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Govt. [illegible]

E & P H (1946) Department.

Ms. SERIES.

G.O. No. 1083 Edn.

Dated 1-6-1946

Memo op 17 CF

[Despatch Abstract.]

Establishment - Salem District Board - Sri M. Venkatachalam Pillai, Ex-teacher - withholding of bonus - Papers - Recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	
Go	2184	Rdn	23.7.42				

Further Papers.

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

4

mx 28/11

LOCAL ADMINISTRATION DEPT.
31131
28 NOV 1945
SECRETARIAT, MADRAS

(2)

From

N.V. Subramanyam,
Havildar Clerk, "H" Company Platoon No.3,
No.I I.A.O.C.Trg. Br.
Jubbulpore, (Central Province)

To

The Secretary to Government,
Local Administration Department.
Madras.

Respected Sir,

Pray permit me to represent the following:-

Mp 3-11 below

I am enclosing herewith the Memorandum of my father addressed to your kind self and request you to render justice after carefully perusing the memorandum and protect the interests of my father by issuing orders to the President, District Board, Salem to disburse my father's provident fund bonus to be paid by the District Board.

My father who has put in an yeomen service to the District Board for a period of more than 21 years service has been dismissed without proper grounds. As usual with higher authorities to confirm the order of their subordinates, the higher authorities have not carefully gone through the appeal of my father.

(Appellate authority [illegible] is the D.B.) The petr. has no business to make these comments

As my father without proper grounds has been dismissed and his Provident fund bonus has also been withheld it is a hard hit to my family. My family is a very big one and unless this provident fund bonus to be paid by the District Board to my father is paid, it will be rather impossible to maintain the big family.

I am employed in the military and it has become my lot to protect the entire family and I am worried very much.

Under the above circumstances, I pray your kindself to take sympathetic view and give him the Provident Fund bonus amount and thus protect us for which act of kindness and generosity, we will ever be indebted to your kindself.

With kind regards,

I beg to remain,
Respected Sir,
Your most obedient servant,
N.V. Subramaniam
24.11.45

Dated.
24-11--45.

Enc:- Memorandum of my father.

From ~~P.~~

Ⓜ. Venkatachalam Pillay,
Invalidated Teacher, Board Elementary School,
Salem District.
Residing at No.41/279 Masjid st.,
Salem Town.

To

The Secretary,
(Local Self Government, ~~of India~~, Local Admn. Dept.)
Madras.

MEMORANDUM.

I beg to submit this memorandum praying that the benign government be good enough to peruse my memorial and the orders of the President District Board, Salem in his R.O.C. No.18997-42 E.2 dated 31-12-43, dismissing me from service without any reasonable grounds, after I was invalidated by the District Medical Officer of Salem on 10-4-43, and ~~his~~ the order of the Director of Public Instruction, in dis No 4037/44 d 13.11.44 rejecting my appeal preferred against the order of dismissal by President, District Board, Salem, without assigning reasons for the rejection.

(not recd)

not recd here

I humbly request the Government to kindly look into the grounds on which I ~~mm~~ have appealed against the ~~x~~ order of dismissal by the President, and I am herein below setting out the various grounds on which will elucidate the unsustainability of the said order.

GROUNDS.

i. That the order was passed by the President after my invalidism from service by the District Medical Officer, Salem, on a requisition issued by the President himself.

ii. That the punishment of dismissal was ordered with the avowed object of depriving me of my Provident fund Bonus and therefore vindictive and opposed to the cannons of justice and of equity.

iii. That the order of dismissal appealed against is one-sided and arbitrary as the formalities and requirements of Rule 5 of G.O.No.3648 L.A. dated 17-8-1936 were not observed before passing the same and therefore contrary to and in direct violation of the Rules and Orders issued by Government in this behalf.

p.212 BK.'15

iv. That the charges are not so serious as to justify their being pursued with even after my invalidism and much less to warrant the extreme penalty of dismissal from service.

3. I shall now proceed to explain in detail how the orders appealed against are in the manner stated above:

I was Board Elementary School Teacher with a total record of unblemished service of about 21 years, and throughout my service my work has been steady and satisfactory, and no Inspecting Officer has so far passed ~~my~~ any strictures or bad remarks against my work or conduct. My wife A.Namagiri Ammal also is a Mistress under the same District Board, and both of us were serving in one and the same place, viz, Sankari - she in the Girls' School and I in the Boys' School. We are a big family people, and our children had to be sent up for higher education. The poor salary we were both getting was not enough and we found it very difficult to run the family at Sankari and also to support my children who were admitted in the High School at Salem. We, therefore, applied to the President during the general transfers of Board Elementary School Teachers in 1942 and requested that we might be both transfered to some place near

Salem so as enable us to remain with our sons. But unfortunately, the President, instead of either complying with our request or allowing us to remain in the same place, Sankari, took a fancy to seperate us and transfered my wife to the Girls' School at Sivadapuram - a Village near Salem and myself to the Boys' School at Punavasal in Attur Taluk, a far off place situated at a distance of about 50 miles from Sivadapuram referred to above, with the result that we had now to keep 3 different houses - one at Sivadapuram for my wife, another at Punavasal for myself and the thrid at Salem for my children for their education. Nevertheless, after relief at Sankari, my wife proceeded and joined duty at Sivadapuram and myself at Punavasal. After joining duty, I submitted a petition on 1-7-1942 to the President requesting him to transfer me to the Boys' School at Sivadapuram so as to enable me to live with my wife. As I was alone at Punavasal, cooking my own food and as the climatic condition of the place also did not suit me I fall ill shortly afterwards, and I applied to the President for a Medical Requisition being issued on my behalf for examining my condition and to state whether I required any leave etc. In the meantime, my condition became worse, and as there was no help also I had to leave the place urgently on 5-7-1942. Thereafter, I got myself admitted in the General Hospital at Salem, and the District Medical Officer, Salem, was pleased to recommend a month's leave from 5-7-1942, the date of my leaving the School at Punavasal. When this leave expired, another requisition was issued by the President and the District Medical Officer was pleased to recommend 6 months' leave in continuation thereof. Then, as my petition dated 1-7-1942 to the President requesting to transfer me to my wife's place, viz, Sivadapuram, was negatived, I appealed to the Director of Public Instruction

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- tions, Madras, in my petition dated 5-9-1942 requesting him to consider my hard case and to transfer me to Sivadapuram as the President's order transferring me and my wife to two different places situated far away is opposed to the General Instructions contained in the Orders of Government that both the husband and wife should be posted to one and the same place as far as possible. I was then ill, and as my leave Salary and T.A. for the Transfer Journey from Sankari to Punavasal were not paid I was hard up for money and put to considerable difficulties. I, therefore applied to the President for an advance from my Provident Fund ~~Accumulations~~ so as to enable me to get myself treated properly. This was also refused by the President although in several other cases even spedial advances were being sanctioned by the same President. I had, therefore, no other course open to seek redress from Higher Authorities, and I accordingly submitted a petition to Government ventilating my grievances and requesting for redress. My leave salary and T.A. were thereafter disbursed to me. But my action in having submitted petitions to Higher Authorities infuriated the President and my trouble began thereafter. Charges were framed against me in President, District Board's No. R.O.C.E-2 18997-42 dated 31-1-1943, and I was called on to show cause why I should not be dismissed from service. I wrote back to the President to say that I was then on medical leave and that I would submit my explanation after recovery and when I returned to duty. Later on, when I grew better I requested the President to grant me permission to peruse the records on which the charges were based with the help of a Vakil or an English-knowing friend. This was also declined by the President but I was however ordered to peruse the records in the presence of the Section Head. Again, I submitted that I had no faith in the Office people and that I might,

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therefore, be permitted to peruse the records with the help of an English-knowing friend. In the meantime, my medical leave was to expire and the President directed me to appear before the District Medical Officer, Salem, for examination. I did so and the District Medical Officer, Salem, after examining me found that I was unfit for further service and called on the President to send him a requisition for invalidation. On the requisition received from the President, the District Medical Officer, invalided me in his Certificate dated 10-4-1943. But, the President, instead of issuing orders immediately for my retirement, pursued the charges against me although they are trivial, and finally dismissed me from service with effect from 19-3-1943, - the date from which my medical leave expired.

