Close

Sectt. II-27—50,006—23-11-42.

Education and Public Health **(194 5) Department.**

Ms. **SERIES.**

V2

G.O. No. 210-Edn.;

Dated the 9th February 1945.

Condn on M, 62-63 CF

[Despatch Abstract.]

Schools - Secondary - Municipal High School, Gudiyattam - Appointment to the L.T. grade of Sri A. Ulaganathan - Cancellation of previous orders - Refused.

Back papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ew	19[illegible]	Edn Pg	27.1.37				
"	1496	" Pg	28.6.38				
"	187	" "	3.2.42				
"	803	" "	30.5.42				
"	1421	Edn m.	31.x.40				
"	1175	Edn Ms	8.8.44.				
"	1886	Edn Pr.	18.12.44				

Further papers.

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

Gudiyatham,
15th May 1944.

Ar 3023

2

OFFICE, GUDIYATTAM.
1944

From

Sri T.S. Malayappan, B.A., L.T.,
Assistant, Municipal High School,
Gudiyatham.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS.

Through The Proper Channel.

Respected Sir,

Subject: Gudiyatham Municipal High School - Establishment - Mathematics L.T. Vacancy - Denied - Appeal allowed by the Director of Public Instruction - but cancelled by Government - reconsideration - prayed for.

I was appointed in the Municipal High School, Gudiyatham in a Secondary Grade vacancy on 3-7-1939 and from that date, I have put in a continuous and satisfactory service till now without any break whatsoever. I was confirmed as a Secondary Grade Assistant with effect from 1-3-1943. I have been teaching higher forms from 13 to 22 periods a week since 1939. All along I was hoping that whenever a vacancy in the L.T. Grade occurred I would be preferred to that vacancy. But when actually a Mathematics Vacancy occurred in 1942 and when I was handling 17 periods in the higher forms in that year--(the subjects handled being Mathematics, English, Tamil Translation and Moral Instruction), my claims were superseded and Sri Ulaganathan B.A., L.T., was appointed in the L.T. Grade. Then I put in a petition to the Director of Public Instruction, Madras, on 20-8-1942 praying that I must be appointed to the L.T. Grade. Then the Director of Public Instruction was - - pleased to recognise my right and in R.O.C.No.A2-2877/43 -

Roc.No.A2-2877/43 dated 29-5-1943 of the Commissioner, Gudiyatham Municipality, I was appointed to act as an L.T. Assistant ousting Sri Ulaganathan. This order was received during the summer recess of the school and when the school was re-opened after vacation, there was no necessity for the appointment of an L.T. hand as the strength in the School had fallen and so the Municipality had terminated my services on 16th June 1943 in R.O.C.No.A2-3132/43. In short, the Order of the Director of Public Instruction had not been given effect to, though the Director of Public Instruction had recognised my claims and passed a considerate order.

A

pages 37-38 of
G.O.M.R. 1421 Edn
23-10-43 (S)

2 The said Sri Ulaganathan ~~xxxxx~~ has been working as a Secondary Grade Assistant from 9-7-1943 and on 3-11-43, I received an order from the Commissioner, Municipal Council, Gudiyatham quoting a Government Order saying that I cannot claim an appointment in the L.T. Grade and the decision of the Appointment Committee of the Municipality was confirmed.

H.M.S

3 Sri Ulaganathan was first in School as a Secondary Grade Assistant from 24-11-41 to 22-12-41 and then in August 42 he was appointed to the L.T. Grade when I put in my petition to the Director of Public Instruction saying that I ought to have been preferred. Then as per the order Dis.No.2287/43 dated 26-5-43 of the Director of Public Instruction the said Sri Ulaganathan was ousted on 2-6-43. From 2-6-43 to 9-7-43 he was to my knowledge employed nowhere and from 9-7-43 he has been working as a Secondary Grade Assistant.

August 1942

4 At the time when Sri Ulaganathan was appointed to the L.T. Grade, I had put in more than three years' continuous service in the School whereas Sri Ulaganathan had served only for a period of 29 days in the year 1941. In G.O. No.187 (Education) dated 3-2-42, which was confirmed in G.O.No.803 (Education) dated 30-5-42, it is said that promotion should be made only from teachers who are ~~mkgx~~ either permanent or have satisfactorily completed their probation as Secondary Grade Teachers. So at that time, I submit [illegible] a greater cl

165

Rc No 70/43
15.5.44.

Submitted to the Municipal Commissioner, Gudiyattam.

My remarks on the first appeal and other connected papers may be found in the office file.

I have nothing to add to what has already been endorsed by me.

Natesan
15.5.44.

Head master.
Head-Master,
Municipal High School,
Gudiyattam.

Gudiyattam,
20-5-1944.

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Ac 200

MUNICIPAL OFFICE, GUDIYATTAM.
-- MAY

From
Sri.T.S.Malayappan B.A., L.T.,
Assistant, Municipal High School,
Gudiyattam.

To
The Secretary to Government,
Education and Public Health Department,
Fort St.George, Madras.

Through the Head Master, Municipal High School, Gudiyattam,
Through the Commissioner, Municipal Council, Gudiyattam,

Sir,

Subject: Establishment Municipal High School, Gudiyattam-
Appointment of L.T. assistant--Reconsideration of G.O,
No.MS.1421 Edn. dated 23.10.43.

pp 1-5 [illegible]

pp 37-38 4 (S)

In continuation of my petition dated 15.5.44, I beg
to place the following facts which will show in one view the
extent of injustice done to me by the orders in G.O. No.MS.1421
Edn. dated 23.1043.

2 I am a permanent secondary grade assistant and I
have put in a continuous and satisfactory service of five years.
A subject vacancy arose in the L.T. grade during 1942-1943 and
the appointment committee selected Sri. Ulaganathan to the post
disagreeing with the recommendation of the District Educational
Officer in my favour. I preferred an appeal to the Director of
Public Instruction, Madras on 20.8.1942 and he was pleased to
issue orders in his Dis.No.2287/43 dated 26.5.1943 allowing my
appeal and directing the commissioner to appoint me in the L.T.
grade. Apparently on a representation made by the chairman,
the Government had cancelled the orders of the Director of
Public Instruction passed in my favour.

(g)

3 Sri. Ulaganathan was appointed as a secondary grade
assistant on 24.11.41 and he held that post till 22.12.41 when
he was discharged for want of a vacancy. Under the establish-
ment rules as ammended, Sri.Ulaganathan having become a probation-
er in the secondary grade has only a right for re-appointment
to that grade in future vacancies. His appointment to the L.T.
grade in 1942-43, when there was a vacancy in the secondary
grade, was, I submit illegal under the rules and made with the
object of giving him an advantage over me. While Sri.Ulaga-
nathan was only a probationer in the secondary grade in 1942-43,
I had become an approved probationer. Under G.O.No.187 Edn.
dated 3.2.42 Sri.Ulaganathan's promotion to the L.T. grade in
supersession of my claims was also irregular as he had not put
in the required period of two years in the secondary grade,
unlike me.

HM's endt in p6 a

(G)

4 The Government will be pleased to observe from the
above that the appointment of Sri.Ulaganathan to the L.T. grade
cannot be treated as direct recruitment but only a promotion
and as his case is one of promotion my preferential claims for
promotion ought to have been upheld by the appointment committee
in filling up the mathematics vacancy in 1942-43. It should
have been in view of these facts that I was selected for promo-
tion to the L.T. vacancy and that the Director of Public Instruc-
tion had allowed my appeal cancelling the promotion of Sri.Ula-
ganathan in his Dis.No.2287/43 dated 26.5.43.

(Y)

5 In the circumstances explained above, I request
that the Government may be pleased to call for all the connected
records and to suitably modify their orders in G.O.No.MS.1421
Edn. dated 23.10.43 upholding my preferential claim for promo-
tion to the L.T. vacancy and declaring that Sri.Ulaganathan
being a probationer in the secondary grade in virtue of his
appointment in 1941 cannot be directly appointed to the L.T.
grade under the existing rules and orders of Government. I
beg to add that the action of the appointing authority in having
appointed Sri.Ulaganathan as a secondary grade assistant from
9.7.43 will show that he has only been considered as a promotee

pages 37-38 c (S)

P.T.O.

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(T)

promotee for purposes of re-employment under the rules in G.O.No.1496 Edn. of 1938 and that it was not the intention of the council to treat him as a direct recruit.

I beg to remain
Sir,
Your most obedient servant,
T.S. Malayappan
20. 5. 1944.

Copy submitted direct to the Secretary to Government, Education and Public Health Department, Madras.

Rc. 70/43.

Submitted to the Municipal Commissioner, Gudiyattam in continuation of my R.c 70/43 dated 15-5-44.

The dates of appointment of Sri. A. Ulaganathan as a secondary grade assistant in this High School, have been verified and found to be correct.

A. Krishnan
20-5-44
Second Assistant incharge
for Head-master,
Municipal High School,
Gudiyattam.

B

6

ASST. SECRETARY TO GOVERNMENT
10 JUN 1944
EDUCATION AND PUBLIC HEALTH DEPT.

30240

From
Sri M.V. Duraisamy Mudaliar,
Chairman, Municipal Council,
Gudiyatham.

To
The Secretary to Government,
Education and Public Health Department,
Madras.

Please see the CMC's further letter on p 30 infra

Sir,

Subject:-- ESTABLISHMENT - Municipal High School, Gudiyatham - Appointment of L.T. - Assistant - Petitions of Sri T.S. Malayappan for reconsidering G.O.No. 1421 Education dated 23-10-1943.

(5)

I desire to place before the Government the following as regards Sri T.S. Malayappan's revision petition:--

(1) Sri A. Ulaganathan's appointment to the L.T. cadre was not at all a case of direct recruitment; but only a case of promotion from the Secondary Grade Cadre.

(2) Sri A. Ulaganathan's appointment as Secondary Grade Assistant in 1941 and his subsequent appointment as Secondary Grade Assistant from 9-7-1943 when there was no L.T. chance to him, will clearly show to Government that the appointment of Sri A.Ulaganathan to the L.T. cadre must be construed only as a case of promotion.

(3) The fact that Sri A. Ulaganathan, B.A., L.T., had worked as a Secondary Grade Assistant in this High School had not been brought to the notice of Government by the ex-Chairman deliberately with a view to keep the Government under the impression that Sri A. Ulaganathan's appointment to the L.T. Cadre was one of direct recruitment.

Sri M.A.V. Doraiswamy Mudaliar

(4) Both Sri T.S.Malayappan and Sri A. Ulaganathan were simultaneously in service as Secondary Grade Assistants in this High School, before the appointment in question was made.

In view of these, I request the Government may be pleased to reconsider the petitions submitted for redress and to pass final orders in the matter.

Gudiyatham,
Dated the 7th June 1944.

M.V. Doraiswami
CHAIRMAN. 7.6.44

(K)

P

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on 9-7-1943 is not available as it has been submitted to the Inspector of Local Boards and Municipal Councils.

2/ 10 4/17/6 17/6

Please see the letter from the C.M.C. Gudiyattam overleaf. The petitions from Sri T.S. Malayappan have not been received from the Commissioner with his remarks. The following Memo. is for appl:-

C No. 30240, from the CMC. Gudiyattam d/ 7-6-44

Memo: No. 30240 B/44-1 Edn., d/ 16-6-1944

Petition - Sri T.S. Malayappan - asst. teacher - Reconsideration of previous orders

The Commr. of the Gudiyattam Municipality is requested to forward at an early date the ~~petitions~~ petitions of Sri T.S. Malayappan on the subject cited above with his remarks.

16.6.44

6/13/6

T.P. 13.6.44

To the Commr. Gudiyattam
Nly thro the CMC

17/6

13

B 7 11

O.F. 32

LOCAL ADMINISTRATION Department

From (Name) SRI K. VENKATANARAYANA AYYANGAR, B.A.B.L.,

Designation COMMISSIONER, MUNICIPAL COUNCIL,

Station GUDIYATTAM.

Received Registered

To
The Secretary to Government,
Education and Public Health
Department, Madras.

Through
The Chairman, Municipal council,
Gudiyattam.

Roc. A2. No. 3023/44 dated 29th May 1944.

Enclosures:
Two petitions
(four sheets)

ASST. SECRETARY TO GOVERNMENT
19 JUN 1944
EDUCATION AND PUBLIC HEALTH DEPT.

