

Wm
Gen (1946) Department.

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SERIES.

G.O. NO.

2254
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(1)

Dated

25. 11. 1946

[Despatch Abstract.]

Establishment - Municipal Council, Kodaikanal - Head-
 master, Municipal High School - Termination of service -
 Resolution - Cancellation - Papers - Recorded.

Back Papers.

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

Further Papers.

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

From Local Administration Department.

To Mr. A.J. John,
Municipal Commissioner,
Kodaikanal.

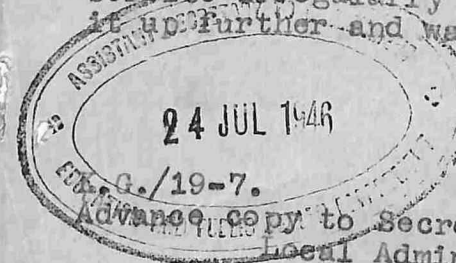
The Inspector of Municipal
Councils & Local Boards,
Madras.

Ref.No. 4097/46- Dd/19-7-46.

Sir,

REF: Your Roc.22970/46, dated 17th July 1946.

I enclose another copy of my confidential report dated 9-7-46, along with enclosures of the resolutions of the Council and Appointment Committee. I request I may kindly be informed by telegram whether I may give effect to the resolution of the Council, by issuing orders of appointment to the substitute, in place of the headmaster, removed from service irregularly by the Municipal Council, or whether I should hold it up further and wait for orders of Government.



Advance copy to Secretary to Government, Local Administration Department with enclosures for favour of

early orders on receipt of report from the Inspector of Municipal Councils & Local Boards.

COMMISSIONER.

22357

22-7-46

"CONFIDENTIAL."

From

Mr. A.J. John,
Municipal Commissioner,
Kodaikanal.

To

The Inspector of Municipal
Councils & Local Boards,
Madras.

Dated 9-7-46.

Sir,

I enclose copies of the resolutions of the municipal council at urgent meetings held on Friday 28-6-46 and Saturday 6-7-46, as also proceedings of the Appointment Committee on Saturday 29-6-46 and Monday 8-7-46. The circumstances of the resolutions are related below:-

In the year 1945-46, VI Form was added to the Municipal Secondary School, thereby making it a complete High School. For the appointment of a Headmaster a panel of 4 names was sent by the Divisional Inspector of Schools, Madurai, and the Appointment Committee selected Mr. C.R. Venktarama Iyer, the first name on the panel for the post. The appointment, however, was made temporarily (copy of proceedings of the committee enclosed). During the year the school suffered under various handicaps; additional class rooms under construction could not be completed for want of materials, and one or two posts of assistants were vacant for a good part of the year for want of qualified hands. For the S.S.L.C. Public Examination 10 boys were sent up, and all of them failed.

On the requisition of some of the councillors the Chairman convened an urgent meeting of the Council on Friday 28-6-46, when I explained the position and said that a meeting of the Appointment Committee had already been called for, and in as much as the appointment of the Headmaster had been made temporarily in 1945-46, the subject would be reconsidered by the Committee. Accordingly, resolution No. 77 (enclosed) was passed by the Council. The Appointment Committee met on Saturday 29-6-46 and resolved that all the other 3 candidates on the panel be asked to reply within a week as to how long each of them would take to join duty in case any of them were appointed, and pending receipt of ~~xx~~ replies from the Committee adjourned its meeting till Monday 8-7-46.

In the meantime a requisition (copy enclosed) from certain councillors requesting the Chairman to convene an urgent meeting of the council for Saturday 6-7-46 was presented to him. According to rule 3(1) of Schedule III of the Act such requisition should be presented 10 clear days before the date proposed for the meeting, but under rule 2(2) of the Schedule the Chairman may at any time convene a meeting in case of urgency. In this case, it could not be said that the Chairman, was convinced of any urgency, since ~~he~~ he was said self a member of Appointment Committee which had adjourned its meeting to 8-7-46. However, as he passed orders on the requisition calling for an urgent meeting of the Council on Saturday 6-7-46, I had no option but to prepare notices of the meeting and get them served.

At this meeting on 6-7-46 the enclosed resolution was passed. The adjourned meeting of the Appointment Committee was held on Monday 8-7-46 and after reading my note (copy enclosed) it resolved to refer the matter to Government, as the Council's resolution was an encroachment on the powers of the Committee.

