

Pub. 20/8/46

Scott. II-27-27,000-12-11-42

ED H (194 ⁶) Department.

Ms SERIES.

G.O. No.

1535 *ED*

7.8 *hb*

Dated

[Despatch Abstract.]

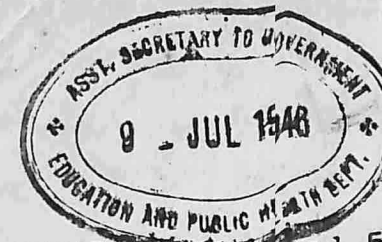
MES. — Ramani, Sri N., Lecturer
— leave — granted

Back Papers.

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

Farther Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1578						
	8826						



Office of the
Director of Public Instruction,
Madras.

Rc.No.2549 C746 dated 5-7-1946.

Ref: Application for leave dated 27-6-46 from Sri N.Ramani,
Junior Professor of English, Presidency College, Madras.

(Copy) submitted and recommended.

2. In anticipation of sanction of Government Sri N.Ramani
is being permitted to proceed on leave with effect from the
date of relief.

3. The certificate for the drawal of war allowance during
leave is submitted herewith.

To the Secretary to Government,
Education and Public Health Department, Madras, through the
k.h.8-7.

Copy of the application referred to above.

I am just now in receipt of your order transferring
me to Anantapur.

As in my present domestic circumstances I am unable to
leave Madras, I request I may be granted, in the first instance,
privilege leave, on full pay and allowances, for one month.

I shall be thankful if you will be so good as to permit
me to avail myself of the leave from Madras from date of relief.

(True Copy)

M. Ramani
8.7.46
for Director of Public Instruction.

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8/7

3
Enclosure to Director's Endorsement Rc.No. 2549 C/46
dated 5-7-1946.

CERTIFICATE.

CERTIFIED that there is no likelihood of Sri N.Ramani,
Junior Professor of English, Presidency College, Madras,
returning on the expiry of his leave, to a post carrying a
lower rate of pay.

M. Ramani
8.7.46
for Director of Public Instruction.

8/7

40914
Report of the Assistant General on application for Leave of Absence.

S. Y. 52.

Station.	Name of Officer	Appointment.	LEAVE APPLIED FOR.				
			Nature.	Period.		Date of commencement.	
Y.	M.	D.					
Madras	Sri N. Ramani	Junior Professor of English, Presidency College	Leave on Average Pay	-	1	-	Date of relief

No. GA IV. Edw 489 dated 24.7.46
(Under Fundamental Rules.)

Certified that Leave for one months one days is admissible from the date of relief
19, under Fundamental Rules, viz., Leave on average pay for one months
months one days with leave on half average pay for one months
days under rules. of those rules, or if the leave is spent out of
India, Ceylon, Nepal, Burma or Aden or is taken on Medical Certificate* but is not leave
preparatory to retirement, Leave on average pay for one months
days with leave on half average pay for one months days under
rules. of the said rules.

(Under Leave Rules.)

Certified that leave for one months one days is admissible
from 19, under
Leave Rules, viz., leave for one months
months one days with
for one months days under rules. of the said rules.
[P.T.O.]

There is no objection to his prefixing or affixing gazetted holidays or Sunday to leave provided the conditions prescribed in this respect are satisfied.

*N.B.—Leave reported on Medical Certificate may be granted to an officer on his furnishing proper Medical Certificate as prescribed in the subsidiary rules in support of his absence and the fact of the grant of any leave on Medical Certificate or out of India, Ceylon, Nepal, Burma or Aden may be distinctly stated in the orders sanctioning the leave.

Forwarded to The Secretary to Government, Education and Public Health Department, Madras

†2. A copy of the orders sanctioning the leave may be sent to this office, with an intimation of the actual hour and date on which he is allowed to proceed on leave.

†3. The actual hour and date of his return to duty may also be intimated on his return from leave.

4. R.C. NO 2549C/46 dated 5.7.46 of the Director of Public Instruction, Madras, is herewith forwarded.

OFFICE OF THE Accountant General
Madras

(Signature)

M. Duraiswamy

Dated the

194

(Designation)

Asst. Accounts Officer

22.7.46

Ref: Letter dated 1st September 1946 from Sri.N.Ramani, Lecturer in English (on leave) to the Director of Public Instruction, Madras.