32081

Sir,

Sub:- Malayappan (Sri) T.S. - Assistant, Municipal high school, Gudiyattam - Appointment in the L.T. vacancy - Reconsideration of the order - Petitions - submitted.

-0-000-0-

The petitions submitted by the petitioner requesting to reconsider the orders passed by the Government in their order No. Ms. 1421 Edn., dated 23-10-1943 are submitted herewith for favour of necessary orders.

pages 37-38 of f (S)

2/ In pursuance of the proceedings of the Director of Public Instruction, Madras Dis. No. 2287/43 dated 26-5-1943 the petitioner was appointed in the L.T. grade ousting - Sri A. Ulaganathan, B.A.L.T. Subsequently the Chairman placed a note before the Municipal council, Gudiyattam stating that the order of the Director of Public Instruction was a violation of the rules governing the appointment of servants in Municipal establishment and the council passed a resolution accordingly and the same was submitted to the Government for favour of necessary orders along with this office letter A2. 2877/43 dated 24-7-1943. The Government in their order No. Ms. 1421 Edn., dated 23-10-1943 were pleased to agree with the resolution of the council and ordered that Sri T.S. Malayappan could not claim an appointment in the L.T. cadre, and that there was no justification to interfere with the decision of the appointments' committee of the council to appoint Sri A. Ulaganathan as an L.T. assistant. Accordingly orders were issued in this office A2. 2877/43 dated 3-11-1943 appointing Sri A. Ulaganathan as an L.T. assistant in the place of Sri T.S. Malayappan. With reference to the Government order referred to herein the Director of Public Instruction, Madras in his proceedings Rc. No. 463 G/44 dated 27-3-1944 cancelled his original order Dis. No. 2287/43 dated 26-5-1943.

(S) pp 5-6 of

pages 7-10 of f (S)

pages 1-2 of f (S)
" 37-38 of ibid

pages 5-6 of f (S)

I request that the Government may be pleased to pass necessary orders on the enclosed petitions with reference to the facts stated above.

305 th

COMMISSIONER.

DS.30/5.a.

30.5.44

P. t. o.

Educational Officer's letter Rc. 17074/43 dated 25-4-44. The connected file containing the orders appointing him on 9-7-1943 is not available as it has been submitted to the Inspector of Local Boards and Municipal Councils.

K 65 P

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Forwarded.

Remarks have already been submitted.

Sd/ M.V. Doraiswami
Chairman. 15.6.44

48
28/6

DS.

From the Commr. Gudiyattam Mly No 3023/44 dt 25-5-44

Memo. 30240-2 B Edn dt 26/6/44
Schools - Ml. High School. Gudiyattam - ~~ett~~
Petition of Sri T.S. Malayappan

The Commr. has not commented on the points urged in Sri Malayappan's petition, viz that Sri Ulaganathan was a probationer in the category of Sec: grade teachers when he was selected for the L.T. vacancy in 1942 and that he ~~was~~ continued to be looked upon as probationer in the former category when in ~~Aug:~~ July 43 he was posted to a Sec: grade vacancy. It is also not clear ~~what exactly was~~ why was Sri Ulaganathan ~~position after he had been~~ was ousted from ~~the~~ Sec: grade teacher's post in the Gudiyattam High School in Dec: 1941 and what he was doing afterwards. The Commr. is requested to submit a clearer report on the points raised together with the relevant orl: office files bearing on the subject.

E 24.6.44

Wz 27/6

To the Commr. Gudiyattam Mly thro the Chn
Rem 2/8

B

G.F. 32.

In reply, please quote number, date and short title.*

LOCAL ~~ADMINISTRATION~~ DEPARTMENT.

8

Received ________ Registered ________

From (Name) SRI K. VENKATANARAYANA AYYANGAR, B.A.B.L.,
(Designation) COMMISSIONER, MUNICIPAL COUNCIL,
Post Box ________, (Station) GUDIYATTAM.
Telegraphic Address ________

To
The Secretary to Government, Education and Public Health Department, Madras.

Through
The Chairman, Municipal Council, Gudiyattam.

Roc. A2. No. 3023/44, dated 23rd July 1944.

ASST. SECRETARY TO GOVT.
7 AUG
EDUCATION AND PUBLIC HEALTH DEPT.
40192

Enclosures ________

Spare Copies ________

Sir,

Sub:- SCHOOLS - Municipal high school, Gudiyattam - Petition of Sri T.S. Malayappan - Further particulars - Submitted.

p 12

Ref:- Government Memorandum No. 30240-2.B.Edn., dated 26- 6- 1944.

-o-oOo-o-

Sri A. Ulaganathan was first appointed to act as Secondary grade assistant in a leave vacancy on 25-11-1941 and was ousted from service on 21-12-1941 on the rejoining of the permanent incumbent. He thereby acquired probation as a Secondary grade teacher. From 22-12-1941 to 16-8-1942, he was not in the service of this Municipality. It is however understood that in the meantime he was appointed as an assistant in the Hindu high school, Madurantakam (Chingleput District) from where he resigned and joined duty here.

2 On the opening of certain additional sections in the Municipal high school, Gudiyattam, Sri A. Ulaganathan was appointed as L.T. assistant from 17-8-1942. The reason given by the appointment committee for appointing him was that he was a local man and that there was already a resolution of the council to prefer a local man to outsiders. With reference to the proceedings of the Director of Public Instruction, Dis. No. 2287/43 dated 26-5-1943, allowing the appeal of Sri T.S. Malayappan (the petitioner) Sri Ulaganathan was ousted from service with effect from 2-6-1943. These proceedings were modified by the Government in their order No. Ms. 1421 Edn., dated 23-10-1943 and the orders were given effect to in this office proceedings A2. 2877/43 dated 3-11-1943.

3 On 9-7-1943 Sri A. Ulaganathan who had formerly acted as a Secondary grade assistant was once again appointed to act as a Secondary grade teacher to one of the newly opened additional sections and he continued to work as such till 27-4-1944 when he was promoted to the L.T. cadre with reference to Government memorandum No. 44934/43.B.I.Edn., dated 19-1-1944 and District Educational Officer's letter Rc. 17074/43 dated 25-4-44. The connected file containing the orders appointing him on 9-7-1943 is not available as it has been submitted to the Inspector of Local Boards and Municipal Councils.

M 93
M 73
M 79
Y 1
S
37-38
X
K
P

~~on~~ files bearing number
The relevent office/D.Dis. 3052/42 dated 5-11-1942, L.Dis. 8922/41, D.Dis. 2877/43 dated 25-5-1944 and D.Dis. 6094/43 dated 27-4-1944 are submitted herewith for favour of reference and return.

Placed below

24/7/44
COMMISSIONER.

24/7

Forwarded. Remarks will follow. — not recd yet

M.V. Doraiswami.
CHAIRMAN. 30.7.44

24/7

Ed PH (B)

DS.24/7.a.

The remarks of the chairman may be awaited till 15.8.44. ~~If they are not received by this date, further action may be taken~~. The Chairman's previous remarks are on p. 9 ante.

10.8.44

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M.V.Doraisamy Mudaliar,
Chairman,
Municipal Council.

B

ASST. SECRETARY TO GOVERNMENT
11 AUG 1944
EDUCATION AND PUBLIC HEALTH DEPT.

GUDIYATTAM,
31st July 1944.

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George,
M A D R A S.

40848

Sir,

The Chairman desires to forward the petition of Sri T.S. Malayappa Iyer, B.A.,L.T., assistant Municipal High School, Gudiyattam, with the following remarks.

2 Sri T.S.Malayappan was appointed as an assistant in the secondary grade cadre by the Municipal Commissioner who is the appointing authority for that cadre since it carries a maximum of Rs.50/- a month and the Appointments Committee of the Municipal Council has nothing to do with such an appointment. Neither the Municipal Council nor the Appointments Committee is aware of his work in the higher forms as he was not appointed to do so by the Appointments Committee in the L.T. cadre. If it is so, it might have been only an internal arrangement effected by the headmaster. After this petition of Malayappan, on enquiry, I come to understand that he was given some periods of higher form work to him, thereby increasing the burden of the already overworked secondary grade assistants. If an internal arrangement of the headmaster could confer on Malayappan (who was never a probationer in the L.T. cadre) claims for promotion to the L.T.cadre, then there is absolutely no need for an Appointments Committee at all. So the Appointments Committee in August 1942 before appointing Sri A. Ulaganathan B.A.,L.T., an outsider to the L.T. post, considered the claims of Malayappan, in the light of his efficiency to handle higher forms and did not choose to appoint him, as G.O. No.190 Edn. dated 27-1-1937 very clearly states that "assistants who are L.Ts or B.Eds permanent or officiating in the secondary grade cadre should not be promoted to the L.T.cadre merely on the ground of seniority in service.

3 So Malayappan could have no reason to have any grievance against the appointment made by the Appointments Committee to a post to which he has no claims under any of the existing rules; and even those rules are only advisory in character and not obligatory on the Committee. But he thinks that his imaginary claims were overlooked by the Appointments Committee and so he preferred a memorial to the Director of Public Instruction, Madras, as he has no right of appeal under any definite rules.

4 But though the Director of Public Instruction at first favoured him, he in his proceedings RC.No.463G/44 dated 27th March 1944 cancelled his previous proceedings Dis.No.2287/43 dated 26th May 1943 advising for the appointment of T.S. Malayappan in the L.T. cadre ousting Ulaganathan. This cancellation shows that even the Director of Public Instruction has been pleased to accept the view of the Government rightly expressed in their order No.MS.1421 Edn. dated 23-10-1943 that "the Government agree with the Municipal Council, Gudiyattam, that Sri T.S.Malayappan cannot claim an appointment in the L.T.cadre. They further find no justification to interfere with the decision of the Appointments Committee of the Council to appoint Sri A.Ulaganathan as an L.T. assistant", when the Municipal Council represented its grievances to Government on the advice of the Director of Public Instruction to appoint Malayappan ousting Ulaganathan in the L.T. cadre.

5 Malayappan says that Ulaganathan was appointed by the

para 2 on p.7 ante

P.T.O.

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the Committee disagreeing with the recommendation of the ~~Direct~~ District Educational Officer to appoint Malayappan. According to rules the District Educational Officer is only to be consulted on the selection of the candidate. But the District Educational Officer, instead of giving his opinion on it, recommended his own candidate Malayappan, for appointment. Basing on what rules he recommended him, we did not know. But when the Committee disagreed with his recommendation and appointed Ulaganathan, if the District Educational Officer had really thought that the Committee had flouted the rules, he should have pursued the matter further with the Director of Public Instruction. But the records show that he did not do so. But the Committee, according to rules; submitted its note to Government. Hence it may be obvious that the Committee was within rules when it appointed Ulaganathan. Also the Government in issuing their order No.MS.1421 Edn. dated 23-10-1943 have upheld the stand taken up by the Appointments Committee of the Municipal Council. All these are more than enough to show that the Appointment of Ulaganathan in the L.T. cadre was a direct one and not a promotion from the secondary to the L.T. cadre.

rule 1(g) in Item V [illegible] 1496 Edn. 28/4/38 (T)

(H) 165

(S) 37-38 [illegible]

Appt. [illegible] of Ulaganathan

6 But now Malayappan tries to misrepresent facts and to twist the truths to gain an end. This kind of misrepresentation deserves strong condemnation at the hands of the Government itself.

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(C) 9-10

7 A.Ulaganathan B.A.,L.T., was working here in a leave vacancy from 24-11-41 to 22-12-41 and he left this service accepting the permanent Mathematics post in the Hindu High School Madurantakam. When he was appointed as an L.T. assistant in this Municipal High School, he accepted it resigning his permanent post at Madurantakam. Hence it could be clear to Government that Ulaganathan was quite an outsider when he was appointed to the L.T. post in this High School; and this fact is accepted by no less a person than Malayappan himself, as he says in his memorial to the Director of Public Instruction that "......I applied for it in proper time on 28-6-1942. But in spite of it, it has been given away to an outsider......". Further I desire to cite a standing evidence to show that Ulaganathan was not continued to be considered a probationer in the secondary grade cadre, even since he left it in 1941. A couple of days after Ulaganathan was appointed on 24-11-44, one Sri Munisamy Chowdhury was appointed to a secondary grade vacancy with probationary rights. Before Ulaganathan was ousted, he was ousted. But in August 1942 before Ulaganathan was appointed and joined duty in the L.T. cadre, Munisamy Chowdhury was appointed and joined duty as a secondary grade assistant. Hence Ulaganathan was not continued to be considered a probationer in the secondary grade cadre. Further when Ulaganathan was ousted from service on 2-6-1944, if he was continued to be considered a probationer in the secondary grade cadre, he should have been reverted to it, as per rules, ousting Munisamy Chowdhury. But it was not so. Somedays later Munisamy Chowdhury was ousted for want of the continuance of a section in one of the classes. Some time later in June when it was decided to continue the section, as there was overflow of pupils, if Ulaganathan was considered to be a probationer in the secondary grade cadre, he should have been appointed. But he was not. On the other hand Munisamy Chowdhury was appointed to the post. After this appointment was made some additional sections were formed and thus new posts in secondary grade cadre have arisen in July 1943. To one of such posts Ulaganathan was offered afresh a secondary grade teacher's post. Hence from what I have stated above it may be clear to Government that he was not considered to be a probationer in the secondary grade cadre when he was appointed in it in July 1943. It was only a fresh appointment bearing no relation

(M) 165

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not read

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But see K 165

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relation whatsoever with that of the one in the secondary grade cadre in 1941.

