sub Assistant Inspector of Schools, Aruppukottai, for 11 months and one day from 6-9-19 to 6-8-20 is treated as:---

(a) Privilege leave for 24 days from 6-9-19 to 29-9-19, (on Rs. 75 the pay of his Sub Protem appointment as Sub Assistant Inspector).

(b) Furlough for 30 days from 30-9-19 to 29-10-19, on Rs. 15/- (half the pay of his permanent appointment then, as Supervisor, Rs. 30/).

(c) Pay at 22½Rs. per mensem (¾ of the pay of his permanent appointment as Supervisor, on Rs. 30/), for 9 months and 8 days from 30-10-19 to 6-8-20, under Art. 193 (b) (ii) C.S.R.

7. That, as regards (I) of the orders quoted above, the petitioner begs to state that the order is a new addition made by the Director to the contents of the G.O. No. 1052 Misc. C. Law, Education, dated 20-6-25, with much prejudice, unsupported by the Rulings contained in the C.S.R. and against Law and Justice.

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That, in as much as the copy of the G.O. communicated by the Director is incomplete as stated above, and as he, apart from the G.O., passed his own order in his Proceedings R.O. No. 3885 C/24 dated 29-8-1923 and 30-7-1923 (Encls. I & II), which alone have been given effect to, the petitioner has to make his further representations, with reference to the Director's Proceedings alone, and these are, as stated above, without prior and clear and the careful avoidance of the same, indicates that they are against law and justice, as explained hereunder. The orders contained in the proceedings are:-

(1) The period (of the petitioner's duty as Personal Assistant to the Assistant Inspector, Salem District), from 8-12-1918 to 10-12-1918 and (his joining in continuation thereof) from 11-12-18 to 19-12-18 is treated as Extraordinary leave without allowances.

(2) The period of his suspension from duty as Sub Assistant Inspector of Schools, Aruppukottai, for 11 months and one day from 8-9-19 to 8-8-20 is treated as:-

(a) Privilege leave for 24 days from 8-9-19 to 29-9-19 (on Rs. 75 the pay of his Sub Protam appointment as Sub Assistant Inspector).

(b) Furlough for 30 days from 30-9-19 to 29-10-19, on Rs. 15/- (half the pay of his permanent appointment then, as Supervisor, Rs. 30/-).

(c) Pay at Rs. 25/- per mensem (1/2 of the pay of his permanent appointment as Supervisor, on Rs. 30/-) for 9 months and 8 days from 30-10-19 to 8-8-20, under Art. 193 (b) (ii) C.S.R.

That, as referred (1) of the orders cited above, the petitioner begs to state that the order is a new addition made by the Director to the contents of the G.O. No. 1022 dated 29-8-1923, which was supported by a resolution, dated 30-8-23, with much prejudice, and without the Rules contained in the G.O. No. 1022 dated 29-8-1923, and against law and justice.

10-12-18, This is against Law and Justice. From 6-12-18, the petitioner had done duty as Personal Assistant to the Assistant Inspector, Salem District and had been on transit in continuation thereof, from 11-2-18 to 19-12-18, to join his new appointment as Sub Assistant Inspector (Sub Protam) (Aruppukottai Range, ^{ordered} order in Proceedings, R.O. No. 9592 of 1918, dated 22-11-18 (Encl. XIII, to his Revision Petition to His Excellency dated 12-12-24). While on duty as Personal Assistant to the Assistant Inspector, Salem District, his controlling officer, the Assistant Inspector, ^{gave} him specific orders, exhibited in a programme, for conducting the Annual Inspection of Elementary Schools, 50 or 60 miles away from his Head-quarters, Salem. In obedience to his orders, the petitioner was on tour for more than a month, at one stretch, from 8-11-18 to 10-12-18, conducting annual inspection of schools. On 9-12-18, the petitioner received by post, at Atur, 32 miles away from his head-quarters, Memo R.O.C. No. 1123 of 1918, dated 7-12-1918, from the Assistant Inspector, re-calling him to Salem to hand over charge of his office to Mr. V. Vembu Sastri. The petitioner forthwith obeyed his orders and returned to Salem, the very next day i.e., 10-12-18, travelling by road journey a distance of 32 miles and held his office ready to hand over charge in the afternoon. But Mr. Vembu Sastri expressed his unwillingness to take charge that afternoon, on the plea that the day was ^{not} auspicious for him and ^{he} relieved the petitioner only on the fore-noon of the next day 11-12-18. The Assistant Inspector, Mr. A.G.W. de Rozario, also witnessed the same, as the office of his Personal Assistant was located in his office itself. He had also approved of the petitioner's touring and inspection of schools up to 10-12-18, as it is evident from his review on the petitioner's Diary, No. Dis. Pl. 8/6 of 1919 dated 21-2-19. The Director has now treated this period of the petitioner's duty as extra-ordinary leave without allowances and it amounts to punishing the petitioner for having obeyed the orders of his Controlling Officer, the

From 8-12-18 the petitioner had done duty as Personal Assistant to the Assistant Inspector, Salem District and had been on transfer in continuation thereof from 11-2-18 to 19-12-18, to join his new appointment as Sub Assistant Inspector (S.A.I.) (Aruppukottai Range) in Proceedings, R.O.C. No. 9592 of 1918 dated 22-11-18. While on duty as Personal Assistant to the Assistant Inspector, Salem District, his controlling officer, the Assistant Inspector, gave him specific orders, exhibited in a programme, for conducting the annual inspection of Elementary Schools, 50 or 60 miles away from his Head-quarters, Salem. In obedience to his orders, the petitioner was on tour for more than a month, at one stretch from 8-11-18 to 10-12-18 conducting annual inspection of schools. On 9-12-18, the petitioner received by post, at Salem, 32 miles away from his head-quarters, Memo R.O.C. No. 1123 of 1918 dated 7-12-1918 from the Assistant Inspector, re-calling him to Salem to hand over charge of his office to Mr. V. Vembu Sastri. The petitioner forthwith obeyed his orders and returned to Salem, the very next day i.e., 10-12-18, travelling by road journey, a distance of 32 miles and held his office ready to hand over charge in the afternoon. But Mr. Vembu Sastri expressed his unwillingness to take charge that afternoon, on the plea that the day was a public holiday for him and he received the petitioner only on the forenoon of the next day, 11-12-18. The Assistant Inspector, Mr. A.G.W. de Rozario, also witnessed the same, as the office of his Personal Assistant was located in his office itself. He had also approved of the petitioner's touring and inspection of schools up to 10-12-18, as it is evident from his review on the petitioner's diary, No. 125, Pt. 8 of 1918 dated 21-1-19. The Director has now treated this period of the petitioner's duty as extra-ordinary leave without allowances and it amounts to punishing the petitioner for having obeyed the orders of his controlling officer, the

Assistant Inspector, Salem District. This is against Law and Justice.

Then again, on his relief at Salem by Mr. Vembu Sastri on the fore-noon of 11-12-18 the petitioner was in transit to join his new appointment as Sub Assistant Inspector of Schools, Aruppukottai, ordered in the Director's Proceedings, R.O.C. No. 9592 of 1918 dated 22-11-18. Aruppukottai is 252 miles away by rail and 11 miles by road from Salem and the petitioner was entitled, under the Rules contained in the C.S.R., to joining time, amounting to 10 days and he was due for duty at Aruppukottai, on the fore-noon of 21-12-18. But he joined duty there even earlier i.e., on the afternoon of 19-12-18. The transfer ordered was on promotion and he was allowed the full joining time also, as it is apparent from the orders. He was also paid the travelling allowance in full, for his journey from Salem to Aruppukottai. This period of the petitioner's joining time for 9 days, from 11-12-18 to 19-12-18 is also now treated as Extraordinary leave without allowances. The petitioner is entitled to his pay during this joining time, under the Rulings contained in the C.S.R., and the denial of the same by the Director is against Law and Justice.

(2)
8. That, as regards H (a) & (b) of the Orders stated in para 6 above, i.e., treating a portion of the period of his suspension from 6-9-19 to 29-10-19, as combined privilege leave (24 days) and furlough (30 days), the petitioner most humbly begs to state that, in as much as the Director, in supercession of his Orders contained in his Proceedings R.C. 8481 of 1919, dated 24-9-1919 (Encl. I to his Revision petition to His Excellency dated 12-12-24) calling for medical certificate on behalf of the petitioner, on account of his serious illness, had in his Proceedings R.C. No. 7240 of 1918 dated 2-10-19 ordered the petitioner's suspension from duty with effect from 6-9-19, the date on which he fell ill, and as the medical certificate

Assistant Inspector, Salem District. This is against law and
Justice.
Then again, on his relief at Salem by Mr. Venu Sastri on
the forenoon of 11-12-18 the petitioner was in transit to join
his new appointment as Sube Assistant Inspector of Schools,
Aruppukottai, ordered by the Director's Proceedings, R.O.C.
No. 5522 of 1918, dated 22-11-18. Aruppukottai is 252 miles
away by rail and 11 miles by road from Salem and the petitioner
was entitled, under the Rules contained in the C.S.R., to join-
ing time, amounting to 10 days and he was due for duty at
Aruppukottai, on the forenoon of 21-12-18. But he joined duty
there even earlier, i.e., on the afternoon of 19-12-18. The
transfer ordered was on promotion and he was allowed the full
joining time also, as it is apparent from the orders. He was
also paid the travelling allowance in full, for his journey
from Salem to Aruppukottai. This period of the petitioner's
joining time for 9 days from 11-12-18 to 19-12-18 is also now
treated as extraordinary leave without allowances. The peti-
tioner is entitled to his pay during this joining time, under
the Rules contained in the C.S.R., and the denial of the same
by the Director is against law and Justice.

(2)
8. That, as regards (a) & (b) of the Order stated in
para 6 above, i.e., treating a portion of the period of his
separation from 6-9-19 to 29-10-19, as combined privilege leave
(24 days) and furlough (30 days), the petitioner most humbly
hopes to state that, in as much as the Director, in suspension
of his Orders contained in his Proceedings R.O.C. 8481 of 1919,
dated 24-9-1919, (Final) I to his Revision petition to his -
"Excellency dated 12-12-24) calling for medical certificate on
behalf of the petitioner, on account of his serious illness, had
in his Proceedings R.O.C. No. 7240 of 1919, dated 2-10-19, ordered
the petitioner's suspension from duty with effect from 6-9-19,
the date on which he fell ill, and as the medical certificate

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of the leave, drawing Rs. 75/- per mensem. But the Director
furnished by the District Medical Officer, Salem, was also
had limited the allowance to Rs. 15/- only 1.50, and the
consequently dishonoured then, the period of his suspension
pay of his permanent appointment then, Rs. 50/- in 1919-20,
may not, now after a period of more than 6 years, be treated
as leave. Again, the substitution of leave for suspension is
not admissible under any of the Rulings contained in the C.S.R.
also clearly entitles the petitioner to "Half average salary"
The Director starved the petitioner and his family for 11
months and one day with his severe orders of suspension and
that when he was seriously ill, dishonouring the medical - - -
certificate on his behalf and if he, now, after a period of
6 years, honours the same and voluntarily offers combined privi-
lege and furlough, in lieu of his suspension, the petitioner
most humbly begs to state that he cannot be now considered to
have enjoyed the leave, as he had, already suffered the great-
est hardships during his suspension, without allowances of any
kind or whatever for which Justice demands that he needs be
properly recompensed now, owing to his suspension from duty
being unjustifiable.

On 6-9-19, the date on which the petitioner fell ill, - - -
privilege leave was due to him, for 3 months, under Art. 246
C.S.R. (as he had not, for 5 years from 10-11-14, the date on
which ^{leave} he last returned from furlough to 5-9-19, taken leave of any kind)
and it is evident from his Service Register. The privilege
leave for 24 days (from 6-9-19 to 29-9-19) and furlough for
30 days (from 30-9-19 to 29-10-19), in continuation thereof,
now combined by the Director, may be entirely treated as privi-
lege leave under Art. 260 C.S.R. and may be debited against
the privilege leave due to him on 6-9-19. The grant of furlough
in continuation of privilege leave, therefore, is justified.

(L)
Again, in G.O. No. 10501 Mis. C. Law, Education, dated
20-6-25, it is specifically ordered that the petitioner might be
given furlough from 30-9-19 to 29-10-19 on Half average salary.
"Half average salary" to the petitioner amounts to Rs. 37½, as
he had been, for the past 12 months, prior to the commencement

...
 furnished by the District Medical Officer, Salem was also
 consequently discontinued then, the period of his suspension
 may not, now after a period of more than 6 years, be treated
 as leave. Again, the substitution of leave for suspension is
 not admissible under any of the Rules contained in the C.S.R.
 The Director served the petitioner and his family for 11
 months and one day with his severe orders of suspension and
 that when he was seriously ill, discontinuing the medical
 certificate on his behalf and if he, now, after a period of
 6 years, honours the same and voluntarily offers combined privi-
 lege and furlough, in lieu of his suspension, the petitioner
 most humbly begs to state that he cannot be now considered to
 have enjoyed the leave, as he had, already, suffered the great-
 est hardships during his suspension, without allowance of any
 kind - whatever for which justice demands that he needs be
 properly recompensed now, owing to his suspension from duty
 being unjustifiable.

On 8-9-19, the date on which the petitioner fell ill -
 privilege leave was due to him for 3 months under Art. 246
 C.S.R. (as he had not, for 3 years from 10-11-18, the date on
 which he last returned from 8-9-19, taken leave of any kind)
 and it is evident from his Service Register, the privilege
 leave for 24 days (from 8-9-19 to 29-9-19) and furlough for
 30 days (from 30-9-19 to 29-10-19), in continuation thereof,
 now combined by the Director, may be entitled treated as privi-
 lege leave, under Art. 246 C.S.R. and may be debited against
 the privilege leave due to him on 8-9-19. The grant of furlough
 in continuation of privilege leave, therefore, is not justified.
 Again, in G.O. No. 1022 M.S. G. Law, Education, dated
 20-6-25, it is specifically ordered that the petitioner might be
 given furlough from 30-9-19 to 29-10-19 on Half average salary
 "Half average salary" to the petitioner amounts to Rs. 37, as
 he had been, for the past 12 months prior to the commencement

-7- 8
 of the leave, drawing Rs. 75/- per mensem. But the Director
 had limited the allowance to Rs. 15/- only i.e., half of the
 pay or his permanent appointment then, Rs. 30/- in his Pro-
 ceedings R.C. 3665 C/24, dated 30-7-25 (Encl. II), quoting
 Art. 340 (b) C.S.R., in support of his orders. This Article
 also clearly entitles the petitioner to "Half his average
 salary", as it is seen by studying the same. Thus, even in
 carrying out the orders passed by His Excellency, the Director
 is prejudiced against the petitioner and has cut short the
 leave allowance against the Rules.

That, for the reasons stated above, the petitioner requests
 that he may be paid for the portion of the period of his sus-
 pension, now treated as combined privilege leave and furlough,
 full salary and allowances of the appointment of the Sub Assis-
 tant Inspector of Schools, from which he was suspended, under
 Art. 193 (b) (i) C.S.R., as his suspension is thoroughly un-
 justifiable.

(2)
 9. That with regard to (c) of the orders quoted in para 6
 supra, i.e., ordering the payment of Rs. 22½ per mensem (½th
 of the pay of his permanent appointment then, Rs. 30/-) for the
 remaining period of his suspension, i.e., for 9 months and 8
 days, from 30-10-19 to 6-8-20, the petitioner begs to state
 that the Director has mentioned in his Proceedings R.C. No.
 3665 C/24, dated 29-6-25, (Encl. I) and 30-7-25 (Encl. II), 2nd
 para, that the proportionate pay was granted, under Art. 193 (b)
 (ii) C.S.R. In the first place, as the order of suspension
 itself is thoroughly unjustifiable, owing to the charges in
 support of the same, having been imaginary, false and futile,
 as explained at length, in para 6 of his Revision Petition to
 His Excellency, dated 12-12-24, and as His Excellency also, was
 pleased to consider that there is no need for enquiry into the
 petitioner's case, it is held beyond all doubt that the peti-
 tioner has been entirely free from blame and that he is, there-
 fore, entitled, for the period of his suspension, under - - -

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of the leave, drawing Rs. 15/- per mensem. But the Director had limited the allowance to Rs. 15/- only i.e., half of the pay of his permanent appointment then, Rs. 30/- in his proceedings R.C. No. 3665 C/24 dated 30-7-25 (Encl. II), quoting Art. 240 (b) C.S.R., in support of his orders. This Article also clearly entitles the petitioner to "Half his average salary" as it is seen by studying the same. Thus, even in carrying out the orders passed by His Excellency, the Director is prejudiced against the petitioner and has cut short the leave allowance against the Rules.

That, for the reasons stated above, the petitioner requests that he may be paid for the portion of the period of his suspension now treated as combined privilege leave and without full salary and allowances of the appointment of the Sub Asst. Inspector of Schools from which he was suspended, under Art. 193 (b) (1) C.S.R., as his suspension is thoroughly unjustifiable.

