

Law (Education) (1926) Department.

6rd. SERIES.

G.O. No. 451

DATED 26.3.26

[Despatch Abstract.]

Shankunni - W.R.Ry. P.

Directed to produce a certificate
of fitness to return to duty from
the District medical officer

BACK PAPERS.

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

FURTHER PAPERS.

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

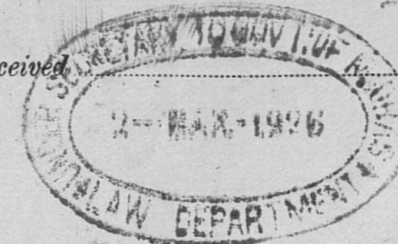
CF. 30

LAW (EDUCATION)

DEPARTMENT.

Handwritten: L.E. 768A
2.3.1926

Received



192

Registered

2.3.1926

Subject.

M.R.Ry. P. Shankunni Avargal, Offg. Vice-Principal,
Teachers' College, Saidapet -- Addressing Government regarding
the leave applied for by ----.

ENCLOSURES.

No.

Ref on Cur No. 75 C/26.

Spare copies

Station M a d r a s Dated the 1st March 1926

From (Name) R. Littlehailes Esquire, M.A.,

(Designation) Director of Public Instruction.

To The Secretary to the Government of Madras

Department.

Sir,

Handwritten: H-20480

Handwritten: (H) 271
19226

In continuation of my letter C. No. 75 C/26, dated
18th January 1926, I have the honour to state that M.R.Ry. P.
Shankunni Avargal submitted the enclosed application for leave on
half average salary for one month from 15th January 1926. As the
Principal, Teachers' College, Saidapet, reported that
Mr. Shankunni gave him the impression of being very ill and that
he might need more leave and as he, an officer in the vacation
department, frequently took leave just at important parts of the
year (once in 1923 and again in 1924 on account of ill health), I
considered that he should appear before a Medical Board with a view

Handwritten: vide 805

Handwritten: R 167 L.E.
(B) 14.3.23

Handwritten: R 85 L.D.
(C) 21.2.24

2

to ascertaining definitely the state of his health and the exact period of leave he would require. I therefore requested the Principal to obtain and submit a statement of Mr. Shankunni's case from his medical attendant for transmission to the Surgeon-General. Mr. Shankunni thereupon submitted a certificate from his Medical Attendant who recommended him leave for a month and a half from 15th January 1926. This certificate was forwarded to the Surgeon-General with the request to form a Board for examining Mr. Shankunni. The Surgeon-General thereupon informed me that the Board would be formed on receipt of the statement of the officer's case in the form sent by him. Mr. Shankunni now refuses to submit this statement of his case and contends that there is no rule under which he can be compelled to appear before a Medical Board as he has applied only for leave on half average pay. Under Fundamental Rule 67, no officer can claim leave as a matter of right. I am therefore of opinion that when an officer applies for leave for reasons of health, whether the leave be on full average pay or on half average pay, the sanctioning authority may require him to produce a medical certificate from a Medical Board in support of his application. In the case of Mr. Shankunni, this is all the more necessary in order that the nature of the complaint that necessitated his applying for leave frequently and the exact period for which leave is required in order to ensure that he may be fit for duty for a continued period ^{might be definitely ascertained.}. I therefore request that Government may be pleased to issue orders requiring Mr. Shankunni to appear before a Medical Board.

2. I have instructed the Principal that Mr. Shankunni should not return to duty till the question of his leave is settled.

3. I also request sanction for the continuance of the temporary post on Rs. 125/- per mensem created in G.O. No. Mis. 271, Law (Education), dated 19th February 1926 till Mr. Shankunni returns to duty or up to the 5th April 1926, the

3

(3)

date of closure of the college for the summer vacation, whichever is earlier.

I have the honour to be,
Sir,
Your most obedient servant,
A Rama Ray
1/3/26
for Director of Public Instruction.

4
P. Shankunny, M.A., L.T.,
Ag. Vice Principal,
Teachers' College.

Saidapet,
16th January 1926.

To
The Director of Public Instruction,
Madras.

Thro'
The Accountant General,
Madras.

Thro'
The Principal,
Teachers' College,
Saidapet.

Sir,

I had casual leave on account of fever on Friday,
15-1-1926. I am unable to attend work next Monday and
I am advised to take rest for a month. I request, there-
fore, that I may be granted leave on half average salary for
one month from 15-1-1926 under Fundamental Rule 82.

I beg to remain,

Sir,

Your most obedient servant,

P. Shankunny
16.1.26
Ag. Vice Principal.

Copy submitted to the Director of Public Instruction, Madras
through the Principal, Teachers' College, Saidapet.

W.R. 24/26
16-1-26.

Submitted & recommended. A copy has been sent
thro' the Accountant General.

Review.

16/1/26

Principal,
Teachers' College Saidapet.

C.No.768A. From the D.P.I., R.O.C.No.750.26 dd.1.3.26.

Subject : - Leave to M.R.Ry. P.Shankunni Avargal, Vice-Principal, Teachers' College, Saidapet.

M.R.Ry.P.Shankunni requests that he may be granted leave on half average pay for ~~one~~ ^{and a half} month from 15-1-1926 on grounds of ill-health. The D.P.I. considers that, in view of Mr. Shankunni's frequent ~~absence~~ ^{absence from duty}, he should appear before a medical board with a view to ascertain definitely the state of his health and the period of leave he would require. Mr.Shankunni, however, states that, as he has applied for leave only on half average pay, he need not appear before a medical board. As pointed out by the D.P.I., under rule 67 of the Fundamental rules, no officer can claim leave as a matter of right. Under rule 71 of the Fundamental rules "a local Government may require a similar ^(medical) certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate." For orders whether Mr.Shankunni ~~should~~ ^{may be directed to} appear before ~~the~~ ^{a medical board}. If, however, the A.G.is to be consulted, the draft endorsement below is for approval.