8 So it may be clear to Government that Ulaganathan was a direct recruit in the L.T. cadre and it was never the intention of the Council that he should be treated as a promotee for purposes of re-employment in the secondary grade cadre. Therefore the question of G.O.No.187 Edn. dated 3-2-42 does not arise at all.

(G)

9 Further I desire to add that there was incessant agitation of the public for the appointment of a non-brahmin Hindu L.T. on the L.T. staff of the High School, as there was not even a single non-Brahmin L.T. at that time. Even at present there are 4 Brahmin L.Ts; a Christian L.T. and only a non-Brahmin L.T., who is Ulaganathan who comes from a very backward community and so I think Government would not fail to appreciate the stand taken up by the Committee to appoint an outsider, as they did appreciate previously.

Communal rules do not apply for promotion

10 If Malayappan had really thought that G.O.No.MS.1421 Edn. dated 23-10-43 did him injustice he could have petitioned to Government immediately on its communication to him on 3-11-43. But it is strange to see what made him to remain quiet for more than six months till 15th May 1944, a few days before which date Ulaganathan was reappointed to the L.T. cadre.

H 37-38 44 (S)

11 If the Appointments Committee should simply promote L.Ts, in secondary grade cadre, who are appointed by the Commissioner then the Committee loses all its power and is reduced to the status of a promoting authority, a result which could not have been contemplated upon by Government in issuing their orders. This fact I think will receive its due consideration at the hands of the Government.

12 Under the circumstances, I desire to state that the appointment of Ulaganathan was a direct recruitment according to G.O.No.190 Edn. dated 27-1-1937. And since it was not a case of promotion there is no question of G.O.No.187 Edn. dated 3-2-1942. Therefore I strongly feel that there is no basis of any kind for the reconsideration of the Government order No.MS. 1421 Edn. dated 23-10-1943 and I request Government that the petition of Malayappan deserves no consideration and may kindly be rejected.

(L)

(G)

H 37-38 44 (S)

M. V. Doraiswami.
CHAIRMAN. 2·8·44

Recd on 11/8/44

E & P. 41 (B)

Telephone

From The Asst. Secretary to Govt. E & P. 41

To The P. A. to the Inspr. of M. cls and Local Boards

The Commr. of the Gudiyattam Municipality says that his office file containing the papers relating to the appointment of Sri A. Tilaganathan as a Secondary Grade assistant teacher in the Municipal High School from 9.7.43 has been sent to the Inspector in some connection.

Will you please arrange to send it to me for reference for a file under disposal.

21.8.44

(Post copy despatched on 21/8/44)

B Ex P. H

Separated from the Current file

20

12.

From

M.V.Doraiswamy Mudaliar,
Chairman,
Municipal Council,
Gudiyattam.

A. Is the memorial pending the receipt of their remarks?

G 21/8/44

Write Routine note on pp 28-29 4

To

Mr. Gawne I.C.S.,
Advisor, to H.E. the Governor of Madras,
Fort St. George,
Madras.

Deputy Secretary to Government, Education and Public Health Department
23 AUG 1944

Sir,

Ref: Secondary Education - Establishment - Municipal High School - Gudiyattam - Mathematics Vacancy - Committee's appointment - Upheld by Government - Memorial of Sri T.S.Malayappan to Government - Rejection requested.

*****

42231

1. In August 1942, there arose two L.T. posts in the Municipal High School, Gudiyattam. To one of them Sri A.Ulaganathan, B.A.L.T., an assistant in the Hindu High School, Madurantakam, was appointed as Mathematics Assistant. To the other a Geography L.T was appointed. At that time Sri T.S.Malayappan,B.A.L.T. was working in this High School in the Secondary Cadre as a temporary assistant. According to G.O.No.190 -Edn-Dated 27-1-37, his claims were considered by the Statutorily Constituted Committee for appointments and it rejected him for appointment to the L.T. post since it thought that Ulaganathan was more suitable. On a memorial submitted by T.S.Malayappan, the Director of Public Instruction, advised the Commissioner to appoint him ousting Ulaganathan. (L)

2. The appointment was made by the Committee for appointments. So the Committee and the Municipal Council thought that the advice of the Director was an encroachment upon the powers of the Committee and so the Council unanimously protested against it and represented it to the Government requesting it to interfere in the matter and establish the powers of the Committee and do justice to Ulaganathan in as much as the appointment to the L.T.Cadre is by selection and not by promotion. Thanks to the Advisor and His Excellancy's Government for having agreed with the views of the Municipal Council by issueing their G.O.No.M.S 1421-Edn-dated 23-10-43 and saying that T.S.Malayappan cannot claim an appointment in the L.T.Cadre and that there was no justification to interfere in the decision of the appointments' Committee to appoint Ulaganathan as an L.T.Assistant. After six months of this Government Order, Malayappan submitted a memorial on 15-5-44 to the Government stating that their order was an injustice to him.

(S) 37

A |

3. Under the circumstances, I desire much to bring to your kind notice and deep consideration the following facts based on rules and request that the order of the Government MS 1421-Edn-dated 23-10-43 passed after deep consideration should be upheld.

(S) No 37-38

(a) The Secondary Grade Cadre and L.T.Cadre are separate units.

(b) There is no normal promotion from the Secondary Grade Cad to the L.T.Cadre according to rules.

(L)

(c) The ~~F/~~ appointing authority for vacancies in the Seco Grade Cadre is the Commissioner and for the L.T.

2/

Sec 73 of the D.D.M. Act

Cadre the appointments' Committee of the Municipal Council.

(d) Appointments to L.T.Cadre is by selection and NOT by promotion.

(e) The appointments' Committee, therefore, cannot reduce itself to the status of promoting authority.

Hp 37-38 of (S)

(f) The Government agreed with the above views of the Council in their Order quoted above. It clearly states that Malayappan cannot claim an appointment in the L.T Cadre. This therefore means that so long as he was not a probationer in the L.T.cadre he cannot claim an appointment in that Cadre by virtue of his being a Secondary Grade Assistant, under any circumstances.

(g) Malayappan says that Ulaganathan was his junior and therefore he should not have been appointed to the L.T. Post directly. At the time when Ulaganathan was appointed here he was not at all a servant of this Municipality. He left this service long before and he was a permanent Mathamatics' Assistant in the Hindu High School, Madurantakam. So, when he was appointed here, he was an outsider and hence he was a direct recruit. This fact is accepted by Malayappan himself in his memorial to the Director of Public Instruction. How could Ulaganthan who was not a servant of this Municipality be Malayappan's Junior, I am at a loss to understand.

(h) As Malayappan says, Ulaganathan acted for about a month in the Secondary Grade Cadre in 1941 . But he was not continued to be considered for a probationer for reemployment in that cadre. This is evident from the fact that he was not reverted to the Secondary Grade Cadre but was ousted when the order of the Director of Public Instruction was received in this Office in May 1943, . If he was continued to be considered a probationer in the Secondary Grade Cadre, according to rules, he should have been reverted to that Cadre. One Sri Muniswamy Chowdhury who joined in the Secondary Grade Cadre after Ulaganathan joined in that Cadre was continued in service while Ulaganathan was ousted and sent home.

(i) Sometime after in July 1943, there were new posts created owing to additional sections in the Secondary Grade cadre. In the meantime it is understood that Ulaganathan received an order by wire from the Danish Mission High School, Tiruvannamalai. At the same time, he was offered afresh an appointment in the Secondary Grade cadre to one of the new post in that cadre in this High School. Ulaganathan preferred this service as it was a local one. This appointment has nothing to do with the one he held in the Secondary Grade cadre in 1941 as explained above.

?

(j) Malayappan speaks of the Council's intention. The Council unequivocally expressed its intention in passing a resolution unanimously and protesting against the decision of the Director of Public Instruction to appoint Malayappan in the L.T. Cadre and requesting the Government to interfere in the matter and safeguard its powers. Government agreed with this view and issued their order No.MS-1421-Edn-dated 23-10-43.

(S)
37

22

13

(k) Now Malayappan claims an appointment in the L.T.Cadre against Government order. He speaks of G.O. No.187-Edn-dated 3-2-1942. This G.O. deals with cases of promotion. The appointment of Ulaganathan was not a promotion but a direct one as shown above, according to G.O.No.190-Edn-dated 27-1-1937. The appointments' Committee considered the claims of Malayappan in the light of his efficiency and ability and decided that he was not suitable for the post. As we move closely with the members of the staff and the student population, it is not very difficult for us to know about each and every member of the staff.

(G) (L)

(l) Even in Government we understand considering efficiency outsiders are recruited and sometimes juniors are promoted. Here the appointment of Ulaganathan is a direct recruitment according to G.O. quoted above. All this is well explained by the Chairman in his note to the Council which unanimously approved it. Thus the Council never intended to promote Malayappan and its intention was to request the Government to approve the appointment of Ulaganathan in the L.T.Cadre and to cancel the decision of the Director of Public Instruction. With this view of the Council, the Government fully agreed and issued their order No.MS-1421-Edn-dated 23-10-43. Even today we consider that Malayappan is not a suitable hand to an L.T. Post .

pages 37-40 of (S)

Hp 37-38 of (S)

p 12 ali

4. When Government wanted certain answers from the Municipal Commissioner, I insisted on the files and have carefully gone through and come to find out what is given above. Hence what Malayappan states in his memorial is not true and they are misrepresenting the facts which require no consideration but rejection. Further I have a number of other things to say in person and which could not be put on paper. So I request you to kindly grant me an interview at your earliest convinience before the disposal of the paper and I may be permitted to take a friend with me during the interview. A copy of my forwarding remarks of the memorial is herewith enclosed for your kind reference.

Previous decision at (S) 2 ... refusing to receive deputation

M. V. Doraiswami
17.8.44
CHAIRMAN.

Gudiyattam,
16-8-1944.

M.V.Doraisamy Mudaliar,
Chairman,
Municipal Council.

GUDIYATTAM,
31st July 1944.

14

Same as pp 15-17 ante
Another letter on p 9 ante

To

The Secretary to Government,
Education & Public Health Department,
Fort St. George,
MADRAS.

Sir,

The Chairman desires to forward the petition of Sri T.S. Malayappa Iyer, B.A.,L.T., assistant Municipal High School, Gudiyattam, with the following remarks.

Sri T.S.Malayappan was appointed as an assistant in the secondary grade cadre by the Municipal Commissioner who is the appointing authority for that cadre since it carries a maximum of Rs.50/- a month and the Appointments Committee of the Municipal Council has nothing to do with such an appointment. Neither the Municipal Council nor the Appointments Committee is aware of his work in the higher forms as he was not appointed to do so by the Appointments Committee in the L.T. cadre. If it is so, it might have been only an internal arrangement effected by the headmaster. After this petition of Malayappan, on enquiry, I come to understand that he was given some periods of higher form work to him, thereby increasing the burden of the already overworked secondary grade assistants. If an internal arrangement of the headmaster could confer on Malayappan (who was never a probationer in the L.T. cadre) claims for promotion to the L.T.cadre, then there is absolutely no need for an Appointments Committee at all. So the Appointments Committee in August 1942 before appointing Sri A. Ulaganathan B.A.,L.T., an outsider to the L.T. post, considered the claims of Malayappan, in the light of his efficiency to handle higher forms and did not choose to appoint him, as G.O. No.190 Edn. dated 27-1-1937 very clearly states that "assistants who are L.Ts or B.Eds permanent or officiating in the secondary grade cadre should not be promoted to the L.T.cadre merely on the ground of seniority in service.