4. I fail to see how the President is justified in dismissing me from 19-3-1943 when he has himself issued a requisition for my invalidation on a subsequent date, and in-as-much as the District Medical Officer, Salem, has, in complying with the above requisition, invalided me in his Certificate dated 10-4-1943. The action of the President in having issued a requisition for my invalidation tantamounts to his agreeing to my retirement on invalidation. If not, the President should have delayed the issue of necessary requisition for my invalidation and pursued the charges. In-as-much as he did not do so, the only proper course open is to drop the charges and retire me from service, on invalidation. In these circumstances, it may be seen that the action of the President in pursuing the charges is only a ruse to gain his avowed object of depriving me of my Provident Fund Bonus by dismissing me from service, and this wreak his vengeance against me for my having submitted petitions to the Higher Authorities against his actions, for redress. The order appealed against, is thus one, actuated by motive and

prejudice and is, therefore, vindictive and unjust.

6. I may also point out that, as stated in para 3 above, I was neither permitted to peruse the records on which the charges were framed nor was my explanation taken before ever the ordersof punishment appealed against, were passed and no judicial enquiry also was held to prove the charges against me as required by Rule 5 of G.O.No.3648 L.& M dated 17-8-1936. Thus, the Provisions and Requirements of the Rule have not been complied with in passing the orders. Even for waiving all or any of the Provisions of this Rule, sanction of the Government is necessary as may be seen from the second proviso to the above Rule. The order which has been passed without obtaining Government sanction and my explanation to the charges is indirect violation of the Rules framed by Government in the matter ~~f~~ of punishment of District Board Employees and is, therefore not sustainable.

p.242- Bk.II)

6. Now coming to the charges proper, I submit that there seems to be no need to discuss them here as the whole proceedings instituted in this behalf are vitiated by non-compliance of the Rules issued by Government on the subject, and, therefore, the orders of punishment become null and void. Nevertheless, I shall discuss them here to show for the information of the Appellate Authority how they are no charges at all.

i. The first charge is that I went away on leave 4 times during the year 1941-42. I submit in this connection ~~with~~ that excepting the leave on half average salary from 4-6-41 to 13-6-41 which I had necessarily to take in connection with the arrangements to be made for my daughter's wedding, the rest were leaves on medical certificate granted by competent authorities. I do not know how I am to be held responsible for these leaves whidh were beyond my control and which I could not possibly

- avoid.

ii. The II charge is that my conduct in having abruptly stopped away from duty after applying for a medical requisition and without proper relief and orders and causing dislocation to work is highly suspicious and irresponsible. I beg to submit that, as already stated by me, I stopped away from duty from 5-7-42 on account of ill-health, and, when I became worse, I left the place as I was alone there without any help. I, thereafter, got myself admitted in the Head-Quarters Hospital, Salem, and, on the requisitions issued by the President himself, the District Medical Officer, Salem, recommended leave for seven months continuously - one month at first and 6 months again and the same was also granted by the President. I also beg to add that I was only an Assistant under a Head Master and I stepped away from duty with his full knowledge and permission. In these circumstances, I fail to understand how my conduct in this regard was suspicious and irresponsible and what else could any other subordinate have done in the circumstances.

iii. The III charge is that my conduct in having submitted petitions and appeals regarding my transfer in spite of specific orders and indulging in impertinent talk with President is subversive of discipline. Of course, I submitted petitions and appeals and these were done to ventilate my grievances and seek redress because the President wantonly separated me and my wife and transferred me to a far off place, viz, Punavasal in Attur Taluk and he was giving me further trouble also with a prejudiced mind by delaying the payment of my leave salary and my transfer T.A. If this is to be called indiscipline I do not know why there should be a Higher Authority in every Department and why subordinates should be conceded the right of submitting petitions and appeals for redress of grievances.

With regard to the other point that I indulged in impertinent talk, I submit that it is vague and not specific. It is not stated definitely what I exactly talked, when and in what connection. Therefore it requires no reply at all.

iv. The IV and the last Charge is that my tone and language in my petition dated 15-10-1942 and 2-11-1942 requesting disbursement of my leave salary is highly objectionable. I was on sick leave then, and, as my leave salary was not paid for a considerably long time, I was put to a lot of trouble and driven to misery and utter starvation, and in the pangs of my destitution and suffering I wrote the petition. I do not remember now what I wrote. I leave it to the Appellate Authority to imagine what the state of my mind would have been on account of the misery and the extenuating circumstandes explained above.

7. Thus, it may be seen that there is nothing in the Charges; They are mere exaggerations and verbiage woven on ansound foundations with a view to make them large and appear grave.

8. I am aware that I cannot be re-instated in service on account of my having been invalided by the District Medical Officer, Salem. All that I want is that I should be able to get my Provident Fund Bonus as otherwise I will be put to considerable difficulties and misery in these hard days.

9. It could be clearly seen from the above that the President was not right in dismissing me from service and at any rate could not warrant an order of dismissal as was done in my case. I have been contributing

towards my Provident Fund to a toal of Rs.411/- and the equal contibution by the Board has been denied to me on ground of the dismissal.

10. I have been working for the past 21 years without any bad remarks and ultimately was invalided. Still I am to be denied of the legitamate claims I have over the contribution share of the Provident Fund and it is with a view to deprive me of the Provident Fund contribution of Rs.411/- with interest by the Board, that the President has dismissed me from service and withheld the Provident Fund bonus amount.

[illegible]

I most respectfully and humbly pray that the Government be gracious enough to call for all the records concerning my case, pass orders setting aside the order of dismissal and thus render jsutice to me by enabling me to go out of service unscathed and get the Provident Fund amount to be given by the District Board, so that I may have restful and peaceful retired life.

My son has been asked to join in the Military service as Havildar's clerk and he is proceeding to his duty So I request that this aspect of my loyal duty to the benign government of my loyal duty be considered and my memorial favourably disposed off by setting aside the order of dismissal for which act of kindness I shall ever be grateful.

I beg to remain,
Sir,
Your most obedient servant,
G Venkatrama [illegible]

[illegible] Dated: ~~[illegible]-45.~~
24.11.45

C.1/12/17

⑧ 13/ E.P.H.(A)

14 / 13/12

Establishment – Dt. Board, Salem –
Sri M. Venkatachalam Pillai, ex-teacher –
Payment of P.F. bonus.

pp 3-12 ef
From Sri M. Venkatachalam Pillai, d/24.11.45
" " N.V. Subramanyam, d/ 24.11.45

p 1 ef
~~Memo~~ Endt. No. 55069A/45-1 Edn., d/ 12/12/45

Despd with Encl
[illegible]
14-12-45

~~The Govt will not interfere in the matter~~. Refer to the D.P.I. for remarks especially on grounds (iii) in para 2 of the memorial

To the D.P.I.
(with pp 1-12 to be returned with reply)

To Sri M. Venkatachalam Pillai
No 41/279 Masjid St.,
Salem Town

10/12/45

Copy to N.V. Subramanyam,
Havildar clerk
'H' Company Platoon No. 3,
No. I. I.A.O.C. Trg. Bn.
Jubbulpore

W
11.12.45

BM
12/12/45

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.O.C.NO.4987-B/45, Dated 3-1-1946.
£@£

⑨

SUB: Establishment - DIstrict Board, Salem - Appeal - P.Venkatachalam Pillai - Ex-teacher.

p.13 cf

REF: Govt. Endt No.55069-A/45-1 Edn dated 12-12-1945.

Submitted. copy not recd.

2189

2. The appeal from P.Venkatachalam Pillai was rejected in this office Proceedings Dis.No.4037/44, dated 13-11-44, there being no case for the Director's interference on behalf of the petitioner. not recd

ASST. SECRETARY TO GOVERNMENT
15 JAN 1946
EDUCATION AND PUBLIC HEALTH DEPT.

p.100, BK.157

3. The petitioner having been dismissed from service, the District Board may under Rule 22 of the Provident Fund Rules, withhold all or any part of the amount standing to his credit in the contribution account.

pp.14-17 below

4. A copy of the remarks of the President, District Board, Salem on the appeal is submitted. It may be seen therefrom that the petitioner was afforded adequate opportunity to defend himself but that he did not avail himself of the same. The petitioner's contention that the prescribed formalities were not observed deserves no consideration.

2/1

for Director of Public Instruction.

7Rm
11.1.46

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

RVR 10/1/-

Copy of letter ROC.E.2/18997-42 dated 15th May 1944 from the President, District Board, Salem to the Director of Public Instruction, Madras.

Appeal - P.Venkatachalam Pillai - Teacher - Board boys school, Punavasal against the orders of dismissal - forwarded with the remarks.