I may add here that between 29-6-46 and 8-7-46 replies were received from the other 3 candidates on the panel for appointment as Headmaster, two of them agreeing to join duty, if appointed, in a week or two, and the third agreeing to do so, subject to certain conditions regarding pay. The resolution of the Appointment Committee on 8-7-46 appoints the second man on the panel and has asked me to issue orders of appointment after 10 days, in order that Government may be addressed on the validity of the resolution of the Council.

In the Council's resolution of 6-7-46 it is stated of present headmaster that his "incompetency" has been proved by the

(p.t.o.)

result of the school". I do not consider this statement to be justified. It is also ~~damaging~~ to the future prospects of the present headmaster, who has had a good record of service in other schools, and who was placed first on the list by the Divisional Inspector of Schools.

Under Section 73 of the Act appointment to posts carrying a maximum salary of more than Rs.50/- shall be made only by the Appointment Committee, and since under the statutory rules termination of services, other than as a disciplinary measure, shall be made only by the appointing authority, the resolution of the council encroaches on the powers of the Committee.

I request that the subject may kindly be referred to Government for orders. I shall be grateful if a reply is sent so as to reach me by the 18th of July as to my further procedure in the matter.

Under Section 22 of the Act, I am bound to carry out any resolution of the Council, unless it has been cancelled, suspended or modified by a controlling authority. Accordingly I have issued notice of one month to the present headmaster.

Sd/- A.J. John, Dd/9-7-46.
COMMISSIONER.

Advance copy to the Secretary to Government,
Local Administration Department.

/True Copy/

COMMISSIONER,
Kodaikanal Municipality.

COPY OF RESOLUTION NO.77, DATED 28-6-46.

To consider and decide as to the steps to be taken to improve the efficiency of the Municipal High School.

The Council is dissatisfied with the present state of affairs in this school and request the appointment committee to consider the appointment of the present headmaster and to inform the council of their decision.

Sd/- E.R. Logan,
Chairman, K.M.C. (4)

/True Copy/

COPY OF RESOLUTION NO.82, DATED 6-7-46.

To consider the following subject moved by Mr.V. Thirugnanam Pillai and others:--

"In continuance of the resolution passed on 28-6-46, this Council moves the following resolution to be more specific on the subject.

As it is clearly seen from a perusal of the marks obtained by the S.S.L.C. pupils and of the school and Presidency averages in the various subjects and especially in English, the present condition of the school is very unsatisfactory. This Council resolves in the interest of the future progress of the school to request the Commissioner to give a month's notice immediately to the Headmaster on probation and to take immediate action for incompetency.

The Commissioner is also requested to call for candidates immediately either from the panel or by advertisement and to appoint a suitable candidate in conformity with the rules.

If suitable ^{hands} ~~hands~~ are not forthcoming for the present pay of the headmaster, this council resolves to recommend to Government to give a higher start.

The Commissioner is also requested to communicate immediately a copy of this resolution to the District Educational Officer.

Moved by Thirugnanam Pillai.
Seconded by A.K. Narayana Kone.

Mr. Janab Abdul Ghani not voting. Carried.

In continuance of the resolution passed on 28-6-46, this council moves the following resolution to be more specific on the subject.

As it is clearly seen from a perusal of the marks obtained by the S.S.L.C. pupils and of the school and presidency averages in the various subjects and especially in English the present condition of the school is very unsatisfactory. Therefore, this council resolves in the interest of the future progress of the school to request the Commissioner to give notice immediately terminating the services of the present headmaster who was appointed only temporarily and whose incompetency has been proved by the result of the school in the S.S.L.C. examination.

The Commissioner is also requested to call for candidates immediately either from the panel or by advertisement and to appoint a suitable candidate in conformity with the rules.

If suitable hands are not forthcoming for the present pay of the headmaster, this council resolves to recommend to Government to give a higher start.

Sd/- E.R. Logan,
Chairman, K.M.C.

/True Copy/

(5)
NOTE OF THE MUNICIPAL COMMISSIONER, KODAIKANAL TO THE
APPOINTMENT COMMITTEE, DATED 8-7-46.