So Malayappan could have no reason to have any grievance against the appointment made by the Appointments Committee to a post to which he has no claims under any of the existing rules; and even those rules are only advisory in character and not obligatory on the Committee. But he thinks that his imaginary claims were overlooked by the Appointments Committee and so he preferred a memorial to the Director of Public Instruction, Madras, as he has no right of appeal under any definite rules.

But though the Director of Public Instruction at first favoured him, he in his proceedings RC.No.463G/44 dated 27th March 1944 cancelled his previous proceedings Dis.No.2287/43 dated 26th May 1943 advising for the appointment of T.S. Malayappan in the L.T. cadre ousting Ulaganathan. This cancellation shows that even the Director of Public Instruction has been pleased to accept the view of the Government rightly expressed in their order No.MS.1421 Edn. dated 23-10-1943 that "the Government agree with the Municipal Council, Gudiyattam, that Sri T.S.Malayappan cannot claim an appointment in the L.T.cadre. They further find no justification to interfere with the decision of the Appointments Committee of the Council to appoint Sri A.Ulaganathan as an L.T. assistant", when the Municipal Council represented its grievances to Government on the advice of the Director of Public Instruction to appoint Malayappan ousting Ulaganathan in the L.T. cadre.

Malayappan says that Ulaganathan was appointed by the

P.T.O.

the Committee disagreeing with the recommendation of the ~~Dirast~~ District Educational Officer to appoint Malayappan. According to rules the District Educational Officer is only to be consulted on the selection of the candidate. But the District Educational Officer, instead of giving his opinion on it, recommended his own candidate Malayappan, for appointment. Basing on what rules he recommended him, we did not know. But when the Committee disagreed with his recommendation and appointed Ulaganathan, if the District Educational Officer had really thought that the Committee had flouted the rules, he should have pursued the matter further with the Director of Public Instruction. But the records show that he did not do so. But the Committee, according to rules, submitted its note to Government. Hence it may be obvious that the Committee was within rules when it appointed Ulaganathan. Also the Government in issuing their order No.MS.1421 Edn. dated 23-10-1943 have upheld the stand taken up by the Appointments Committee of the Municipal Council. All these are more than enough to show that the Appointment of Ulaganathan in the L.T. cadre was a direct one and not a promotion from the secondary to the L.T. cadre.

But now Malayappan tries to misrepresent facts and to twist the truths to gain an end. This kind of misrepresentation deserves strong condemnation at the hands of the Government itself.

A.Ulaganathan B.A.,L.T., was working here in a leave vacancy from 24-11-41 to 22-12-41 and he left this service accepting the permanent Mathematics post in the Hindu High School Madurantakam. When he was appointed as an L.T. assistant in this Municipal High School, he accepted it resigning his permanent post at Madurantakam. Hence it could be clear to Government that Ulaganathan was quite an outsider when he was appointed to the L.T. post in this High School; and this fact is accepted by no less a person than Malayappan himself, as he says in his memorial to the Director of Public Instruction that "......I applied for it in proper time on 28-6-1942. But in spite of it, it has been given away to an outsider......". Further I desire to cite a standing evidence to show that Ulaganathan was not continued to be considered a probationer in the secondary grade cadre, even since he left it in 1941. A couple of days after Ulaganathan was appointed on 24-11-44, one Sri Munisamy Chowdhury was appointed to a secondary grade vacancy with probationary rights. Before Ulaganathan was ousted, he was ousted. But in August 1942 before Ulaganathan was appointed and joined duty in the L.T. cadre, Munisamy Chowdhury was appointed and joined duty as a secondary grade assistant. Hence Ulaganathan was not continued to be considered a probationer in the secondary grade cadre. Further when Ulaganathan was ousted from service on 2-6-1944, if he was continued to be considered a probationer in the secondary grade cadre, he should have been reverted to it, ousting Munisamy Chowdhury. But it was not so. Somedays later Munisamy Chowdhury was ousted for want of the continuance of a section in one of the classes. Some time later in June when it was decided to continue the section, as there was overflow of pupils, if Ulaganathan was considered to be a probationer in the secondary grade cadre, he should have been appointed. But he was not. On the other hand Munisamy Chowdhury was appointed to the post. After this appointment was made some additional sections were formed and thus new posts in secondary grade cadre have arisen in July 1943. To one of such posts Ulaganathan was offered afresh a secondary grade teacher's post. Hence from what I have stated above it may be clear to Government that he was not considered to be a probationer in the secondary grade cadre when he was appointed in it in July 1943. It was only a fresh appointment bearing no relation

15

relation whatsoever with that of the one in the secondary grade cadre in 1941.

So it may be clear to Government that Ulaganathan was a direct recruit in the L.T. cadre and it was never the intention of the Council that he should be treated as a promotee for purposes of re-employment in the secondary grade cadre. Therefore the question of G.O.No.187 Edn. dated 3-2-42 does not arise at all.

Further I desire to add that there was incessant agitation of the public for the appointment of a non-brahmin Hindu L.T. on the L.T. staff of the High School, as there was not even a single non-Brahmin L.T. at that time. Even at present there are 4 Brahmin L.Ts; a Christian L.T. and only a non-Brahmin L.T., who is Ulaganathan who comes from a very backward community and so I think Government would not fail to appreciate the stand taken up by the Committee to appoint an outsider, as they did appreciate previously.

If Malayappan had really thought that G.O.No.MS.1421 Edn. dated 23-10-43 did him injustice he could have petitioned to Government immediately on its communication to him on 3-11-43. But it is strange to see what made him to remain quist for more than six months till 15th May 1944, a few days before which date Ulaganathan was reappointed to the L.T. cadre.

If the Appointments Committee should simply promote L.Ts, in secondary grade cadre, who are appointed by the Commissioner then the Committee loses all its power and is reduced to the status of a promoting authority, a result which could not have been contemplated upon by Government in issuing their orders. This fact I think will receive its due consideration at the hands of the Government.

Under the circumstances, I desire to state that the appointment of Ulaganathan was a direct recruitment according to G.O.No.190 Edn. dated 27-1-1937. And since it was not a case of promotion there is no question of G.O.No.187 Edn. dated 3-2-1942. Therefore I strongly feel that there is no basis of any kind for the reconsideration of the Government order No.MS. 1421 Edn. dated 23-10-1943 and I request Government that the petition of Malayappan deserves no consideration and may kindly be rejected.

CHAIRMAN.

Ex P&C(B)

Establishment. Municipal High School, Gudiyattam. Petition of Sri T.S. Malayappan -

28

Procds/16

Routine

W. see Ag's query on the letter below. Office had put up a note on the file with refer: to the comments of the Commr: & the chairman of the municipality. I thought that the Sub: office file refd: to at P on p.13 c.f. might be relevant

2)

and so [illegible] or was to the Inspr. of sub. clr for it (the phone necessary had however to be sent to post (to take the phone connection [illegible] working purposes) the other sub. tols awaited from Insp. of sub. clr)

ys. But meanwhile A 4 my see.

21.8.44

5 Aug/44 (for information)

23/8/44

Seal: 24 AUG 1944 — Secretariat, Edn. and P.H. Dept., Government of Madras

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B 30

17

43620

From
M.V.Doraiswamy Mudaliar
Chairman
Municipal Council. Gudiyattam (N.A.Dt)

To
The Secretary to Government
Education and Public health department
Fort St.George. Madras.

Stamp: 29 AUG 1944 — Education and Public Health Dept.

Sir,

Ref: Secondary education-establishment- Municipal High school Sri.T.S.Malayappan- Memorial submitted- My remarks on it at first- My remarks on it on 2-8-'44- postion explained.

Sri.T.S.Malayappan B.A., L.T., assistant, Municpal high school Gudiyattam submitted a memoraal to Government in the month of May and when it came to me to be forwarded to Government, I was quite new to the office as chairman, since I was elected chairman only some time before then. Also I was busy with my business affairs and so I found little time to go through the files and give my opinion on the memorial of Malayappan. So I asked the office to prepare the remarks in my behalf and when it came to me, thinking that it would be correct, I signed it and sent it to Government. p 9 ante

2 But when the Government asked the commissioner of this municipality for some clarification, I had a curiosity to go through the entire file and to find out the truth. To my astonishment what the office prepared for me at first was quite incorrect and hence I have given out in my remarks on 2-8-'44 all the facts as found in the files. So if there be any inconsistency, it is the mistake committed in the office and hence I request that what I have stated in my remarks on 2-8-'44 shall be approved as my definite opinion and I still stand by it since it is the truth.

p 9 ante

20 ante

3 As I found what was given out as my remarks at first was against facts I thought it my duty to furnish the truth, I wrote to the Adviser explaining the position stating that the appointment of Sri.A. Ulaganathan was a direct one and not a promotion. As I had other heavy work I delayed to write this to you and send you a copy of my letter to the advisor.

Hence I request you to kindly recognise what I have stated in my remarks on 2-8-'44 as my definite opinion and disregard the other one which was not based on facts.

M.V. Doraiswami
Chairman. 24.8.44

Gudiyattam.
24-8-'44

Ex P.H.C.B

The records called for from the Inspr. in the T.N. on p. 19 cut may be awaited till 5.9.44

29.8.44

29/8

29.8.44

Ph. remind the Inspr. T.N. p. 19 cut

5/9

As telephone connection Ex. Pres. School

6/9

42

7 X SEP 1944

POST COPY OF TELEPHONIC MESSAGE.

...

Egmore, Madras,
Dated 5--9--1944.

From
The Personal Assistant
to the Inspector of Local Boards.

To
The Assistant Secretary to Government,
Education & Public Health Department.

Ref:- Your telephonic message dated 21-8-44 regarding the sending of papers relating to the appointment of Sri A.Ulaganathan as a secondary grade assistant teacher in the municipal high school on 9-7-43.

...

The papers referred to are with the Deputy Inspector, Central Range. I am separately asking him to send them to Government direct for reference and return.

Personal Assistant.

L.P.6-9-44

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63824

The file may be awaited till 15-9-44

7-9-44

31

42

P

44312

19

7 X SEP 1944
Education and Public Health Dept

From K.M.Unnithan Esq.,I.C.S.,
Inspector of Ml.Cls.& Local Boards, Madras.

To The Deputy Inspector of Local Boards,
Central Range, Vellore.

R.O.C.No.B3-29684-43 dated 5-9-1944.

Sir,

Subject:- Doraiswami Sri J. - Ex-Commissioner, Gudiyattam Municipality - charges.

Ref:- My letter Roc.B3-No.29684-43 dated 29-5-44.

...

Please send the original municipal office file containing the papers relating to the appointment of Sri A.Ulaganathan as a secondary grade assistant teacher in the municipal highschool from 9-7-43 to the Assistant Secretary to Government, Education & Public Health Department direct for reference and return.

for Inspector.

Copy to the Secretary to Government, Education & Public Health Department.

L.P.6-9-44.

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n Genl

G.P. 98. Edn & Public Health DEPARTMENT. 60

REMINDER. Education *Branch.*

To ~~THE~~ ~~S.~~ Personal Assistant to the 70
Inspector of Ml. cls & Local Boards

~~have the honour to invite~~
I am directed to invite attention to
~~I invite~~

Post copy of telephone message ~~No.~~ dated 21 . 8 . 44 and

to request that the reply to it may be expedited
~~request that this reminder may be returned at once~~
with information as to—

(1) the stage at which the matter now is,
(2) the date by which a reply may be expected, and
(3) the circumstances which have caused the delay.

Office Ed P H

E. A. Venkitaswamy
Signature.
6. 9. 44

Station Fort St. George

Asst. Secretary Ed. & P.H.
Designation.

Dated 6 . 9 . 44.

SUBJECT.

6
6/9

~~To~~ Papers relating to the appointment of Sri A. Thiagarajan as Secondary Grade assistant Municipal High School, Gudiyattam. Municipal office file – called for.

(P.T.O.

N Dis 6/7
24/2/40

Educational Officer,
43 North Arcot.

Municipal Councils & Local Boards
1940

all these ... above 50. It is hoped that average attendance of the school will be 40 and above if an additional teacher is appointed. The enrolment is also likely to increase if an additional teacher is appointed and there will be a consequent increase in attendance. So the appointment of an additional teacher is recommended.

The school was inspected on 30.7.40 and the strength and attendance on that days were.

