

Edn (1946) Department.

163 SERIES.

G.O. No.

1786

Edn

Dated

16.9.1946.

[Despatch Abstract.]

Establishment - Municipal Council, Mannargudi - A School
Mistress - Leave for abortion - Treating as Maternity leave-
Ordered.

Back Papers.

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

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go Go	3047 1461	H Health	28. 9. 49 26. 4. 57				

From LOCAL ADMINISTRATION DEPARTMENT.
Sri.S.R.Gopala Rao, B.Sc.,
Municipal Commissioner,
MANNARGUDI.

To The Assistant Secretary to
Government, Education and
Public Health Dept., MADRAS.

Thro' 48757
The Director of Public Instruction,
MADRAS.

Thro'
The Chairman, Municipal Council,
MANNARGUDI.

Re. No. 521/46.

Sir,

Dated. 5-6-46.

SUBJECT:--ESTABLISHMENT--Leave--Abortion--Treating as
Maternity leave--Instructions requested--

A School mistress of this Municipality applied for leave on
Medical Certificate as she had an abortion when the period of
pregnancy was 4 months. Now the Mistress requests that the
leave applied for and granted may be converted into maternity
leave. Hence I beg to request that the Government may be
pleased to issue orders whether the leave taken by the mistress
on account of abortion at the 4th month of pregnancy may be
treated as maternity leave.

P.S.G-3-46 'A'.
Compd:

S. R. Gopala Rao
COMMISSIONER. 1/6/46

18 JUN 1946

OFFICE OF THE
DIRECTOR OF PUBLIC INSTRUCTION,
Madras, Dated 14th June, 1946.

360-B2/46, dated 14-6-46.

The leave applied for by the teacher in question can only be treated as one On Medical Grounds and not as Maternity leave.

32319

28 JUN 1946
S. 96

For Director of Public Instruction,
The Secretary to Government,
Education and Public Health Department.

27 JUL 1946
1566
MADRAS

Education & PH Dept (B2)

Encl. No 32 319 B2-1 B. 2-1 of 26.6.46.
Referred to the Examiner of Local Fund
Accounts for remarks.

The Examiner of
Local Fund Accounts.

20/6/46
Assistant Secretary to Govt

L.F. No. 2953

18.7.46

Examiner's Office.

Subject:- Establishment - Mannargudi Municipality - Leave -
Portion - Treating as maternity leave.

Reference:- Endorsement No. 32319 B.2-1 Education dated the
24th June 1946.

Maternity means motherhood and maternity leave is granted to enable a woman to tide over the period of child-birth after the full period of gestation -- a few days before delivery and after delivery, the time necessary to enable her to resume her normal duties, which would vary with each case. It would therefore appear the leave in this particular case should be treated as one on medical grounds as suggested by the Director of Public Instruction but as the point involved is one for the medical authorities to decide, I suggest that the opinion of the Surgeon General may be obtained on this point.

39400

18.7.46

Examiner of Local Fund Accounts.

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

MAVS/17.7.

Education & PH Dept B2.
Enclt No 32319 B2-2 B. d. 25.7.46
Referred to the Surgeon General for
Remarks.

To The Surgeon General.
with the Govt of
Madras.

D. B. M. M. M.
Asst. Secretary to Govt.
26.7.46

Office of the Examiner of Local Fund
Accounts.
L.F. No. 3241
Mis-sent. 30.7.46
Forwarded to the
Surgeon-General with
the Govt. of Madras.
Dy. Examiner of
L.F. Accts.
The Surgeon-
General with
the Government
of Madras.

4. The further question is whether the Government could themselves
file an appeal if the Chairman is not prepared to file one. The Govern-
ment are not parties to the suit, the only defendant to the suit being the
Chairman, Municipal Council, Madras, through R. S. Nayudu. Under
English procedure, Government have been allowed to intervene and
implead themselves as parties in the original Court when question relating
to the construction of statutes were before the Court and Government
have been allowed to prefer appeals from such decisions.