(not recd)

Ref: Your Proceedings ROC.1049-B/44, dated 27-3-1944.

In forwarding herewith the appeal petition dated 15-5-1944 of P.Venkatachalam Pillai ex-teacher Board Elementary School Punavasal in Attur Taluk against this office order ROC.no.E-2-18997-42 dated 31-12-1943 dismissing him from the Board's service I desire to offer the following remarks. not recd copy not recd

2 This office proceedings appealed against would contain in extenso the details of the charges and how they stand established on records, unrebutted by anything in favour of the appellant and therefore there is no necessity to reiterate the charges and the findings thereon here at the present moment. But with regard to the other points raised in the appeal petition I have to offer my remarks as detailed below.

3 The appellant was of course transferred from Sankari Board school in Tiruchengode Taluk to the Board School at Punavasal in Attur Taluk and it was because his behaviour was very unsatisfactory and the Deputy Inspector of Schools, Tiruchengode Range strongly recommended that this teacher [illegible] be sent out of his Range. He was found to be neither earnest nor dutiful and interested in his legitimate work but on the other hand, was

⊗⊗ Even after joining duty on 28.6 1946 at the new station]

was always thinking of a transfer and applying for leave for some reason or other causing thereby dislocation to school work (Vide Deputy Inspector's remarks in his endorsement RC.No.51/42, dated 1-5-42 page 102 C.F. of R.F.16/28586-42 - File enclosed) ⊗⊗ viz. Punavasal he began to play the very same old game and applied for the issue of a medical requisition onthe plea of ill-health and without waiting for orders on his petition, he left the station leaving the school work to suffer abruptly on 5-7-42, Nevertheless a medical requisition was issued and on the recommendation of the District Medical Officer, Salem, this teacher was granted leave from 5-7-42 to 18-3-43 in this office order ROC.No.E.2./18997-42 dated 18-11-42 (C.F.Page 75). While on leave I actually found this teacher roaming about in Salem. He also took pleasure in seeing the President often and in indulging in impertinent and discourteous talks exhibiting unmannerly and rude behaviour towards the President in an irresponsible way without realising for a moment that he was a subordinate under him. He also petitioned for a transfer to Sowdapuram School in Salem Taluk where his wife was employed. When he was informed that his request could not be considered because his work and conduct were not satisfactory he preferred an appeal to the Director of Public Instruction, Madras requesting for a transfer. Even after this appeal was rejected by the Director of Public Instruction, Madras, he persisted in submitting petitions to Government for transfer. He also submitted two petitions dated 15-10-42 and 2-11-42 regarding the non-disbursement of his salary etc. (C.F.Pages 67,68 and 73 ~~xxxx~~ & 74) It may be seen that the tone and language used therein are highly vituperative and devoid of all official courtesy and decorum, not to speak of the uncalled for comments and impertinent remarks made by by him therein, against the President. Thus the teacher was adament and persisted in submitting series of petitions to everybody in an irresponsible manner in spite of the service conduct rules and definite orders issued to him in the matter. All these activities show that he is a dare-devil and the alleged sickness did not stand in his way of doing mischief! Such, an irresponsible, impertinent and intolerable attitude in a subordinate who is after all Ely.Lower Teacher and who was also incompetent to pass the Ely. Higher Grade examination, in spite of several warnings and opportunities given to him, was not only a disgrace to the profession but would also mar the general discipline among the elementary school staff if such a teacher was allowed to behave in his own way go scot free in spite of all his misdeeds. The President was therefore constrained to frame charges against this teacher in this office Proceedings ROC.No.E.2-18997-42 dated 31-1-43 and he was called on to submit his explanation in a week as to why he should not be dismissed from service as and when the charges were proved (C.F.Page 79 to 82)

3(a) The teacher on receipt of this order in his petition dated 12-2-1943 (C.F.Page 85) stated that he was unwell and pleaded inability to offer his explanation within the time allowed and requested that he might be permitted to peruse the records and offer his explanation after his rejoining duty from leave even though he found it convenient to write all sorts of petitions and even to meet the President, District Board evidently with a view to misbehave. Thereupon it was ordered in this office order dated 15-3-43 (C.F.Page 93) that he cannot be granted time indefinitely so long as he was on leave unless his physical unfitness and incapacity to peruse the records was established and that otherwise he should peruse the records on 22-3-43 without fail. But the teacher on receipt of the orders dated 15-3-43 submitted another petition dated 20-3-43 (C.F.Page 97) requesting permission to peruse the records with the help of a vakil or some one who knows English as he did not know English. It was then ordered in this office order dated 2-4-43 that he might peruse the records in the presence of the section head who would give him a Tamil rendering of the records in English.

4 In the meantime as the teacher's leave was to expire on 18-3-43 and as the teacher applied for the issue of a requisition to District Medical Officer, a medical requisition for examining his fitness to return to duty was issued to the District Medical Officer Salem ~~in~~ on 15-3-43. The District Medical Officer Salem who examined him had written to say that ~~that~~ this teacher was unfit for further service called for a requisition from this office for his invalidation. A second requisition was accordingly issued and the Dt. Medical Officer declared him unfit for further service in his certificate dated 10-4-43. But as charges were pending against the teacher the Director of Public Instruction Madras was addressed for instructions in the matter as to whether the disciplinary action already started against the teacher may be completed and orders passed simultaneously along with orders of retirement. The Director of Public Instruction replies in his letter No.2136-B/43, dated 3-6-43 that it was open to the President to take disciplinary action or not on the charges against the teacher. As the teacher still continued to submit petitions after petitions to the Deputy Inspector of Local Boards Vellore, Inspector of Local Boards Madras and to the Government putting forth mostly false and undesirable allegations, his behaviour was defiant, most unsatisfactory and reprehensible, it was necessary to pursue the disciplinary proceedings started against him with a view to curb such impertinent attitude by a subordinate towards his superior
so as to maintain discipline among the staff of the ~~as~~ elementary schools
in the service of the Board. The teacher was accordingly called on again in this office memo dated 28-8-43 C.F.Page 135 to submit his explanation to the charges after perusing the records without further loss of time. Even after receipt of this order the teacher did not care to submit his explanation. More than a reasonable time was allowed for the receipt of the explanation. But the teacher kept quiet and at last he wrote on 10-11-43 (C.F.Page 171) that he does not desire to peruse records with the help of any member of the office-staff as he had no confidence in them. This is nothing but another bit of impertinence and hence the President had therefore no other alternative than to pass orders without his explanation and orders were accordingly passed in this office Proceedings now appealed against.

(10)

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5 It may thus be seen that sufficient time and all opportunities were afforded to the teacher to offer his explanation but he did not care to avail himself of the same and was simply dodging by submitting petitions at every stage. Presumably he had no explanation to offer. His allegation that rule 5 of G.O.No.3648 L & M dated 17-8-36 was not followed is not at all correct. The charges were disposed of quite consistently with the rules. He was given sufficient opportunities to peruse the records and submit his explanation and put in his defence as required under the above rules and if the teacher did not care to avail himself of the repeated opportunities given to him, it was his own fault and he cannot now think of camaflouging this issue. Charges were framed on 15-1-43 and the explanation that was demanded within seven days, was not received at all. The charges were disposed of only on 30-12-1943 and during this long intereval of eleven months and more, the appellant was sending up numerous petitions to authorities viz. Deputy Inspector of Local Boards, Director of Public Instruction and Government but never cared to submit his explanation to the charges. His present plea of no adequate opportunity being given for explanation, is groundless.

(p.212, BK.15)

6 The appellant states that the issue of a requisition ~~of~~ for his invalidation is tantamount to President's agreeing to his retirement. ~~xx~~ I fail to understand the logic of this argument. The issue of medical requisition has nothing to do with the disciplinary proceedings started against him already. He cannot take shelter under the Medical requisition issued for his invalidation. His invalidation by the Dt. Medical Officer does not expunge the bad records and remarks against him nor does it exculpate him from the charges which are based on records and which stand established without being rebutted, and which were disposed of on their merits. The advice of the Director of Public Instruction, Madras ~~were~~ was ~~xxxx~~ also taken and it was point by the Director of Public Instruction in his Orders L.Dis.2136-B/43, dated 3-6-43 that it was open to the President to take disciplinary action in respect of the charges framed.