At the meeting of the Appointment Committee last week it was resolved to adjourn the meeting of the Committee till to-day in order to await the replies from the other candidates on the panel of persons for appointment as Headmaster. These replies have since been received. Two of them, Mr. J.A. Paul Raj and Mr. V.S. Raj have agreed to join duty, if appointed in 2 weeks' time and one week's time respectively. The other candidate Mr. Perumal Mudaliar has stated that he wants a starting pay of Rs.140/- This will have to be referred to Government for sanction.

The council has at an urgent meeting on Saturday 6-7-46 resolved that I should give one month's notice to the present headmaster. Under Section 22 of the Madras District Municipalities Act, I am bound to give effect to any resolution (although, in this case it encroaches on the powers of the appointment committee) As such there is therefore, no point in the appointment committee considering the question whether the services of the present headmaster should be terminated or not.

There is now the question of appointment of a substitute to be considered by the Appointment Committee.

Sd/- A.J. John,
COMMISSIONER.

/True Copy/

RESOLUTION OF THE APPOINTMENT COMMITTEE DATED 31-5-45.

Appointment of a Headmaster for the Secondary School in the scale of Rs.110-10/2-170.

Resolved that Sri C.R. Venkatarama Iyer, the present Headmaster may be appointed temporarily for the post of headmaster subject to the inclusion of his name in the panel sent by the Divisional Inspector of Schools.

Sd/- E.R. Logan,
Chairman, K.M.C.

/True Copy/

RESOLUTION OF THE APPOINTMENT COMMITTEE DATED 29-6-46.

To consider the resolution of the Committee passed at a meeting on 31-5-45 appointing temporarily Sri C.R. Venkatarama Iyer as Head of the Municipal High School.

Resolved to ask the other three candidates on the panel sent by the Divisional Inspector of Schools, as to how long they will take to join duty here in case any of them is appointed as Headmaster.

Resolved also to adjourn this meeting till Monday the 8th July, 11 A.M. to consider their replies.

Sd/- E.R. Logan,
Chairman, K.M.C.

/True Copy/

RESOLUTION OF THE APPOINTMENT COMMITTEE

To consider the resolution of the meeting held on 31-5-45 appointing temporarily as Headmaster of the Municipal High School.

Since the Committee is of opinion that the Council on 6th July 1946 is an encroachment on the powers of the Appointment Committee, resolved that the matter may be referred to Government for orders.

The Committee appoints Sri J.A. Paulraj to act as Headmaster in place of the present headmaster.

The Commissioner will please issue orders of appointment, ten days from this date 8th July 1946.

Sd/- E.R. Logan, ⑥
Chairman, K.M.C.

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REQUISITION DATED 4-7-1946 OF CERTAIN COUNCILLORS.

We the undersigned councillors of the Kodaikanal Municipality request the Chairman of the Council to call for an URGENT MEETING to be convened to bring the following resolution:--

In continuance of the resolution passed on 28-6-46 this council moves the following resolution to be more SPECIFIC on the subject.

As it is clearly seen from a perusal of the marks obtained by the S.S.L.C. pupils and of the school and presidency averages in the various subjects and especially in English the present condition of the school is very unsatisfactory. This council resolves in the interest of the future progress of the school to request the Commissioner to give a month's notice immediately to the Headmaster on probation, and to take immediate action for incompetency.

The Commissioner is also requested to call for candidates immediately either from the panel or by advertisement and to appoint a suitable candidate in conformity with the rules.

If suitable hands are not found, the council resolves to give the headmaster, this council resolves to give a higher start.

The commissioner is also requested to communicate a copy of this resolution to the District Educational Officer.

Sd/- V. Thirugnanam Pillai,
" A.K. Narayana Kone,
" Mahalakshmi,
" S. Savarimuthu Mudaliar,
" K. Palaniappa Kavander,
" I. John Devadason,
" V.R. Kassi,
" A.S. Adambava Rowther.

/True Copy/

Form 32 (a).

From (Name) K.M. Unnithan Esq.,

Designation Inspector of Ml. Cls. &

Station Local Boards, Madras.

Education
Depart

Through The Director of Public Instruction, Madras

Enclosures:

L. Dis. No. 22970/46 dated 25-7-1946

Sir,

Sub:- Establishment - Education - Headmaster - Municipal High School - Termination of service - Resolution of the Municipal Council.