I $\frac{6+4}{10+5}$ II $\frac{8+4}{10+7}$ III $\frac{9}{10}$ IV 10/11

V 5/7 = $\frac{38+8}{48+12}$.

K. S. Narasimhan 9.8.40.
Deputy Inspector of Schools.
Arni Range.

9 AUG 1940

44

22

47103

From
M.V.Doraiswamy Mudalliar,
Chairmann Municipal council
Gudiyattam.

To
T.Austin Esq.I.C.S.
Adviser to H.E.The Governor of Madras.
Education and Public Health department.
Fort St.George, Madras.

Secretary, Edn. and P. H. Dept.
24 SEP

Sir,

Ref: Education-Secondary- Establishment- Municipal high School, Gudiyattam-Sri.T.S.Malayappan-Memorial of- My letter dated 16-8-'44-Interview requested.

In my letter dated 16th August to the Adviser, I have requestted him to be kind enough to grant me an interview with regard to the Memorial of Sri.T.S.Malayappan B.A., L.T. assistant, Municipal, High School, Gudiyattam, as I have many other facts to represent ~~the~~ to him in person and to discuss the implications of the connected G.O.'S in the light of the powers vested in the appointments committee of the Municipal council.

As I am thinking of leaving the station for about a week I request you to kindly fix any day after the Ist October 1944 for interview and to allow me to keep with me two of my friends during the interview.

Gudiyattam.N.A.
25--9--1944

M. V. Doraiswami
25.9.44
Chairman.

42

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45 A/ ~~[illegible]~~ B

E & P.H.

The file was sent to L.A. for remarks with their Depts: u/o 30240-3/B Edn. 27.9.44. That Depts may be requested kindly to return the file urgently with their remarks.

28.9.44

S/L.A.

28/9/44 L.A.

L.A.D.

E & P.H. u/o 30240-4 B Edn 28.9.44

The file is traced

29/9/44

1.10.44

RM 2.10.44 Secy

E & P.H.

ADMINISTRATION DEPT. 29 SEP 1944 MADRAS

3/10/44 E&PH

25138 47889

Acw 25138 1A 3-10-44

GOVERNMENT OF MADRAS.

Education and Public Health Department.

Letter/Ref. No. 30240-3 B Edn

46

23

From

M.V.SUBRAMANIAN, Esq., I.C.S.,
Secretary to Government.

To

Sri M.V.Doraiswamy Mudaliar,
Chairman, Municipal Council, Gudiyattam.

Fort St.George, dated the 5th Octr. 1944.

Sir,

Municipal High School, Gudiyattam - Memorial of Sri T.S.Malayappan.

p.44 ante

With reference to your letter of the 25th September, addressed to Mr.Austin, I am directed to say that the memorial of Sri T.S.Malayappan is under examination and that it is not possible to grant the interview asked for, at this stage.

Your obedient servant,

(o/c.)

Secretary to Government.

5.10.44

42

225

99. The [executive authority or notice in writing, direct the owner source of water-supply on the site of miles from such site, to close or disin to be specified in the notice if it is, in authority or] health officer likely to en disease amongst persons resorting to owner, person in control or occupie specified in the notice comply therew or] health officer may himself take a in the notice and direct that a porti connected therewith shall be paid by or occupier.

Section 99 provides for the control of priva festival centre.

EDUCATIC

Clause 99 of the Bill is based on clause 7 accepted subject to the omission of the words " the Madras District Municipalities Act and sectio empower the executive authority and the Commi the cleansing or closing of private tanks, wells,

S.S.—16-12-37. M.

8-9 / 6/7 p. 139

Ed Dept

24
48

From the Commr. Gudiyattam Municipality
Roc. A2. 3023/44 d 23-7-44
Memo 30240-4-B-Edu., dated 5-~~7~~-44.

Schools. Municipal High School, Gudiyattam.

Petition of Sri T.S. Malayappan.

The Commr. of the Gudiyattam Municipality is requested to report urgently on the following points:-

1) Whether ~~any~~ vacancies in the Secondary grade arose in the municipal high School at any time from 22-12-41 to 17-8-42 and if so how ~~it was~~ they were filled up;

2) Whether Sri Ulaganathan ~~had~~ claimed reappointment in connection with board vacancies as a teacher in the Secondary grade, ~~&~~ (3) Whether his claims were considered, ~~in connection with the filling up of vacancies~~

Audit F.C. for dispatch 6 C on [illegible]

pp 3-4 n 76

45 A/ ~~mk/pa~~ B B

E & P. H

+/2 P8

2/49

~~if any which had arisen between 22-12-41 to 17-8-42,~~

and 4) Whether any waiting list of discharged probationers in the post of Secondary grade teachers entitled to reappointment was maintained during the period from 22-12-41 to 17-8-42 and if so whether it contained Sri Ulaganathan's name.

3/x 3-10-44

4.10.44

Dft G 6/10

To the Commr. Gudiyattam Mly thro the CMC

O.F. 33

LOCAL ADMINISTRATION Department

From (Name) SRI K. VENKATANARAYANA AYYANGAR, B.A.B.L.,
Designation COMMISSIONER, MUNICIPAL COUNCIL,
Station GUDIYATTAM.

51690

Received B/BS1 Registered 25 50 29

To
The Secretary to Government,
Education and Public Health Department, Madras.
Through The Chairman, Municipal Council, Gudiyattam.

Enclosures: Two files.
1. R.Dis. 3218/42
2. L.Dis. 4562/42

Roc. A2. No. 3023/44 dated 13th Oct' 1944.

30 OCT 1944

Sir,

Sub: SCHOOLS - Municipal high school, Gudiyattam - Petition of Sri T.S. Malayappan - Particulars furnished.

Ref: Government Memo. No. 30240-4-B.Edn., dated - 5-10-1944. 648 ck

-v-v-:::-v-v-

The particulars required in the Government Memorandum quoted above are furnished below seriatum:-

(1) Between 22--12--1941 and 17--8--1942, three vacancies arose in the Secondary grade in the Municipal high school, Gudiyattam. The first vacancy came up from 21--6--1942 consequent on a teacher going on leave preparatory to retirement. This vacancy was filled up by the appointment of Sri K.M. Hanumantha naidu who was then the senior most probationer. The second was also a leave vacancy from 23-7-1942 and this was filled up by the appointment of Sri K. Muniswamy who was junior to Sri A. Ulaganathan in the Secondary grade as per the discharged probationers list. The appointment of Sri K. Muniswamy was suggested in the office note dated 12--8--1942 contained in this office file L.Dis. 4562/42 pointing out that the senior teacher Sri A. Ulaganathan had been selected for appointment as L.T. assistant. The note was approved by the Commissioner. This office files R.Dis. 3218/42 and L.Dis. 4562/42 are submitted for favour of reference.

F/11 (E) F/11

His appt. was made when Ulaganathan's matter was referred to the DEG & Govt. for reconsideration. M/101-103

Date of appt. order 13-8-42 (M) 107

The third vacancy occurred consequent on the creation of an additional section in the lower classes of the school and this vacancy was filled up by the appointment of an outsider Sri N.R. Govindaswamy. This file bearing number L.Dis. 3052/42 has already been submitted to the Government along with my letter No. 3023/44 dated 23-7-44.

(2) The records in this office do not indicate whether Sri A. Ulaganathan claimed reappointment as a teacher in the Secondary grade in any of the above vacancies.

(3) Beyond what is stated in para 1 above there is no other record in this office to show that his claims were considered.

He could not have claimed because his appointment as L.T. Asst. was decided upon by the Committee and the matter was referred to the D.E.G & Govt. M/101-103

He joined duty on 17-8-42 as L.T. Asst. M/124

(4) A waiting list of discharged probationers in the post of Secondary grade teachers entitled to re-appointment has been maintained in this office and Sri A. Ulaganath name is found i~~t~~ it.

15 Oct

COMMISSIONER.

14.10

Forwarded. Chairman's Remarks follow.

M.V. Doraiswami

CHAIRMAN. 28.10.44

DS.14/x.a.

42

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M. V. Doraisamy Mudaliar. B-
CHAIRMAN,
MUNICIPAL COUNCIL,

GUDIYATTAM.
Date 29-10- 1944 .

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DEPY. SECRETARY TO GOVERNMENT
1-NOV 1944
EDUCATION AND PUBLIC HEALTH DEPT.

To
The Secretary to Government
Education and P.H.Department.
Fort.St.George. Madras.

Sir,

Ref: Education-Secondary Municipal high school-
Gudiyattam-G.O.MS1421 Edn.dated 23-10-43-
T:S.Malayappan-Memorial of-your Memo
No.30240-4 B Edn dated 5-10-'44-Remarks
of the chairman.

A.37-38 4 (S)

52162 P.48

1.The selection of Sri.A.Ulaganathan for appoint-
ment in the L.T.Cadree will not confer on him rights of
probation in the L.T.Cadre. Rights of probation will count
only from the date of joining duty. Hence when sri.K.Muni-
swamy chowdhury, who was a junior probationer to Ulaganathan
in the secondary grade cadre, joined duty in that before 17-8-42
in the secondary grade cadre, joined duty in that cadre. So before acquire
ULAGANATHAN AUTOMATICALLY ceases to be a probationer in that cadre. So before acquire
ing rights of probation in the L.T.Cadre, Ulaganthan lost
his claims in circumstances that might have been and which
circumstances have no sanction of the rules. Further
Ulaganathan did not claim reappointment as a teacher in the
secondary cadre. Hence there is no relation whatsoever
between the one appointment he held in 1941 and the other
in 1943 as a secondary grade teacher.

Y/21 - Vacation period - Paper Appln

Further if Ulaganathan was a promotee, he should
have been reverted to the secondary grade cadre on the receipt
of the advice of the Director of Public Instruction, when
he was ousted from service on 2-6-1943. But he was not
reverted as he lost his rights of probation in the secondary
cadre before 17-8-1942. Hence it matters little whether
his name is in the waiting list of discharged probationers
or not.

M/1.24 - Date of joining duty ignoring DEG's views

The secondary cadre under whatever

Y/1

Y/21/33

Reasons given

2.Conceding for the sake of argument that Ulaga-
nathan was a probationer in the secondary cadre, the appoint-
ment committee had definitely stated that Ulaganathan was
appointed as an assistant in the L.T.Cadre. The appoint-
ment committee did not desire promotion.(P.T.O)

M/81 - DEG's views

M.P.S. Shld n/90-91

57

53

-2-

M/73 Preference to local man

Ⓖ G.O. 187 Edn 3-2-42 (para 1) G/1

If it had desired promotion, it would not have promote Ulaganthan. It wanted to make only direct appointment. To my knowledge, I do not find any G.O. that prevents the appointment committee from appointing L.T's in the L.T.cadre who are incompleted probationers in the secondary grade cadre. If the appointment of an outsider be in order, how can the appointment of one in the serviceof this Municipality be out of order? G.O.No.187 Edn.dated 3-2-1942 deals only with the question of promotion. The Committee is the statutorily constituted authority to say whether it considered appointment or promotion. If Ulaganathan was a promotee the committee should have said so. In the absence of such expresssions in the proceedings of the appointments committee to try to twist and establish the appointment as a promotion is something strange. According to the rule quoted above L.T's who are incompleted probationers in the secondary grade cadre are unfit for promotion to the L.T.Cadre. But where is it said that they are unfit for appointment in the L.T.Cadre? Is there no difference between promotion and appointment? This is only a selection post since there is no normal promition from the secondary to the L.T.cadre. The Committee is fully authorised to select candidates for the L.T.Cadre and it therefore is at full liberty to select any L.T whether he be an outsider, an incompleted probationer in or even a completed probationer in the secondary grade cadre, for appointment in the L.T.cadre; when it did not contemplate upon promotion. Only on these fundamental rights of the appointments committee, the Council of this Municipality raised the issue with the Government when the Director of Public Instruction interfered in the appointment of Ulaganthan. And the Government was fully conscious of all these rules when it was pleased to pass its orders MS:1421 Edn dated 23-10-'43 after deep consideration, recognising the powers of the Appointment Committee to appoint~~ment~~ any L.T. in the L.T.Cadre.

M/73

p 9 ante (the committee was [illegible])

Not possible

S/37-38

Under the circumstances I request Government that the petition of sri.T.S.Malayappan deseves no consideration and therefore it may kindly be rejected.

pages 31-8 ante

M.V. Doraiswami
Chairman. 31.10.44

Gudiyattam.N.A.