(2) That with regard to 15 (c) of the orders quoted in para 8 above, i.e., ordering the payment of Rs. 25/- per mensem (1/3 of the pay of his permanent appointment then, Rs. 30/-) for the remaining period of his suspension, i.e., for 8 months and 8 days from 30-10-19 to 8-8-20, the petitioner begs to state that the Director has mentioned in his Proceedings R.C. No. 3665 C/24 dated 30-7-25 (Encl. I) and 30-7-25 (Encl. II), 2nd para, that the proportionate pay was granted under Art. 193 (b) (1) C.S.R. In the first place, as the order of suspension itself is thoroughly unjustifiable, owing to the charges in support of the same, having been imaginarily, false and infir, as explained at length in para 8 of his Revision Petition to His Excellency, dated 12-12-24, and as His Excellency also was pleased to consider that there is no need for enquiry into the petitioner's case, it is held beyond all doubt that the petitioner has been entirely free from blame and that he is, therefore, entitled, for the period of his suspension, under

Art. 193 (b) (1) C.S.R., to the full salary and other allowances of the appointment held by him, when suspended. During the entire period of his suspension for 11 months and one day, the petitioner held the appointment of the Sub Asst. Inspector of Schools, Aruppukottai Range, Sub Protem, as it is evident from the following Proceedings of the Director:---

- | | |
|-----|--------------------------------------|
| (1) | P.C. No. 7240 of 1918 dated 2-10-19. |
| (2) | Do. " 26-4-20 8-12-19. |
| (3) | Do. " 26-4-20. |
| (4) | Do. " 5-7-20. |

It is only on 5-7-20, in the last of the Proceedings No. (4) quoted above, (Encl. VI to his Revision Petition to His Excellency dated 12-12-24) that the Director ordered the petitioner to join his permanent appointment, as Supervisor of Schools, on Rs. 30/- at a time, when the petitioner had under Art. 210 C.S.R. a superior lien on his Sub Protem appointment, as Sub Asst. Inspector of Schools, Aruppukottai Range, as the post fell permanently vacant, consequent on the death of Mr. D. Seshagiri Rao, the permanent incumbent in ^{June} January 1920, while the petitioner was still under suspension.

10. Thus, for the reasons stated in the preceding para, the petitioner is entitled under Art. 193 (b) (1) C.S.R. to the full salary and other allowances of the appointment of the Sub Asst. Inspector of Schools (Sub Protem) held by him, when suspended and not to 1/3 of the pay only of his permanent appointment, then, as Supervisor on Rs. 30/-, as ordered by the Director, in his Proceedings R.C. No. 3665 C/24 dated 30-7-25 (Encl. II). The Director has supported the orders contained in these Proceedings by making his own interpretations for Sub Section (ii) of 193 (b) C.S.R., without any reference to the authority of Government of India, who issued Civil Service Regulations and to whom the power to interpret any of the Rules contained therein, is reserved. None of the Rulings contained in the Madras Supplement to C.S.R. also, support the interpretations of the Article made by the Director.

(1)	P.C. No.	7200 of 1916 dated 2-10-19.
(2)	"	" 26-4-20. 8-12-19.
(3)	Do.	26-4-20.
(4)	Do.	" 27-20.

10. Thus, for the reasons stated in the preceding para, the petitioner is entitled under Art. 193 (b) (1) C.S.R. to the full salary and other allowances of the appointment of the Sub Asst. Inspector of Schools (Sub Probation) held by him, when engaged and not to $\frac{2}{3}$ of the pay only of his permanent appointment, then, as Supervisor on Rs. 30/- as ordered by the Director, in his Proceedings P.O. No. 3665 C/SA dated 30-7-38 (Encl. II). The Director has supported the orders contained in these Proceedings by making his own interpretation for Sub Section (ii) of 193 (b) C.S.R. without any reference to the authority of Government of India, who issued Civil Service Regulations and to whom the power to interpret any of the Rules contained therein is reserved. None of the Rules contained in the Manual Supplement to C.S.R. also support the interpretation of the Article made by the Director.

Thus the new interpretations of the Article made by the Director, to deprive the petitioner of his lien on his officiating appointment, during his suspension, in spite of ~~his~~ the Orders contained in his 4 Proceedings, quoted in the previous para, the petitioner begs to state, are against the very Rules contained in C.S.R. and ~~also~~ also against Law and Justice.

the petitioner, can be made out of ~~them~~^{them}, but they were intended
enumerated below:---
to prejudice the Director against the petitioner ~~and~~^{only} in point 4

There is no justification whatever in the Proceedings of the Director, (Encl. I & II), why Sub Section (ii) of 193 (b) C.S.R. alone, should be applied to the petitioner's case. This sub section (ii) need be applied only when the officer suspended is not honourably acquitted of blame. When no trial has been held against the petitioner, ever since he was suspended, to establish any charge against him, the question of honourable acquittal of blame or otherwise does not arise at all. In as much the charges made against him are unfounded, they do not warrant a trial or enquiry against him. This withdrawal of the trial against the petitioner has also clearly established that his suspension from duty ^{is} ~~was~~ thoroughly unjustifiable and that he is, therefore, entitled to the full benefits of sub section (i) and not of (ii) of Art. 193 (b) C.S.R.

11. In G.O. No. 1052 H.S.C. Law, Education, dated 20-6-25, it is mentioned that the Government do not consider that there is any need for a fresh enquiry into his case. The petitioner most respectfully begs to state that there has been no enquiry at all, ever since he was suspended, to call a second enquiry, as "fresh enquiry". Seven months before suspending the petitioner, the Asst. Inspector, Salem District, had of his own motion to strengthen his stand-point in the petitioner's case, by creating some discrepancies in the hours of travelling entered by petitioner in his office journal, recorded in English the vagaries of some Village Elementary School Masters, expressed in Tamil, to please their influential Asst. Inspector, usually their back-bite to satisfy their malice against inspecting officers bringing to light, the irregularities noticed in their schools. The petitioner had inspected their schools in the course of his tour and reported against the irregularities noticed in them. Further, the matters recorded by the Asst. Inspector are all ~~and~~ ^{false, imaginary} and vague and nothing definite against the petitioner, can be made out of ~~them~~ ^{them}, but they were intended to prejudice the Director against the petitioner ^{only} in point 4

The new interpretation of Art. 193 (b) (ii) C.S.R. made by the Director are (1) that the grant of only a portion of the pay of the permanent appointment of the officer is intended in the article and not that of the salary and other allowances as laid down in it and (2) that, because he took the grant of leave from 30-9-19 to 30-10-19, the grant of privilege leave for 24 days from 6-9-19, the date from which he was suspended, the petitioner's lien on his official appointment (Asst. Inspector of Schools) was automatically moved to his permanent appointment (of the Supervisor of Schools on Rs. 30) and that 1/2 of the pay of his permanent appointment, Rs. 22 1/2 is fixed for payment to the petitioner, in lieu of proportion of the salary and other allowances mentioned in the Article.

In the first place, the grant of privilege leave in continuation of the privilege leave itself is not justified, as explained in para 8 above, under the Rules contained in the C.S.R., when the privilege leave was and is also still due to the petitioner, as he has not also taken any leave even after 6-8-20, the date of his joining duty after suspension. Secondly, it is laid down in the Rules contained in Art. 212 C.S.R. that an officer forfeits his lien on his official appointment, only when he takes leave of more than 6 months' duration. The period of suspension now treated as privilege leave and for-
ough is 24 days, plus 30 days, or one month and 24 days, only a short period.

Thus the new interpretation of the Article made by the Director, to deprive the petitioner of his lien on his official appointment, during his suspension, in spite of the fact that he has not taken leave of more than 6 months' duration, is a new interpretation, not contained in his 4 Proceedings quoted in the previous para. The petitioner begs to state, are against the very Rules contained in C.S.R. and also against law and justice.

There is no justification whatever in the proceedings of the Director (Encl. I & II) why Sub Section (1) of 193 (b) E.S.P. alone should be applied to the petitioner's case. This sub-section (1) need be applied only when the officer concerned is not honorably acquitted of blame. When no trial has been held against the petitioner, ever since he was suspended, to establish any charge against him, the question of honorability or disqualification of blame or otherwise does not arise at all. In as much the charges made against him are unfounded, they do not warrant a trial or enquiry against him. This withdrawal of the trial against the petitioner has also clearly established that his suspension from duty was thoroughly unjustifiable and that he is, therefore, entitled to the full benefits of sub-section (1) and not of (1) of A.S. 193 (b) E.S.P. II. In G.O. No. 1032 A.S. C. Law, Education, dated 30-3-35, it is mentioned that the Government do not consider that there is any need for a fresh enquiry into his case. The petitioner most respectfully begs to state that there has been no enquiry at all, ever since he was suspended, to call a second enquiry as "fresh enquiry". Seven months before suspending the petitioner the Asst. Inspector, Salem District had of his own motion to strengthen his stand-point in the petitioner's case by creating some discrepancies in the hours of travelling entered by the petitioner in his office journal, recorded in English, the vouchers of some Village Elementary School Masters, expressed in Tamil, to please their influential Asst. Inspector, namely their back-bite to satisfy their malice against inspecting officers relating to him, the irregularities noticed in their school. The petitioner had inspected their schools in the course of his tour and reported against the irregularities noticed in them. Further, the letters recorded by the Asst. Inspector are all ^{in Tamil} and vague and nothing definite against the petitioner, can be made out of them, but they were intended to prejudice the Director against the petitioner in point of

132
13
of volume. This informal inquiry against the petitioner, held by the Asst. Inspector, in the absence and without the knowledge of the petitioner, when he was more than 250 miles away from Salem, on duty as Sub Asst. Inspector, Aruppukottai, cannot be called as an enquiry at all. A regular departmental enquiry or trial, in a Court of Law, should have been held against the petitioner after his suspension from duty, in accordance with the procedure laid down in Rule XIV, of the Rules issued by the Rt. Hon'ble The Secretary of State for India, under section 96 B (2) of the Government of India Act.

It is a world known fact and the petitioner also, as teacher, is teaching his pupils, that one of the benefits of the British Rule in India, is that no person shall be punished, without a proper and regular trial; and to safeguard the interests of His Majesty's Public Servants further, the Rt. Hon'ble The Secretary of State for India, was pleased to make the Rule XIV quoted above, under the Government of India Act. Seeing that the procedure laid down in the Rule, are not followed by the Heads of departments and other officers empowered with the appointment and dismissal of Non-gazetted officers and other servants, the Government of Madras, in their Memorandum No. 7888/1 Public Department, dated 20th October 1924, have reminded them of the Rule, pointing out their duty to follow strictly the procedure laid down therein. A copy of the Memorandum, the petitioner begs to submit for ready reference. (Encl. IV).

12. When no charges were established against the petitioner and when no regular enquiry or trial, as laid down in Rule XIV, of the Rules under the Government of India Act, quoted above, was held against the petitioner, ever since he was suspended, he shall not, merely for the unjustifiable order of suspension against him, be punished by inflicting on him the losses enumerated below:---

of volume. This informal inquiry against the petitioner, held by the Asst. Inspector, in the absence and without the knowledge of the petitioner, when he was more than 250 miles away from Salem, on duty as Sub Asst. Inspector, Aruppukottai, cannot be called as an enquiry at all. A regular departmental enquiry or trial in a Court of Law, should have been held against the petitioner after his suspension from duty, in accordance with the procedure laid down in Rule XIV of the Rules issued by the Rt. Hon'ble The Secretary of State for India, under section 95 B (2) of the Government of India Act.

It is a well known fact and the petitioner also, as teacher, is teaching his pupils, that one of the benefits of the British Rule in India is that no person shall be punished without a proper and regular trial; and to safeguard the interests of His Majesty's Public Servants further, the Rt. Hon'ble The Secretary of State for India, was pleased to make the Rule XIV quoted above, under the Government of India Act. Seeing that the procedure laid down in the Rule are not followed by the Heads of departments and other officers empowered with the appointment and dismissal of non-gazetted officers and other servants, the Government of Madras, in their Memorandum No. 7888/ Public Department, dated 20th October 1924, have reminded them of the Rule, pointing out their duty to follow strictly the procedure laid down therein. A copy of the memorandum, the petitioner begs to submit for ready reference. (Encl. IV).

12. When no charges were established against the petitioner and when no regular enquiry or trial, as laid down in Rule XIV of the Rules under the Government of India Act, quoted above, was held against the petitioner, ever since he was suspended, he shall not merely for the unjustifiable order of suspension against him, be punished by inflicting on him the losses enumerated below:--

1. Treating as leave on loss of pay:--
 - (a) his duty for 5 days from 6-12-18 to 10-12-18 (as personal Assistant to the Assistant Inspector, Salem District), under the orders of his controlling officer, the Asst. Inspector, Salem District, as explained in para 7 above.
 - (b) his joining time for 9 days from 11-12-18 to 19-12-18 admissible under C.S.R. for his transfer from pro-motion, as explained in para 7 above.
2. Depriving him of his officiating appointment as Sub Assistant Inspector on which he has his lien even now, as explained in para 14 hereunder.
3. Non-payment of full salary and other allowances, under Article 193 (b) (i) C.S.R., of the appointment of the Sub Assistant Inspector of Schools, Aruppukottai, he held throughout the entire period of his suspension, evidenced also from the four proceedings of the Director quoted in para 9 above.
13. That, as stated in the previous petition, the key-note of the petitioner's whole case is the exceeding of joining time by Mr. Vembu Sastri for 13 days, which is no fault of the petitioner. Mr. Vembu Sastri is primarily responsible for his not having, sufficiently in time, on relief at Vellore, intimated to the petitioner, then, an Inspecting Officer, touring throughout Salem District, the date on which he intended to take charge of the office from the petitioner, so that he might return to his headquarters on or before ^{that} the date. The Petitioner's controlling officer, the Asst. Inspector, Salem District, ought to have, on receipt of information from the Inspector, Vellore, regarding Mr. Vembu Sastri's relief there, intimated to the petitioner forthwith and recalled him to his headquarters earlier to hand over charge to Mr. Vembu Sastri. But, he ordered the petitioner's return to his headquarters, only on 7-12-1918, in his Memo, R.O.C. No. 1123/1918, despatched at Salem, on 8-12-1918, and delivered by post, to the - -

1. Treating as leave on loss of pay:--
 (a) his duty for 5 days from 8-12-18 to 10-12-18
 (as personal Assistant to the Assistant Inspector, Salem District), under the orders of his controlling officer, the Asst. Inspector, Salem District, as explained in para 7 above.
 (b) his joining time for 9 days from 11-12-18 to 19-12-18, admissible under G.O. No. 1123/1918, for his transfer from previous station, as explained in para 7 above.

2. Depriving him of his officiating appointment as Sub Assistant Inspector on which he has his lien even now, as explained in para 14 hereunder.

3. Non-payment of full salary and other allowances under Article 198 (b) (i) G.O. No. 1123/1918, of the appointment of the Sub Assistant Inspector of Schools, Aruppukottai he held throughout the entire period of his suspension, evidenced also from the four proceedings of the Director quoted in para 9 above.

13. That, as stated in the previous petition, the key-note of the petitioner's whole case is the exceeding of joining time by Mr. Vembu Sastri for 13 days, which is no fault of the petitioner. Mr. Vembu Sastri is primarily responsible for his not having sufficiently in time, on relief at Vellore, intimated to the petitioner, then, an inspecting officer, joining through out Salem District, the date on which he intended to take charge of the office from the petitioner, so that he might return to his headquarters on or before the date. The petitioner's controlling officer, the Asst. Inspector, Salem District, ought to have, on receipt of information from the Inspector, Vellore, regarding Mr. Vembu Sastri's relief there, intimated to the petitioner forthwith and recalled him to his headquarters earlier to hand over charge to Mr. Vembu Sastri. But he ordered the petitioner's return to his headquarters only on 7-12-1918, in his memo. R.O. No. 1123/1918 dated 7-12-1918, and delivered by post, to the -

petitioner on 9-12-1918 at Atur, 32 miles from Salem. Immediately, the petitioner returned to the headquarters, the next day i.e., 10-12-1918, travelling by road a tedious journey of 32 miles. To add to his own failure, the Asst. Inspector had been taking delivery from the postman, Salem, all the Petitioner's tapals both official and private, from 26-11-18, to 6-12-18, without the knowledge and consent of the petitioner, interrupting the postal authorities from transmitting them to his camping station, while they had been redirecting them up to 25-11-18, in conformity with his ~~me~~ written request; and this is evident from the letter, No. P.C. 350 Post & Telegraphs, dated 27-8-19, of the Postmaster-General, Madras (Encl. X to his Revision Petition to His Excellency dated 12-12-1924). These tapals accumulated at Salem, from 26-11-18 to 6-12-18, were all transmitted on 8-12-18, to the petitioner's camping station at Atur, where they were delivered to the petitioner by post, on 9-12-18, and he returned to his headquarters the very next ^{day} i.e., 10-12-1918.