7 Apart from these two grounds - viz. want of adequate opportunity and

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and infliction of punishment after invalidation by Dt. Medical Officer, there is nothing that is urged. His present attempt to cook up some explanation to the charges, for the first time, in paras 6 and 7 of the appeal, is too late in the date to deserve any sympathy and, what he has stated, is also nothing but trash. It is also most uncharitable to say that the punishment was vindictive or was with a view to deprive the bonus. The punishment was inflicted after a judicious consideration of all the facts and circumstances of the case.

8 The teacher had no regard for authority. He behaved in his own way throwing to the high winds the rules of discipline and the canons of official etiquette and decorrum. His obnoxious behaviour and defiant attitude towards his official superiors and constituted authority will be borne out from the persistent way in which he behaved and submitted petitions to the higher authorities and the impolite and questionable language used therein. He is perfectly at liberty to ventilate his grievances to higher authorities but not in an indecent manner without any consideration to the rules of discipline and official decorum and without realising his responsibilities and position as an Elementary Lower Teacher of an Elementary school. I have also to add that the teacher personally appeared before me on more than one occasion and indulged in loose and impertinent talk assuming a rude attitude. He blamed in this manner in my presence and I having personal knowledge and experience of the same it requires no other proof. The teacher alleged personal motives but does not put forth reasons to prove the same. His reckless statements are nothing but baseless and when charges have all been proved by records without anything to rebut them he cannot be allowed to go unpunished. He comes forward with this plea presumably with a view to win the sympathy of the appellate authority and I am sure that he is miguided inthis attempt. A teacher of this kind deserves no sympathy whatever and the punishment is eminently called for, in the interests of maintaining discipline and efficiency of the administration.

9 In conclusion I submit that the punishment inflicted is justified in the circumstances narrated above and the appeal petition did not deserve any consideration beyond an outright dismissal of the appeal.

10 This office connected file No.E.2/18997-42 Note File pages 24 and C.F. Pages 192 and File No.R.F.16/28586-41 are sent herewith ~~are~~ for reference and return when done with.

(TRUE COPY)

for Director of Public Instruction.

MEMO. No. 21893-2/46-1. dated 27/2/46.

Tam 11.1.46.

Estt. - E.E. - Dt.Bd. Salem - Sri P.Venkatachalam Pillai, ex-teacher - Memorial against dismissal.
Ref:- From Hav.Clerk N.V.Subramanyam, dated 24-11-45. p.1 CF
From P.Venkatachalam Pillay, memorial dated 24-11-45. pp.3-17 CF

The Government see no reason to interfere on behalf of the memorialist.

2. The P.D.B., Salem, is requested to report whether the contribution amount standing to the credit of the dismissed teacher in the account P.F. has been or is proposed to be, paid to him. ~~and, if not, at what whether stage the matter is.~~ ~~the sanction of the Board has been obtained to withhold it~~

To Hav.Clerk N.V. Subramanyam, address as at top of C.F. 1 -
To Sri P.Venkatachala Pillay, address as at top of C.F.3
Copy to the D.P.I. to the P.D.B., Salem.

21.2.46

22/2/46

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mk 14/3 A ⑪ 18

SOLDIERS' & AIRMEN'S BOARD SALEM
NO. 121
DATE 25/2

To
N.V. Subramanian,
Havildar Clerk, No.8565116.
"B" company platoon No.3.
No.IIAOC. Trg. Br.
Jubbalpore.
C.P.

To
The Secretary to Government,
Local Adminstration Department,
Madras.

LOCAL ADMINISTRATION DEPT.
7542
14 MAR 1946

Thro:
The Secretary,
District Soldier's board, Salem.

Sir,

I respectfully beg to submit the following, for early favourable recommendations. My father P. Venkatachalam Pillai, was a teacher in the employment of Salem District Board. The President while my father was on medical leave passed irksome orders and with ulterior motive dismissed him for service and also has not given the bonus amount legitamatedly due to him. My father appealed against his orders and the same was also recommended by the D.E.O. & Divisional inspector of schools, but the D.P.I. rejected my father's appeal without considering the merits of case.

H 43

So my father preferred an appeal to the Secretary to Local Board Adminstration department, Madras on 24-11-45 and the copy was also sent to you. As no orders has been passed so far, and as I am anxious to get my father's case decided soon favourably, I request your kindself to recommend to the Secretary, Local Board adminstration to sympathetically view the hard case and pass early favourable orders and thus protect my father in as much as I am at distance in the Military.

19

ASST. SECRETARY TO GOVERNMENT
16 MAR 1946
15184
EDUCATION AND PUBLIC HEALTH DEPT.

PC.21

Mr 19

I once more pray your kindself to write to the Secretary Local adminstration department to render justice and thus help the family which is rendering military service.

I am, Sir,
Yours obediently,
N. V. Subramaniam
20. 2. 46

Dated: 20-2-46.

No. 49/C678/46/DSSAB.
DISTRICT SAILORS' SOLDIERS' &
AIRMEN S BOARD, SALEM.

Submitted to the Secretary to Government, Local Administration Department, Madras for favour of favourable consideration. An early reply is requested.

SECRETARY,
Dt. SAILORS' SOLDIERS' & AIRMEN'S BOARD,
SALEM.

11/3/46.

L.A. Dept. (A)

E & P. H. w. m. continuation of this Dept. Mem. no. 31131-1A dt. 3.12.45

17-3-46

16/3/46

11-3-46

E&PH

LA no 7342-1A
15 Mar

25—S.A. Dept

p 17 ante

The Havildar clerk (N. V. Subramaniam) has already been informed of the decision of Govt. The present communication was ~~has been~~ written before the clerk received the orders of Govt. No further action is called for. This may be added to the file.

[The DSSAB will be reminded separately with reference to para 2 of the Memo on p 17 ante]

19-3-46

19/3/46

21

(Designation) Commissioner, Tenali Municipality.

To The Secretary to the Government of Madras,

EDUCATION & PUBLIC HEALTH Department.
Fort St. George, MADRAS.

Sir, THROUGH, The Chairman, Ml. Council, Tenali.

MUNICIPAL
TEN
DESPATCHED.
12 DEC 1939

I beg to submit herewith a copy of council resolution No.373 dated 22--11--39 supporting the resolution of Salem Municipal council requesting the Government to prepare a Five Years' scheme to eradicate illiteracy. I beg to request that Government may kindly be pleased to prepare a scheme on the lines suggested by the Salem Municipal council.

P. S. Vasudevan 9/12/39
Commissioner.

P.V.9/12-

Forwarded

9/12

R. Satyanarayana 11-12-39.
CHAIRMAN,
Municipal council, Tenali.

B2 13 22

Establishment - District Board - Sri. P.Venkatachalam Pillai - Ex-teacher - Payment of contribution amount - reply submitted.

26045

R.O.C. No. G5-8172-46.

Salem, District Board Office,
Dated:- 12-----5-----1946.

From
Sri. K.A.Nachiappa Gounder, M.L.A.,
President, District Board,
Salem.

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

ASST. SECRETARY TO GOVERNMENT
15 MAY 1946
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

Ref:- Memorandum No. 2189-B2-46-1 dated 27--2--46 and exchange reminder dated 28--3--46.

p1766

Sri. P.Venkatachalam Pillai the ex-teacher was found guilty of a ~~xx~~ indifferent, insubordinate and impertinent behaviour and conduct. Specific charges were framed against him and he was dismissed from service on ample proof of the charges with my personal knowledge and experience of facts. An appeal against the orders of the dismissal preferred to the Director of Public Instruction Madras was also dismissed in proceedings of the Director of Public Instruction Madras Dis. No. 4037/44 dated 15--11--44.

According to rule 22 of the P.F. rules it is open to the District Board to withhold all or any part of the amount standing to the credit of the dismissed employee in the contribution account and the matter was placed before the District Board and the District Board has in its resolution No. 78(165) dated 26--7--44 has rightly decided to withhold the payment of the bonus to the exteacher Sri. P. Venkatachalam Pillai in the circumstances set forth above. The conduct of the Ex-teacher Venkatachalam Pillai was such that any punishment to extrimity was well deserved in his case and he deserves no sympathy at all. The subscription amount was paid to him and the account was settled and the matter was closed already once for all. There is therefore no proposal to pay him

p100
Bk 157

M

P. T. O.

him the contribution amount and the case does not also deserve any consideration. The District Board has been uniformly adopting the policy of with-holding bonus, in such cases in the interests of discipline and efficiency of administration and this policy is very necessary to make subordinates behave properly and the punishment to have the full import.

R

12-5-46

p.p.12/5.

