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Scott. II-87-37,004-12-71-42

Education and P.H. (1946.) Department.

Ms. **SERIES.**

G.O. No. Ms. 1900 Education.

Dated 2nd October, 1946.

[Despatch Abstract.]

Establishment - Sri S. Vairavanathan - Ex-Head
master Municipal High School, Tiruppur -
Treatment of the period between the date of
relief at Tiruppur and the date of joining
duty at Satyamangalam.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.
"	724	Gen	4.4.46.			
"	520	"	5.4.45.			
"	626	"	30.4.45			

Farther Papers.

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

Number.	Date.	Department.	Signature of Clerk putting up the paper.	Signature of Clerk removing the paper.

relieved him and directed the Headmaster to proceed and take orders of posting from this office. Since this office was not in receipt of the G.O.No.Ms. 676 Edn. dated 30-4-45, the matter was referred to Government in my letter Rec.No.11437/45-B3 dated 6-6-1945. In view of the urgency the Adviser to Government was also requested by a D.O. letter dated 6-6-1945 to issue orders immediately. The orders of Government in memo No.25590-3-B Edn. dated 19-7-45 was received in this office on 21-7-1945 and necessary orders posting Sri S.Vairavanathan under this board were issued immediately and Sri S.Vairavanathan joined duty on 1-8-1945. Had the Commissioner, Tiruppur Municipality not been in a haste to relieve the Headmaster and had he followed the ordinary usual procedure, the Headmaster would have continued in the Tiruppur Municipal High School till orders are obtained and then reverted himself and joined duty in his post under this Board that the Commissioner's action was not in order will be apparent from the circumstances.

In the circumstances, it is only fair, that deserving justice should be done to the Headmaster. In this connection I have to invite the attention of Government to their Order Ms. No.520 Edn. dated 5-4-1945, in which the Government used their special powers conferred on them by the rule issued in G.O.No.3111 L.A., dated 12-11-1941 and directed that the teacher who was absent from duty should be paid his salary for the period he was absent. The present case is certainly more deserving than the case dealt with in G.O.Ms. No.520 Edn. dated 5-4-1945.

I therefore request that the Government may be pleased to reconsider their orders and direct that the period of absence between the date of his relief in the Tiruppur Municipality (1-6-45 afternoon) and the date of joining duty (1-8-45) under the Coimbatore District Board should be treated as duty in the Nanjappa High School, Tiruppur and also that the Headmaster should be paid the P.A. admissible with reference to the rules in G.O.No. 3579 L & M., dated 7-9-42 and rule 125 of the Fundamental Rules from the Municipality.

V.K. Palaniswami Gounder
President, District Board

copy to file.

p.c.d./20-7.

V.K. Palaniswami Gounder,
PRESIDENT,
DISTRICT BOARD,
COIMBATORE.

Dated 19th July, 1946.

D.O. (No.11437-B3/45)

Dear Sir,

Sub: Establishment - Education - Secondary -
Sri S. Vairavanathan, B.A., L.T., Headmaster-
Reversion from Municipal High School, Tiruppur
to District Board - period from date of relief
till the date of joining duty - treatment.

Ref: G. O. Ms. 724 Edn., dated 4-4-1946.

Enclosed is a copy of my letter to Secretary to Government, Education Department in the above matter. If you kindly call for the papers and peruse them, I am sure you will be convinced that the case was dealt with in a peculiar manner and against all canons of justice.

2. Sri Vairavanathan was transferred to the service of the Municipality in the prescribed manner and there could be no manner of right for appeal by an assistant simply because his name was included in the panel. After a lot of quibbling it was held that Sri Vairavanathan was only officiating and he should revert to District Board. How this order is illegal is fully explained in my letter Rec.No.11437/45-1B dated 20-9-45. From that it will be clear that his retransfer was not properly done. I may not complain about that now.

3. The Commissioner of Tiruppur Municipality acted in a manner which cannot certainly be supported, in abruptly relieving Sri Vairavanathan. For this hasty action of the Commissioner Mr. Vairavanathan cannot be made to suffer.

In a less deserving case Government took a special view and treated the period of absence as duty. Please see G.O. Ms. 520 Edn. dated 5-4-45. Here the fault is not of the Headmaster. The period of absence deserves to be treated as duty instead of on leave on the same analogy and the payment of P.A. sanctioned to be paid by the Municipality.

F.T.O.

I hope you will kindly look into the case and
render justice.