On Mr. Vembu Sastri being called to explain for exceeding his joining time, he to escape condemnation, fabricated the charges against the petitioner, described in para 6 of his Revision Petition to his Excellency, dated 12-12-24, and they were taken up, without proper consideration and directed against the petitioner for suspending him from duty. The petitioner most humbly begs to state that the Director is primarily responsible for the inconsiderate orders of suspension imposed upon the petitioner. He might have, at least, immediately after his suspension, reinstated the petitioner in his Sub Probationary appointment of the Sub Asst. Inspector, Aruppukottai Range, on Rs. 75/- on which he has his lien even now, as it is evident from para 14 hereunder, instead of ordering his reversion to his permanent appointment as Supervisor on Rs. 30/-

petitioner on 9-12-18 at Atur, 32 miles from Salem.
Immediately the petitioner returned to the headquarters, the
next day i.e., 10-12-18, travelling by road a tedious journey
of 32 miles. To add to his own failure, the Asst. Inspector
had been taking delivery from the postman, Salem, all the
petitioner's telegrams both official and private, from 28-11-18
to 6-12-18, without the knowledge and consent of the petitioner,
intercepting the postal authorities from transmitting them to
his camping station, while they had been redacting them up
to 28-11-18, in conformity with his written request; and
this is evident from the letter, No. P.O. 350 Post & Telegraph,
dated 27-8-19 of the Postmaster-General, Madras (Encl. X to
his Revision Petition to His Excellency dated 12-12-24).
These telegrams accumulated at Salem from 28-11-18 to 6-12-18,
were all transmitted on 6-12-18, to the petitioner's camping
station at Atur, where they were delivered to the petitioner
by post on 9-12-18, and he returned to his headquarters the
very next day, i.e., 10-12-18.

On Mr. Vemba Sastri being called to explain for exceeding
his term of time, he to escape condemnation, fabricated the
charges against the petitioner, described in para 6 of his
Revision Petition to His Excellency dated 12-12-24, and they
were taken up without proper consideration and directed
against the petitioner for suspending him from duty. The
petitioner most humbly begs to state that the Director is
primarily responsible for the immediate orders of suspen-
sion imposed upon the petitioner. He might have stated, imme-
diately after his suspension, resigned the petitioner in his
Sub Protet appoint of the Sub Asst. Inspector, Aruppukottai
Range, on Re. 75/- on which he has his lien even now, as it is
evident from para 14 hereunder, instead of ordering his rever-
sion to his permanent appointment as Supervisor on Re. 30/-

He was not even pleased to pass orders for almost 3 years, on
the representations made in his petition dated 22-7-20 imme-
diately on receipt of the orders for his reversion, crying for
re-instatement, in his officiating appointment, under Art. 193
(b) (i) C.S.R. and in his 3 petitions successively submitted on
7-11-20, 22-4-21, and 5-7-22, ^{being} on the same subject. And
on his final orders on 12-8-23, in his Proceedings R.O.C.No.
1911 & 1923, the petitioner appealed to His Excellency's - -
Council on 12-10-23 and on the receipt of orders from them,
submitted his revision petition to His Excellency on 12-12-24,
on which the G.O. 1052 Misc. Law, Education, dated 20-6-25, ^{was passed}
and with reference to the petition under reference,
is submitted.

14. The most salient factor of the petitioner's redress is
the question of his reinstatement in the appointment of the
Sub Assistant Inspector, from which he was suspended, under
Art. 193 (b) (i) C.S.R. and it was not considered in any of
the proceedings of the Director or in the Government Order
communicated to the petitioner. The petitioner was appointed
Sub Protet Sub Asst. Inspector, ^{Aruppukottai} Range, in the proceed-
ings of the Director R.C. 9592 of 1918, dated 22-11-18 (Encl.
XIII to his Revision petition to His Excellency, dated 12-12-24)
during the absence on other duty, of late Mr. D. Seshagiri
Rao, Sub Asst. Inspector, Perambalur. Accordingly, the peti-
tioner took charge of that office on 19-12-18, and was doing
duty for nearly 9 months, ~~xxx~~ until 5-9-19. On 6-9-19 he
fell hopelessly ill and the petitioner was
suspended with effect from that date and was kept under sus-
pension for 11 months and one day until 6-8-20. During all
this period he held the appointment of Sub Asst. Inspector,
as it is evident from the 4 proceedings quoted in para 9 above.
While the petitioner was under suspension, Mr. Seshagiri Rao,
the permanent incumbent of the appointment, died in July 1920,

and consequently the appointment fell permanently vacant and the petitioner had the superior lien on it under Art. 210 C.S.R. On 5-7-20, the Director, in his Proceedings R.C. No. 7240 of 1918, ordered the petitioner to join his permanent appointment as Supervisor on Rs. 30/- in contravention of the provisions contained in C.S.R. when the petitioner had then put in a service in the department of more than 20 years without any blot, of which he had done duty efficiently as an inspecting officer for more than 17 years and when he has been, besides other qualifications, fully qualified for the appointment of Sub Asst. Inspector, under the Public Service Notification, by passing all the tests prescribed for it and when no officer having a lien on the appointment superior to ~~the~~ that of the petitioner had resumed it. 2

The appointment of Sub Asst. Inspector, Aruppukottai, was kept vacant for more than 2½ months, even after the petitioner joined his permanent appointment as Supervisor, under the orders of the Director. Then on 25-10-20, one Mr. C. Minakshisundaram Iyer, though equal to the petitioner in his general educational qualification, yet inferior to him in his qualifications for the appointment of Sub Asst. Inspector, as he has not completed the tests prescribed under the Public Service Notification, was confirmed in the appointment with effect from 1-8-20. (Please vide No. 56 on page 698 of the notification in the Port. St. George Gazette, Part I B dated 26-10-20). He was the permanent supervisor of Poraiar and Sub Protam Sub Asst. Inspector of a different Range--Devakottai. His title, therefore, to confirmation in the appointment of Sub Assistant Inspector, Aruppukottai, was inferior to the petitioner's under Art. 210 C.S.R. and in other respects also, as explained above.

Mr. Minakshisundaram Iyer did not after his confirmation, joint duty in the appointment at Aruppukotta, but was on duty elsewhere and retired in May last. After his retirement,

He was not even allowed to pass orders for almost 3 years, on the representations made in his petition dated 22-7-20 immediately on receipt of the orders for his reversion, crying for re-appointment in his original appointment under Art. 193 (b) (1) C.S.R. and in his 3 petitions successively submitted on 11-11-20, 22-4-21, and 5-7-22, ^{remains} ~~being~~ on the same subject. And on his final order on 18-3-22, in his Proceedings R.O.C. No. 1911 & 1923, the petitioner appealed to His Excellency's Council on 12-10-22 and on the receipt of orders from them, submitted his revision petition to His Excellency on 12-12-24 on which the C.O. 1022 dated 20-6-25 was passed and with reference to the same, the petition under reference is omitted. 14. The most salient factor of the petitioner's grievance is the question of his reinstatement in the appointment of the Sub Assistant Inspector, from which he was suspended, under Art. 193 (b) (1) C.S.R. and it was not considered in any of the proceedings of the Director or in the Government Order communicated to the petitioner. The petitioner was appointed Sub Protam Sub Asst. Inspector, Aruppukottai Range, in the proceedings of the Director R.C. 9592 of 1918 dated 22-11-18 (Encl. III to his Revision petition to His Excellency, dated 12-12-24) during the absence on other duty, of late Mr. D. Seshagiri Rao, Sub Asst. Inspector, Perambalur. Accordingly, the petitioner took charge of that office on 19-12-18 and was doing duty for nearly 9 months, and until 5-9-19. On 5-9-19 he fell hopelessly ill and on a sudden and the petitioner was suspended with effect from that date and was kept under suspension for 11 months and one day until 6-8-20. During all this period he held the appointment of Sub Assistant Inspector, as it is evident from the 4 proceedings quoted in para 9 above. While the petitioner was under suspension, Mr. Seshagiri Rao, the permanent incumbent of the appointment, died in July 1920.

and consequently the appointment fell permanently vacant and the petitioner had the opportunity to join his permanent appointment on 5-7-30, the Director, in his proceedings No. 1240 of 1918, ordered the petitioner to join his permanent appointment as Supervisor on Rs. 30/- in continuation of the previous appointment in C.S.R. when the petitioner had then put in a service in the department of more than 20 years without any break, of which he had done duty efficiently as an inspecting officer for more than 17 years and when he has been besides other qualifications, fully qualified for the appointment of Sub Assistant Inspector, under the Public Service Notification, by passing all the tests prescribed for it and when no officer having a claim on the appointment superior to him was that of the petitioner had resumed it.

The appointment of Sub Assistant Inspector, Aruppukottai, was kept vacant for more than 24 months, even after the petitioner joined his permanent appointment as Supervisor under the orders of the Director. Then on 26-10-30, one Mr. C. Minkshankar Sundaram Iyer, though equal to the petitioner in his general educational qualification, yet inferior to him in his qualifications for the appointment of Sub Assistant Inspector, as he has not completed the tests prescribed under the Public Service Notification, was confirmed in the appointment with effect from 1-8-30. (Press Note No. 56 on page 698 of the notification in the Fort St. George Gazette, Part I dated 26-10-30). He was the permanent supervisor of Totatar and Sub Protam Sub Assistant Inspector of a different Range-Devakottai. His title, therefore, to confirmation in the appointment of Sub Assistant Inspector, Aruppukottai, was inferior to the petitioner's under Art. 193 (b) (1) C.S.R. and in other respects also, as explained above. Mr. Minkshankar Iyer did not enter his nomination, joint duty in the appointment at Aruppukottai, but was on duty elsewhere and retired in May 1931. After his retirement

Mr. A.G.W. de Rozario, Deputy Inspector, Sattur, was confirmed in the post and he did not also join duty at Aruppukottai, but has been on other duty in the Government Training School, Chittur.

15. Thus, it is clear from the representations made in the previous para that the appointment of Sub Assistant Inspector, Aruppukottai held by the petitioner, sub protam, at the time of his suspension, has not been, for the past more than 6 years, resumed by any officer, having a claim on it, superior to the petitioner's, apart from the orders of the Director, reverting him to his permanent appointment as Supervisor, at a time, when the appointment fell permanently vacant. This revision was ordered by the Director with much prejudice to justify his orders placing the petitioner unjustly under suspension for an unusually long period of 11 months and one day. Now, as his suspension has been thoroughly unjustifiable, and as his

Excellency was also pleased to order in C.O. 1052 Ais.C. Law, Education dated 20-6-25 for the grant of pay for the period of his suspension, though under Art. 193 (b) (ii) which needs further consideration for the reasons stated in this petition, the reversion to his permanent appointment, as ordered by the Director, is not justified under the circumstances stated above. He is therefore entitled to his reinstatement in the appointment of Sub Assistant Inspector, Aruppukottai, now called Deputy Inspector, Virudunagar, in the late reorganisation of the Deputy Inspectors' Ranges and also the payment, for his duty, the full salary and other allowances of that appointment, under Art. 193 (b) (1) C.S.R. from the date of his suspension to the date of his reinstatement. He is also eligible for confirmation in that appointment, on the ground of his having put in a service of 26 years, without a blot, in the department, of which he had been for more than 19 years, an efficient inspecting officer and of his having fully qualified for the appointment under the Public Service Notification.

Mr. A.C.W. de Rosario, Deputy Inspector, Bata, was confirmed in the post and he did not also join any of the schools, but has been on other duty in the Government Training School.

Chief.

15. Thus, it is clear from the representations made in the previous para that the appointment of Sub Assistant Inspector, Bata, held by the petitioner and proven, at the time of his suspension, was not fair for the past more than 6 years, as he was not given a fair trial, but was removed by an officer, having a bias on it, superior to the petitioner, and apart from the orders of the Director, reversing him to his permanent appointment as Supervisor at a time when the appointment fell permanently vacant. This reversal was ordered by the Director with much prejudice to justice and in orders placing the petitioner unjustly under suspension for an unusually long period of 11 months and one day, and his suspension has been thoroughly unjustifiable, and in this connection was also placed to order in G.O. 1083 dated 20-6-35 for the grant of pay for the period of 11 months and one day, though under Art. 193 (b) (ii) which needs further consideration for the reasons stated in this petition, the reversal to his permanent appointment was ordered by the Director is not justified under the circumstances stated above. He is therefore entitled to his reinstatement in the appointment of Sub Assistant Inspector, Bata, now called Deputy Inspector, Bata, in the late reorganisation of the Deputy Inspectors' Bata and also the payment for his duty, the full salary and other allowances of his appointment, under Art. 193 (b) (i) G.O.R. from the date of his suspension to the date of his reinstatement. He is also entitled for consideration in that appointment, on the ground of his having put in a service of 20 years without a break in the department, of which he had been for more than 19 years, an efficient inspecting officer and of his having been fully qualified for the appointment under the Public Service Notification.

besides his other qualifications described in detail in the succeeding para 16. Hundreds of persons who are but his juniors and colleagues who were also permanent Supervisors like the petitioner on Rs. 30 or 40/- have been confirmed in the Deputy Inspector's cadre and are now drawing Rs. 130/- in the present timescale. The petitioner, also, but for the orders of suspension and reversion to his permanent appointment, unjustly imposed upon him, without any grounds whatever, should have been on a level with them, drawing Rs. 130/-, though he deserves more for his qualifications. In this connection the petitioner requests that His Excellency will be pleased to peruse the quarterly list of officers of the department. It exhibits that nearly 75% of the permanent and officiating Deputy Inspectors are persons who have not either passed or completed the tests prescribed for Deputy Inspectors under the Public Service Notification, and persons with short service are given undue promotions in the cadre of Deputy Inspectors.

16. The education^{al} qualifications, general, professional and technical of the petitioner are the following:---

- (1) F.A. Examination (1897)
- (2) Vernacular Branch of B.A. Degree (1901).
- (3) Trained Teachers' Certificate 2nd Collegiate grade.
- (4) Supervisor's Test (1908).
- (5) Free hand out-line drawing (Elementary) (1908).
- (6) Technical Teachers' Certificate in Drawing.
- (7) Account Test Higher (1909).
- (8) Sub Asst. Inspector's Test I Part (1911).
- (9) Do. Do. II Part (Linguistic).
Second language-Malayalam (1918)
- (10) A thorough and practical working knowledge of the chain, plane, table and prismatic surveys.

17. The petitioner, therefore, prays that His Excellency will be graciously pleased to consider his representations stated above and that he may be awarded the following specific - - - relief, as his suspension from duty is thoroughly unjustifiable for the reasons stated^{above} ---

(1) Payment of salary and fixed travelling allowances for the period of his duty as Personal Assistant to the Assistant Inspector, Salem District, from 6-12-18 to 10-12-18.

(2) Disbursement of his transit pay from 11-12-18 to 19-12-18, on his transfer from Salem to Aruppukottai, as Sub Assistant Inspector, ordered in Proceedings No. R.C. 9592/18 dated 22-11-18 of the Director of Public Instruction.

(3) His re-instatement, under Art. 193 (b) C.S.R., in the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range, now called Deputy Inspector of Schools, Virudunagar, from which he was suspended and on which he has his lien still, under Art. 210 C.S.R., as explained in para 14 above.

(4) Payment of the full salary and other allowances of + the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range from which he was suspended under Art. 193 (b) (i) C.S.R., from the date of his suspension to the date of his re-instatement, as if he had continued to hold the appointment, without being suspended, as defined in that Article. This period is treated as duty in Fundamental Rule 54 (a), which is only a reproduction of Art. 193 (b) (i) C.S.R. (Vide Memorandum attached to the Fundamental Rules, notified in G.O. 150, Fort St. George, ~~Canara~~ dated 6-12-21). The petitioner had long ago, elected to be governed by the Fundamental Rules.

18. The petitioner further begs to state that he is entitled to the redress enumerated in the previous para for the reasons stated in this petition, supported by the Rulings contained in the Civil Service Regulations quoted above, and requests that, in the event they are not awarded, a regular enquiry may be held into his case, by an officer, not employed in the Educational Department, for the reason that the Director has been highly prejudiced against the petitioner, ever since he suspended ^{him} from duty, or preferably a trial in a Court of Law, as

besides his other qualifications described in detail in the accompanying para 16. Hundreds of persons who are not like him and colleagues who were also permanent employees like the petitioner on Rs. 30 or 40/- have been continuing in the Deputy Inspector's, Kankar road and are now drawing Rs. 130/- in the present time. The petitioner, also, but for the order of suspension and reversion to his permanent appointment, would have been on a level with them drawing Rs. 130/-, though he deserves more for his qualifications. In this connection the petitioner requests that his Excellency will be pleased to peruse the quarterly list of officers of the department. It exhibits that nearly 75% of the permanent and of the Deputy Inspectors and persons who have not passed at the Public Service Commission, and persons who have not been given promotion in the cadre of Deputy Inspectors.