President.

---

(14)

L.A. Dept. (A)

Sub:P.F. - Salem Dt. Bd. - Sri M. Venkatachalam Pillai, ex-teacher - payment of bonus.

L.A. No. 31131 A 1945 - p 1 to 11 c.f.

Ref:From Sri N.V. Subramanyam, Hav. clerk etc Jubbalpore dated 24-11-1945.

Please see the petition of Sri M. Venkatachalam Pillai, a dismissed Ely. school teacher of the Salem Dt. Bd. on pp 3-11 c.f. and the letter on p 1 c.f. from his son who is now on Military duty. The request of the petitioner is that the order of dismissing him from service passed by the P.D.B., Salem, may be set aside to enable him to go out of service unscathed and to get the p.f. bonus due to him.

× Dn p 11 c.f.

2. Under Rule 22 of the Local Boards Provident Fund Rules, when a subscriber is dismissed from the service of a local board, the local board can withhold all or any part of the amount standing to his credit in the contribution account and pay him only the balance together with the amount deposited by him as subscription and the interest thereon. In view of ~~the provision~~ this rule, the action of the P.D.B. Salem in having with held the p.f. bonus due to the petitioner, cannot be questioned if it has the sanction of the Board. It is only with a view to get over this difficulty and to claim p.f. bonus from the Dt. Bd. that the petitioner has requested the Govt. to set aside the order of dismissal passed by the P.D.B. The question of setting aside the order of dismissal is one for consideration ~~with~~ in the E & P.H. department. This may therefore be transferred to them.

p. 1009 Govn. 1945-7-B

3.12.45

E&PH

55869

ASST. SECRETARY TO GOVERNMENT
8 - DEC 1945
EDUCATION AND PUBLIC HEALTH DEPT.

29.11.45

28.11.45

30.11.45

L.A. No. 31131-1A
3.12.45

E&P.H (A)

The teacher has already exercised his right of appeal to the D.P.I. and the appeal has been rejected by the Director. ~~Ely. school teachers in local bodies have no right of appeal to Govt. The petitioner may be told that Govt. will not interfere in the matter.~~

~~A draft memo is submitted.~~

The memorial in C? may be referred to the D.P.I. for remarks with special reference

14/12/45

to para iii on page 4 C.F.
The endt. below is for approval

OBM
12/12/45

p1.12.45

draft [illegible]

(Issued as Endt.55069-A/45-1-Edn., dated 12-12-45.) CF 13
From the D.P.I., R.O.C.No.4987-B/45, dated 3-1-46. CF 14

Pl. see the remarks of the D.P.I. on p.14 C.F. The argument of the memorialist which requires consideration is that the order dismissing him ~~for~~ from service is one-sided and arbitrary as the formalities prescribed in rule 5ˣ of the rules relating to the appointment and punishment of officers and servants of local boards were ~~have~~ not ~~been~~ observed. The Dir. has reported that the teacher was afforded adequate opportunity to defend himself but that he did not avail himself of it. The opportunities allowed to the memorialist are explained in paras 3 to ~~and~~ 5 at pp.14-16 C.F. It will be seen therefrom that the requirements of the rule have been dispensed with by the P.D.B. on his own motion instead of after obtaining the previous sanction of Govt. as reqd. by the second proviso to the rule mentioned above. The proviso lays down that in cases where there is a difficulty in observing exactly the requirements of the rule, all or any of the provisions thereof may, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived with the previous sanction of the Govt. The sanction of Govt. has not been obtained. It seems therefore that on this ground the proceedings and the order of dismissal may be declared invalid and be set aside. Before setting aside the order and directing the President to conduct the disciplinary proceedings in accordance with the rules, he may be consulted as to why the requirement of the proviso in question was not observed. ~~or orders.~~ ~~L.A may see~~ It may also be ascertained from the President whether the Dt.Bd.'sˣ sanction has been obtained for withholding the P.F. contribution.

L.A. may see.

{(iii) on p.4 CF
para 5, p.8 CF

ˣp.212, Bk.157

para B p.14 CF

ˣp.213, Bk.157

A

E

ˣ The working rule 22 (Bk.157, p.100) is 'Dt.Bd. may withhold'

B.1.46

OBM
26/1/46 S

A above – This is not correct. No part of the procedure was 'dispensed with'. The prescribed procedure was followed – but the memorialist did not avail himself of the opportunities

---

(15)

3

Agreed to him. The views of the D.P.I. expressed in B at p.2 are [illegible] [illegible] of the petition rejected.

6/2/46

L.A.

ED & H
V.O.2189-A-1
6-2-46

LOCAL AD[illegible] DEPT.
9-FEB 1945
SECRETARIAT, MADRAS

1676

L.A. Dept.

~~It is not known what action was proposed by the P.D.B. on this subject.~~

[Previous notes of this dept. on p.1 are [illegible]

Please see the note of Ed & P.H. dept. on pp.2-3 above.

3676 ~~'E' on p.2 above may be agreed to in this dept. The file may be returned to Ed & P.H. Dept.~~

MM
7-2-46

This Department may agree with the view of Secretary ~~section 7.~~ E.& P.H. that the prescribed procedure has been followed by the P.D.B. in dismissing the petr.

2. If the petition is rejected, it will be entirely within the discretion of the Dt.Bd. to pay the petitioner the bonus on his ~~the~~ Provident Fund contributions in whole or in part or even to disallow the bonus in its entirety. Considering the view taken by the P.D.B. of the petitioner's misconduct, it is possible that the Dt.Bd. may disallow his claim to the bonus altogether. The charges themselves do not involve any moral turpitude and if for this reason it is considered only sufficient ~~to meet the ends of justice~~ merely to remove him from service, so as to enable him to draw the bonus, necessary orders have to be issued under the relaxation rules at page 383 of Bk. 157. The question is however for one for consideration in E.& P.H.

3. It may be mentioned in this connection that the late Inspector (Mr.K. Ramunni Menon) remarked after personal inspection of this Dt.Bd.office that the P.D.B. was harsh towards his subordinates. The case of the petitioner seems to be an instance in point. He and his wife were teachers in the Board schools at Sankari. They wanted transfer to a place near Salem where their children were at school. The P.D.B. posted the

ˣ B̂ on pr. para

16.2.46

See P.R. rule 22 at p.100 of Bk.157.

para 8 on p.17 CF

pp.98-107

1891

Vs. It is for Ed & H to decide

16.2.46

X on p.396 CF of G.O.2184 LA 23-7-42

(F)

See para 3 on p.4-5 CF

4 4

wife to a place near Salem while the husband was posted to a place fifty miles off. In Govt. service such separation of husband and wife when both are in service, should be avoided as far as possible - Vide G.O.No.1922, Public (Services), dated 21/10/1937. There is no similar G.O. applicable to local board servants. The petitioner asked to be posted to the Boys' school in the place where his wife had been posted. It is not known what orders were passed by the P.D.B. on this request. ~~This the President seems to have been refused and~~ The petitioner was on medical leave after a few days' service at the new station, till he was invalided from service. The President declined to sanction the petitioner an advance from the Provident Fund to meet his medical expenses and framed charges while the petitioner was on medical leave.

14.2.46

4. With these remarks this may be returned to E.& P.H.

13.2.46

The remarks in para 3 above are not relevant to the point at issue here. This dept may agree with the remarks of the Secy. E.&P.H at pp 2-3 ante

16.2.46

Secy

16/2/46

L.A. No 36767 A 16.2.46

ASST. SECRETARY TO GOVERNMENT 18 FEB 1946 HEALTH DEPT.

9891

Edn. and P.H. (A)

1/ The petition may be rejected.

2/ Pl. see portion "E" on p.2 ante and L.A.'s note on the point in para 2, p.3 ante. The qn. whether any relaxation should be made on behalf of the teacher may be considered after the point at "E", p.2 ante is cleared up by a refce. to the P.D.B. A draft Memo. is subd.

on p.17 cf

22/2/46 S

27/2/46

A 14 C.F.

[Issued as Memo no 2189 B2/46-1 Edn d 27.2.46]

16

5

C.a. 26045 B2/46 From the P.D.B. Salem, Roc. No G5-8172-46 d 12.5.46

Please see the reply from the P.D.B. Salem on pp 21-22 cf. to this Dept's Memo on p17 cf. The Dt. Board, in its Resolution No 78(165) d 26.7.44, decided to with-hold the payment of bonus to the teacher. His P.F. Subscription amount was paid and the account was settled.

