

Educational (190 4) Department.

ORDINARY MS.

G.O., No. 539

DATED 1. 9. 04

[Despatch Abstract.]

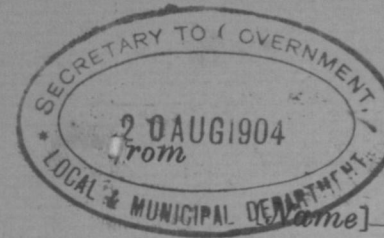
Petition

Supra *James Muhammad, late Missionary*
in the Capital mentioning death of the Lohor
of which that his request for the grant
of compensation pension is inadmissible

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

FURTHER PAPERS.

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



CURRENT No. 1487

The Hon'ble Mr. A.G. Bourne, D.Sc., F.R.S.,

[Designation] Director of Public Instruction,

[Station] Madras.

Ref No. Cur No. 6047 of 04

Dated 18th August 1904

Enclosures one

Received 1904

Registered 20-8 1904

with SUBJECT.
Submitting/remarks a petition from Jamal Muhammad, late
maistry in the carpet weaving department of the School of Arts,
Madras.

BACK PAPERS.

60479-1-63
7998-8-12-02

FURTHER PAPERS.

To

The Secretary to Government,
Educational Department.

Sir,

With reference to the enclosed petition from Jamal Muhammad, late maistry in the carpet weaving department of the School of Arts, I have the honour to submit the following remarks:-

(i) The petitioner did not hold a substantive appointment but he had only been employed sub pro tem on the permanent establishment of the school. His contention that he should have been given three months' notice of discharge and a pension or gratuity does not therefore hold good in his case.

(ii) Jamal Muhammad was not discharged solely because he did not perform his duties in a satisfactory manner. Mr. Chatterton reported that the carpet weaving department - which was a small one - did not require a maistry on Rs 40/ per mensem and he therefore proposed to dispense with the services of Jamal Muhammad, who had, moreover, been found to have become careless and indifferent. Copies of Mr. Chatterton's letters on the subject are enclosed.

"I have the honour to request that you will sanction dispensing with the services of Jamal Muhammad the maistry of the carpet weaving department. He is paid Rs 40/ per month and has been ten years in the school. The department is a small one and does not require two maistries one on Rs 40/ and the second on Rs 20/. Jamal Muhammad is a careless fellow and though a good carpet weaver takes about his work. I have frequently warned

As his example is a bad one for both workmen and apprentices we should get on much better without him."

"In reply to your Ref on Cur No. 4166 of dated the 24th July 1903 I have the honour to submit the following statement in support of my recommendation that the services of the maistry of the carpet weaving department should be dispensed with. Mr. Jamal Muhammad has been attached to the carpet weaving department for a considerable number of years and last year when I commenced making enquiries into the method adopted in the School of Arts for carrying on the carpet weaving business I was thwarted in every possible way by Mr. Jamal Muhammad and I had great difficulty in arriving at the correct facts. The purchases of wool and dyeing materials were controlled by Mr. Jamal Muhammad and the rates which he charged the school were from 50 to 100 per cent in excess of the true rates. Most of the wool used in the school comes from Ellore where Mr. Jamal Muhammad has strong family connections and through his influence the school was always charged Rs 12/ a maund for wool which I am now procuring for from Rs 7/8 to Rs 9/. Similarly with dyeing materials. Most of them were bought from Ellore and the school was charged exorbitant rates. I have no doubt whatever that Mr. Jamal Muhammad has, for many years past, been making a very considerable profit out of the purchase of materials for the School of Arts. For the last 18 months he has had nothing to do with the purchase of materials for the department; and in consequence he has taken no interest in his work and has exerted his influence on every occasion possible, to upset arrangements which I have made. I should have brought these facts to your notice much sooner, but, as the abolition of the carpet weaving department was then under consideration I thought it hardly worth while to do so. Mr. Jamal Muhammad is not a member of the permanent establishment, he was appointed sub pro tem and has never been confirmed.

X

X

X

X

I have the honour to

S i r,

Your most obedient servant,

S. Sadrudin
For Director of Public Instruction.

S.P.
17-8-02

The humble petition of Jemal Mahomed, late carpet maistry School of Arts, most respectfully sheweth. 5

That he was entertained as a carpet maistry on a salary of Rs. 40 permensem on the 19th January 1893. That prior to that he had been holding office as maistry continuously for a period of about 5 years in the temporary establishment.

That his services were dispensed with on the 17th November last, i.e., after a period of service extending to 15 years of which 10 years and 10 months were as mainstry in the permanent branch and 5 years in the temporary branch.

That petitioner has thus been suddenly thrown out of employment, for what reasons he is not fully aware. In order to enable him to understand them and to make adequate and proper representation to your Excellency in Council, he applied for copies of the connected papers, but no copies were furnished to him. He however, gathers from a communication from Mr. Chatterton that the reasons for dispensing with his services were

1. "The carpet weaving department of the school being a small one, the services of two maistries on Rs. 40 and Rs. 20 respectively are not required."

2. "The undersigned considered that Jemal Mahomed did not perform in a satisfactory manner, the duties for which he was paid and a report to that effect was ~~complexed~~ submitted to the Director of Public & Instruction".

With regard to the first, petitioner begs to point out that there has not been any recent diminution in the scope of this work, but this is an administrative ^{matter} ~~manner~~ in which it will be impertinent on the part of the petitioner to offer an opinion ~~or~~ or controvert the conclusions arrived at by the officer in charge and the Director of Public Instruction.