16. The education qualifications, general, professional and technical of the petitioner are the following:-

- (1) B.A. Examination (1907)
- (2) Vernacular Branch of B.A. Degree (1907)
- (3) Trained Teachers' Certificate and College Grade
- (4) Superintendent's Test (1908)
- (5) Three hand out-line drawing (Elementary) (1908)
- (6) Technical Teachers' Certificate in Drawing
- (7) Account Test Higher (1909)
- (8) Sub. Asst. Inspector's Test I Part (1911)
- (9) Do. Do. II Part (1911)
- (10) Second Language-Malayalam (1912)
- (11) A thorough and practical working knowledge of the English, Hindi and Urdu languages

17. The petitioner, therefore, prays that his Excellency will be graciously pleased to consider his representations stated above and that he may be awarded the following specific relief, as his suspension from duty is thoroughly unjustified for the reasons stated above:-

laid down in Rule XIV of the Rules issued by the Rt. Hon'ble, The Secretary of State for India, under Section 96 B (2) of Government of India Act, to vindicate his conduct and to entitle him to the redress claimed in para 17 above, as no enquiry in any form, was held, ever since the petitioner was placed under suspension.

10. That the Director is highly prejudiced against the petitioner is borne out by documentary evidences which the petitioner is prepared to produce in the enquiry, if held into his case, under Rule XIV of the Rules, under the Government of India Act, quoted above. However, he begs to point out some of the evidences of the latest date:--

I (a) His orders passed in Proceedings No. R.C. 3665/C/24 dated 30-7-25 (Encl. II) limiting his furlough allowance to Rs. 15/- per mensem, when ^{his} His Excellency was pleased to order in G.O. 1052 M.S. C. Law, Education dated 20-6-25, for the payment of "Half average salary" (Rs. 37½), which is also admissible, under the very Art. 340 (b) C.S.R. quoted by the Director, in support of his orders, as explained in para 8 above.

(b) His granting furlough for 30 days, against Art. 260 C.S.R., when privilege leave was still due to the petitioner, on medical certificate, furnished by the District Medical Officer, Salem, which was dishonoured then and now after 6 years is honoured by him, as explained in para 8 above.

(c) His depriving the petitioner of lien on his officiating appointment by the grant of furlough, against the Rulings contained in the C.S.R. and by his strange interpretation, not found in the C.S.R., or in the Madras Supplement thereto, as explained in para 10 above.

II. His repudiation of the petitioner's claims for promotion to the cadre of Sub Assistant Inspectors, (now Deputy Inspectors) ^{for the past more than 6 years,} ever since he ordered the petitioner's reversion

(1) Payment of salary and fixed travelling allowances for the period of his duty as Personal Assistant to the Assistant Inspector, Salem District, from 1-12-18 to 10-12-18.

(2) Disbursement of his transit pay from 11-12-18 to 12-12-18, on his transfer from Salem to Aruppukottai, as Sub Assistant Inspector, ordered in Proceedings No. R.C. 3665/18 dated 22-11-18 of the Director of Public Instruction.

(3) His re-instatement, under Art. 193 (b) C.S.R., in the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range, now called Deputy Inspector of Schools, from which he was suspended and on which he has his firm claim, under Art. 210 C.S.R., as explained in para 10 above.

(4) Payment of the full salary and other allowances of the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range from which he was suspended under Art. 193 (b) C.S.R., from the date of his suspension to the date of his re-instatement, as it has been continued to hold the appointment without being suspended as defined in that Article. This period is treated as duty in Fundamental Rule 56 (a) which is only a reproduction of Art. 193 (b) C.S.R. (1) and is attached to the Fundamental Rules notified in G.O. 150, Fort St. George, ~~Gazette~~ dated 1-12-18. The petitioner had long ago elected to be governed by the Fundamental Rules.

10. The petitioner further begs to state that he is entitled to the redress enumerated in the previous para for the reasons stated in this petition, supported by the Rules contained in the Civil Service Regulations quoted above and requests that, in the event they are not awarded a regular enquiry may be held into his case, by an officer not employed in the Revenue Department, for the reason that the Director has been highly prejudiced against the petitioner, ever since he was removed from duty, or pretentively a trial in a Court of Law, as

to his permanent appointment as Supervisor, in spite of his long and good service of 26 years in the department of which he had been for more than 19 years as Inspecting Officer and of ^{his} full qualifications for appointment in that cadre and of the recommendations of his controlling officers for promotions to that cadre, when hundreds of persons, his juniors and colleagues, inferior to the petitioner in qualifications and service, are being confirmed and awarded gradual and regular promotions in that cadre, which is evident from a perusal of the quarterly list of officers of the department and also from the following events of the latest date:---

(1) In January last, the Deputy Inspector, Trichinopoly, applied for leave on average salary for 1½ months. The petitioner is the only teacher in the Government Training School, Trichinopoly that has completed all the tests prescribed for Deputy Inspectors and he has also put in a long service as Inspecting officer. As the vacancy was caused in the same ^(Trichinopoly) station and ^{also} as the petitioner is not eligible for any joining time, or travelling allowance on that account, under the rules, the District Educational Officer, Trichinopoly, in point of economy and in consideration of the petitioner's qualifications and service, recommended him to the Director, as the substitute of the Deputy Inspector, during his leave. But the Director chucked off his recommendations and brought in a Matriculate, Mr. T.S. Srinivasa Iyengar, an assistant from the Training school, Tanjore, inferior to the petitioner in qualifications to act for the Deputy Inspector during his leave which was further extended by 15 days. This appointment of Mr. Srinivasa Iyengar by the Director had also involved additional expenditure from public funds, in the ^{shape} of Travelling allowance to and from Trichinopoly in addition to his transit pay on two occasions.

laid down in Rule XIV of the Rules framed by the Government of India Act, to vindicate his conduct and to entitle him to the terms offered in para 17 above, as no enquiry in any form was held, even since the petition was placed under consideration.

10. That the Director is highly prejudiced against the petitioner as borne out by documentary evidence which the petitioner is prepared to produce in the enquiry, if held in his case, under Rule XIV of the Rules under the Government of India Act, quoted above. However, he begs to point out some of the evidences of the latest date:--

I (a) His orders passed in Proceedings No. 1008/C dated 30-7-35 (Impf. II) limiting his leave to 1½ months to Rs. 18/- per mensem when his efficiency was assessed to order in G.O. 1055 M.S. C. Law, Education dated 20-8-35, for the payment of "Half average salary" (Rs. 37½) which is also admissible under the very Art. 340 (b) G.S.R. quoted by the Director in support of his orders, as explained in para 8 above.

(b) His training thorough for 30 days against Art. 340 G.S.R. when privilege leave was given to the petitioner on medical certificate furnished by the District Medical Officer, Salem, which was discontinued then and now after 6 years is honoured by him as explained in para 8 above.

(c) His depriving the petitioner of his official appointment by the grant of thorough against the findings contained in the G.S.R. and by his strategy in suppression of the fact that the G.S.R. or in the name of Supplement thereto, as explained in para 10 above.

II. The reputation of the petitioner's claims for promotion to the cadre of Sub Assistant Inspectors (now Deputy Inspectors) ever since he ordered the petitioner's reversion

to his permanent appointment as Deputy Inspector, in spite of his long and good service of 26 years in the department of which he had been for more than 19 years as Deputy Inspector. Of his full qualifications for appointment in that cadre and of the recommendations of his controlling officers for promotion to that cadre when hundreds of persons, his seniors and colleagues, inferior to the petitioner in qualifications and service are being considered and awarded grants and regular promotions in that cadre, which is evident from a perusal of the quarterly list of officers of the department and also from the following extracts of the latest date:---

(1) In January last, the Deputy Inspector, Trichinopoly, applied for leave on average salary for 12 months. The petitioner is the only teacher in the Government Training School, Trichinopoly, that has completed all the tests prescribed for Deputy Inspectors and he has also put in a long service as Inspector officer. As the vacancy was caused in the same station and since as the petitioner is not eligible for any joining time, or travelling allowance on that account, under the rules, the District Educational Officer, Trichinopoly, in point of economy and in consideration of the petitioner's qualifications and service, recommended him to the Director, as the substitute of the Deputy Inspector during his leave. But the Director chucked off his recommendations and brought in a Mr. Srinivas Iyer, an assistant from the Training School, Tanjore, inferior to the petitioner in qualifications to act for the Deputy Inspector during his leave which was further extended by 15 days. This appointment of Mr. Srinivas Iyer by the Director had also involved additional expenditure from public funds in the shape of travelling allowance to and from Trichinopoly in addition to his travel pay on two occasions.

Min has already been notified - 8.11.25

(2) Again, in November last, the Deputy Inspector, Ariyalur, applied for leave for 2 months, on medical certificate. The District Educational Officer, Trichinopoly, was again pleased to recommend the petitioner, as substitute, during his leave, in consideration of the points mentioned in (1), sub para above. Again, the Director chucked off his recommendations and appointed one, Mr. K. Sankara Iyer, who entered service only on 12-3-24²³ and has passed only ^{one} part of the tests prescribed for Deputy Inspectors. This appointment also made by the Director has involved greater expenditure from public funds, as detailed above, than it would have been, if the petitioner, who has put in 26 years of service, of which he had been ^{for} more than 19 years as inspecting officer, besides his full qualifications for the post of Inspector, were appointed.

(3) Then again, even in the current month, (December 1925) Mr. V. Vijayaraghava Chariar, Deputy Inspector, Lalgudi Range, applied for leave for 23 days on average salary; and again the District Educational Officer was pleased to recommend the petitioner as his substitute. Again, for the 3rd time, the recommendation was set aside and the Director had appointed one, Mr. K.G. Kalyanasundaram Iyer to officiate for the Deputy Inspector, in this very short leave also. Mr. Kalyanasundaram Iyer has put in only 4 years' service and has passed only one part of the Deputy Inspector's Tests. This appointment also has again involved expenditure from public funds 22 times more than that would have been, if the petitioner were appointed.

20. The petitioner finally prays that His Excellency will be graciously pleased to consider the representations made in this petition and award to him ^{the} specific reliefs enumerated in para 17 above; and in the event they are not awarded, the petitioner most humbly requests that a regular enquiry into ^{his} case or a trial in a Court of Law, may be held, as required in Rule XIV, of the Rules issued by the Rt. Hon'ble, The Secretary of State for India, under section 96 B (2) of Government of India Act,

(2) Again in November last, the Deputy Inspector, Arivar, applied for leave for 3 months on medical certificate. The District Educational Officer, Trichinopoly, was again pleased to recommend the petitioner as suitable for his leave in consideration of the leave mentioned in 1924 and above. Again the Director checked all his recommendations and appointed one Mr. K. Sankar Iyer who entered service only on 12-3-24 and has passed only a part of the tests prescribed for Deputy Inspectors. This appointment also made by the Director has involved greater expenditure from public funds as detailed above, than it would have been if Inspector, who has put in 24 years of service, or which he had more than 19 years as Inspector, besides his 1911 qualifications for the post of Inspector, were appointed.

(3) Then again, even in the current month, December 1925, Mr. V. Vithayalathar, Deputy Inspector, Jaffna, applied for leave for 23 days on average salary, and again the District Educational Officer was pleased to recommend the petitioner as his substitute. Again for the 24th time, the recommendation was set aside and the Director had appointed one, Mr. K. G. Kalyanasundaram Iyer to substitute for the Deputy Inspector, in this very short leave also. Mr. Kalyanasundaram Iyer has put in only 4 years' service and has passed only one part of the Deputy Inspector's tests. This appointment also has again involved expenditure from public funds 23 times more than that would have been if a petitioner were appointed.

20. The petitioner finally prays that His Excellency will be graciously pleased to consider the representation made in this petition and award to him specific relief as enumerated in para 17 above; and in the event that he is not awarded the petitioner most humbly requests that a regular enquiry into the case of a trial in court of law may be held, as required in para 18 of the Rules issued by the Hon'ble the Secretary of State for India, under section 28 B (2) of Government of India Act.

to vindicate ^{his} conduct and to entitle him to the redress prayed for.

For which act of sympathy, kindness and justice, the petitioner shall as in duty bound, ever pray.

Trichinopoly,
17th Dec., 1925.

(Signed) *M. G. Swaminatha Iyer*
Asst. Govt. Training School
Trichinopoly
Petitioner.

(True Copy) .

Submitted to His Excellency, The Rt. Hon'ble Viscount Goshen of Hawkhurst, G.C.I.E., C.B.E., Governor, Port St. George, Madras.

Trichinopoly,
Dated 24.12.25.

M. G. Swaminatha Iyer
Asst. Govt. Training School
Trichinopoly
Petitioner.

Enclosure No. 1.

Copy of R.C.No.138/25 dated 8-7-25 of the District Educational Officer, Trichinopoly communicating copy of the proceedings from Director of Public Instruction, Madras R.C.3665-C of 1924 dated 29th June 1925.

- Reference:--
1. Proceedings Dis.No.6845 dated 13-10-1920.
 2. Proceedings Dis.No.3502 dated 12-5-1922.
 3. G.O. No. Misc. 1052 Law, Education dated 20-6-25.

---XXX---

In partial modification of the Proceedings, quoted above, the Director is pleased to grant M.R.Ry, M.A. Swaminatha Iyer, Asst., Government Training School, Trichinopoly, extraordinary leave without allowances, from 6-12-1918 to 19-12-1918 both days inclusive and combined privilege leave and furlough, from 6-9-1919 to 29-10-1919, the privilege leave being for 24 days, from 6-9-1919. During the furlough portion of the leave, the teacher will draw half of his substantive pay. The Director is also pleased to grant the teacher, under orders of Government, pay not exceeding three-fourths of his substantive pay for the period of his suspension from 30-10-1919 to 6-8-20, under Art. 193 (b) ii of the Civil Service Regulations.

2. The District Educational Officer is requested to be good enough to inform M.R.Ry, M.A. Swaminatha Iyer that Government do not consider that there is any need for a fresh enquiry into his case. The copy of the enclosed petition, dated 12-10-23 may be returned to the petitioner.

---XXX---

Communicated to M.R.Ry, M.A. Swaminatha Iyer, Asst. Model Section, Government Training School, Trichinopoly through the Headmaster, Govt., Training School, Trichinopoly, with reference to his appeal to Government.

2. The copy of the petition is returned herewith.

Communicated to M.R.Ry, M.A. Swaminatha Iyer, for information with the copy of the petition.

Sd/- P.S. Sundaram Iyer,
Headmaster, Govt. Training School,
Trichinopoly.

M. Swaminatha Iyer
24.12.25
Govt. Training School
Trichinopoly (True copy)

Enclosure No. I.

Copy of R.O. No. 138/25 dated 8-7-25 of the District Educational Officer, Trichinopoly, communicating copy of the proceedings from Director of Public Instruction, Madras, dated 29th June 1925.

Reference:--
1. Proceedings No. 6845 dated 20-10-25.
2. Proceedings No. 3502 dated 1-12-25.
3. G.O. No. 1052 dated 10-12-25.

---XXX---

In partial modification of the proceedings, the Director is pleased to grant M.R. Ry, M.A. Swaminatha Iyer, Government Training School, Trichinopoly, extraordinary leave without allowances from 8-12-1918 to 12-12-1918 both days inclusive and combined privilege leave and furlough from 8-9-1919 to 29-10-1919, the privilege leave being for 24 days. During the furlough portion of leave the teacher will draw half of his substantive pay. The Director is also pleased to grant the teacher, under orders of Government, pay not exceeding three-fourths of his substantive pay for the period of his suspension from 30-10-1919 to 8-8-1920, under Art. 193 (b) of the Civil Service Regulations.

2. The District Educational Officer is requested to be good enough to inform M.R. Ry, M.A. Swaminatha Iyer that Government do not consider that there is any need for a fresh enquiry into his case. The copy of the enclosed petition dated 12-10-25 may be returned to the petitioner.

---XXX---

Communicated to M.R. Ry, M.A. Swaminatha Iyer, Asst. Model Section, Government Training School, Trichinopoly through the Headmaster, Govt. Training School, Trichinopoly with reference to his appeal to Government.

3. The copy of the petition is returned herewith.

Communicated to M.R. Ry, M.A. Swaminatha Iyer, for information with the copy of the petition.

Sd/- P. S. Sundaram Iyer,
Headmaster, Govt. Training School,
Trichinopoly.

[Signature]
Asst. Govt. Training School,
Trichinopoly.

Enclosure II.
Memorandum.

R.O. No. 158/22 dated 10-8-1925. Director of Public Instruction.
Copy of the Proceedings of the Director of Public Instruction, R.O. 3665 C/25 dated 30th July 1925.

---XXX---

Read R.C. No. 1015/25 dated 24th July 1925 of the District Educational Officer, Trichinopoly.

Reference: Letter from the Director of Public Instruction, R.O. C. No. 3665-C/25 dated 23rd September 1925. Petition from M.R. Ry, M.A. Swaminatha Iyer, Government Training School, Trichinopoly, for a copy of G.O. 1052 Law, Education dated 20th June 25 pay under article 340 (b) of the Civil Service Regulations.

The Director of Public Instruction is requested to furnish i.e., at Rs. 15/- per mensem. The term "pay" used in the Civil Service Regulations should be interpreted as substantive pay and not as "salary," which alone includes acting allowances etc.

2. The teacher should also be informed that as his lien during the period of furlough had automatically been moved to his permanent appointment, and, as he was entitled to be posted to his permanent appointment as supervisor on Rs. 30/- only, on the expiry of his leave, even if no suspension followed it, he could draw allowances only at the rate of three-fourths of his substantive pay, Rs. 30, during the period of his suspension, which substantive pay, he would have drawn, but for the suspension. Further the rate of allowance fixed for him during suspension was under the discretion allowed to the appointing authority in article 193 (b) of the Civil Service Regulations.