I request you to be so good as to permit me to draw my house allowance during the period of my leave from June 28, 1946.



3614 C.1/46 dated 16th September 1946.

(Copy) submitted.

2. Kind attention is invited to instruction 14 in paragraph 5 of G.O.No.67, Finance, dated 14--3--1942. Though Sri N. Ramani has now been reposted as Additional Junior Professor of English, Presidency College, Madras, yet, at the time he proceeded on leave, there was no likelihood of his returning either to the post from which he proceeded on leave or to another post carrying a similar house-rent allowance. Hence, a Certificate to the above effect was not embodied in the I.O.No. 1535, Education, dated 7-8-1946 sanctioning leave to him.

3. His request for permission to draw house allowance during leave cannot be granted unless Government relax the provisions of Subsidiary Rule 4 under Fundamental Rule 44.

S. R. Ramani
Director of Public Instruction, Madras.

10
The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

32/10/46

E. & P.H. (A)

Mem. No. 54637-A-2, d/9.10.46

M.E.S. - Sri N. Ramani, Jr. Prof., Presy. College - Request for
drawal of M.H.A. for period of leave

Ref: - From the D.P.I., C. No. 3614-C/46, d/10.5.46. [p. 10.5.46]

The D.P.I. is requested to
request of ~~inform~~ Sri N. Ramani ~~that he cannot~~
~~be permitted~~ for drawal of M.H.A. for
the period of his leave ^{referred to} is negative.
The D.P.I. is requested to inform the
office accordingly.

8.10.46
8/10/46

9/10/46

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To the D.P.I.

Edn. and P.H. Dept. (A).

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M.E.S. - Ramani, Sri N., Jr. Prof., Presy. College
Madras - Leave - Granted.

CF 1
CF 5
Read: - From the D.P.I., C. No. 2549-C/46,
dated 5-7-1946.
From the A.G., No. G.A. IV. Edn. 489, dated
24-7-1946.

G.O. (MS.) No. 1535 Edn., dated 7.8.46.

The follg. notfn. will be published in
the F.S.G. Gazette:-

NOTIFICATION.
LEAVE.

Sri N. Ramani, Jr. Prof., Presy. College,

Madras, (is granted) leave on average pay for one
month, with effect from the date of relief.

2. The appended certificate is forwarded

to the A.G.

To the D.P.I. ✓
" A.G. ✓
" S.G.P. for pubn. of notfn. ✓
" Pub. (C. Dept. ✓
" B. ✓

APPENDIX.
Certificate.

26.7.46
27.7.46
27/7/46
27/7/46
Certified that Sri N. Ramani is not likely
to return, on the expiry of the leave granted to him
in G.O. No. X Edn., dated X, to a post carrying
a lower rate of pay.

NOTE:--

From the D.P.I., C.No. 3514-C1/46, dated 16-9-1946.

M.T.S. - Sri N. Ramani, Jr. Prof., Presy. College
M.H.A. for period of leave.

In June last Sri N. Ramani, Jr. Prof., Presy. College, Madras, was transferred by the D.P.I. to Anantapur. The officer did not join duty at Anantapur but applied for leave, which was granted in G.O. 1535-Edn., dated 7-8-46. At that time, there was no returning likelihood of his rejoining, on the expiry of the leave, to the post of Jr. Prof., Presy. College, wh. carried MHA, or a similar post carrying the alicce. Hence, the order sanctioning the leave made no mention about M.H.A. for him during the leave period.

Since then, a post of Addl. Jr. Prof. has been sanctd. for the Presy. College and Sri Ramani, having been re-posted as Jr. Prof., has joined duty in the college on 17-9-46. He now requests permission to draw M.H.A. for the leave period.