41076

I forward herewith the letter C. No. 4097/46 dated 9-7-1946 of the Commissioner, Kodalkanal Municipality.

The Commissioner has forwarded copies of the resolution dated 6-7-46 of the council and the resolution dated 6-7-46 of the Appointment Committee. In its resolution the council requested the Commissioner to terminate the service of the headmaster of the Municipal High School, and to take immediate action against him for incompetency. The resolution of the appointment committee is to the effect that the resolution of the council is an encroachment on its powers, and that the matter should be referred to Government.

It is not clear whether the individual is a probationer in his post of headmaster or was appointed thereto temporarily

is proba-
work during
(2) of establishment
the resolution of the
powers of the Executive
the Madras District Municipalities.
temporarily (without right of
Executive Authority that may discharge
work as the powers of punishment under
Madras District Municipalities Act vest in
Executive Authority. Even granting that it is open to the
Executive Authority to discharge at any time a person
appointed temporarily (without right of probation) on the
assumption that the rules relating to establishment and
appointment and punishment of officers and servants of Municipal
Councils do not apply to him, even then, the resolution of
the council is in excess of its powers, and is an encroachment
on the powers of the appointment committee.

Under section 19 of the Madras District Municipalities
Act, the council shall not be entitled to exercise functions
expressly assigned by or under this Act or any other law to
the Chairman or the Executive Authority, and under section 73
of the Act the powers of appointment, discharge, reappointment
etc., in respect of posts under the Municipal Council the pay
or the maximum pay of which exceeds Rs.50/- vest in the appoint-
ment committee. In Memo.No. 28599-2-A-L.A., dated 26-11-45,
Government have stated that resolutions of a municipal council
which are in excess of its powers and are not merely of a
recommendatory nature are to be cancelled. But, I recommend
that steps may be taken to cancel the resolution.

D. Subbaraya
3/3 For Inspector.

Copy to the Secretary to Government, Local Administration Department.
Copy to the Secretary to Government, Education and Public Health Department.

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JUL 1946
INDIAN POSTS AND TELEGRAPHS DEPARTMENT.
UNDER SECRETARY
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From _____ To _____
By _____ By _____
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MASTER TROUBLE IMMEDIATE PERSONAL ENQUIRY
N.B.—The name NEEDED = THIRUGONAM COUNCILLOR
P. S. & Co. Madras—10,000 Bks—31-5-46
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32 (a).

LOCAL ADMINISTRATION Department

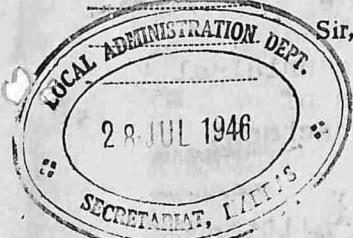
From (Name) K.M. Unnithan Esq., I.C.S.

Designation Inspector of M.Cls. &

Station Local Boards, Madras.

Through The Director of Public Instruction, Madras.

Enclosures: L. Dis. No. 22970/46 dated 25-7-1946.



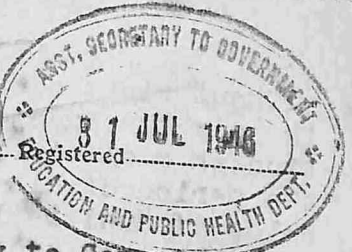
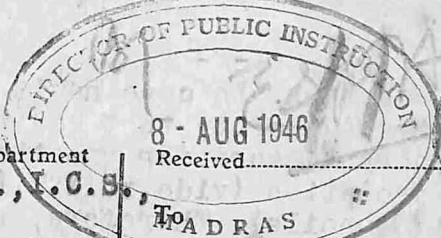
Sir,

Sub:- Establishment - Education - Headmaster - Municipal High School - Termination of service - Resolution of the Municipal Council.

I forward herewith the letter C.No. 4097/46 dated 9-7-1946 of the Commissioner, Kodaikanal Municipality.

The Commissioner has forwarded copies of the resolution dated 6-7-46 of the council and the resolution dated 8-7-46 of the Appointment Committee. In its resolution the council requested the Commissioner to terminate the service of the headmaster of the Municipal High School, and to take immediate action against him for incompetency. The resolution of the appointment committee is to the effect that the resolution of the council is an encroachment on its powers, and that the matter should be referred to Government.