Copy of Endorsement. Rax R.O. No. 1015/25 of the District Educational Officer, Trichinopoly.

Communicated to the Headmaster, Govt. Training School, Trichinopoly, with reference to his R.O. No. 158/22 dated 16-7-25.

Communicated to M.R. Ry, M.A. Swaminatha Iyer. The Government have granted the leave of M.R. Ry, M.A. Swaminatha Iyer, Headmaster, Govt. Training School, Trichinopoly.

(True copy).
[Signature] 24-12-25
Asst. Govt. Training School,
Trichinopoly.

Enclosure II.

Memorandum.

R.O. No. 158/25 dated 10-8-1925.

Copy of the Proceedings of the Director of Public Instruction

Trichinopoly R.O. No. 3665-C/24 dated 20th July 1925.

Read R.O. No. 1015/25 dated 24th July 1925 of the District

Educational Officer, Trichinopoly.

The District Educational Officer is informed that M.R. Ry,

M.A. Swaminatha Iyer could draw leave allowance for the period

of his furlough only at the rate of half of his substantive

pay under article 340 (b) of the Civil Service Regulations

i.e., at Rs. 12/- per annum. The term pay used in the Civil

Service Regulations should be interpreted as substantive pay

and not as "salary", which also includes salary allowance etc.

2. The teacher should also be informed that as his term

during the period of furlough had automatically been moved to

his permanent appointment, and, as he was entitled to be posted

to his permanent appointment as supervisor on Rs. 30/- only.

3. On the expiry of his leave, even if no extension followed it

he could draw allowance only at the rate of three-fourth of

his substantive pay, Rs. 30, during the period of his furlough

also, which substantive pay, he would have drawn, but for the

extension. Further the rate of allowance fixed for him, during

extension, was under the extension allowed to the applicant

authorities in the Civil Service Regulations

Copy of Enclosure. R.O. No. 1015/25 of the District Edu-

national Officer, Trichinopoly.

Communicated to the Headmaster, Govt. Training School,

Trichinopoly with reference to R.O. No. 1015/25 dated 10-7-25.

Communicated to M.R. Ry, M.A. Swaminatha Iyer.

Sd/- T. S. Swaminatha Iyer,

Headmaster, Govt. Training School,

Trichinopoly.

(True copy).

Handwritten signature and notes at the bottom of the left page.

Enclosure No. III.

pay not exceeding three-fourths of his substantive pay for

the Copy of Proceedings of the Director of Public Instruction

R.O. No. 3665-C/24 dated 9th October 1925.

R.O. No. 1002/25 dated 11-xxxx-25.

Forwarded to the Headmaster, Government Training School,

Read Memorandum No. 3040 C-1 Law, Education, dated 5th

Trichinopoly with the D.O. in question.

October 1925.

Sd/- M. Nataraja Iyer,

Reference:-Letter from the Director of Public Instruction R.O.C.

No. 3665-C/24, dated 22nd September 1925. Petition from M.R. Ry,

M.A. Swaminatha Iyer, Government Training School Trichinopoly,

asking for a copy of G.O. 1052 Law, Education dated 20th June 25.

The Director of Public Instruction is requested to furnish
a copy of G.O. 1052 Law, Education dated 20th June 1925 to the
petitioner.

Sd/- V.T. Krishnama Achariar,
Secretary to Government Training
School, Trichinopoly.

Communicated to the petitioner through the District

Educational Officer, Trichinopoly with a copy of G.O. No. Misc.

1052 Law, Education dated 20-6-25.

(By Order)

Sd/- A. Narayanaswami,
Senior Superintendent.

To

The District Educational Officer, Trichinopoly Trichino-
poly with a copy of G.O. No. 1052 Law Education dated 20-6-25.

Read copy of G.O. No. Misc. 1052 Law Education dated 20-6-25.

ORDER:--The Director of Public Instruction is requested to
inform M.R. Ry, M.A. Swaminatha Iyer, Asst. Government Training
School, Trichinopoly, that the Government do not consider that
there is any need for a fresh enquiry into his case. The
Government note that the Director is prepared to grant the
memorialist in continuation of the privilege leave already
sanctioned, furlough on half average pay from the 30th September
to 29th October 1919. They now authorise the grant to him of

1863 of 1925 dated 8-1-

Memorandum No. III.

Copy of Proceedings of the Director of Public Instruction
R.O. No. 3555-2/84 dated 24th October 1925.

---XXX---

Read Memorandum No. 3040 G-1 Law, Trichinopoly dated 24th
October 1925.

Reference: Letter from the Director of Public Instruction R.O.C.
No. 3555-2/84 dated 22nd September 1925. Petition from M.R. Ry,
M.A. Swaminatha Iyer, Government Training School, Trichinopoly,
asking for a copy of G.O. No. 1052 Law, Trichinopoly dated 20th June 25.
The Director of Public Instruction is requested to furnish
a copy of G.O. No. 1052 Law, Trichinopoly dated 20th June 1925 to the
petitioner.
Sd/- V.T. Krishnamoorthy Acharya,
Secretary to Government.

---XXX---

Communicated to the petitioner through the District
Educational Officer, Trichinopoly with a copy of G.O. No. 1052 Law,
Trichinopoly dated 20-6-25.
(By Order)

Sd/- A. Narayanaswami,
Senior Superintendent.

To
The District Educational Officer, Trichinopoly Trichinopoly
poly with a copy of G.O. No. 1052 Law Trichinopoly dated 20-6-25.
Read copy of G.O. No. 1052 Law Trichinopoly dated 20-6-25.

---XXX---

ORDER:--The Director of Public Instruction is requested to
inform M.R. Ry, M.A. Swaminatha Iyer, Asst. Government Training
School, Trichinopoly that the Government do not consider that
there is any need for a fresh enquiry into his case. The
Government note that the Director is prepared to grant the
memorandum in continuation of the privilege leave already
sanctioned, further on half average pay from the 20th September
to 24th October 1925. They now authorize the grant to him of

pay, not exceeding three-fourths of his substantive pay, for
the period from the 30th October 1919 to the 6th August 1920.

---XXX---

R.C. No. 1001/25 dated 14-10-1925.

Forwarded to the Headmaster, Government Training School,
Trichinopoly with the G.O. in question.

Sd/- K. Natesa Iyer,
Dt. Ed. Officer, Trichi-
poly.

(Copy)

R.C. No. 158/22 dated 20-10-25.

Communicated to M.R. Ry, M.A. Swaminatha Iyer with refer-
ence to his petition dated 9-9-25 to His Excellency the
Governor of Madras.

Sd/- P.S. Sundaram Iyer,
Headmaster, Government Training
School, Trichinopoly.

(True Copy).

M. Swaminatha 24.12.25
Asst. Government Training School
Trichinopoly

pay, not exceeding three-fourths of his substantive pay for the period from the 30th October 1923 to the 31st August 1924.

-----XXX-----

R.O. No. 100/25 dated 14-10-1923.

Forwarded to the Headmaster, Government Training School, Trichinopoly with the R.O. in question.

Sd/- K. Natesan Iyer,
Dr. Edl. Officer, Trichinopoly.

(Copy)

R.O. No. 100/25 dated 20-10-23.

Communicated to M. N. Iyer, A. A. Swaminathan Iyer with reference to his petition dated 9-9-23 to the Hon'ble the

Government of Madras.

Sd/- F. S. Sundaram Iyer,
Headmaster, Government Training School, Trichinopoly.

(True Copy)

24.12.25

To the Government Training School, Trichinopoly.

27 28
Enclosure IV.

Government of Madras.

Public Department.

Memorandum.

No. 7888/1 dated 20th October 1924.

-----XXX-----

The attention of all Heads of Departments is invited to rule XIV of the Rules issued by the Secretary of State for India under section 96-b (2) of the Government of India Act, published at pages 486-488 of Part I of the Fort Saint George Gazette, dated 10th May 1921 (also pages 887 to 890 of Part I of the Fort Saint George Gazette, dated 5th August 1924), describing the procedure to be followed in cases of dismissal, removal or reduction of an officer. The rule requires that the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded, with the accusation hanging over him, be preceded by a properly recorded departmental enquiry. At such an enquiry, a definite charge to writing should be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence, should be recorded in his presence, and his defence should be taken down in writing. Further each of the charges framed, should be discussed and a finding should be recorded on each charge.

2. Cases have recently come to the notice of Government, in which these instructions have not been followed. As the rule is a statutory rule, it must be complied with; and further such errors in the initial stages cause difficulties in the disposal of appeals received from aggrieved officers. Heads of departments are therefore requested to see that officers empowered to award the punishments in question follow the prescribed procedure strictly.

(True copy).

M. N. Iyer, 24.12.25
To the Government Training School, Trichinopoly.

L. No. 405 C

Copy of Memorandum of the District Educational Officer, Trichinopoly on the submission of the Original Revision Petition of M.R. by M.A. Swaminatha Ayyar, Assistant, Government Training School, Trichinopoly, dated 17th December 1925 to His Excellency The Right Honourable, The Viscount Goschen of Hawksworth, G.C.I.E., C.B.E., Governor, Fort St. George, Madras and the explanation and reply of M.A. Swaminatha Ayyar.



Memorandum, R.O.C. No. 1863 of 1925, dated 8-1-26 of the District Educational Officer, Trichinopoly:—

Reference:— M.A. Swaminatha Ayyar's Appeal to The Governor of Madras:—

Returned to the petitioner through the Headmaster, Government Training School, Trichinopoly.

2. Pages 20 and 21 of the representations contain statements regarding recommendations made on his behalf to the Director by the District Educational Officer. He is requested to explain fully how he came by a knowledge of these alleged recommendations. Unless he could furnish an explanation satisfactory to the undersigned, the undersigned can not submit the paper to the Director of Public Instruction.

(Signed) K. Natesa Ayyar,
District Educational Officer,
Trichinopoly.

Explanation, dated 11th January 1926 of M.A. Swaminatha Ayyar, through the Headmaster, Government Training School, Trichinopoly:—

With reference to your Memorandum, No. R.O.C. 1863 of 1925 dated 8-1-26

Enclosure IV

Government of Madras.

Public Department.

Memorandum.

No. 1258/1 dated 20th October 1924.

---XX---

The attention of all heads of Departments is invited to Rule XIV of the Rules issued by the Secretary of State for India, under section 86-B (2) of the Government of India Act, published in pages 48-58 of Part I of the Fort Saint George Gazette, dated 17th May 1921 (also pages 807 to 809 of Part I of the Fort Saint George Gazette, dated 25th August 1924), describing the procedure to be followed in cases of dismissal, removal or reduction of an officer. The rule requires that the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the execution of his duties, be preceded by a properly recorded departmental enquiry. At such an enquiry a definite charge to writing should be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence should be recorded in his presence, and his defence should be taken down in writing. Further each of the charges framed should be discussed and a finding should be recorded on each charge.

2. Cases have recently come to the notice of Government in which these instructions have not been followed. As the rule is a statutory rule, it must be complied with; and further such errors in the initial stages cause difficulties in the disposal of appeals received from aggrieved officers. Heads of departments are therefore requested to see that officers empowered to award the punishment in question follow the prescribed procedure strictly.

(True copy).

Handwritten signatures and notes at the bottom left of the page.

30

Memorandum No. c. 1863 of 1925 dated 8-1-26,
directing me to explain how I had a knowledge of the
recommendations on my behalf made by your Honor
to the Director of Public Instruction, Madras,
mentioned on pages 20 and 21 of my Revision petition
to His Excellency The Governor of Madras, dated
17th December 1925, I beg to state that I had included
the same in my petition under the following circumstances:—

1. I have been the only teacher in the
Government Training School, Trichinopoly, who has passed
all the tests prescribed for the Deputy Inspectors. I have
put in a service of more than 26 years in the Department,
of which I had been for more than 19 years as
Inspecting Officer.
2. As the vacancies referred to, were short and
as I am aware that your Honor is just, upright
and principled, I conjectured that I should have
been recommended; and it was further confirmed by
hearsay. However, if your Honor would consider
them objectionable, I request they may be scored out.
3. I have resubmitted my Revision Petition
herewith.

Endorsement of the District Educational Officer,
Trichinopoly, on the explanation of M. A. Swaminatha Ayyar,
No. R.O.C. 1863 of 1925 dated 16th January 1926

Returned.

2. The Scoring out should be done by the petitioner.

31
petitioner himself and not by the undersigned. If the Petitioner wants the paper to go up, he should detach the sheets containing references to the District Educational Officer's recommendations under question and substitute fresh sheets.

(Signed) K. Natesa Ayyar.
District Educational Officer
Trichinopoly.

Reply of M. A. Swaminatha Ayyar to the Orders of the District Educational Officer read above:—

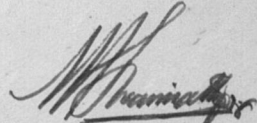
Noted and Resubmitted.

2. The sheets pointed out have been detached and a fresh sheet numbering page 20 has been added, as ordered.
3. The original sheets, pages 20 and 21 are also resubmitted herewith.

(True Copy)

Submitted to His Excellency,
The Right Honourable, The Viscount Goschen
of Hawkhurst, G. C. I. E., C. B. E. Governor,
Fort St. George, Madras for reconciliation with
the Copy of his Revision petition submitted on
24th December 1925

Trichinopoly }
10th February 1926 }


Assistant, Government
Training School,
Trichinopoly.

32 32
Law (Education) Deptt.

Memo No. 24 C/26-1 dated 12 6 26

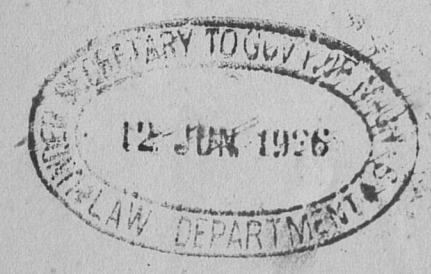
The Government have received
a copy of a memorial, dated 24-12-25,
from M.R.Ry. M.A. Swaminatha Ayyar,
Assistant, Government Training
School, Trichinopoly, submitted
through the Headmaster ^{of the School} and the D.P.I.
The ^{Director} ~~D.P.I.~~ is requested to expedite
the transmission of the ^{memorial} ~~petition~~ to
^{Govt. with} his remarks, if it has been received
from the Headmaster.

BRW
9/6
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DESPATCHED
12 JUN 1926

To
The D.P.I.

Reminders: are made
here.
W



DEPARTMENT.

33

L. & 1740B

192 9/7/26.

Received



Subject.

Revision petition of Mr. M.A. Swaminatha Ayyar

Secondary grade Assistant, Government Training School,

Trichinopoly submitted to Government- with remarks.

ENCLOSURES.

No.

R. C. No. 144 C/26

Spare copies

Station Madras Dated the 22- 7- 26 192

From (Name) R. G. Grieve Esq., M.A.,

(Designation) Ag. Director of Public Instruction

Madras.

To The Secretary to the Government of Madras

Education

Department.

Sir,

I have the honour to submit the revision

pp. 2-23 ante petition of M.A. Swaminatha Ayyar, Secondary grade
Assistant, Government Training School, Trichinopoly with
the following remarks:-

pp. 2-3 ante

Para 1 and 2. No remarks.

(L)

p. 3 ante

Para 3. The orders passed in the Director's
Proceedings referred to by the petitioner are in strict
accordance with G.O. No. 1052 Law (Education) dated 20-6-25

Para 4. Gos are not ordinarily communicated as
they are. Especially in this case as action had to be
taken by the Director with reference to the second
sentence of the G.O., separate proceedings were issued
embodying the orders and instructions contained in the

G.O.

(The G.O. has since
been communi-
cated to them)

34

-2-

p. 3 ante
 Para 5. The presumption of the petitioner that the copy of the G.O furnished to him is only an extract and not the full text is incorrect. The suggestion made is impertinent.

Mr. 48-9 2(L)
p. 43 ante
 Para 6. The orders issued in Proceedings 3665 dated 29- 6- 25 and 30- 7- 25 were in accordance with G.O.No.1052 Law(Education) dated 20- 6- 25 and as these orders were merely supplemental to or modifications of the orders previously issued on the subject, there was no need to discuss the pros and cons of the case.

Mr. 4-6 ante
 Para 7. This para also contains impertinences. The period from 6- 12- 18 to 19- 12- 18 was treated as extraordinary leave without allowances as the petitioner made an unauthorised stay for 5 nights out of his jurisdiction and failed to return to headquarters and hand over charge to M.R.Ry Vemby Sastri on the 6th even on receipt of information from him on the 4th December 1918 that his successor was awaiting to relieve him. Instead of returning immediately he opened further correspondence with the Assistant Inspector and now makes a false statement that he received intimation only on 9- 12- 1918. No other kind of leave than extraordinary leave without allowances could be granted for the period following viz 11- 12- 18 to 19- 12- 18. As he had drawn the travelling allowance for the journey from Salem to Aruppukottai it was not thought necessary to ask him to refund the amount. This act of grace cannot now be cited by him as giving him a claim for pay for the transit period treated as leave without allowances.