Not received in this Office

M on p 22 cf.

The Question for Consideration is whether the Govt should specially order the Dt. Board to Sanction the Provident Fund bonus due to the dismissed teacher overlooking the provisions of the statutory rules. They have got powers to issue a direction to the Dt. Board in the matter. Please see Secretary's note on pp 2-3 ante and the notes following. For orders.

x Rule 22 of P.F. Rules on p 10 of Exam's Book Bk 157

x p383 of Exam's Book Book No 157

CF 20.5.46

I. Balakrishna Menon Asst. Secy. 20/5/46

S

'P' above. I do not think there is any need to Govt to this extraordinary procedure.

U/Secy

TSA 29-5-46

27/5/46

SECRETARIAT, EDN. AND P.H. DEPT. 29 MAY 1946 GOVERNMENT OF MADRAS

27/5/46

Abstract

Exct - Salem Dt. Bd - Sri M. Venkatachalam Pillai, ex. teacher - with holding of bonus - Papers Recorded.

CF 29.5.46

29.5.46

The papers may be recorded for future reference.

Orders 1083 Recorded Edn. d. 1/6/46

30/5/46

Copy to the P.D.B. Salem. (w.r.t. his letter No: G5-8172-46 d 12.5.46)

4.6.46

(17) B1 7

To the Secretary, E.&.P.H. for
enquiry and report.

TSA
17.9.46

H.M.Education

ASST. SECRETARY TO GOVERNMENT
18 SEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.

SECRETARY, EDN. AND P.H. DEPT.
17 SEP 1946
GOVERNMENT OF MADRAS

From

P.Venkatachalam Pillai,
Retired Teacher,
Majid Lane,
Door No. 41.
SALEM.

To

Sri. T.S.Avinashilingam Chettiar, B.A., M.L.,
Minister for education,
MADRAS.

54814

1083
30.5.46

Sir,

I beg to submit the following for your kind consideration and favourable orders.

I have served for 21 years in the District Board Service. At the time of medical leave my services were terminated without proper grounds solely with a view to refusing payment of Provident Fund. Thereby the District Board President has done a grave injustice. My appeal to the D.P.I., and the Secretary to the Education Department did not have the desired effect and they are unwilling to interfere in my case in their reference No. L. Dis No.4037/44. dated 13/11/44 and M. No.2189 B2/46-1 dated 27th February 1946. Though the D.E.O. and Divisional Inspector have recommended for reinstatement or cancellationof my dismissal they have not done anything.

As my case is a hard one and as it deserves a better treatment I request you to be so good as to consider my case favourably. My case was not sympathetically treated by the official Ministry. I am sureit would be considered favourably under a popular minister like you. I also pray your Honour to call forth papers and render justice.

I shall be grateful to you if you will kindly allow me to have a personal representation.

I am herewith sending the relevant papers.

I beg to remain,
Sir,
Your most obedient servant,
P.Venkatachalam Pillai

Salem
Dated:17.6.46.

(True Copy)

6 8

From
P.Venkatachalam Pillai,
Retired Teacher,
Majid Lane,
Door No.41.
Salem Town.

To
Sri.T.S. Avinashilingam Chettiar, B.A., M.L.,
Minister for education,
M A D R A S.

P18

Respected Sir, Re: My petition dated: 17-6-46.

I waited with the full hope that my petition will have a sympathetic consideration.

As I have not been fvoured with any orders so far, I am once more approaching your kindself and pray early orders.

I am giving overleaf, the copy of my petition referred to above.

Solicitying sympathetic consideration and early favourable orders.

I beg to remain,
Respected Sir,
Your most obedient servant,
P.Venkatachalam Pillai
11.9.1946

Salem,
11-9-1946.

18/9

C.No. 54814

9

(18)

Edn and P.H. dept.

Petition from Venkatachalam Pillai, retired teacher, District Board Salem, dated 17.6.46.

PETITION AGAINST DISMISSAL.

....

H.M.'s Orders thereon : --

"To the Secretary, E & P.H. for enquiry and report."

T.S.A(vinashi Lingam)
17.9.46,
H.M. Edn.

....

1-9

pare 1, p3

p22 cf

pp1-24

pp1-5 of 69

p385 of 69
+p17 cf

Attention is invited to the papers in G.O.No. 1083 Edn. dated 1. 6. 1946. Sri Venkatachalam Pillai, an elementary school teacher under the District Board, Salem, was dismissed from the Board's service on certain charges. The appeal of the teacher to the D.P.I. against the orders of the President, Dt.Bd., was also rejected. The District Board has also withheld the provident fund bonus due to the teacher in view of the order of dismissal from Board's service. In a representation dated 24.11.45 the teacher requested that the order of dismissal might be set aside to enable him to go out of the service unscathed and to get the Provident ~~Fund~~ Fund bonus due to him. This request was examined in the notes to the Government order and the Government decided not to interfere in the matter. The file may be submitted to H.M. (Edn) with reference to ~~the~~ his orders extracted above.

21.9.46

21.9.46

21/9/46

3.9.46

24/9/46

SECRETARY, EDN. AND P. H. DEPT.
5 - OCT 1946
GOVERNMENT OF MADRAS

TSA
30.9.46

H.M.(Edn)

The papers may be filed with G.O. 1083 Edn. of 1.6.46.

5.10.46

7/10/46

10

Endorsement.

Returned [illegible] for [illegible] through the proper channels
(By order)

-1- ⑲

Re-Submitted

ASST. SECRETARY TO GOVERNMENT
15 FEB 1947
EDUCATION AND PUBLIC HEALTH DEPT.

As per the Endt. No. 072458 B1/46-1
Edn. dated 10-12-46

Immediately
14/12

Through:- The Special officer VE.

To
The District Board,
Salem

14/12/46.

VE
To
the D.B.E.O.
14/12/46.

~~Draft.~~
Put up papers ~~for perusal~~
& ~~[illegible]~~ action
+ Amr
14.12.46

3

-3-

~~D~~ G2

3

20

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT. 9 FEB 1947

To

Mr. Hon'ble T.S. Avanasi Lingam Chettiar, M.A., B.L.,
Minister for Educational Dept.
M A D R A S.

SECRETARY, E. & P. H. DEPT. 22 NOV 1946 GOVERNMENT OF MADRAS

ASST. SECRETARY TO GOVERNMENT 72458 26 NOV 1946 EDUCATION AND PUBLIC HEALTH DEPT.

A humble memorial of P. Venkatachalam Pillai,
Rtd. Teacher, Musjid Street, Door No. 41. Salem Town.

MINISTER FOR EDUCATION NOV 1946 GOVT. OF MADRAS

May it please your Honour,

Your humble memorialist has put in a service of 21 years during which period no remark has ever been passed or recorded. The District Board President without studying the position of your memorialist has dismissed in his order R.O.C. No. 18997/42, dated ~~3/12/43~~ 31-12-43 while your memorialist was on medical leave granted by the D.M.O., calling for explanations which are rather uncalled for, and has rendered a grave injustice which deserves your honour's considerations and cancellation of the dismissal order.

Your memorialist was given requisition to D.M.O. under R.O.C. 18997/42 dated 2-4-43 to be tested as to the fitness of future service and D.M.O has invalidated on 10-4-43. While the President has issued a dismissal order on ~~31-1-43~~ 31-12-43. This clear difference of 8 months from the D.M.O.'s Medical Certificate to that of the date of the dismissal order, clearly proves that the President has acted in a grevious manner and has rendered a grave injustice to me.

Your memorialist has preferred appeal to the Director, Secretary to the Government, Education, and then to your Honour also on 17-6-46 and they have not been considered favourably so far.

Your Honour, I am sure, is aware regarding the whimsical manner in which the Presidents and private managed schools teachers suffering security of tenure.

Your Memorialist has already sent all the connected records with the appeal preferred to your honour on 17-6-1946.

2/

Your memorialist is a big family man having 5 children, and old mother-in-law under his protection, and he finds it extremely difficult to manage in these hard days, & his eldest son is serving in the Military Havildhar Clerk, Jubbalpore No.8565116.

The President even ~~after~~ invalidating has dismissed your memorialist with only one ~~notice~~ motive to to knock of ~~by~~ the provident fund, amounting to Rs.500/-s making me unfit to work anywhere.

In these circumstances your humble memorialist prays to sympathise and cancel the dismissal order which is an injustice and protect me in these hard days.