Yours sincerely,

V. R. Papaniwanan
20.7.46

To

Sri T. S. Avanashilingam Chettiar, B.A., B.L.,
Minister for Education,
Fort St. George,
Madras.

Secretary, E. & P.H.

Necessary papers may be put up.

TSA
22-7-46
H.M. Education.



C.No. 39716 B1/d16

ESTABLISHMENT - Sri S. Vairavanathan - Ex-Headmaster

Municipal High School, Tiruppur - Treatment of the period between the date of relief at Tiruppur and the date of joining duty ^{at Satyamangalam} Travelling allowance - Orders passed.

pp29-30 of (R)

pp1-d1cf

Read: G.O.No.724 Education, dated the 4th April 1946.

From the President, District Board, Rec.No.11437.B3/45 dated the 19th July 1945.

ORDER MS.NO. 1900 EDUCATION, dated 2-7-1946.

(R) 29-30

2/10/46

In G.O.No.724 Education, dated the 4th April 1946, the Government directed that the period between the date (1--6--45) on which Sri S. Vairavanathan was actually relieved of his appointment as Headmaster under the Tiruppur Municipal Council and the date (1--8--45) on which he actually joined duty under the Coimbatore District Board be treated as leave to which he is entitled, i.e., leave on average pay for one day and the balance as leave on half pay. They also directed that the leave salary should be borne by the Tiruppur Municipality to the extent of leave earned by the Headmaster under the ^{Council} ~~municipality~~ and not availed of by him till then and the balance by the Coimbatore District Board. The President, District Board, Coimbatore, has represented to Government that Sri S. Vairavanathan was prevented from joining duty under the District Board before 1--8--45 on account of the irregular procedure adopted by the Commissioner, Tiruppur Municipality, in having relieved the Headmaster abruptly without intimating the President of the proposal to revert him to the District Board service and before orders in regard to his posting were ~~not~~ issued by ^{him} ~~the President~~. He considers that the period ^{referred to above} ~~of absence~~ should be considered as duty. The Government agree with the President that the Headmaster should not be made to suffer in his

pp1-2 cf

p2cf

HM's order p3nf.

emoluments by treating almost the ^{entire} period as one on leave on half average pay. In exercise of the powers conferred on them by the rule issued in G.O.No.1617 L.A., dated the 28th ^{April} ~~March~~ 1943, the Government direct that, as a special case, the period of absence referred to above, should be treated as one on duty and that the Headmaster should be paid the salary due for that period from the funds of the Tiruppur Municipality ^{council}.

2. The Government also direct that the travelling allowance due to the Headmaster for his journey from Tiruppur to Coimbatore on reversion from municipal service be paid by the Tiruppur Municipality ^{council} and from Coimbatore to Satyamangalam by the Coimbatore District Board.

48x
20-8-46

24/8/46

26.8.46

To

- ✓ The P.D.B., Coimbatore.
- ✓ The Commissioner, Tiruppur Municipality thro' CMC.
- ✓ The D.P.I.
- ✓ The Exr. of L.F. Accounts.

E.& P.H.(B.1)

Establishment - District Board, Coimbatore - Sri S.Vairavanathan - Ex-headmaster, Municipal High School, Tiruppur - Treatment of the period from date of relief till the date of joining duty as duty. Payment of travelling allowance.

C.No.39716/46 - From the P.D.B., Coimbatore, Roc.No.11437-B.3-45 dated 19-7-1946.

Please see the letter and the D.O. from the P.D.B., Coimbatore, on p.p.1-4 c.f. and the minute of H.M.(Edn.) thereon on p.5 c.f.

2. The facts of the case are briefly stated below.

Sri S.Vairavanathan, a permanent headmaster in the service of the Coimbatore District Board, was appointed as headmaster of the Municipal High School, Tiruppur, from 1-6-44, in the vacancy caused by the grant of leave preparatory to retirement for a period of two years to the permanent headmaster of the School. Sri K.P.Ramasubba Ayyar, the first Assistant in the Municipal High School, appealed against the appointment of Sri S.Vairavanathan, and in G.O.No.676 Edn., dated 30-4-1945, the Govt. held that the appointment of Sri S.Vairavanathan was irregular and it should be set aside for the reasons given therein. With reference to this order, Sri S.Vairavanathan was relieved of his appointment as headmaster of the Municipal High School, on 1-6-1945 and he was instructed to report himself for duty before the P.D.B., Coimbatore, and take orders of posting from him. He should have joined duty under the District Board on or before 9-6-1945. The P.D.B., Coimbatore, did not allow the headmaster to join duty immediately. He wrote to Govt. that the transfer of service of the headmaster to the Tiruppur Municipal Council ^{was} ~~has been~~ treated as a permanent transfer and as ^{headmaster} ~~he~~ had no lien under the District Board, he was unable to issue any posting order. The P.D.B. was informed in Memo.No.25590-3-Edn., dated 19-7-45 that as Sri Vairavanathan was appointed as headmaster in the Municipal High School, Tiruppur, only in ~~in~~ a leave vacancy, his appointment should be looked upon only as an officiating arrangement and his appointment having been terminated on appeal, he should naturally revert to the