Mr. 6-8 ante
 Para 8. On 6- 9-19 the officer went on leave for two months. At this time, the charges against him were pending and he was therefore for convenience placed under suspension from that date.

-3-

35

(35)

Mr. 38-39 2(L)
 Subsequently the District Medical Officer, Salem declared him fit for duty on 29- 10- 19. The attention of Government is invited to my U.O reply No. 20 C/25 dated 12- 5- 25 which explains the circumstances under which leave was granted to the petitioner from 6- 9- 19 to 29- 10- 19 and his suspension was ordered to date from 30- 10- 19. It is therefore incorrect to say that leave was substituted for suspension. In fact, G.O.Mis.1052 Law(Education) dated 20- 6- 25 has led to a curious anomaly. The period he was under suspension was treated as furlough and he was granted half of his substantive pay for this period, ie Rs.15 per mensem. By the Government granting him 3/4 of his substantive pay for the period from 30-10-19 to 6- 8- 1920 under article 193 of the Civil Service Regulation, his furlough has actually been converted into suspension. Again, his contention that he had three months privilege leave to his credit on 6-9-19 is incorrect as by the grant of extraordinary leave from 6- 12- 18 to 19- 12- 18 he had forfeited all the privilege leave to his credit on 6- 12- 1918. The privilege leave earned by him from 20- 12- 18 to 5-9-19 was 24 days and this was granted to him, the remaining period being treated as leave on half average pay. The petitioner contends that he could be given a leave allowance of Rs.37- 8- 0 ie , half of his officiating salary for the period from 30- 9- 19 to 29- 10- 19. As he was granted furlough for this period he could not retain his lien on the officiating appointment and could not for that reason be given anything more than half his substantive pay viz Rs.15/-

Mr. 8-9 ante
Mr. 38-39 2(L)
 Para 9. Government have in another connection been informed that the officer was not acquitted of all charges against him and they have in (L) their Order No.1052 Mis. Law(Education) dated 20-6-25 sanctioned a proportionate pay of Rs.22½ for the

Director's Proceedings on p. 62 of (M) this was unauthorised - Ben p. 39 2(L) & p. 41 (L)

He was not granted his full substantive pay for this period but was granted honorably acquitted in the suspension - Ad. 193 (b) C.S.R. 4 p. 113 (M)

36
-4-
for the period of suspension. The charges of (1) staying outside jurisdiction for 5 nights and (2) purposely delaying to hand over charge were proved from records. The first charge he has himself admitted though he tries to explain it away. Only on the charge of writing false diaries, he was given the benefit of the doubt as a formal enquiry was not held in his presence. He cannot therefore be granted full pay and allowances for the period of his suspension. The charges are described as "imaginary, false and futile" -language which is open to objection.

K on p. 38 & (L)
This has been fully considered on H. 39 - 41 & (L)
H. 9-11 ante
Para 10. The petitioner's contention that he held a lien on the officiating appointment during his suspension period and that he is therefore entitled to a pay of Rs.75 for that period is untenable, as, when he was granted furlough from 30- 9- 19 to 29-10-19 he ceased to hold a lien on the officiating appointment. It has already been shown that article 193 (B)(i) of the Civil Service Regulations was not applicable in his case as he was not acquitted of all charges and that his case could come only under article 193 (B)(ii) under which Government fixed a proportionate pay of 3/4 of his pay for his suspension period.

H. 11-13 ante
K
The full details were given in D.T.O. - H. 35-36 & 43 & (L)
p. 28 ante
Paras 11 and 12. The charges against the petitioner for which he was ~~furnished~~ ^{punished} were of such a nature that orders could be passed with the written records available and the explanation given by the petitioner. It was on these grounds that the institution of a fresh enquiry was considered unnecessary and undesirable by the Director. The Public Department memo quoted by the petitioner does not, at all, apply in his case. Under this memo only when an officer is dismissed, removed or reduced, should the formalities such as recording evidence in his presence etc be gone through. In the present instance, he

37
-5-
he was suspended and for this period he was given 3/4 of his substantive pay. On his return to duty he was not given the officiating promotion which he enjoyed before. No one can claim promotion to a higher grade as a matter of right. It can only be a reward for good work which he did not do.

H. 13-15 ante
Para 13. It is not a fact that because M.R. Ry Vembu Sastri exceeded his joining time the petitioner was punished. Mr. Vembu Sastri wrote to the petitioner to say that he would join duty at Salem. It was because the petitioner did not act upon this intimation but prolonged his tour and thereby obliged Mr. Vembu Sastri to exceed his joining time that he was punished. In view of his unsatisfactory work and the irregularities committed by him he forfeited all claim to the appointment of Sub. Assistant Inspector and hence he was reverted to his permanent appointment. This, the petitioner cannot treat as a legitimate grievance.

H. 15-18 ante
Paras 14 and 15. As stated in the previous para, his work and conduct were such that he did not ~~deserve~~ deserve to be continued as Sub. Assistant Inspector of Schools and his claim to be reinstated as Sub. Assistant Inspector of Schools from 6- 9- 19 and paid the pay of that post from that date is, therefore, preposterous.

H. 18 ante
Para 16. No remarks.

H. 18-19 ante
Para 17. It has been shown above that the requests are inadmissible.

H. 19-20 ante
Para 18. It has already been reported to Government that the enquiry which has already been conducted in the case was quite sufficient to meet the ends of justice and that, therefore, there is no need for a fresh enquiry.

H. 20-22 ante
Para 19. His furlough allowance was fixed at Rs.15 which was half of his substantive pay. He

He was granted furlough in continuation of privilege leave as by the grant of extraordinary leave from 6-12-18 to 19-12-18 he had lost all privilege leave at his credit. He had no lien on his officiating appointment from 30-9-19 as his furlough commenced from that date and as his conduct and work did not justify his retention in the cadre of Sub.Assistant Inspectors of Schools. His subsequent promotion to the cadre of Deputy Inspectors of Schools had not been ordered as only trained graduates are ordinarily eligible for appointment as Deputy Inspectors and as trained undergraduates are appointed only in exceptional cases in recognition of their extraordinary merit and record of work.

As the petitioner has been creating unnecessary work and correspondence with his never ending memorials, it is only reasonable that the Government should inform him that further petitions from him will not be attended to.

I have the honour to be,

Sir,

Your most obedient servant,

A Rama Ray
27/7/26

for Director of Public Instruction

a.r. 27/7/26

sum
217

Petition - M.R. Ry. M.A. Swaminatha
ayyar, assistant, Govt.

Training School, Trichinopoly

M. 33-38 of [C-1740B] From the D.P.O., No. 144 C/26 of 22.7.26

For a full account of the petitioner's case, please see notes on M. 106-113 of G.O. 626 of 23.4.24. The case has been completely considered on two previous occasions - G.O. 626 of 23.4.24 and 1052 of 20.6.25. The present appeal petition has been dealt with fully by the D.P.O. - M. 33-38 of. No fresh grounds have been adduced for a reconsideration. It is for orders whether, as suggested by the D.P.O., the petitioner may be informed that further petitions from him will not be attended to.

(M)

(M)

(L)

M. 2-23 of.

ⓧ Last paragraph
on p. 38 of)

A draft order is subd.

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86x
7.8.26.



V. The
10.8

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Signature

	Date.	Initials.
When received for Fair-copying.		
When copied	16/8	
When examined		
When signed		
When despatched		

Memorial.

Swaminatha ayyar, M.A.
Assistant, Govt. training school
Trichinopoly - Reconsideration
refused.

READ AGAIN G.O. No. 626 C.E. (M) dated 23. 4. 24 192.
" " " " 1052 .. " 20 - 6. 25 192.

READ ALSO:-

C. No. 1746 B From the D.P.J. R.C. No. 144 C/26 dated 22. 7. 1926.

" " " " " " " " 192
" " " " " " " " 192

ORDER.
mis

No. 1542, dated 16. 8. 1926.

The D.P.J. is requested
to inform M.R. Ry. M.A. Swa-
minatha ayyar, assistant,
Govt. training school, Trichi-
nopoly, that the Govt. are
unable to reconsider the
orders already passed in
his case (and that further
petitions from him on
the subject will not be
attended to).

DESPATCHED

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In

The D.P.J.

cur
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9.8.26

V.T.
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Copy of R.C.No.138/25 dated 8-7-25 of the District Educational officer, Trichinopoly communicating copy of the proceedings from Director of Public Instruction, Madras R.C.3665-C of 1924 dated 29th June 1925.

- Reference:--
1. Proceedings Dis.No.6845 dated 13-10-1920.
 2. Proceedings Dis.No.3502 dated 12-5-1922.
 3. G.O. No. Misc. 1052 Law, Education dated 20-6-25.

---xxx---

In partial modification of the Proceedings quoted above, the Director is pleased to grant M.R.Ry, M.A. Swaminatha Iyer Asst., Government Training School, Trichinopoly, extraordinary leave without allowances, from 6-12-1918 to 19-12-1918, both days inclusive and combined privilege leave and furlough from 6-9-1919 to 29-10-1919, the privilege leave being for 24 days from 6-9-1919. During the furlough portion of the leave the teacher will draw half of his substantive pay. The Director is also pleased to grant the teacher, under orders of Government, pay not exceeding three-fourths of his substantive pay, for the period of his suspension, from 30-10-1919 to 6-8-20 under Art. 193 (b) ii of the Civil Service Regulations.

2. The District Educational Officer is requested to be good enough to inform M.R.Ry, M.A. Swaminatha Iyer that Government do not consider that there is any need for a fresh enquiry into his case. The copy of the enclosed petition dated 12-10-23 may be returned to the petitioner.

---xxx---

Communicated to M.R.Ry, M.A. Swaminatha Iyer, Asst. Model Section, Government Training School, Trichinopoly through the Headmaster, Govt., Training School, Trichinopoly with reference to his appeal to Government.

2. The copy of the petition is returned herewith. Communicated to M.R.Ry, M.A. Swaminatha Iyer, for information with the copy of the petition.

Sd/- P.S. Sundaram Iyer,
Headmaster, Govt. Training School,
Trichinopoly.

(True copy)

M. Swaminatha
17/12/25
Asst. Govt. Training School, Trichinopoly

3
Enclosure II.

Memorandum.

R.C.No. 158/22 dated 10-8-1925.

Copy of the Proceedings of the Director of Public Instruction R.C. 3665 C/25 dated 30th July 1925. (M)

---xxx---

Read R.C.No.1015/25 dated 24th July 1925 of the District Educational Officer, Trichinopoly.

The District Educational Officer is informed that M.R.Ry, M.A. Swaminatha Iyer could draw leave allowance for the period of his furlough, only at the rate of half of his substantive pay, under article 340 (b) of the Civil Service Regulations, i.e., at Rs. 15/- per mensem. The term pay used in the Civil Service Regulations should be interpreted as substantive pay and not as, salary, which alone includes acting allowances etc.

2. The teacher should also be informed that as his lien during the period of furlough had automatically been moved to his permanent appointment, and, as he was entitled to be posted to his permanent appointment as supervisor on Rs. 30/- only, on the expiry of his leave, even if no suspension followed it, he could draw allowances only at the rate of three-fourth of his substantive pay, Rs. 30, during the period of his suspension, which substantive pay, he would have drawn, but for the suspension. Further the rate of allowance fixed for him, during suspension, was under the discretion allowed to the appellant authority in article 193 (b) ii of the Civil Service Regulations. Copy of Endorsement. ~~Rex~~ R.C. No. 1015/25 of the District Educational Officer, Trichinopoly.

Communicated to the Headmaster, Govt., Training School, Trichinopoly with reference to his R.C.No.158/22 dated 16-7-25.

Communicated to M.R.Ry, M.A. Swaminatha Iyer.

Sd/- P.S. Sundaram Iyer,
Headmaster, Govt. Training School,
Trichinopoly.

(True copy).

M. Swaminatha
17/14/25
Asst. Govt. Training School
Trichinopoly

Enclosure No. III.

Copy of Proceedings of the Director of Public Instruction
R.C. No. 3665-C/24 dated 9th October 1925.

---xxxx---

Read Memorandum No. 3040 C-1 Law, Education dated 5th
October 1925.

Reference:-Letter from the Director of Public Instruction R.O.C.
No.3665-C/24 dated 22nd September 1925. Petition from M.R.Ry,
M.A. Swaminatha Iyer, Government Training School Trichinopoly
asking for a copy of G.O. 1052 Law, Education dated 20th June 25

The Director of Public Instruction is requested to furnish
a copy of G.O. 1052 Law, Education dated 20th June 1925 to the
petitioner.

Sd/- V.T. Krishnama Achariar,
Secretary to Government.

---xxx---

Communicated to the petitioner through the District
Educational Officer, Trichinopoly, with a copy of G.O.No.Misc.
1052 Law, Education dated 20-6-25.

(By Order)

Sd/- A. Narayanaswami,
Senior Superintendent.

To

The District Educational Officer, Trichinopoly, Trichino-
poly with a copy of G.O. No. 1052 Law Education dated 2)6-25.
Read copy of G.O. No. Misc. 1052 Law Education dated 20-6-25.

---xxx---

ORDER:--The Director of Public Instruction is requested to
inform M.R.Ry, M.A. Swaminatha Iyer, Asst. Government Trining
School, Trichinopoly that the Government do not consider that
there is any need for a fresh enquiry into his case. The
Government note that the Director is prepared to grant the
memorialist in continuation of the privilege leave already
sanctioned, furlough on half average pay from the 30th September
to 29th October 1919. They now authorise the grant to him of

pay not exceeding three-fourths of his substantive pay for the period from the 30th October 1919 to the 6th August 1920.

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R.C. No. 1001/25 dated 14-10-1925.

Forwarded to the Headmaster, Government Training School, Trichinopoly with the G.O. in question.

Sd/- K. Natesa Iyer,
Dt. Edl. Officer, Trichinopoly.

(Copy)

R.C. No. 158/22 dated 20-10-25.

Communicated to M.R.Ry., M.A. Swaminatha Iyer with reference to his petition dated 9-9-25 to ~~xx~~ His Excellency the Governor of Madras.

Sd/- P.S. Sundaram Iyer,
Headmaster, Government Training School, Trichinopoly.

(True Copy).

M. Natesa Iyer
17/10/25
Asst. Govt. Training School
Trichinopoly

9
43
Enclosure IV.

Government of Madras.

Public Department.

Memorandum.

No. 7888/1 dated 20th October 1924.

---XXX---

The attention of all Heads of Departments is invited to rule XIV of the Rules issued by the Secretary of State for India under section 96-B (2) of the Government of India Act, published at pages 486-88 of Part I of the Fort Saint George Gazette, dated 10th May 1921 (also pages 887 to 890 of Part I of the Fort Saint George Gazette, dated 5th August 1924), describing the procedure to be followed in cases of dismissal, removal or reduction of an officer. The rule requires that the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the accusation hanging over him be preceded by a properly recorded departmental enquiry. At such an enquiry a definite charge to writing should be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence should be recorded in his presence, and his defence should be taken down in writing. Further each of the charges framed should be discussed and a finding should be recorded on each charge.

2. Cases have recently come to the notice of Government in which these instructions have not been followed. As the rule is a statutory rule, it must be complied with; and further such errors in the initial stages cause difficulties in the disposal of appeals received from aggrieved officers. Heads of departments are therefore requested to see that officers empowered to award the punishments in question follow the prescribed procedure strictly.

(True copy).

M. Hanumanth 17/12/25
Asst. Secy. Training School
Trichinopoly

To

His Excellency The Rt. Hon'ble
Viscount Goschen of Hawkhurst, G.C.I.E., C.B.E.,
Governor, Fort St. George, Madras.

Through

The Director of Public Instruction, Madras,

&

The Headmaster, Government Training School,
Trichinopoly.

The humble Revision Petition of M.R.Ry, M.A. Swaminatha
Iyer, late Sub Assistant Inspector of Schools, Aruppukottai
Range, Ramnad District and at present, Assistant, Government
Training School, Trichinopoly:

Most Respectfully Showeth:---

That the petitioner submitted to His Excellency, a Revision
Petition on 12-12-1924, appealing against the great injustice
done to him by the Director of Public Instruction, Madras, in
placing him under suspension for eleven months and one day,
without proper and sufficient grounds and in declining to
award to him, the benefits of the provisions contained in
Art. 193 (b) (i) C.S.R., to which he is entitled, as his sus-
pension from duty ^{is} ~~is~~ thoroughly unjustifiable.

2. That the petitioner presented the above petition to the
Headmaster, Government Training School, Trichinopoly, ~~xxx~~ who
submitted the same to the District Educational Officer, --
Trichinopoly and he submitted it to the Director. After the
receipt of the petition in the Director's office on 29-12-24,
it was returned from that office on 6-1-25, in Endorsement
No. N., R.O.C. 3665 C/24, through the proper channel, with the
remark that it was received in a spoiled condition and that a
fresh petition need be submitted. The petition is found to have
been soaked into some medicinal oil and it is not known who

did the mischief. The petitioner was therefore taxed a further sum of Rs. 5/-, to get the petition retyped for submission to the Director.