With regard to the allegation that petitioner did not perform his duties in a satisfactory manner, petitioner is not aware in what respect his work was found unsatisfactory. He was not asked for an

the Director's report having been made behind his back. Mr. Chatterton says in his memorandum to petitioner that he considered petitioner did not perform his duties in a satisfactory manner. But petitioner has worked under Messrs Howell Holder and Portfield, all of whom considered his work satisfactory. Under Mr. Chatterton himself he has worked for a period of 2 years. He ~~won~~ won a certificate of merit at the Empire of India Exhibition in London in 1893. At the Delhi Exhibition the school of Arts won gold medal for carpet weaving which was done under Petitioner's direction and supervision, all of whom go to disprove the petitioner's alleged incompetency. The fact that it took Mr. Chatterton two years to find out that petitioner was incompetent, renders the allegation somewhat pointless and supports the presumption that his services were dispensed with for the purpose of giving effect to certain ~~reorganization~~ reorganization proposals which had been decided upon. Petitioner has no justification for protesting against schemes which his superiors proposed and the authorities sanctioned. But he has been really aggrieved by the short shrift made of his long service for no fault of his.

No misconduct having been alleged against him, the abolition of his post being sanctioned in the exigencies and benefit of administration, petitioner submits that he is entitled to some consideration at the hands of Government. He has spent the prime of his life in its service; he has been nurturing the hope that he would serve the full period and retire on pension; he has not in consequence laid by anything for a rainy day the ordering dispensing with his services has therefore been one ordering his ruin for life. If petitioner had voluntarily or compulsorily been retired he would have been entitled to a small pension for life. In the peculiar circumstances of the present case, especially as petitioner has not been guilty of any misconduct, and as his services extending over 10 years and 10 months in permanent appointment were dispensed with for public convenience, he is entitled to claim some better consideration than is usually meted out to employers in private service-the payment of

of month's salary in lieu of notice, which was exacted in petitioner's case. Even this petitioner submits was not in conformity with the distinct provisions of the Civil Service Regulation which provide that three months previous notice should be given before dispensing with the service of a public servant. The Civil Service Regulations further provide in a manner imperatively, that where owing to reduction of establishment a public servant has been thrown out of employment, or his services dispensed with, he must unless he is provided for with a suitable employment elsewhere be granted a pension. Petitioner has not been provided with any employment after he has been thrown out of office, and is thus entitled to claim compensation pension under the provisions of the Code mentioned above. S (426) 1893 and continued as without being

In view of the various circumstances and considerations set forth above petitioner begs that you may be pleased to direct the payment to petitioner of the pension to which he is eligible under the pension rules in force and redress a legitimate grievance. For which act of justice petitioner shall as in duty bound

that the defect being a small one did not ever pray.

352
I beg to
Your obedient Servant
Jamal Mohamed
Goolam Murkaza Shah
Supari Gunda
Mount Road
Madras

SUBJECT.

Petition from Jamal Muhammad, late Maistry,
Carpet weaving department of the School of Arts.

Jamal Muhammad - age 42 on 1st January 1903 - was Maistry, Carpet weaving department, in the permanent section of the establishment of the School of Arts on a salary of Rs 40 per mensem. He was appointed to act sub pro tem on the 9th January 1893 and continued so without being confirmed till the middle of November last.

2. Mr. Chatterton made a representation to the Director last year that Jamal Muhammad, there were two maistries, one on Rs 40 & the other on Rs 20, in the carpet weaving department, that the department being a small one did not require the services of two maistries, that Jamal Muhammad was careless & indifferent in his work ^{if not actually} ~~being~~ useless & obstructive, and that he was dishonest in purchasing materials for the school. He therefore requested permission to dispense with his services and in accordance with such permission removed him from office about the middle of November 1902.

3. Jamal Muhammad now complains that he was suddenly thrown out of employment without sufficient notice and prays that he may be given the compensation pension to which he is eligible under the C.P.R. Act.

4. It is submitted that for the payment of such a pension (1) Jamal Muhammad should have ^{been} ~~held~~ permanently.

* Page 4 of C.O. no 6987 dated
d. 27-10-03. A.

+ Page 45 of the list of officers
in the C.P.R. department corrected
upto 1st January 1903.

for 10 years?

- Mr. Super-

vision in S.D.

Ext.

no doubt on a permanent establishment - but he did not hold a substantive appointment in it, having been sub pro tem all along as already stated.

(2) His appointment must be abolished - vide article 42b of the C.S.R. In the present case the appointment may have been left vacant but it has not yet been abolished; accordingly the required sanction has not yet been given for its abolition.

5. The fact is that Jamal Muhammad was not thrown out on the reduction of establishment but that his services were dispensed with. If he were a permanent servant of Govt. charges should have been framed against him, his explanation taken, but he was not such a servant. He was only a sub-pro tem & the Director has simply refused to confirm him or keep him on for any longer period. The reason assigned that a majority on Rs 40 was not wanted was perhaps only a pretext.

6. It would perhaps have been well if the man was informed in plain terms why his services were no longer required but under the circumstances it is submitted that there is no case for the interference of Govt. and that the draft placed before may issue.

27/8/4

For Is Chatterji remarks entered on page 3 of the current file. Talal Lalani and Wanda of the (sufficiently) have feathered his own nest.

conduct might have called for inquiry and endowments. He is certainly not entitled to any exceptional treatment.

4M.

3/1/8

30802

C. No. 1487, From the 299, No. 6047, dated 18 - 8 - 1904.

No. 539, dated 1-9-1904

min

The petitioner will be informed that his request is inadmissible.

27/8/4

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 $\frac{121}{30500}$

To Mr. J. P. Morgan

Depd
571076

READ AGAIN G.O., No.
190

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITO.

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

N.B.—

- A = Copy in full.
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