I beg to remain,
Respected Sir,
Your most obedient servant,
S Venkata...

SALEM.
Dated:20/11/46

MEMORIALIST.

Copy to:

E & P.H.(M) Deptt.

Endorsement No. 72458 B1/46-1. Edn. - 16/12/46

Returned for submission through the proper channel

(By order)

Assistant Secretary to Govt.

To
the petitioner

-5-

21

5

Establishment -- leave -- P. Venkatachalam Pillai -- Assistant B.B.S. Punavasal -- Attur Tk.

R.O.C. No. E2-18997-42

Salem District Board Office,
Dated 2-4-43.

Memo.

A medical requisition has been issued separately to the District Medical Officer Salem on behalf of P. Venkatachalam Pillai, assistant Board Boys School, Punavasal (on leave) for examining his fitness for further service. He is therefore directed to appear before the D.M.O. Salem immediately for medical examination and report the fact to this officer forthwith.

Sd. M. Vairawanatha Pillai,
For President.

To
P. Venkatachalam Pillai,
Asst. B.B.S.
(On leave) Now at
Majid Lane,

Superintendent,
15 FEB 194
EDUCATION AND PUBLIC HEALTH DEPT.

Copy to the H.M. for school file.

(True Copy)

Establishment -- punishment -- P. Venkatachalam Pillai - Assistant Board Ely. School Punavasal, Auttur Taluk -- Dismissed From Service ordered.

Procedings of the President, District Board, Sale.

Present:- Sri K.A. Nachiappa Goundar, M.L.A., President, Dt. Bd. Salem

Roc. No 18997/42-E2 Dated:- 31-12-43.

* * * *
* * * *

He used to meet the President, District Board often and indulge in impolite and discourteous takk. The charges against him would very well show that he is quite unfit to continue as a teacher to whose care young minds are to be entrusted. His attitide in not cooperating with the various tages of proceedings and of not availing the opportunities given to him repeatedly go to show that he has nothing to rebut the charges. The fact that he did not give any explanation all these months is a clear proof that he has no explanation to offer. He has not also asked for a judicial enquiry. Hence the charges are taken as proved.

Sd. M. Vairavanatna Pillai,
For President.

(True Copy)
Forwarde, By Order,

ASST. SECRETARY TO GOVERNMENT
15 FEB 1947
EDUCATION AND PUBLIC HEALTH DEPT.

From

P.Venkatachalam Pillai,
~~Former Assistant Master,~~ Invalided Teacher,
Board Elementary School, Ponavasal
(Salem District)
Now at No.41/279, Masjid St.,
Salem Town.

To

The Director of Public Instruction,
Madras.

Through
The President,
District Board, Salem.

Sir, [Ref:- D.Dis.No. 4037-44 D/13.11.44 of the D.P.I. Madras.]

I humbly beg to submit the following appeal against the orders passed by the President, District Board Salem in his Roc.No.18997-42 E-2 Dated 31-12-43 dismissing me from service after I was invalidated by the District Medical Officer, Salem in his certificate dated 10-4-43.

2. The following are among others the main grounds on which this appeal is based.

i. that the order was passed by the President after my invalidation from service by the District Medical Officer, Salem on a requisition issued by the President himself

ii. that the punishment of dismissal was ordered with the avowed object of depriving me of my P.F. bonus and therefore vindictive and opposed to the cannons of equity and justice.

iii. that the order of dismissal appealed against is one sided and arbitrary as the formalities and requirements of rule 5 of G.O.No.3648 L.A. dated 17-8-36 were not observed before passing the same and therefore contrary and indirect violation of the rules and orders issued by Government in this behalf.

iv. that the charges are not so serious as to justify their being pursued with even after my invalidation and much less to warrant the extreme penalty of dismissal from service.

3. I shall now proceed to explain in detail how the orders appealed against are in the manner stated above.

I was a Board Elementary School Teacher with a total unblemished service of about 21 years and through out my service my work has been steady and satisfactory and no Inspecting Officer has so far passed any strictures or bad remarks against my work or conduct. My wife A.Namagiri Ammal also is a Mistress under the same District Board and both of us were serving in one and the same place Viz. Sankari - she in the Girls' School and I in the Boys' School. We are a big family people and our children had to be sent up for higher education. The poor salary we were both getting was not enough and we found it very difficult to run the family at - Sankari and also to support my children who were admitted in the High School at Salem. We therefore applied to the President during the general transfers of Board Elementary School teachers in 1942 and requested that we might be both transferred to some place near Salem so as to enable us to remain with our sons. But unfortunately the President instead of either complying with our request or allowing us to remain in the same place Viz. Sankari took a fancy to separate us and transferred my wife to the Girls' School at Sivadapuram a village near Salem and myself to the Boys School at Punavasal in Athur Taluk a far off place situated at a distance of about 50 miles from Sivadapuram referred to above with the result that we had now to keep 3 different houses one at Sivadapuram for my wife, another

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at Punavasal for myself and the third at Salem for my children. Nevertheless after relief at Sankari my wife proceeded and joined duty at Sivadapuram and myself at Punavasal. After joining duty I submitted a petition on 1-7-42 to the President requesting him to transfer me to the Boys School at Sivadapuram so as to enable me to live with my wife. As I was alone at Punavasal cooking my own food and as the climatic condition of the place also did not suit me I fell ill shortly afterwards and I applied to the President for a medical requisition being issued on my behalf for examining my condition and to state whether I required any leave etc. In the mean time my condition became worse and as there was no help also I had to leave the place urgently on 5-7-42. Thereafter I got myself admitted in the General Hospital at Salem and the District Medical Officer, Salem was pleased to recommend a month's leave from 5-7-42 the date of my leaving the School at Punavasal. When this leave expired another requisition was issued by the President and the District Medical Officer was pleased to recommend 6 month's leave in continuation thereof. Then as my petition dated 1-7-42 to the President requesting to transfer me to my wife's place Viz. Sivadapuram was negatived I appealed to the Director of Public Instruction Madras in my petition dated 5-9-42 requesting him to consider my hard case and to transfer me to Sivadapuram as the President's order transferring me and my wife to two different places situated far away is opposed to the general instructions contained in the orders of Government that both husband and wife should be posted to one and the same place as far as possible. I was then ill and as my leave salary and T.A. for the transfer journey from Sankari to Punavasal were not paid I was hard up for money and put to considerable difficulties.

I therefore applied to the President for an advance from my Providend Fund accumulations so as to enable me to get myself treated properly. This was also refused by the President although in several other cases even special advances were being sanctioned by the same President. I had therefore no other course open than to seek redress from higher authorities and I accordingly submitted a petition to Government ventilating my grievances and requesting for redress. My leave salary and T.A. were thereafter disbursed to me. But my action in having submitted petitions to higher authorities infuriated the President and my trouble began thereafter. Charges were framed against me in President District Board's No. Roc.E-2 18997-42 dated 31-1-43 and I was called on to show cause why I should not be dismissed from service. I wrote back to the President to say that I was then on medical leave and that I would submit my explanation after recovery and when I returned to duty. Lateron when I grew better I requested the President to grant me permission to peruse the records on which the charges were based with the help of a Vakil or an English knowing friend. This was also declined by the President but I was however ordered to peruse the records in the presence of the Section Head. Again I submitted that I had no faith in the office people and that I might therefore be permitted to peruse the records with the help of an English knowing friend. In the meantime my medical leave was to expire and the President directed me to appear before the District Medical Officer, Salem for examination. I did so and the District Medical Officer Salem after examining me found that I was unfit for further service and called on the President to send him a requisition for my invalidation. On the requisition received from the President, the District Medical Officer invalidated me in his certificate dated 10-4-43. But the President instead of issuing orders immediately for my retirement pursued the charges against me although they are trivial and finally dismissed me from service with effect from 19-3-43 the date from which my medical leave expired.

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4. I fail to see how the President is justified in dismissing me from 19-3-43 when he has himself issued a requisition for my invalidation on a subsequent date and in as much as the District Medical Officer Salem has in complying with the above requisition invalidated me in his certificate dated 10-4-43. The action of the President in having issued a requisition for my invalidation tantamounts to his agreeing to my retirement on invalidation. If not the President should have delayed the issue of necessary requisition for my invalidation and pursued the charges. In as much as he did not do so the only proper course open is to drop the charges and retire me from service on invalidation. In these circumstances it may be seen that the action of the President in pursuing the charges is only a ruse to gain his avowed object of depriving me of my Providend Fund bonus by dismissing me from service and thus wreaking his vengence against me for my having submitted petitions to the higher authorities against his actions for redress. The order appealed against is thus one, actuated by motive and prejudice and is therefore vindictive and unjust.