3. That, on the above-mentioned petition, His Excellency was pleased to pass orders, in G.O. No. 1052, Misc. Law, Education, dated 20-6-25. On the communication of this G.O. to the - - Director, he passed his own orders, in the petitioner's case, in his Proceedings, No. R.O.C. 3665 C/24 dated 29-6-1925 and 30-7-1925 (Enclosures I & II).

4. That, though the Director had referred to the No. and date of the G.O. in his Proceedings (Encl. I), he was not pleased to communicate to the petitioner, a copy of the G.O. As the orders contained in his Proceedings are arbitrary and again, without pros and cons as usual, and as they are still very unfavourable to the petitioner, he applied to the Director for a copy of the G.O. to know how his representations made in his Revision Petition dated 12-12-24 were viewed by His Excellency and to submit his further representations accordingly. But the Director, in his Proceedings, No. R.C. 3665 C/24, dated, 20-7-1925, declined to grant to the petitioner, a copy of the G.O. Thereupon he applied to His Excellency for the award of a copy of the G.O. and His Excellency was pleased in Memorandum, No. 3040-c-1, Law, Education, dated 5-10-1925, to order the Director for the grant of a copy of the G.O. to the petitioner.

5. That the copy of G.O. No. 1052 Mis.C. Law, Education, dated 20-6-1925, as communicated now, by the Director and appended to his Proceedings R.C. No. 3665 C/24 dated 9-10-25, (Encl. III), the petitioner apprehends, is only an extract and not the text of the G.O. in the proper form. The petitioner therefore, requests His Excellency once again, for the grant of a copy of the G.O. in the proper and complete form.

6. That, in as much as the copy of the G.O. communicated by the Director, is incomplete as stated ^{above} ~~supra~~, and as he, apart from the G.O., passed his own orders in his Proceedings R.C. No. 3665 C/24, dated 29-6-1925, and 30-7-1925, (Encls. I & II), which alone have been given effect to, the petitioner has to make his further representations, with reference to the - - - Director's Proceedings alone; and these are, as stated above, ~~xxx~~ without pros and cons and the careful avoidance of the same, indicates that they are against Law and Justice, as explained hereunder. The orders contained in the proceedings are:-

(1) The period (of the petitioner's duty as Personal Assistant to the Assistant Inspector, Salem District), from 6-12-1918 to 10-12-1918 and (his joining ^{time} ~~term~~ in continuation thereof), from 11-12-18 to 19-12-18 ^{are} ~~is~~ treated as Extraordinary leave without allowances.

(2) The period of his suspension from duty as Sub Assistant Inspector of Schools, Aruppukottai, for 11 months and one day from 6-9-19 to 6-8-20 is treated as:---

(a) Privilege leave for 24 days from 6-9-19 to 29-9-19, (on Rs. 75 the pay of his Sub Protem appointment, as Sub Assistant Inspector).

(b) Furlough for 30 days from 30-9-19 to 29-10-19, on Rs. 15/- (half the pay of his permanent appointment then, as Supervisor, Rs. 30/).

(c) Pay at 22½Rs. per mensem, ($\frac{3}{4}$ of the pay of his permanent appointment as Supervisor on Rs. 30/), for 9 months and 8 days, from 30-10-19 to 6-8-20, under Art. 193 (b) (ii) C.S.R.

7. That, as regards (I) of the orders quoted above, the petitioner begs to state that the order is a new addition made by the Director to the contents of the G.O. No. 1052 Mis. C. Law, Education, dated 20-6-25, with much prejudice, unsupported by the Rulings contained in the C.S.R. and against Law and Justice.

6-10-12-18

From 6-12-18, the petitioner had done duty as Personal Assistant to the Assistant Inspector, Salem District, and had been on transit, in continuation thereof, from 11-12-18 to 19-12-18, to join his new appointment as Sub Assistant Inspector (Sub Protam) Aruppukottai Range, ^{ordered} ~~order~~ in Proceedings, R.C. No. 9592 of 1918 dated 22-11-18 (Encl. XIII to his Revision Petition, to His Excellency, dated 12-12-24). While on duty as Personal Assistant to the Assistant Inspector, Salem District, his controlling officer, the Assistant Inspector, ^{gave} ~~gave~~ him specific orders, exhibited in a programme, for conducting the Annual Inspection of Elementary Schools, 50 or 60 miles away from his Head-quarters, Salem. In obedience to his orders, the petitioner was on tour for more than a month, at one stretch, from 8-11-18 to 10-12-18, conducting annual inspection of schools. ~~on~~. On 9-12-18, the petitioner received by post, at Atur, 32 miles away from his head-quarters, Memo R.O.C. No. 1123 of 1918, dated 7-12-1918 from the Assistant Inspector, re-calling him to Salem, to hand over charge of his office to Mr. V. Vembu Sastri. The petitioner forthwith obeyed his orders and returned to Salem, the very next day i.e., 10-12-18, travelling by road journey a distance of 32 miles and held his office ready to hand over charge in the afternoon. But Mr. Vembu Sastri expressed his unwillingness to take charge that afternoon, on the plea that the day was ^{not} ~~no~~ auspicious for him and ^{he} ~~he~~ relieved the petitioner only on the fore-noon of the next day, 11-12-18. The Assistant Inspector Mr. A.G.W. de Rozario also witnessed the same, as the office of his Personal Assistant was located in his office itself. He had also approved of the petitioner's touring and inspection of schools up to 10-12-18, as it is evident from his review on the petitioner's Diary, No. Dis. Pl. 8/6 of 1919 dated 21-2-19. The Director has now treated this period of the petitioner's duty as extra-ordinary leave without allowances and it amounts to punishing the petitioner for having obeyed the orders of his Controlling Officer, the

Assistant Inspector, Salem District. This is against Law and Justice.

Then again, on his relief at Salem by Mr. Vembu Sastri, on the fore-noon of 11-12-18, the petitioner was in transit to join his new appointment as Sube Assistant Inspector of Schools, Aruppukottai, ordered in the Director's Proceedings, R.O.C. No. 9592 of 1918 dated 22-11-18. Aruppukottai is 252 miles away by rail and 11 miles by road from Salem and the petitioner was entitled, under the Rules contained in the C.S.R., to joining time, amounting to 10 days and he was due for duty at Aruppukottai on the fore-noon of 21-12-18. But he joined duty there, even earlier i.e., on the afternoon of 19-12-18. The transfer ordered was on promotion and he was allowed the full joining time also, as it is apparent from the orders. He was also paid the travelling allowance in full, for his journey from Salem to Aruppukottai. This period of the petitioner's joining time for 9 days, from 11-12-18 to 19-12-18, is, also now, treated as Extraordinary leave without allowances. The petitioner is entitled to his pay during this joining time, under the Rulings contained in the C.S.R., and the denial of the same by the Director, is against Law and Justice.

(2)
8. That, as regards H (a) & (b) of the Orders stated in para 6 above, i.e., treating a portion of the period of his suspension from 6-9-19 to 29-10-19, as combined privilege leave, (24 days) and furlough (30 days), the petitioner most humbly begs to state that, in as much as the Director, in supercession of his Orders contained in his Proceedings R.C. 8481 of 1919, dated 24-9-1919 (Encl. I, to his Revision petition to His - - Excellency dated 12-12-24), calling for medical certificate on behalf of the petitioner, on account of his serious illness, had, in his Proceedings R.C. No. 7240 of 1918, dated 2-10-19, ordered the petitioner's suspension from duty, with effect from 6-9-19, the date on which he fell ill, and as the medical certificate

21

49

furnished by the District Medical Officer, Salem, was also consequently dishonoured then, the period of his suspension may not, now, after a period of more than 6 years, be treated as leave. Again, the substitution of leave for suspension is not admissible, under any of the Rulings contained in the C.S.R.

The Director starved the petitioner and his family for 11 months and one day with his severe orders of suspension and that when he was seriously ill, dishonouring the medical - - - certificate on his behalf and if he, ~~he~~ now, after a period of 6 years, honours the same and voluntarily offers combined privilege and furlough, in lieu of his suspension, the petitioner most humbly begs to state that he cannot be now considered to have enjoyed the leave, as he had, already suffered the greatest hardships during his suspension, without allowances of any kind ~~or~~ whatever, for which Justice demands that he needs be properly recompensed now, owing to his suspension from duty being unjustifiable.

On 6-9-19, the date on which the petitioner fell ill, - - privilege leave was due to him for 3 months, under Art. 246 C.S.R. (as he had not for 5 years from 10-11-14, the date on ~~which~~ ^{leave} he last returned from ^{to} 5-9-19, taken leave of any kind) and it is evident from his Service Register. The privilege leave for 24 days (from 6-9-19 to 29-9-19) and furlough for 30 days (from 30-9-19 to 29-10-19), in continuation thereof, now combined by the Director, may be entirely ^{ly} treated as privilege leave, under Art. 260 C.S.R. and may be debited against the privilege leave due to him on 6-9-19. The grant of furlough in continuation of privilege leave, therefore, is not justified.

Again, in G.O. No. 1052 Mis. C. Law, Education, dated 20-6-25 it is specifically ordered that the petitioner might be given furlough from 30-9-19 to 29-10-19 on Half average salary. "Half average salary" to the petitioner amounts to Rs. 37½, as he had been, for the past 12 months prior to the commencement

or the leave, drawing Rs. 75/- per mensem. But the Director had limited the allowance to Rs. 15/- only i.e., half of the pay of his permanent appointment then, Rs. 30/- in his Proceedings R.C. 3665 C/24, dated 30-7-25 (Encl. II), quoting Art. 340 (b) C.S.R., in support of his orders. This Article, also, clearly entitles the petitioner to "Half his average salary" as it is seen by studying the same. Thus, even in carrying out the orders passed by His Excellency, the Director is prejudiced against the petitioner and has cut short the leave allowance against the Rules.

That, for the reasons stated above, the petitioner requests that he may be paid for the portion of the period of his suspension, now treated as combined privilege leave and furlough, full salary and allowances of the appointment of the Sub-Assistant Inspector of Schools, from which he was suspended, under Art. 193 (b) (i) C.S.R., as his suspension is thoroughly unjustifiable.

(2)

9. That with regard to ~~II~~ (c) of the orders quoted in para 6, supra, i.e., ordering the payment of Rs. 22½ per mensem (¼th of the pay of his permanent appointment then, Rs. 30/) for the remaining period of his suspension, i.e., for 9 months and 8 days from 30-10-19 to 6-8-20, the petitioner begs to state that the Director has mentioned in his Proceedings R.C. No. 3665 C/24, dated 29-6-25 (Encl. I) and 30-7-25 (Encl. II), 2nd para, that the proportionate pay was granted under Art. 193 (b) (ii) C.S.R. In the first place, as the order of suspension itself, is thoroughly unjustifiable, owing to the charges in support of the same, having been imaginary, false and futile, as explained at length, ^{with documentary evidences supported by the Rules} in para 6 of his Revision Petition to His Excellency, dated 12-12-24, and as His Excellency also was pleased to consider that there is no need for enquiry into the petitioner's case, it is held beyond all doubt that the petitioner has been entirely free from blame and that he is, therefore, entitled, for the period of his suspension, under - - -

25

(5)

under Art. 193 (b) (i) C.S.R., to the full salary and other allowances of the appointment held by him, when suspended. During the entire period of his suspension, for 11 months and one day, the petitioner held the appointment of the Sub Asst. Inspector of Schools, Aruppukottai Range, Sub Protem, as it is evident from the following Proceedings of the Director:---

- | | | |
|-----|--------------------------------------|---------------------|
| (1) | R.C. No. 7240 of 1918 dated 2-10-19. | |
| (2) | Do. | " 26-4-20, 8-12-19. |
| (3) | Do. | 26-4-20. |
| (4) | Do. | " 5-7-20. |

It is only on 5-7-20, in the last of the Proceedings, No. (4), quoted above, (Encl. VI to his Revision Petition to His Excellency dated 12-12-24) that the Director ordered the petitioner to join his permanent appointment, as Supervisor of Schools, on Rs. 30/- at a time, when the petitioner had under Art. 210 C.S.R. a superior lien on his Sub Protem appointment as Sub Asst. Inspector of Schools, Aruppukottai Range, as the post fell permanently vacant, consequent on the death of Mr. D. Seshagiri Rao, the permanent incumbent in ^{June} January 1920, while the petitioner was still under suspension.

10. Thus, for the reasons stated in the preceding para, the petitioner is entitled, under Art. 193 (b) (i) C.S.R., to the full salary and other allowances of the appointment of the Sub Asst. Inspector of Schools, (Sub Protem), held by him, when suspended and not to $\frac{2}{3}$ of the pay only of his permanent appointment, then, as Supervisor, on Rs. 30/- as ordered by the --- Director, in his Proceedings R.C. No. 3665 C/24 dated 30-7-25 (Encl. II). The Director has supported the orders contained in these Proceedings, by making his own interpretations for Sub Section (ii) of 193 (b) C.S.R., without any reference to the authority of Government of India, who issued Civil Service Regulations and to whom the power to interpret any of the Rules contained therein, is reserved. None of the Rulings contained in the Madras Supplement to C.S.R. also, support the interpretations of the Article, made by the Director.

The new ~~interpretations~~ interpretations of Art. 193 (b) (ii) C.S.R., made by the Director are, (1) that the grant of only a portion of the pay of the permanent appointment of the officer, is intended in the article and not that of the salary and other allowances, as laid down in it and (2) that, because he tacked the grant of furlough (of 30 days from 30-9-19 to 29-10-19) to that of privilege leave (for 24 days from 6-9-19, the date from which he was suspended), the petitioner's lien on his officiating appointment (Sub Asst. Inspector of Schools Sub Protem on Rs. 75) was automatically moved to his permanent appointment (of the Supervisor of schools on Rs. 30/4) and that 3/4th of the pay of his permanent appointment, Rs. 22 1/2 is fixed for payment to the petitioner, in lieu of proportion of the salary and other allowances mentioned in the Article.

In the first place, the grant of furlough in continuation of the privilege leave itself, is not justified, as explained in para 8 above, under the Rulings contained in the C.S.R., when the privilege leave was and is also still due to the petitioner, as he has not also taken any leave even after 6-8-20, the date of his joining duty after suspension. Secondly, it is laid down in the Rulings contained in Art. 212 C.S.R., that an Officer forfeits his lien on his officiating appointment, only when he takes leave of more than 6 months' duration. The period of suspension now treated as privilege leave and furlough, is 24 days, plus 30 days, or one month and 24 days, ~~only~~ only, a short period.

Thus the new interpretations of the Article, made by the Director, to deprive the petitioner of his lien, on his officiating appointment, during his suspension, in spite of ~~his~~ the Orders contained in his 4 Proceedings, quoted in the previous para, the petitioner begs to state, are against the very Rules contained in C.S.R., and ~~also~~ also against Law and Justice.

There is no justification whatever in the Proceedings of the Director, (Encl. I & II), why Sub Section (ii) of 193 (b) C.S.R., alone, should be applied to the petitioner's case. This sub section (ii) need be applied, only when the officer suspended is not honourably acquitted of blame. When no trial has been held against the petitioner, ever since he was suspended, to establish any charge against him, the question of honourable acquittal of blame or otherwise, does not arise at all. In as much the charges made against him are unfounded, they do not warrant a trial or enquiry against him. This withdrawal of the trial against the petitioner has also clearly established that his suspension from duty ^{is} ~~was~~ thoroughly unjustifiable and that he is, therefore, entitled to the full benefits of sub section (i) and not of (ii) of Art. 193 (b) C.S.R.

11. In G.O. No. 1052 Mis.C. Law, Education, dated 20-6-25, it is mentioned that the Government do not consider that there is any need for a fresh enquiry into his case. The petitioner most respectfully begs to state that there has been no enquiry at all, ever since he was suspended, to call a second enquiry, as "fresh enquiry". Seven months before suspending the petitioner, the Asst. Inspector, Salem District, had of his own motion to strengthen his stand-point in the petitioner's case, by creating some discrepancies in the hours of travelling entered by petitioner in his office journal, recorded in English, the vagaries of some Village Elementary School Masters, expressed in Tamil, to please their influential Asst. Inspector, usually their back-bite to satisfy their malice against inspecting officers bringing to light, the irregularities noticed in their schools. The petitioner had inspected their schools in the course of his tour and reported against the irregularities ~~no~~ noticed in them. Further, the matters recorded by the Asst. Inspector are all ^{false, imaginary} ~~absurd~~ and vague and nothing definite against the petitioner, can be made out of ^{them} ~~them~~, but they were intended to prejudice the Director against the petitioner ^{only} ~~only~~ in point.

of volume. This informal inquiry against the petitioner, held by the Asst. Inspector, in the absence and without the knowledge of the petitioner, when he was more than 250 miles away from Salem, on duty as Sub Asst. Inspector, Aruppukottai, cannot be called as an enquiry at all. A regular departmental enquiry or trial, in a Court of Law, should have been held against the petitioner after his suspension from duty, in accordance with the procedure laid down in Rule XIV of the Rules, ^{issued} ~~issued~~ by the Rt. Hon'ble The Secretary of State for India, under section 96 B (2) of the Government of India Act. p.94

It is a world known fact, and the petitioner also, as teacher, is teaching his pupils, that one of the benefits of the British Rule in India is, that no person shall be punished, without a proper and regular trial; and to safeguard the interests of His Majesty's Public Servants further, the Rt. Hon'ble The Secretary of State for India, was pleased to make the Rule XIV, quoted above, under the Government of India Act. Seeing that the procedure laid down in the Rule, are not followed by the Heads of departments and other officers empowered with the appointments and dismissal of Non-gazetted officers and other servants, the Government of Madras, in their Memorandum No. 7888/1 Public Department, dated 20th October 1924, have reminded them of the Rule, pointing out their duty to follow strictly the procedure laid down therein. A copy of the Memorandum, the petitioner begs to submit, for ready reference. (Encl. IV).