District

District Board service. Sri S.Vairavanathan was thereupon permitted to join duty under the District Board on 1-8-1945. The P.D.B. again raised certain issues and requested the Govt. to reconsider their orders. In G.O.No.724 Edn., dated 4-4-1946, the Govt. declined to reconsider their orders and directed that the period between the date, 1-6-45, on which Sri Vairavanathan was actually relieved of his appointment as headmaster under the Tiruppur Municipal Council and the date, 1-8-45, on which he actually joined duty under the Coimbatore District Board, should be treated as leave to which he ^{was} entitled, viz. leave on average pay for one day and the balance as leave on half pay, and that the leave salary should be borne by the Tiruppur Municipality to the extent of leave earned by the headmaster under the Municipality - Vide in this connection, the notes on p.p.4-8 of G.O.No.724 Edn., dated 4-4-1946. (R)

3. The P.D.B., Coimbatore, now requests that the period ordered to be treated as leave may be treated as duty as a special case, as was done in the case disposed of in G.O.No.520 Edn., dated 5-4-1945, and that the Tiruppur Municipal Council, may be directed to pay the travelling allowance admissible to the headmaster on reversion to the District Board service. (W) 5-6 of

4. The circumstances of the case disposed of in G.O.No.520 Edn., dated 5-4-45 are different from those of Sri S.Vairavanathan. In the former case, the employee was in the service of the District Board and the salary was paid from the funds of the District Board. In the present case, Sri S.Vairavanathan was relieved of his appointment under the Tiruppur Municipal Council on 1-6-45 and as pointed out by the Commissioner, if the P.D.B. Coimbatore, had allowed the headmaster to join duty and then raised his objections to the reversion there would have been no difficulty. As the headmaster's place in the Municipal High School, Tiruppur, was filled by the appointment of Sri K.P.Ramasubba Ayyar ^{from 6-5} it is not possible to consider Sri S.Vairavanathan as having been on duty under the Tiruppur Municipal Council up to 1-8-45, the date on which he joined the service of the Dt. Board. In consultation with the Examiner, the period was ordered to be

to be treated as leave. The order need not be reconsidered. ^{the headmaster has not made any representation in the matter} In regard to the payment of travelling allowance by the Municipal Council, the Commissioner, Tiruppur Municipality, may be consulted. (W) 9.8.46

The file may be circulated to H.M.(Edn.) with reference to his minute on p.5 c.f. ^{The P.D.B. has not come through proper channel.}

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Please see the orders of L.F. (L.F.) on p 3 ante.
 A draft order is submitted below for approval.
 For of L.F. Accounts may see before issue.

USN
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Y
see sub. f B
26.8.46

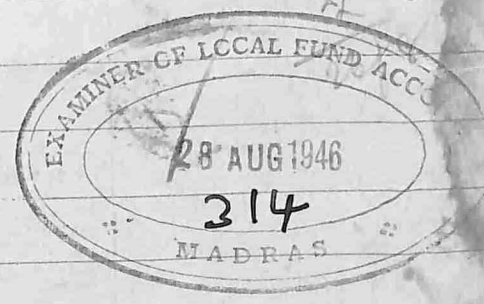
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Ex. v. of L.F. Accounts

Examiner's Office.

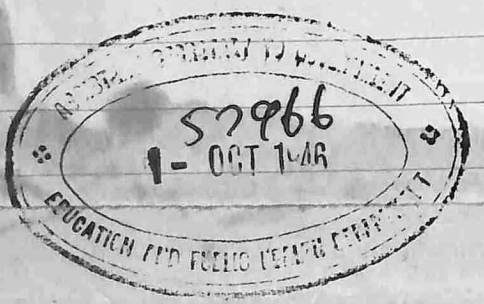
Seen. Thanks.

Ph. Ravi
27.9.46



E. & P.H. Deptt. U.O.

Exn' no. 314-1
27.9.46



Exn' (B)

The draft order may now be issued

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877
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