42

M. V. Doraisamy Mudaliar.
CHAIRMAN,
MUNICIPAL COUNCIL,

GUDIYATTAM.
Date 29-- 10-- 1944.

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27

SECRETARY, EDN. AND P. H. DEPT.
11 NOV 1944
GOVERNMENT OF MADRAS

To
Mr.T.Austin I.C.S.
Adviser to H.E.the Governor of Madras.
Fort St.George. Madras.

Sir,

Ref: Municipal High School-Gudiyattam Assistant-
T.S.Malayappan- Memorial of- My request for
interview -secretary's letter /Ref.No.30240-3B
dated 5-10-'44.

p 464

In the letter referred to above I was informed as directed by you that the memorial of Sri.T.S.Malayappan was under examination and that it was not possible to grant the interview asked for at that stage. From this I was given to understand that I would beg granted an interview after the examination of the memorial was over. So I request you to be kind enough to grant me an interview before the final disposal of the paper, so that I might have an opportunity to explain things to you in person and have a satisfaction of having done my best towards justice.

M.V. Doraiswami.
Chairman.

Say he will be given reply later,

Gudiyattam.N.A.
5-11-1944

Ex p. d.

Subd: ~~(with L.7)~~: it is proposed ~~(here)~~ to make a reference to D.P.I.

11.11.44

11/11 11/11/44

-2- 55

58/14/11/44

Draft below is for approval.

It is presumed that A.2 has approved the reference to the D.P.I. proposed in the L.F.

LETTER/Ref. No. 30240-7B Edn dated 14-11-44

To

Sri M.V. Doraiswamy Mudaliar,
Chairman, Municipal Council, Gudiyattam.

Despd 20/11

Sir,

Municipal High School, Gudiyattam - Memorial of Sri T.S. Malayappan.

Ref:- Your letter of the 29th October, addressed to Mr. Austin.

p. 54 ante.

I am directed to say that a reply will be sent to you later in regard to the interview asked for.

Y.O.S.,

13-11-44

14/11/44

Education and Public Health Dept. (B)

56

D.O. No. 30240-6B Edn dated 14-11-44

30/15/11

28

Dear Sir Meverel,

Municipal High School, Gudiyattam - Sri T.S. Malayappan, L.T. borne in the Secondary Grade - Promotion to the L.T. Grade.

I am to invite attention to the correspondence ending with my D.O.No.38538-B/43-1-Edn., dated the 28th December 1943. Subsequently Sri Malayappan submitted two petitions, one dated the 15th May and the other 20th May 1944, in which he has urged -

pages 45-46 of G.O. No. 1421 Edn. 23-10-43 (S)

pages 1-5 and 7-8 of

(1) that Sri A. Ulaganathan had acted as a Secondary Grade teacher in the Municipal High School, Gudiyattam, for about a month (from the 24th November to the 22nd December 1941);

para 3, p.3 of

(2) that when he was appointed as a teacher in the L.T. unit in August 1942 he was in the position of a discharged probationer in the Secondary Grade unit awaiting re-employment in that unit;

p.6 M.F.

(3) that his appointment to the L.T. unit virtually amounted to promotion, and

(4) that such promotion was in contravention of the orders in G.O.No.187-Edn., dated 3-2-1942, which provides for the promotion of only teachers who are either permanent or have satisfactorily completed their probation in the Secondary Grade unit.

para 1 of (G)

The letter of the Commissioner of the Gudiyattam Municipality Roc.A.2.No.3023/44, dated the 13th October 1944 appears to confirm this contention. 2/These facts were not before Government when they passed G.O.No.1421-Edn., dated the 23rd October 1943, and had not presumably been brought to your notice either: they might justifiably suggest an amount of arbitrariness in the methods of the Appointments Committee. I am to request you to say whether, in the circumstances, you see any objection to Government cancelling the orders already passed.

p50 of

pages 37-38 of (S)

3. If Sri Ulaganathan's appointment to the L.T. unit is held to be irregular for the reasons mentioned, a further question would be whether Sri Malayappan's selection for promotion to the L.T. unit should be upheld and a direction issued that he should be appointed in the next vacancy in the L.T. unit: a ground for such direction will be that Sri Malayappan ~~would ordinarily~~ had been appointed already to act in the L.T. grade in the commr's Procs Dis. 2287/43 d. 26.5.43, altho: he could not take charge of the L.T. post as ~~owing to~~ the school was then having its summer ~~had then~~ [illegible] vacation. ~~but for the irregular appointment of Sri Ulaganathan.~~ I am to ask for your opinion on this [illegible] also.

4. I am to forward for reference and return, along with your reply, the accompanying file of correspondence (53 pages) and the Municipal Office records mentioned in the list below.

Yours sincerely,

11-11-44

11/11/44

Sir R.M. Statham, M.A.,
C.I.E., I.E.S.,
D. P. I.

with c/ and the records below

List.

Ml. Office file L.Dis No.4562/42. (F) ✓
-do- R.Dis.No.3218/42. (E) ✓
-do- D.Dis.No.2877/43. (Y) ✓
-do- D.Dis.No.6094/44. (X) ✓
-do- L.Dis.3132/43. (K) ✓
-do- D.Dis.No.3052/42. (M) ✓
-do- L.Dis.No.8922/41. (C) ✓

Dpd. intimated thus 15/11

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D.O. 2033 G/43

Office of the Director
of Public Instruction,
Madras, 11th December 1944.

13

29

My dear Subramanian,

Sub: Municipal High School, Gudiyattam - Sri T.S. Malayappan - Promotion to the L.T. Grade.

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pp.56-57 ante.

Your D.O. No.30240-6-B-Edn., dated 14th November 1944.

58206

The appeal of Sri T.S. Malayappan against the appointment of Sri Ulaganathan in the L.T. grade was originally allowed by me with reference to the instructions in G.O.No.190 Edn., dated 27-1-1937 and G.O.No.187 Edn., dated 3-2-1942. But on a representation from the Commissioner, and also from the Chairman of the Municipality, Government issued G.O.No.1421 Edn., dated 23-10-1943 requesting me to withdraw my proceedings dated 26-5-1943. After some further correspondence, I cancelled my proceedings on 27-3-1944.

pages 5-6 & 7 (S)
(G)
pages 6, 11 & 13-15 & 7 (S)
(S) 37-38
(L)

p.56 ante

2 It is now pointed out in your D.O. that the facts represented in the petitions of Sri T.S. Malayappan dated 15-5-44 and 20-5-44 were not then before Government when they passed G.O.No.1421 Edn., dated 23-10-1943. These facts were not brought to my notice either at that time. But I assume that the orders in G.O.No.187 Edn., dated 3-2-1942 are also advisory just like those in G.O.No.190 Edn., dated 27-1-1937 except in respect of amendment to communal representation rules. Since Government have held that L.Ts. in the secondary grade have no statutory claims for promotion to the L.T. grade under G.O.No.190 Edn., dated 27-1-1937, s[illegible] of the L.T. teachers as are permanent in the secondary grade or have complete[illegible]probation in that grade cannot also claim promotion to the L.T. grade under G.O.No.187 Edn., dated 3-2-1942 in preference to those who have not yet completed their probation. Even if the appointment of Sri Ulaganathan in the L.T grade in August 1942 is to be treated as promotion, it was open to the Appointment Committee to promote Sri Ulaganathan to the L.T. grade in preference to Sri Malayappan, as orders in G.O.No.187 Edn., dated 3-2-1942 are not statutory. I do not, therefore, see how this appointment can be regarded as being made in contravention of the rules.

pp.1-5 ante.
pp.7-8 ante
S/37-38
(g)
pages 37-38 & 7 (S)
(L)
(G)
P
(G)
(L)

para 3, p.57 ante.

3 Again you raise the point that if the appointment of Sri Ulaganathan to the L.T. grade in August 1942 is held to

be

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be irregular, the selection of Sri T.S. Malayappan to the L.T. grade could be upheld and a direction issued to the effect that he should be given the next vacancy in the L.T. grade on the basis of the order of appointment given to him by the Commissioner in May 1943. But this order of the Commissioner was issued with reference to the orders of the Director of Public Instruction in proceedings R.C.2287 G/43 dated 26-5-1943, allowing the appeal of Sri Malayappan and the orders of the Director of Public Instruction were based on G.O.No.190 Edn., dated 27-1-1937, which is only advisory and which may not fetter the discretion of the Appointment Committee.

p3 (Y)

Y/1 (L)

4 Your statement that Sri Malayappan should be given the next vacancy is not clear. It is not known whether Sri Ulaganathan has been ousted from the L.T. grade or not. If he is in the L.T. grade even now, it has to be made clear in the orders whether Sri Malayappan should get only a future vacancy. If Sri Ulaganathan is not in the L.T. grade, it has to be settled whether Sri Malayappan should be appointed to the next vacancy in preference to Sri Ulaganathan. Whatever may be the decisions proposed to be taken by Government, it is rather difficult for me to advise you as to the lines on which the case has to be decided.

from 3 on p57 date

Yours sincerely,

Sri M. V. Subramanian, I.C.S.,
Secretary to Government,
Education & Public Health Department,
Fort St. George.

M. V. Doraisamy Mudaliar.
CHAIRMAN,
MUNICIPAL COUNCIL,

GUDIYATTAM.

Date 27th Decemb1944.

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SECRETARIAT ... DEPT.
20

(5)

To
Mr. T. Austin, I.C.S.
Adviser to H.E.the Governor of Madras,
Fort,St.George, M A D R A S.

Sir,

Ref: Municipal High School,Gudiyattam-G.O.Ms.1421.
Edn.dated 23-10-43-Assistant-T.S.Malayappan-
Memorial of-Interview requested-Yours No.30240.
7.B.Edn.dated 14th Novr,44:-

60333

p55

I request to remind you that the interview asked for may kindly be granted at an early date before the disposal of the papers of Sri.T.S.Malayappan,B.A.,L.T. Assistant Municipal High School, Gudiyattam. I shall explain to you in person why the committee for appointments did not promote him to the L.T. cadre and how the appointment of Sri,A.Ulaganathan,B.A.,L.T. in the L.T.cadre is quite consistent with the orders of the Government and how the orders M.S.1421 Edn.dated 23-10-43 passed by you need no modification.

pages 37-38 of (S)

(L)

Further I desire to bring to your kind consideration that G.O.190 Edn. dated 27-1-1937 states that "assistants who are L.T.S xxx or B.Ed.s. permanent or officiating in the secondary grade cadre should not be promoted to the L.T.cadre merely on the ground of seniority in service, but their claims for promotion should be considered before new men are recruited". G.O.No.187.Edn.dated3-2-'42 among other things states that "....... the promotion should be made only from teachers who are either permanent or have satisfactorily completed their probation as secondary grade teachers...." and ipso facto it means that L.T.S. who are incompleted probationers in the secondary grade cadre should only be appointed in the L.T.cadre and should not be promoted and this G.O. does not mean that incompleted probationers in the secondary grade cadre should not even be appointed in the L.T.cadre. If an unknown outside raw L.T. could be directly appointed in the L.T.cadre

G/1

P.T.O.

cadre why could not an incompleted probationer, who had proved his worth within such a short stay, be appointed in it though he could not be promoted. And I further desire to state that there is no G.O. that prevents L.T.S. who are incompleted probationers in the secondary cadre being appointed in the L.T. cadre, though G.O.187 Edn. dated 3-2-42 prevents them from being promoted. Promotion carries with it certain privileges whereas appointment does not. Further Ulaganathan when he joined duty in the L.T.cadre, was not a probationer in the secondary grade cadre. This I have clearly explained in my previous remarks on 31-10-44 and the committee never considered promotion; it only appointed him.

G/

pp 37-38 (S)

Based on these, your orders M.S.1421,Edn. dated 23-10-43 have clearly brought out in letter the spirit of the G.O.s. and hence there is absolutely no need for any modification of your previous orders.

Lastly I once again request you to kindly grant me the interview asked for at an early date.

Gudiyattam.N.A.

M. V. Doraiswami.
CHAIRMAN
28.12.44

Ed. P. A.