5. Under the Indian procedure, however, this has not been allowed
to be done. In a recent case—L.T.R. 50, Madras 34—Justice Srinivasa
Ayyangar sitting on the Original Side declined to make the Secretary of
State for India a party to a suit filed by the head of a mutt against the
Commissioners appointed under the Madras Hindu Religious Endowments
Act for a declaration that the said Act was invalid and ultra vires. Not
being a party to the decree, I do not think that the Government could
prefer an appeal against the same. The proper procedure is for the
defendant—the Chairman of the Municipal Council—to prefer the appeal.

two remedies open to him under the rule. I doubt whether in the face
of the specific provisions of rule 61, the plaintiff could claim a general
right of suit. On the whole I am of opinion that an appeal should be
filed against the decision of the Subordinate Judge in O.S. No. 150 of
1926.

LOCAL ADMINISTRATION DEPARTMENT.
From Sri.S.R.Gopala Rao, B.Sc.,
Municipal Commissioner,
MANNARGUDI.
To The Assistant Secretary to
Government, Education and Public
Health Department, MADRAS.



Thro' The Director of Public Instruction,
MADRAS.
Thro' The Chairman, Municipal Council,
MANNARGUDI.

Rc.No.C.2.521/46.

Dated.22--8--'46.

Sir,

Sub:--ESTABLISHMENT--Leave--Abortion--Treating as Maternity
leave--Instructions requested--
Ref:--This Office Rc.C.2.521/46 dated 5-6-46 and Government
Endorsement No.32319-B.2.46-3Edn.,dated 10-8-46--

I beg to request that the Government may be pleased to issue
early orders on this office reference quoted above.

P.S./22-8-46.'P'.
Compd:

Forwarded.
B. D. Anant Singh
22/8

S. R. Gopaladeo
COMMISSIONER. 23/8/46
23/8/46

R.C.No. 4865 B.5/46.

Office of the Director of Public
Instruction, Madras, 31--8--1946

Submitted in continuation of this office R.C.No. 2260 B2/46
dated 14th June 1946.

For Director of Public Instruction.

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

P.R.K. 4/9/46

SR
4/9

Ref.No.48757-A/46.

Office of the Surgeon-General
with the Government of Madras
Madras 6, D/- 10th Sept. 1946.

From
Major-General J.P.Huban, CSI., OBE., KHS., IMS.,
Surgeon-General with the Govt. of Madras.
To
The Secretary to Government,
Education and Public Health Department, Madras.

Sir,
Subject:-Leave - abortion - treating
as maternity leave - remarks - forwarded -

52711 Ref:-Government endorsement No.32319-
B.2-2 Edn., dated 25-7-1946 on the remarks of
the Examiner of Local Fund Accounts, Madras,
dated 18-7-1946.

This is not a case of abortion but of
p.t.o.

premature labour. The leave should be treated as maternity leave.

2. The enclosures forwarded with the Government endorsement referred to above are returned.

Your obedient servant,

R.R. Selye Amoskand

for Surgeon-General with the Govt. of Madras.

pvs/9-9.

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ETPNDCT

$$\frac{90}{169}$$

Estt. Mlcl, Mananganudi - a school mistress -
leave for abortion - treating as maternity
leave - ordered.

C. No. 32319 B2/4b From the Commissioner, Manaragudi Mpty, RENO 521/46
P1 CP d 5.6.46

12 EF

Endt of the P.P.J. Rec No 2260-132/46 d 14.6.46

13 EF

2. The Exam of L.F.A, L.F.No 2953 d 18.7.46

pp 4-8 CP

.. .. die S.G. Ref no 48757-A/46 d 10.9.46

Cardeu
118

1786

Edm d. 16. 5. 46

The Commissioner Manonagudi Mptg

2000
19.7.2000

is informed that the leave taken by the ^{gupta} teacher in connection with her ^{gupta} absence on account of abortion at the 8th

To The Commissioner month of pregnancy should be treated as Maternity leave, as the Govt. considers

" The D. P. 9

~~that this is just a case of abortion but~~

.. The Exchange

of premature labor.

92 5. 12. 1880.

12946

14/9/20

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1.47/11

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Call M. J. Thompson - a school teacher -
leave for school - teaching on water supply
leave - ordered
Call M. J. Thompson - a school teacher -
leave for school - teaching on water supply
leave - ordered
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leave for school - teaching on water supply
leave - ordered

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