5. I may also point out that as stated in para 3 above I was neither permitted to peruse the records on which the charges were framed nor was my explanation taken before even the orders of punishment appealed

against were passed and no judicial enquiry also was held to prove the charges against me as required by Rule 5 of G.O.No.3648 L.&.M dated 17-8-36. Thus the provisions and requirements of the rule have not been complied with in passing the orders. Even for waiving all or any of the provisions of this rule sanction of the Government is necessary as may be seen from the second proviso to the above rule. The order which has been passed without obtaining Government sanction and my explanation to the charges is indirect violation of the rules framed by Government in the matter of punishment of District Board Employees and is therefore not sustainable.

6. Now coming to the charges proper I submit that there seems to be no need to discuss them here as the whole proceedings instituted in this behalf are vitiated by non-compliance of the rules issued by Government on the subject and therefore the orders of punishment become null and void. Nevertheless I shall discuss them here to show for the information of the appellate authority how they are no charges at all.

i. The first charge is that I went away on leave 4 times during the year 1941-42. I submit in this connection that excepting the leave on half average salary from 4-6-41 to 13-6-41 which I had necessarily to take in connection with the arrangements to be made for my daughter's wedding the rest were leaves on medical certificate granted by competent authorities. I do not know how I am to be held responsible, for these leaves which were beyond my control and which I could not possibly avoid.

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15 FEB 194[illegible]
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ii. The II Charge is that my conduct in having abruptly stopped away from duty after applying for a medical requisition and without proper relief and orders and causing dislocation to work is highly suspicious and irresponsible. I beg to submit that as already stated by me (I stopped away from duty from 5-7-42 on account of ill-health and when I became worse I left the place as I was ~~about~~ alone there without any help. I thereafter got myself admitted in the Head Quarters Hospital Salem and on the requisitions issued by the President himself, the District Medical Officer, Salem recommended leave for seven months continuously - one month at first and 6 months again - and the same was also granted by the President. I also beg to add that I was only an Assistant under a Head Master and I stopped away from duty with his full knowledge and permission. In these circumstances I fail to understand how my conduct in this regard was suspicious and irresponsible and what else could any other subordinate could have done in the circumstances.

iii. The III Charge is that my conduct in having submitted petitions and appeals regarding my transfer inspite of specific orders and indulging in impertinent talk with President is subversive of discipline. Of course I submitted petitions and appeals and these were done to ventilate my grievances and seek redress because the President wantonly separated me and my wife and transferred me to a far off place Viz. Punavasal in Athur Taluk and he was giving me further trouble also with a prejudiced mind by delaying the payment of my leave salary and my transfer T.A. If this is to be called indiscipline I do not know why there should be a higher authority in every Department and why subordinates should be conceded the right of submitting petitions and appeals for redress of grievances. With regard to the other point that I indulged in impertinent talk, I submit that it is vague and not specific. It is not stated definitely what I exactly talked, when and in what connection. Therefore it requires no reply at all.

iv. The IV and the last charge is that my tone and language in my petition dated 15-10-42 and 2-11-42 requesting disbursement of my leave salary is highly objectionable. I was on sick leave then and as my leave salary was not paid for a considerably long time I was put to lot of trouble and driven to misery and utter starvation and in the pangs of my destitution and suffering I wrote the petition. I do not remember now what I wrote. I leave it to the appellate authority to imagine what the state of my mind would have been on account of the misery and the extrunating circumstances explained above.

7. Thus it may be seen that there is nothing in the charges. They are mere exaggerations and verbiage woven on unsound foundations with a view to make them loom large and appear grave.

8. I am aware that I cannot be re-instated to service on account of my having been invalidated by the District Medical Officer, Salem. All that I want is that I should be able to get my Providend [illegible] bonus as otherwise I will be put to considerable difficulties and misery in these hard days.

In these circumstances, I humbly request that the appellate authority may kindly be pleased to consider my hard case, set aside the orders now appealed

against and order that I be retired from service on invalidation and thus make me eligible to get my Providend Fund bonus.

Salem,
15-3-1944.

I beg to remain,
Sir,
Your most obedient servant,

TO GOVERNMENT
15 FEB
EDUCATION AND PUBLIC HEALTH DEPT.

Copy submitted direct
to save delay.

NC

28328

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ASST. SECRETARY TO GOVERNMENT
15 FEB 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Supdt E
Please put up the
papers. Petition is the
letter I pass on to the office
a personal representation
made to S.O. or to me
should be put up
promptly.
29-1-47

From
P. Venkatachalam pillay,
Majid street, Door No.41 Salem Town.

To the District Board Special Officer,
Salem.

Respected Sir,

I submitted a petition for the re-consideration of the ordess passed by the Ex-President of the District Board arbitrarily.

Your kindself was pleased to hear me patiently on 14-12-47 and promised to send withrecommendations to the Government. I hope by this time your honour might have ~~xxx~~ received the orders.

As I am unemployed and I am too poor to on, I request your honour to arrange to cancel the orders of the District Board President and grant my provident fund etc., and protect me, fo whichact of kindnes I am in duty bound ever pray.

Yours faithfully,

P. Venkatachalam

Applicant.

Salem,
29-1-47.

Noted Sir.
30/1/47

VP

EP.

Pl. put up
papers today.
30/1

Papers are put up
separately
30/1

(28) D5 9

Roc.No.E12-28328-46

Salem District Board Office,
Dated 3rd February 1947.

Director of Public Instruction Madras 7 FEB 1947

Government 5 FEB 1947 Dept.

ENDORSMENT

FORWARDED to the Secretary to Government, Education and Public Health Department, Fort St.George, Madras, through the Director of Public Instruction~~s~~,Madras.

P.Venkatachalam Pillai, former teacher, Board boys'school, Punavasal , Attur taluk, was dismissed from service from 19-3-43 in this office proceedings Roc.No.E2-18997-42 dated 31-12-43. The previous appeal made by him on 15-3-44 to the Director of Public Instruction,Madras, was rejected in his Dis.No.4037-44 dated 13-11-44. It is now three ~~m~~ years since the memorialist was dismissed. Under rule 22 of the Provident fund rules, the Board, in its resolution No.78(165) dated 26-7-44, decided to forfeit the bonus due to the teacher.The connected files in this office will be submitted if necessary and are called for.

For Special officer,
District Board,Salem.

Rk.5/2

p100
Bk 157

L 6/2

Ro. P.

B2

Office of the
Director of Public Instruction,
Madras.

Endorsement N.R.C.No. 447-B2/47 dated 12th February 1947.

***

Submitted.

13216

p17CF 7 (1)

2. Kind attention is invited to the Government Memorandum No.2189-B2/46-1 Education and Public Health Department, dated 27th February 1946 wherein the Government passed orders that they saw no reasons to interfere on behalf of the Memorialist.

R. Narasimhan
for Director of Public Instruction.

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

KAN.13/2

13/2

E&PH Dept

Memo No 13216 B2-1 Edn d. 9.4.47

Estt. Dt Bd, Salem. Sri P. Venkatachalam Pillai Ex teacher – petition against the orders of dismissal.

Ref:– Petition from Sri P. Venkatachalam Pillai d 20 11/46
Endt of the Spl officer, Dt Bd, Salem No E12-28325-46 d 3.2.47
" of the D.P.I No 447 B2/47 d 12.2.47.

pp 3.4 CF
p 19 CF.
p 20 CF

To be seen

p17CF 7 (1)

The Special officer, Dt Board Salem is requested to inform the petitioner that the Govt decline to modify their orders in para 1 of Memo No 2189 B2/46-1 Edn d 27.2.46.

8/3/47

To The Spl officer Dt Bd Salem
" The D.P.I

20.2.47
8/3

P.T.O

72458-B2
10/3/47

Note:- Please see the notes on pp 1-9 n.f. of G.O. No 1083 Edn. d 1.6.1946 and the orders in para 1 of Memo no. 2189-B2/46-1 Edn. d 27.2.46. p17 c.f. 9 (U)

The draft memo overleaf follows the decision taken therein.

.0.2.46

24/2/47

8/3/47

8/3/47

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SECRETARY, EDN. AND P.H. DEPT.
8 - APR 1947
GOVERNMENT OF MADRAS

TSA
8.4.47