File below

29/12/44

Edn. & P.H. Dept (B)

24 & 34
9/2

9.2.45

C.No. 30240/44. From Sri T.S. Malayappan, Asst. Municipal High School, Gudiyattam, petitions of 15-5-44 and 20-5-44.

pages 1-5 and 7-8 of

From the Commissioner, Gudiyattam Mty, No 3023 of 29-5-44, 23-7-44 and 13-10-44.

pages 11, 13 and 50 of

From the C.M.C, Gudiyattam, dated 7-6-44, 31-7-44, 17-8-44, 24-8-44, 25-9-44, 29-10-44, and 27-12-44.

pages 9, 15-17, 20-22, 30, 44, 52-54 and 60-61 of

From the D.P.I, No 2033 G43 of 11-12-44.

pages 58-59 of

Schools - Secondary - Municipal High School, Gudiyattam - Appointment to the L.T grade of Sri A. Ulaganathan - ~~Reconsideration~~ Cancellation of previous orders - Refused.

Order No. 210 Edn dated 9.2.45.
MS

The Commissioner, Gudiyattam

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Mty. is requested to inform Sri T.S. Malayappan that ~~his request for modification of the orders in G.O. No. 1421 Edn. dated 23-10-43,~~ will ~~cannot~~ not be modified ~~complied with.~~

8.2.45

8/2

pages 37-38 c.f. of (S)

Desp. 12/2

5-2-45

Letter – ~~to~~ Sri M.V. Doraiswami Mudr., M.C., Gudiyattam

No 30240 B/44-9 Edn. d 8.2.45.

To

the Commissioner,

Gudiyattam Mty.

through the C.M.C.

(with enclosures retd).

Sir,

Please see correspondence ending with your letter of the 27th Dec. addressed to Sir Thomas the D.P.I. p. 57 c.f. Austin. I am directed to say that orders are being issued on Sri T.S. Malayappan's petition to the effect that G.O. 1421 Ed. d/ 23.10.43 will not be modified. ~~repeating the petition of Sri. T.S. Malayappan and that~~

Sir Thomas does not see the necessity for an interview, as desired by you.

8.2.45

y.o.s. 8/2

Desp. 12/2

Education and P.H. Department (B).

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~~29~~

C.No.30240. From Sri T.S.Malayappan, Asst., Municipal High School, Gudiyattam, dated 15-5-1944.

-do- dated 20-5-44.

From the C.M.C., Gudiyattam, dated 7-6-1944.

From the Commr., Gudiyattam Mty., No.3023, dated 29-5-44 and 23-7-1944.

From the C.M.C., Gudiyattam, dated 31-7-44.

pages 1-5 c.f.

" 7-8 c.f.

p 9 c.f.

pages 11 and 13 c.f.

15-17 c.f.

Schools - Municipal High School, Gudiyattam - Appointment to the L.T. grade - Petition of Sri T.S. Malayappan.

S/37-38

Please see the papers ~~with~~ his G.O.No.1421-Edn., dated 23-10-1943, in which the Government declined to interfere with the appointment of Sri A. Ulaganathan as an L.T. Assistant in the Municipal High School, Gudiyattam, made by the Appointments Committee of the Council - "S"/37 & 45. Sri T.S. Malayappan, who had appealed in that connection, has sent a further appeal - C.F.1-3. The only new point in this appeal is that Ulaganathan had acted as a Secondary Grade Assistant teacher for about a month (from 24th November to 22nd December 1941) before he was appointed as an L.T. Assistant in August 1942, that in virtue of

p.3 c.f.

A | his being a probationer in the Secondary Grade unit he could not have been treated as a direct recruit for appointment to the L.T. cadre and that his appointment to the L.T. cadre as a promotee from the Secondary Grade unit would be indefensible as he had not completed his probation in the latter unit--Vide G.O.No.~~803~~ 182-Edn., dated 3~~0-2-~~1942. There is no warrant for the assumption at "A" above so far as Ulaganathan's appointment to the L.T. Grade in August 1942 was concerned.

2. Sri Ulaganathan's appointment to the L.T. grade, however, ceased some time later and he was appointed to the Secondary Grade. The Chairman's contention at page 16 C.F., which is opposed to what he has said previously (C.F.9), is that this time he was treated as a direct recruit to the Secondary Grade unit ignoring his previous appointment to that grade in 1941. This is not, however, borne out by the actual order of appointment - "K"/65 - which suggests that his appointment to the Secondary Grade in July 1943 was in recognition of his probation in that grade. Although Malayappan may not be said to

I do not see that it has been established that [illegible] his probation, technically, but [illegible] further [illegible] need be [illegible] conducted, [illegible] [illegible] [illegible] [illegible] [illegible] to be taken [illegible] modifying [illegible] appeal [illegible] [illegible] to be determined [illegible] [illegible].

L.A. [illegible]

have any case, the ~~appointing authority's~~ treatment of Ulaganathan at one time as a probationer in the Secondary Grade and at another time as a direct appointee to that grade, leaving the door open to his being given an L.T. post whenever an opportunity presents itself, is not in consonance with G.O.No.187-Edn., dated 3-2-1942. For orders. The Chairman has asked for an interview - page 22 C.F.

Perhaps L.A.'s remarks may be obtained on this aspect.

A

G/1-2

23.9.44

27/9 (m) L.A.

E&PH no 30240-3B Edn 27-9-44

This file has been sent to this Dept L.A. Dept ~~[illegible]~~ w.r.t. the remarks of the Secy. E&P.H on p.1 ante and para 2 of E&P.H. note on pp.1-2 above.

28 SEP 1944
SECRETARIAT, MADRAS
25043

Vide p.1 of (C)

2 As Sri Ulaganathan was appointed to the Secondary grade in 1941 and as his appointment to that grade was not specifically stated to be a temporary one not counting for probation, he is a probationer in that grade and he cannot be treated as a direct recruit for purposes of appt. to the L.T. grade. As he did not specifically ~~sever~~ sever his connection with the M.H. School, Gudiyattam, and as he continued to be a probationer in the Secondary grade, his appointment to the L.T. grade in 1942 should be deemed to be one of promotion. Since the L.T. cadre in high schools has not been declared a selection cadre, ~~[illegible]~~ the appt. of Sri ~~that~~ Ulaganathan to the L.T. cadre would not seem to be in order unless all his seniors had been condemned. If it is considered that Sri Ulaganathan had virtually severed his connection in the Secondary grade of the M.H.S. Gudiyattam ~~as he was appointed~~ on his appointment in the Madurantakam High School, then the question whether such a person who had not even had the ~~courtesy to~~ informed ~~of~~ the Gudiyattam mpl authorities of his intention of severing his connection with the High School ~~[illegible]~~ should be entertained in the service of the same mply arises for consideration. His subsequent conduct in 1943 shows that when he was offered the proby Secy grade ... shows that it was not his intention to sever his connections with this mpty.

See below
Rk
2 X 44

3

33

NO.
See below
Rk
2.10.44

3 This Dept. may agree with the views of A.S. E&P.H. at A on p. 2 ante.

4 The file may be returned to E&P.H. w.

Mr.
Dy.S.(m.)
1.10.44.

Sri Ulaganathan acted as a secondary grade assistant in the mpl high school from ~~21-12-41~~ 25-11-41 to 21-12-41 when he was ousted for want of a vacancy. Before re-appointment ~~as~~ to the mpl service on 17-8-42 ~~[illegible]~~ in a private high school at Madurantakam. Unless he had claimed re-appointment in the secondary grade under the mpl cl at any time ~~from 22-12-41 to 17-8-42~~, on the ground of his previous service in that grade under the mpl cl, he should be ~~[illegible]~~ to have severed his connection with the mpl service, on his employment at Madurantakam.

A

E&PH may be requested to ascertain the point at A above by a reference to the commr. They may also ascertain from the commr whether any vacancy in the secondary grade arose in the mpl service during the period from ~~25-11-41 to~~ 22-12-41 to 17-8-42 and if so how it was filled up, and whether ~~Mr~~ Sri Ulaganathan is ~~[illegible]~~ considered in connection ~~[illegible]~~

~~[illegible]~~

E & PH may also ascertain

4

B

from the Commr whether any waiting list of discharged probationers in the list of secondary grade teachers ~~??~~ entitled to re-appointment was maintained in the mpl office during the period from 22-12-41 to 17-8-42 and if so whether it contained Sri Ulaganathan's name ~~has been~~ was ~~entered not in it~~.

Rh 2.10.44
Secy S&PH
3.10.44 S&PH

LA no 45043-1A
3.10.44

47890

A Communication ~~The~~ received subsequently from the C.M.C. Gudiyattam on 28.9.44 has been added to the file ~~p ?~~ p. 44 cf. - A3 has asked for the papers.

2. There is no information on the points raised in the L.A. Deptt's notes on pp. 3-4 ante. The only information available is that Sri Ulaganathan, in his application dated 9.7.42 for an L.T. assistant's post, has made reference to his previous service as a teacher in the Municipal High School, Gudiyattam.

OO
5/10

M/165

3. A draft is submd. for appl. The file may be circulated to A3.

3/x 3-10-44

4.10.44

S/A3

4/10/44 A3.

4/10/44

Tell Ch. that the matter is under exam. That cannot grant an interview at this stage.

SECRETARY, EDN. AND P. H. DEPT.
9 OCT 1944
GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT
8 NOV 1944
EDUCATION AND PUBLIC HEALTH DEPT.

Draft for appd. ~~?~~

5.10.44 S

by [Letter No 30240-3 B Edn dt 5-10-44]
[Memo No 30240-4 B Edn dt 5-10-44]

From the Commr. ~~D.~~ Gudiyattam Municipality No. A2 3023 dt 13-10-44

~~The particulars furnished by the Commissioner.~~

p 50 cf

p 46 cf

p 48 cf

8

34

B

The Commr's letter on page ~~pp~~ 50-51 cf contains the particulars required by L.A in their notes on pp 3-4 ante. The file may be sent to that Deptt. u.o for remarks.

3/x 31-10-44

pl: await chairman's remarks

1.11.44

The Chairman's remarks have been received - pp 52-53 cf. The file may now be sent to L.A u.o.

3/x 3-11-44

4.11.44

L. A. u/o

L. A. Dept

Ex Pmo 30240-5 B Edn 6-11-44

It is seen from para (4) on p 50 CF that Sri Ulaganathan was treated by the Commr as a discharged probationer entitled to re-appointment in the secondary

28878

6

B

grade in his turn. When his turn for re-appointment came, his name had been ~~[illegible]~~ taken up for consideration for appointment to the L.T cadre. So he did not claim re-appointment to the secondary grade. It is clear that Sri Ulaganathan was a (discharged) probationer in the secondary grade at the time of his appointment to the L.T. Cadre. His appointment to the L.T cadre amounts to promotion from the secondary grade and is not in order, having regard to G.O no 187 Edn d 3-2-42

RM
6-11-44

S

N 50 cf.

Nt no 2878-1A
7-11-44

53227

7

E&P 1130

35

Please see L.A's note on pp 5-6 ante. It is for orders whether their views may be accepted and the orders in G.O No. 1421 Edn d 23-10-43 cancelled. (It may be noted that the full facts of the case now brought to light were not previously placed before the Govt. ~~before~~ either by the Commr. or by the D.P.I.). The file may be circulated to A2 for orders whether he proposes to grant an interview to the Chairman and allow him to bring two of his friends with him.

5.11.44

S | 37-38

pp 1-8 of
2 50 cf

A2's note on p4 ante

p44 cf

8-11-44

Secy: Directed that in view of the past correspondence with the D.P.I. (5), the Director shd: be consulted before the matter was further proceeded with. Draft for consideration.

10-11-44

11/11/44 A2

A2 has seen two with top file. Draft may issue

p54 cf

13-11-44

Issue
14/11/44

8

(Issued- D.O.No.30240-6-B, d/14th Novr. '44.) pages 56-57 c.f.

C.No.58206 - From the D.P.I., D.O.No.2033 G/43, d/1-12-44. ~~The~~ pages 58-59 c.f.

The D.P.I. says that the facts contained in Sri Malayappan's petitions which are set out briefly in the D.O. on p.56 c.f., were not also brought to his notice. He, however, says that even if the appointment of Sri Ulaganathan to the L.T., grade in Aug. 1942 is treated as promotion from the Secondary grade, such ~~xxxxxxxx~~ appointment does not offend any statutory rule, as the orders in G.O.No.187, Edn., d/3-2-42 which provides for the promotion of only teachers who are either permanent or have satisfactorily completed their probation in the secondary grade unit, are only executive instructions. Draft amendments to the Estt. rules, based on the instructions in G.Os. No. 190 Edn., d/27-1-37 and

para 2 on p58 c.f.