12. When no charges were established against the petitioner and when no regular enquiry or trial, as laid down in Rule XIV, of the Rules under the Government of India Act, quoted above, was held against the petitioner, ever since he was suspended, he shall not, merely for the unjustifiable order of suspension against him, be punished by inflicting on him ~~xx~~ the losses enumerated below:---

33

(53)

(1) Treating as leave on loss of pay:--

(a) his duty for 5 days, from 6-12-18 to 10-12-18 (as personal Assistant to the Assistant Inspector, Salem District), under the orders of his controlling officer, the Asst. Inspector, Salem District, as explained in para 7 above.

(b) his joining time for 9 days, from 11-12-18 to 19-12-18, admissible under C.S.R., for his transfer ~~on~~ on pro- motion, as explained in para 7 above.

(2) Depriving him, of his officiating appointment, as Sub Assistant Inspector, on which he has his lien, even now, as explained in para 14, hereunder.

(3) Non-payment of full salary and other allowances, under Article 193 (b) (i) C.S.R., of the appointment of the Sub Assistant Inspector of Schools, Aruppukottai, he held throughout the entire period of his suspension, evidenced also from the four proceedings of the Director, quoted in para 9 above.

13. That, as stated in the previous petition, the key-note of the petitioner's whole case is, the exceeding of joining time by Mr. Vembu Sastri, for 13 days, which is no fault of the petitioner. Mr. Vembu Sastri is primarily responsible for his not having, sufficiently in time, on relief at Vellore, intimated to the petitioner, then, an Inspecting Officer, touring throughout Salem District, the date on which he intended to take charge of the office from the petitioner, so that he might return to his headquarters on or before ^{that} the date. The Petitioner's controlling officer, the Asst. Inspector, Salem District, ought to have, on receipt of information from the Inspector, Vellore, regarding Mr. Vembu Sastri's relief there, intimated to the petitioner, forthwith, and recalled him to his Headquarters earlier, to hand over charge to Mr. Vembu Sastri. But, he ordered the petitioner's return to his headquarters, only on 7--12--1918, in his Memo, R.O.C. No. 1123/1918, despatched at Salem, on 8-12-1918, and delivered by post, to the - -

petitioner on 9-12-1918, at Atur, 32 miles from Salem. Immediately, the petitioner returned to the headquarters, the next day i.e., 10-12-1918, travelling by road, a tedious journey of 32 miles. To add to his own failure, the Asst. Inspector had been taking delivery from the post-man, Salem, all the Petitioner's tapals both official and private, from 26-11-18 to 6-12-18, without the knowledge and consent of the petitioner, interrupting the postal authorities, from transmitting them to his camping station, while they had been redirecting them up to 25-11-18, in conformity with his ~~xxx~~ written request; and this is evident from the letter, No. P.C. 350 Post & Telegraphs, dated 27-8-19 of the Postmaster-General, Madras, (Encl. X to his Revision Petition to His Excellency dated 12-12-1924). These tapals accumulated at Salem, from 26-11-18 to 6-12-18, were all transmitted on 8-12-18, to the petitioner's camping station at Atur, where they were delivered to the petitioner by post, on 9-12-18, and he returned to his headquarters the very next ^{day} i.e., 10-12-1918.

On Mr. Vembu Sastri being called to explain for exceeding his joining time, he, to escape condemnation, fabricated the charges against the petitioner, described in para 6, of his Revision Petition to his Excellency, dated 12-12-24, and they were taken up without proper consideration and directed against the petitioner, for suspending him from duty. The petitioner most humbly begs to state that the Director is primarily responsible for the inconsiderate orders of suspension, imposed upon the petitioner. He might have at least, immediately, after his suspension, reinstated the petitioner in his Sub Protem appointment of the Sub Asst. Inspector, Aruppukottai Range, on Rs. 75/- on which he has his lien even now, as it is evident from para 14 hereunder, instead of ordering his reversion to his permanent appointment, as Supervisor on Rs. 30/-

He was not even pleased to pass orders for almost 3 years, on the representations made, in his petition, dated 22-7-20, immediately, on receipt of the orders for his reversion, crying for re-in-statement in his officiating appointment, under Art.193 (b) (i) C.S.R. and in his 3 petitions successively submitted on 7-11-20, 22-4-21, and 5-7-22, ^{bearing} on the same subject. And on his final orders on 12-8-23, in his Proceedings R.O.C.No. 1911 & 1923, the petitioner appealed to His Excellency's - - Council, on 12-10-23 and on the receipt of orders from them, submitted his revision petition to His Excellency, on 12-12-24, on which the G.O. 1052 Misc. Law, Education, dated 20-6-25, ^{was passed} and with reference to the same, the petition under reference, is submitted.

14. The most salient factor of the petitioner's redress, is the question of his reinstatement, in the appointment of the Sub Assistant Inspector, from which he was suspended, under Art. 193 (b) (i) C.S.R., and it was not considered in any of the proceedings of the Director, or in the Government Order, communicated to the petitioner. The petitioner was appointed Sub Protam Sub Asst. Inspector, ^{Arakottai} Range, in the proceedings of the Director, R.C. 9592 of 1918, dated 22-11-18, (Encl.- XIII to his Revision petition to His Excellency, dated 12-12-24), during the absence on other duty, of late Mr. D. Seshagiri Rao, Sub Asst. Inspector, Perambalur. Accordingly, the petitioner tookcharge of that office, on 19-12-18 and was doing duty for nearly 9 months, ~~and~~ until 5-9-19. On 6-9-19, he fell hopelessly ill, all on a sudden, and the petitioner was suspended with effect from that date, and was kept under suspension for 11 months and one day, until 6-8-20. During all this period, he held the appointment of Sub Assist. Inspector, as it is evident from the 4 proceedings quoted in para 9 above. While the petitioner was under suspension, Mr. Seshagiri Rao, the permanent incumbent of the appointment, died in July 1920,

39

58

and consequently the appointment fell permanently vacant and the petitioner had the superior lien on it, under Art. 210 C.S.R. On 5-7-20, the Director, in his Proceedings R.C. No. 7240 of 1918, ordered the petitioner to join his permanent appointment as Supervisor on Rs. 30/- in contravention of the provisions contained in C.S.R. when the petitioner had then put in a service in the department, of more than 20 years, without any blot, of which he had done duty efficiently as an inspecting officer for more than 17 years and when he has been besides other qualifications, fully qualified for the appointment of Sub Asst. Inspector, under the Public Service Notification, by passing all the tests prescribed for it and when no officer having a lien on the appointment superior to ~~the~~ that of the petitioner had resumed it. T

The appointment of Sub Asst. Inspector, Aruppukottai, was kept vacant for more than 2½ months, even after the petitioner joined his permanent appointment as Supervisor, under the orders of the Director. Then on 26-10-20, one Mr. C. Minakshisundaram Iyer, though equal to the petitioner in his general educational qualification, yet inferior to him in his qualifications for the appointment of Sub Asst. Inspector, as he has not completed the tests prescribed, under the Public Service Notification, was confirmed in the appointment, with effect from 1-8-20. (Please Vide No. 56, on page 698 of the notification in the Fort. St. George Gazette, Part I B, dated 26-10-20). He was the permanent supervisor of Peraiar and Sub Protam Sub Asst. Inspector of a different Range—Devakottai. His title, therefore, to confirmation in the appointment of Sub Assistant Inspector, Aruppukottai, was inferior to the petitioner's, under Art. 210 C.S.R., and in other respects also, as explained above.

Mr. Minakshisundaram Iyer did not, after his confirmation, joint duty in the appointment, at Aruppukotta, but was on duty, elsewhere and retired in May last. After his retirement,

Mr. A.G.W. de Rozario, Deputy Inspector, Sattur, was confirmed in the post and he did not, also, join duty at Aruppukottai, but has been on other duty in the Government Training School, Chittur.

15. Thus, it is clear from the representations made in the previous para, that the appointment of Sub Assistant Inspector, Aruppukottai, held by the petitioner, sub protom,, at the time of his suspension, has not been, for the past more than 6 years, resumed by any officer, having a lien on it, superior to the petitioner's, apart from the orders of the Director, reverting him to his permanent appointment as Supervisor, at a time when the appointment fell permanently vacant. This revision was ~~or~~ ordered by the Director with much prejudice, to justify his ~~and~~ orders placing the petitioner unjustly under suspension, for an unusually long period of 11 months and one day. Now, as his suspension has been thoroughly unjustifiable, and as His Excellency was also pleased to order in G.O. 1052 Mis.C, Law, Education, dated 20-6-25, for the grant of pay for the period of ~~his~~ his suspension, though under Art. 193 (b) (ii) which needs further consideration for the reasons stated in this petition, the reversion to his permanent appointment ~~and~~ ordered by the Director, is not justified, under the circumstances stated above. He is therefore entitled to his reinstatement in the appointment of Sub Assistant Inspector, Aruppukottai, now called Deputy Inspector, Virudunagar, in the late reorganisation of the Deputy Inspectors' Ranges and also ⁵ the payment for his duty, the ~~xx~~ full salary and other allowances of that appointment, under Art. 193 (b) (i) C.S.R., from the date of his suspension to the date of his reinstatement. He is also eligible for confirmation in that appointment, on the ground of his having put in a service of 26 years, without a blot, in the department of which he had been for more than 19 years an efficient Inspecting officer and of his having been fully qualified for the appointment, under the Public Service Notification,

43 (60)

besides his other qualifications described in detail in the succeeding para, 16. Hundreds of persons who are but his juniors and colleagues who were also permanent Supervisors like the petitioner on Rs. 30 or 40/- have been confirmed in the Deputy Inspector's ~~xxxxx~~ cadre and are now drawing Rs. 130/- in the present timexxxxxx scale. The petitioner, also, but for the orders of suspension and reversion to his permanent appointment, unjustly imposed upon him, without any grounds whatever, should have been on a level with them, drawing Rs. 130/- though he deserves more for his qualifications. In this connection the petitioner requests that His Excellency will be pleased to peruse the quarterly list of officers of the department. It exhibits that nearly 75% of the permanent and officiating Deputy Inspectors are persons who have not either passed or completed the tests prescribed for Deputy Inspector's, under the Public Service Notification, and persons with short service are given ^{and} promotions in the cadre of Deputy - - Inspectors.

16. The education^{al} qualifications, general, professional and technical of the petitioner are the following:---

- (1) F.A. Examination (1897)
- (2) Vernacular Branch of B.A. Degree (1901).
- (3) Trained Teachers' Certificate, 2nd Collegiate grade.
- (4) Supervisor's Test (1908).
- (5) Free hand out-line drawing (Elementary) (1908).
- (6) Technical Teachers' Certificate in Drawing.
- (7) Account Test Higher (1909).
- (8) Sub Asst. Inspector's Test I Part (1911).
- (9) Do. Do. II Part (Linguistic).
- Second language-Malayalam (1918)
- (10) A thorough and practical working knowledge of the chain, plane, table and prismatic surveys.

17. The petitioner, therefore, prays that His Excellency will be graciously pleased to consider his representations stated above and that he may be awarded the following specific - - reliefs, as his suspension from duty is thoroughly unjustifiable for the reasons stated ^{above} ~~supra~~:---

45 (6)

(1) Payment of salary and fixed travelling allowances for the period of his duty, as Personal Assistant to the Assistant Inspector, Salem District, From 6-12-18 to 10-12-18.

(2) Disbursement of his transit pay from 11-12-18 to 19-12-18, on his transfer from Salem to Aruppukottai, as Sub Assistant Inspector, ordered in Proceedings No. R.C. 9592/18 dated 22-11-18, of the Director of Public Instruction.

(3) His re-instatement under Art. 193 (b) ⁽ⁱ⁾ ~~C.S.R.~~ C.S.R. in the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range, now called Deputy Inspector of Schools, Virudunagar, from which he was suspended and on which he has his lien still, under Art. 210 C.S.R., as explained in para 14 above.

(4) Payment of the full salary and other allowances of the appointment of Sub Assistant Inspector of Schools, Aruppukottai Range, from which he was suspended, under Art. 193 (b) (i) C.S.R., from the date of his suspension, to the date of his re-instatement, as if he had continued to hold the appointment, without being suspended, as defined in that Article. This period is treated as duty in Fundamental Rule 54 (a), which is only a reproduction of Art. 193 (b) (i) C.S.R. (Vide Memorandum attached to the Fundamental Rules, notified in G.O. 150, Fort St. George, ~~Salem~~ dated 6-12-21). The petitioner had long ago elected to be governed by the Fundamental Rules.

18. The petitioner further begs to state that he is entitled to the redress enumerated in the previous para, for the reasons stated in this petition, supported by the Rulings contained in the Civil Service Regulations quoted above, and requests that, in the event they are not awarded, a regular enquiry may be held into his case, by an officer not employed in the Educational Department, for the reason that the Director has been highly prejudiced against the petitioner, ever since he suspended ^{him} from duty, or preferably a trial in a Court of Law, as

47 (62) 199

laid down in Rule XIV, of the Rules issued by the Rt. Hon'ble, The Secretary of State for India, under Section 96 B (2) of Government of India Act, to vindicate his conduct and to entitle him to the redress claimed in para 17 above, as no enquiry in any form was held, ever since the petitioner was placed under suspension.

19. That the Director is highly prejudiced against the petitioner is borne out by documentary evidences which the petitioner is prepared to produce in the enquiry, if held into his case, under Rule XIV of the Rules under the Government of India Act quoted above. However, he begs to point out some of the evidences of the latest date:--

I (a) His orders passed in Proceedings No. R.C. 3665/C/24 dated 30-7-25 (Encl. II), limiting his furlough allowance to Rs. 15/- per mensem when ^{His} Excellency was pleased to order in G.O. 1052 Mis. C. Law, Education dated 20-6-25 for the payment of "Half average salary" (Rs. 37½), which is also admissible under the very Art. 340 (b) C.S.R., quoted by the Director, in support of his orders, as explained in para 8 above.

(b) His granting furlough for 30 days against Art. 260 C.S.R., when privilege leave was still due to the petitioner, on medical certificate furnished by the District Medical Officer, Salem, which was dishonoured then and now after 6 years, is honoured by him, as explained in para 8 above.

(c) His depriving the petitioner of ^{the} lien on his officiating appointment by the grant of furlough, against the Rulings contained in the C.S.R. and by his strange interpretation not found in the C.S.R., or in the Madras Supplement thereto, as explained in para 10 above.

II. His repudiation of the petitioner's claims for promotion to the cadre of Sub Assistant Inspectors (now Deputy Inspectors) ^{for the past more than 6 years} ever since he ordered the petitioner's reversion

to his permanent appointment as Supervisor, in spite of his long and good service of 26 years in the department of which he had been for more than 19 years as Inspecting officer and of his full qualifications for appointment in that cadre and of the recommendations of his controlling officers for promotions to that cadre, when hundreds of persons, his juniors and colleagues, inferior to the petitioner in qualifications and service, are being confirmed and awarded gradual and regular promotions in that cadre, which is evident from a perusal of the quarterly list of officers of the department.

20. The petitioner finally prays that His Excellency will be graciously pleased to consider the representations made in this petition and award to him the specific reliefs enumerated in para 17 above; and in the event they are not awarded, the petitioner most humbly requests that a regular enquiry into his case or a trial in a Court of Law may be held, as required in Rule XIV, of the Rules issued by the Right Hon'ble The Secretary of State for India under Sec. 96 B (2) of Govt. of India Act,

to vindicate ^{his} ~~his~~ conduct and to entitle him to the redress
prayed for.

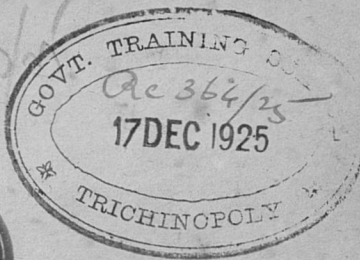
For which act of sympathy, kindness and justice, the
petitioner shall, as in duty bound, ever pray.

Trichinopoly, }
17 Dec., 1925.

M. K. M. M. M.
Assistant, Govt. Training School,
Trichinopoly.
Petitioner.

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26 JAN 1926

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Submitted to the Director
Public Instruction Madras

N. K. K. K.
N. K. K.

District Educational Officer
Trichinopoly

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READ AGAIN G.O. No. 192, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH FITTO.

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

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