It is not clear whether the individual is a probationer in his post of headmaster or was appointed thereto temporarily.



without right of probation. In case he is a probationer, it is only the Executive Authority that may terminate his probation as a disciplinary measure for unsatisfactory work during the period of his probation (vide rule 7 (2) (a) of establishment rules of Municipal Councils). Therefore, the resolution of the council is an encroachment on the powers of the Executive Authority under section 75 of the Madras District Municipalities Act. Even if he was appointed temporarily (without right of probation) it is only the Executive Authority that may discharge him for unsatisfactory work as the powers of punishment under section 75 of the Madras District Municipalities Act vest in the Executive Authority. Even granting that it is open to the appointing authority to discharge at any time a person appointed temporarily (without right of probation) on the assumption that the rules relating to establishment and appointment and punishment of officers and servants of Municipal Councils do not apply to him, even then, the resolution of the council is in excess of its powers, and is an encroachment on the powers of the appointment committee.

Under section 19 of the Madras District Municipalities Act, the council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to the Chairman or the Executive Authority, and under section 73 of the Act the powers of appointment, discharge, reappointment etc., in respect of posts under the Municipal Council the pay or the maximum pay of which exceeds Rs.50/- vest in the appointment committee. In Memo.No. 28599-2-A-L.A., dated 26-11-45, Government have stated that resolutions of a municipal council which are in excess of its powers and are not merely of a recommendatory nature are to be cancelled. But, I recommend that steps may be taken to cancel the resolution.

S. Subbarayasami
For Inspector.

Copy to the Secretary to Government, Local Administration Department, Madras.
Copy to the Secretary to Government, Education and Public Health Department.

Edn. & P.H. Department (B1).

ESTABLISHMENT - Municipal Council, Kodaikanal -
Headmaster, Municipal High School - Termination of
service - Resolution - Cancellation.

From the Commissioner, Kodaikanal Municipality, Ref.No. 4097/46 dated the 17th July 1946.
From the Inspector of Municipal Councils and Local Boards, L.Dis.No.22970/46 dated the 25th July 1946.

MEMO NO. 38863 - B1/46-3 Education, 13/9/1946.

In its Resolution No.82 dated the 6th July 1946, the Municipal Council, Kodaikanal resolved in the interests of the future progress of the Municipal High School to request the Commissioner to give a month's notice immediately to the Headmaster of the school and to take immediate action against him for incompetency. In its Resolution dated the 8th July 1946, the Appointment Committee recorded its opinion that the resolution of the Council dated the 6th July 1946 was an encroachment on the powers of the Appointment Committee and resolved that the matter be referred to Government for orders. Under

Section

Section 73 of the D.M. Act the powers of appointment, discharge, and reappointment in respect of posts under the Municipal Council

the pay or the ^{maximum} ~~maximum~~ pay of which exceeds Rs.60/- per mensem vest^d in the Appointment Committee. The Committee ~~is~~ ^{was} therefore

competent to determine whether the appointment of the Headmaster

should be terminated or not, ^{and it was for the executive authority to say not} If the Committee decided to terminate the appointment, the executive authority of the municipa-

lity ~~must~~ ^{shall} take ~~disciplinary~~ ^{necessary} action against the Headmaster. The

Council's resolution ^{no 2 3 6-7-46} was therefore clearly in excess of its

powers and was an encroachment on the powers of the Appointment Committee as well as on the powers of the Executive authority.

~~The Resolution No. 82 of the Council No. 82 dated the 6th July 1946~~

is therefore liable to be cancelled by Government. The Commissioner, Kodaikanal Municipality is requested to explain the position to the Council and to report whether it is willing to cancel the resolution, of its own accord.

To
The Commr.,
Kodaikanal Mpty.,
thro' CMC.

LOCAL ADMINISTRATION DEPARTMENT.

From

Mr. A. J. John,
Municipal Commissioner,
Kodaikanal.

To

The Secretary to Government,
Education & Public Health
Department,
Madras.

Through

The Chairman,
Kodaikanal Municipal Council,
Kodaikanal.

Ref: No.5648/46/C1 dated 8th November, 1946.