(prior to return to duty)

3ms
8326
MS
4-13-26

It appears better to have the A.G.'s opinion also. The case seems clear. ~~However~~ and the Govt. have inherent right to subject any officer to examination medical.

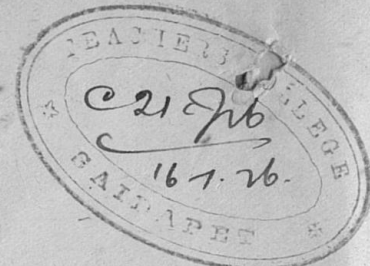
4.3.26

Law E In no. 768 A 1

5.3.26.

Will the Acc't Gen. be so good as to advise?

V.TK
6-3



Office of the Accountant General,
Madras,
Fort St. George, the 10th March 1926.

Government undoubtedly possess an inherent right to require an officer to go before a medical Officer or Board when any question of the officer's health is involved. The leave in the present case was undoubtedly ~~ungranted~~ ^{claimed and granted} on medical grounds and although the officer was prepared to take leave on half average pay while leave on full pay was due, Government could still insist on his going before a Medical Board to declare exactly the state of his health, the full period of leave which he would require to put ~~up~~ him straight or to declare that he was unfit for further service.

The leave originally recommended and due has now expired and the Local Government may explicitly under Fundamental Rule 71 require ~~the~~ a medical certificate of fitness before the man is allowed to return to duty. In insisting on this medical certificate, Government may get the required information from the Medical Officer.

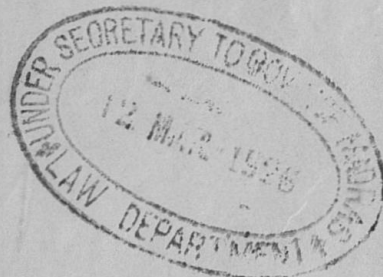
Accountant General.

To The Secretary to the Government of Madras,
Law (Education) Department. U.O.

Law (Edn) Dept

For orders whether Mr Shankunni should be asked to appear before a medical Board. The A.G. states that the Govt. have power to issue such a direction.
2. Attention is however solicited to note 2 under rule 71 of the Fundamental Rules which provides that "if the Government

UO 824



Law Edn 1012A

12-3-26

29 of 80. 744
6.11.22

Certificate of fitness to
return to duty

Government ^{on leave} is a ⁶ ~~gareta~~ officer. Such certificate should be signed by a Commissioned medical officer or a medical officer in charge of a Civil Station. This does not prevent the Govt. from asking an ex-¹ by the Board if it so likes.

Sms.
16326

NH
1612/26

16/3

Please ascertain whether Mr Shankunni has now returned to duty.

V.T.K.
16.3

Please see S.P.D.'s telephonic message at

(2) Mr Shankunni has not yet joined duty. He is not allowed to rejoin until the question of his leave is settled.

Sms.
17326

NH
1713/26

17.3.26

I do not think it is necessary to insist on examination by a med^l board. The leave applied for is short. Mr Shankunni may rejoin if he produces a med^l certificate from a ~~Commissioner~~ the D.M.O.

V.T.K.
18.3

M2

H.E.

18/3/26

20.11.26

and it will take time to get a Board to examine & in the meantime Mr Shankunni will lose in pay

Two

A draft orders are submitted. The order relating
 to the continuance of the temporary post may be sent to
 Mr. Finance for acceptance. 24/3
 23.3.26
 24/3
 VTK
 25/3
 Issue the first
 & then send the
 to Fin
 file
 r des
 (Edw)

* Issued as 90-451 (Law
(Education)) 26-3-28

Law (Ed), no 768 A-2
30-3-26

Fin

Frane (E.T)

The draft order may be accepted
(The existing sanction for the temporary post expired
one
31-12-26 on 28-2-26)

31/3/26

Law

May come

NG
31/31

$$\frac{a}{1/4}$$


10960

finance
no 109800 = T/F
31.3.26.

h. Lu 1346A
31/3/26

Sectt. II-5 (a) - 28,703-6-12-24. (6)

	Date.	Initials.
When received for Fair-copying.		
When copied	26/3	SM
When examined		
When signed	26/3	W2
When despatched		

(Law/Education)

DEPARTMENT.

Thank you, Mary P.

Directed to produce a Certificate of fitness & return to duty from the Jt. Medical Officer.

READ AGAIN G.O. No....., dated.....192

" " " " "192

READ ALSO:—

C. No. 768A From the S. O. J. Roe, No. 70926 dated 1. 3. 1926

” ” ” ” ” ” ” 192

” ” ” ” ” ” 192

ORDER.

No. 457, dated 26. 3. 1926

Mis.

Docket

DESPATCHED
26 MAR 1926

The Director of Public
Instruction
(900)

with reference to ~~the~~ ~~rule~~ ~~71~~
rule 71 of the Fundamental
Rules, Mr R. P. Shankumani
should be required to produce
a certificate of fitness &
return to duty from the
District Medical Officer. On

Sh's.
22/2/66 production of Paul a carb-
-ficate, he may be permitted

to resign his appointment, as
aq. Vice-Principal, Teachers' College,
Sandapet

$$\frac{N_1}{281216}$$

ca
15/3

V.TK
2572



When given for copying—
 When copied—
 When examined—
 When signed—

192

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 DITTO.

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

N.B.—

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