W.r.t. Instruction 14 at p.4 of "r", the officer's request can be allowed only if s.r.4 under F.R.44 (wh. requires the inclusion in the order sanctioning the leave of a certificate re: the likelihood of the Govt. servant's return to the post from wh. he goes on leave or to another post carrying a similar alicce.) is relaxed; the relaxation can be justified only in exceptional cases and the mere fact that the provns. of the rules were overlooked cannot be sufficient justification. In the present case, it is not a question that the provns. of the rule were overlooked. The officer was re-posted, for administrative reasons, to the Presy. College itself. As, further, the officer actually resided in Madras during the period of leave (which is in all 2 months and 19 days), it is for consideration whether the rule may be relaxed, as a special case, and the officer granted the alicce. Finance may see for remarks.



may be done
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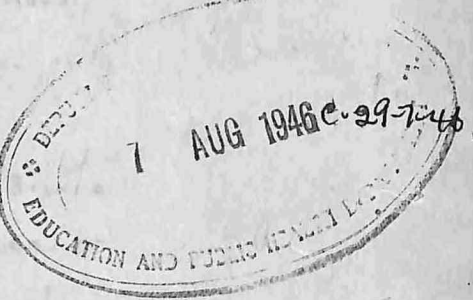
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Please see the note of EPH Dept above.

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NOTE:-

For orders as to circn. to H.M. (Edn.).



26.7.46
27.7.46
5.8.46
H.M. (Edn.)

The instructions in para 5 (14) on p 4 of the Co. at (2) definitely requires that the authority sanctioning leave should embody in the order a certificate regarding the likelihood of the Govt. servant's return ^{either} to the same post or to another one carrying a similar allowance. The D.P.I. has ~~clear~~ clearly stated that, at the time of the grant of leave to Sri Ramani, there was no likelihood of ^{the latter} returning to the same post or any other ~~post~~ carrying M.H.A.). The intention behind the statutory provision ~~stipulation~~ referred to above is that so long as there is no chance of a Govt. servant in the City going on leave, returning to the same post at the expiry of it, the Govt. need not be put to the obligation of compensating him for the high rents in the City during that period, since such a Govt. servant need not necessarily stay or retain the house in the City during the leave.

2. Regarding the case of Sri Ramani also, since no certificate referred to was appended to the order sanctioning his leave, the Govt. did not expect him to stay or retain his house in the City during the period of his leave. The fact that he was posted back to the City ^{after his leave} was only a subsequent ~~arrangement~~ ^{happening} which was purely accidental ^{during leave} when ~~considered~~ for purposes of deciding his eligibility for M.H.A. It may also be stated that ~~if~~ if Sri Ramani had been posted to any place in the mufassal, he ~~would have~~ ^{could not} have made ~~such~~ such a request. It does not seem that the position is, in any way, ~~altered~~ altered by his being posted back to City. The D.P.I. has not ~~also~~ made any recommendation for relaxing the rules in favour of the officer.

3. In view of the above considerations, it seems that there is little justification for the liberal attitude taken by E.P.H. at 'A' on p 1 above. Relaxation of rules under Sec 241 (5) are made only in very exceptional cases. It does not appear that this department can consider this case as a deserving one for relaxation ^{of the rule} under Sec 241 (5) of the Govt. of India Act.

At the time the officer went on leave it was not anticipated that he would be reported to Madras. The certificate referred to could not have been given to the accidental circumstance

that another post in Madras was subsequently created & that Mr. R. was posted to that post is not a justification for relaxing rules. Such relaxation should be resorted to only in exceptional circumstances. Pub (Ser) may see also if the proposal to relax rules is pressed.

Im. no 51535 Pm-1

27.9.46



For orders whether this Dept. may press for a relaxation of the rule and the grant of the allow. to the officer. If so, the file may be sent to Pub (Ser.) before circ.

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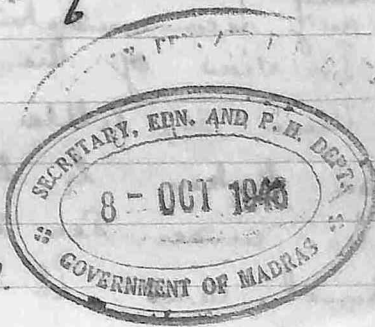
will have a than leave to present 9 inside to the officer's report may be received.

If Mr (Ser.) however, thinks with to the relaxing of relaxation may be considered to have not be sent to Pub. (Ser.) before it is circulated for use.

There is no need for relaxation of the rule.

TSA

8.10.46



A draft ^(on p. 2 of) Memo is subd.

28.9.46 ^{PM} 30.9.46 ^{PM} 1/10/46 S

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(A) V.O. (m.m.)

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8.10.8

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Page 3