P of D.P.I.'s letter c.f. 7-58 misses the point. It was open to the appointing committee to fill an L.T. vacancy by promotion or direct recruitment. But when it chose the former it should be the promotion of an approved probationer or a permanent teacher in the Secondary grade. (G) was obligatory that way.

M (L)

---

9 30

M (G) and No. 187, Edn., d/ 3-2-42 were published for general information and criticism in G.O.No.1175, Edn., d/ 8-8-1944. No objections or suggestions were received. The amendments have just been confirmed. The Director's view seems correct.

pages 14-15 c.f. & 5-6 c.f. (H)

sent to the Press. G.O.No.1886 Edn. 18-12-44 (I)

Paras 3 and 4 of the Director's D.O.- Sri Ulaganathan was re-appointed to the L.T. grade in the Commr.'s proceedings towards the end of April 1944. It may be assumed that he is still continuing in that grade. The D.P.I., says that he finds it rather difficult to advise the Govt., as to the lines on which this case has to be decided.

pages 58-59 c.f.

para 3 on p13 c.f.

para 4 on p59 c.f.

~~In view of 'M' xxxxx pp. 8-9 above, it does not appear that the orders in G.O.No.1421- Edn., d/23-10-43 will be modified.~~

~~The file may be circulated to A2. with reference to his note on p. 54 c.f.~~

pages 37-38 c.f. (S)

L. A. may kindly see once again as to the tenability of the position at M on p. 8 ante & in para 3 - p. 57 c.f.; in the light of what D.P.I. says

23-12-44

S/ L.A.

24.12.44

29/12/44

L.A.

A. 31 DEC 1944

26

Ed.P.H.No. 30240-7 B Edn. 30-12-44

L. A. Dept.

With reference to 'M' on p. 8 ante, it is submitted that though the orders in para 1 of G.O. 187 Edn. d/3-2-42 are only executive instructions, they are meant to be strictly followed by local bodies. The wording in the third sentence of the first para of the G.O. does not seem to admit of the interpretation that the instructions in the above G.O. are only advisory. The only point is that if the instructions are issued in the form of rules, Govt. can cancel any order passed by a local body in contravention of the rules and declare the expenditure unauthorized. ~~If a local body systematically disregards the lawful orders of Govt, it might qualify itself for dissolution or supersession~~

(G) (G)

B

~~3~~ In these circumstances it appears that much stress cannot be laid on the fact that the orders in G.O. 187 Edn. d/ 3.2.42 were only executive instructions. Ⓖ

2 If Sri Ulaganathan's appointment to the L.T. cadre is to be treated only as promotion it should be considered as contrary to the orders in G.O. 187 Edn 3.2.42 Ⓖ especially when there was an approved probationer (Sri Malayappan) in the secondary grade who was not disqualified for promotion. In these circumstances, it appears that Sri Malayappan should be appointed to the L.T. cadre when a vacancy occurs and he should be considered senior to Sri Ulaganathan whose appointment was contrary to the orders of Govt in G.O. 187 Edn. d/ 3.2.42.

With the above remarks, the file may be returned to E&P.H. no.

This is a matter purely for the E&P.H. to decide. It is not desirable that this department should express any views on this subject. Ⓖ
10/1/45

approved
6-1-45
6-1-45

9/1/45

10/1 E&P.H

Sec
U.O. No 26-1A
10/1/45

ASST. SECRETARY TO GOVERNMENT
1 JAN 194[illegible]
EDUCATION AND PUBLIC HEALTH DEPT.

01701
G/1
(para 1)

pages 1022-3 of the Madras Code vol III

Edn. & P.H. Dept. (B)

L.A. advise that Mr. Ulaganathan's appointment to the L.T. grade may be set aside by Government as it now appears that he was only a probationer in the secondary grade and not an approved probationer or one holding a substantive appointment in the secondary grade and as such the Appointment Committee contravened the orders in G.O.No. 187 Education, dated 3rd February 1942. The cancellation should apparently be made under section 36 of the District Municipalities Act. Legal may advise whether the circumstances warrant action under section 36.

12-1-45

Legal
14/1/45

Legal

E&P.H U.O. No 30240-8-42-B
12/1/45

U.O. 265
13-1-45

LEGAL DEPARTMENT

There is nothing on record to show that Ulaganathan's appointment as secondary grade teacher for a period of nearly one month in 1941, was as a probationer in that category. Even if the appointment gave him the status of a probationer in the category of secondary grade teachers, there is nothing to show that he retained that status after he left that service and accepted a permanent appointment elsewhere. He was subsequently appointed in August 1942 as a teacher in the L.T. grade in the municipal high school. If the probation rule is applied to this latter appointment, Ulaganathan can claim to have become a probationer in the L.T. grade and his present appointment to a post in that grade will be only a case of reappointment of a probationer. Such an appointment cannot be open to any objection under the rules.

para 1 on p 13 of — See however
K/65

B

37

para 1 on p 13 of

para 2 on p 13 of

rule 7(1) on p 240 of the Statutory rules

para 3 on p 13 of

rule 7(4) on p 242 of the statutory rules

2 Assuming for purposes of argument that Ulaganathan became a probationer in the category of secondary grade teachers in 1941 and retained his status ever since, his present appointment as a teacher in the L.T. grade will not be a case of promotion in the sense in which that word is used in the service rules. Promotion is restricted in this case to persons who are either permanent secondary grade teachers or have completed their probation satisfactorily in that category. As Ulaganathan has not completed his period of probation as secondary grade teacher, his appointment to the L.T. grade can be only a case of direct recruitment. Instances of this are very common in the Government service. For instance an acting lower division clerk who has not completed his probation can be appointed as upper division clerk by direct recruitment. Indeed L.D. clerks in the Secretariat have been permitted to appear for the Public Service Commission examination for direct recruitment to the upper division. There is nothing in the rules in the pamphlet entitled "Statutory Rules under the District Municipalities Act, 1920" which prohibits the direct recruitment to a higher category of a person who has not completed his period of probation in a lower category. Ulaganathan's appointment has not contravened any law or statutory rule and consequently it is not open to the Government to cancel the appointment under section 36 of the District Municipalities Act, 1920.

To be added

p. 2 of G.O. No 1886 Edn 18-12-44 Ⓘ

rule 1 (g) on p 232 of the pamphlet

ASST. SECRETARY TO GOVERNMENT
16 JAN 194[illegible]
EDUCATION AND PUBLIC HEALTH DEPT.

03803

pp 1022-3 of the Madras Code vol III

Legal U.O. 265-1
26/1/45

Sec
25/1/45

E&P.H

Legal Secy. considers that no rule or order has been contravened and that it is not open to the Govt. to cancel Sri Ulaganathan's appointment to the L.T grade under Section 36 of the M.D.M.Act. Legal Secy's reasoning [illegible] to be sound [illegible] All that seems necessary is to inform Sri Malayappan that his request for modification of G.O.No. 1421 Edn.dated 23-10-43, will not be complied with.

in para 1 on p. 1 ante

2) The C.M.C,Gudiyattam has asked for an interview -please see his letter on pages 60-61 c.f. If it is decided to agree with Legal, no interview need, ~~perhaps~~, be ~~granted~~. necessary. For orders

29-1-45

We may agree with Legal.

2.2.45

S/A

I agree

4/2/45

3-2-45

SECRETARY, EDN. AND P. H. DEPT.
5 FEB 45
GOVERNMENT OF MADRAS

A draft order is submitted.

5-2-45

I think we should give a reply, also to the Chairman in reply to the interview asked for, in view of p. 55. 260. Draft of a letter is also put up.

8-2-45

S

Minutes 38.

[illegible] Malayappan [illegible]

[illegible]

3.2.42

[illegible]

11/2/45

2

PF37-3854

ill not be con

~~L is not~~ [illegible] in

~~the~~ ~~[illegible]~~ ~~sense~~

We seek to set aside Wijegunatilaka's appt. with reference to (4) p.b.W.7. That was as much arbitrary as was (L).

My view is that if Wijegunatilaka's appt. could be set aside under (4), under the very same (4) we can also uphold Malayappan's previous appt. Both the orders are ~~[illegible]~~ binding but not in a statutory sense: under either order it was open to [illegible] not to make a direct appt. or promotion ~~[illegible]~~ but when it chose promotion it was clearly incumbent on it to ~~app~~ promote a person ~~fulf~~ fulfilling conditions in (4). These conditions are fulfilled by Malayappan. ~~he~~ He was at the time of promotion (11.1.45 5) ~~[illegible]~~ appd. probationer in [illegible] Grade + L.T (P1?)

3

But the first is — if they [illegible] the follow the scheme of promotion (they had not prevailed) would ~~Malayappan~~ Malayappan be the person best entitled. The other first is whether he is entitled — as [illegible] can also [illegible] [illegible] [illegible] by those who followed the scheme of promotion at the time in question the [illegible] all along assumed [illegible] [illegible] rule [illegible] compulsory. 3/4 [illegible]

39

I now see the Secretary's reasoning. But before putting it as a course of action we had better make sure that the scheme is ultra vires of the [illegible] Committee. Note [illegible]

12.1.45

14/1/45

Pradhan [illegible]

VO

A

[illegible]

Old rule

A 6. The cholera staff, in addition to thei
cally visit every house in which a case
means persuade householders to have
Hospital or other place where they can
render every assistance in the matter of secu
of such patients, and shall see that every ca
and disinfected before being discharged. Tl
purpose shall be paid from municipal funds.
to the hospital is not possible, the Cholera
Surgeon] shall take steps to isolate the pati
shall make necessary arrangements for the
disposal of all infected matter and chlorina
instructions that may be issued by the Dir

Though under section 58 (1) of the P
to remove a patient to the hospital whene
desirable first to try the method of persuat

This rule may be retained as it is with
tor," for the words " the Sanitary Inspect
line 16 of the above rule.

Y.M.—24-6-39.

The rule as proposed in

[illegible]

Routine

A in Secy's note. & A in my note p. 1 N. 2

I had in mind the definition of a "direct recruit" in Govt. Service rules — Rule 2 (13), both before & after the amendment of Dec 43 – p. 179 of Services Manual, Vol. I. I ~~thought that~~ ~~[illegible]~~: it might be equitable to give the benefit of the definition at least to a beginner.

My difficulty in letting the benefit all through was that this process would cut across G/I to wit: we are giving abstract shape in (E). Perhaps L. A. may be asked on both the points. vide [illegible]

To refer to the points, ~~I was~~ which of course has not been

25-5-44

7. accepted in this case in view

isting rule. of the absence of such

ll-time Health Officer is employed, the Health
ikelihood of the outbreak of cholera, a complete
tive measures necessary and shall have direct
ler these rules. specific provision in

posed rule.

ll-time Health Officer is employed, the Health local board rules,
kelihood of the outbreak of cholera, a complete
measures necessary *and send it to the executive* I would
hereof to the Director of Public Health, Collector
ecutive authority shall communicate the action invite
nd to the authorities referred above. attention to
s shall be placed under the direct control of the

attached

irector of Public Health. the [illegible] order

of officers to whom the scheme prepared should issued for Guntur
en made obligatory on the part of the executive
ities the action taken by him with reference to service
placing the cholera staff under the direct control

for [illegible] information?

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

of Public Health, the Collector and the District
the scheme drawn up for combating cholera and
cases where no action is taken by the executive
and the Collector will then be able to address
ecautionary and preventive measures are under-
be accepted.

I —
28/12
5

rence of what happened at Guntur. May be I took ~~this~~ back & [illegible] in view

S. R. KAIWAR—3-3-38.

C. H. MASTERMAN—27-7-38.

M. R. [illegible] ~~[illegible]~~

the P

LEGAL DEPARTMENT.

follows :—

-time Health Officer is employed the Health
kelihood of an outbreak of cholera, draw up
detail the preventive measures necessary and
or necessary action. He shall also send copies
Public Health, the Collector of the district
lector) and the District Health Officer. The
ate the action taken by him on the scheme
he Director of Public Health, the Collector

I —
29/12
5

T. R. NATARAJAN—28-9-38.

P. APPU NAIR—29-9-38.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

rence to previous paragraphs.

ime Health Officer is employed the Health
an outbreak of cholera, draw up a complete
easures necessary and send it to the executive
so send copies of the scheme to the Director
ict (hereinafter referred to as the Collector)
tive authority shall communicate the action
ipal Health Officer, the Director of Public
h Officer. The staff appointed under these
ol of the Municipal Health Officer.