Sir,

Sub: Municipal Council, Kodaikanal - Headmaster -
Municipal High School - Termination of service -
Resolution - cancellation of.

Ref: Government Memo. No.38863-B1-46-3-Edn, D/13-9-46.

The council has at its special meeting held on 11-10-46 cancelled its resolution No.82 dated 6-7-46. A copy of its resolution No.192 dated 11-10-46 is enclosed.

2. With reference to Government Memorandum No.40990-B1-46-4 Edn. dated 5-10-46 Sri C. R. V. Iyer was first appointed to act as Headmaster of the incomplete High School in this office proceedings No.2685/44/B1 dated 19-7-46 (Flag A) and in this office proceedings No.459/45-B1 dated 18-6-46 he was temporarily appointed to act as headmaster of the complete High School (Flag B). In the proceedings it is stated as "present Headmaster" and not as "permanent Headmaster". If it is stated as "permanent" in the copy of the proceedings given to the Headmaster, it may be an error in typing.

3. Since the council at its meeting held on 6-7-46 resolved to give notice immediately terminating the services of the Headmaster, I have given effect to the resolution under Sec.22 of the Madras District Municipalities Act, as I did not get any instructions from Government till 9-8-46, suspending the resolution in my letter No.4097/46 dated 9-7-46. Further, a communication No.40990-B1-46-3-Edn, D/13-9-46 intended for Mr. C. R. V. Iyer was sent by Government through me, in which Mr. C. R. Venkatraman Iyer was informed that Government did not propose to keep the resolution of the council in abeyance. In view of this communication, I had no sort of authority for holding up action on the resolution of the council. In view of the above circumstances, the procedure prescribed in rule 7(2) (a) of the rules relating to establishments, was not adopted.

4. The following connected records are submitted herewith:--
(1) 1. D.Dis. No. 2685/44. 152 pages.
(2) 2. R. Dis. 459/45. 86 pages.
(3) 3. D. Dis. 3772/46. 116 pages.

5. After the cancellation of council's resolution No.82 dated 6-7-46 at its meeting held on 11-10-46, the Appointment Committee met on 25-10-46 and it has resolved that the notice issued to the Headmaster on 9-7-46 may be considered to be one issued under the authority of the Appointment Committee. A copy of the Appointment Committee's resolution dated 25-10-46 is also submitted.

TAP/12-11.

COMMISSIONER.

p.t.o.

16
EXTRACTS FROM PROCEEDINGS OF THE MUNICIPAL COUNCIL, KODAIKANAL
PASSED AT ITS MEETING HELD ON 11th OCTOBER, 1946.

Resolution No.192.

GOVERNMENT MEMORANDUM NO. 38863-B1-46-3 Edn., dated 13th September, 1946, asking whether the Council is willing to cancel the resolution ~~xxx~~ No.82 dated 6th July, 1946, regarding the termination services of the Headmaster, Municipal High School, and note of the Commissioner explaining the position.

Moved by Major E.O. King, Seconded by Mr. Van Swanan
That as the resolution passed by the Council No.82 dated 6th July, 1946, is ultra vires as pointed by Government, it is now resolved to cancel the above resolution.

Carried.
sd/-E.R.Logan,
CHAIRMAN.

EXTRACTS FROM PROCEEDINGS OF THE APPOINTMENT COMMITTEE, KODAIKANAL
Municipality PASSED AT ITS MEETING HELD ON 25th October, 1946.

Resolution No.8.

Subject: Papers regarding termination of the services of Sri C.R.Venkataramier, ex-headmaster, of the Municipal High School.

pp13-14 ante
The Committee has considered Memo No.38863-B1-46-3-Edn., dated 13th September, 1946, from Government in the Education and Public Health Department, and the resolution of the council passed at the special meeting held on 11-10-46. Although the committee resented the unwarranted interference of the council when the subject was under the consideration of the appointment committee, the committee is also in agreement with the council that the progress of the school during the year of service of Mr.C.R. Venkataramier was far from satisfactory, and that a change of personnel was desirable. Since Mr. C.R.Venkataramier has got the notice of one month required under the rules, no further action seems to be called for. The Committee, therefore, resolves that the notice issued to Mr. C.R. Venkataramier on 9th July, 1946, may be considered as one issued under the authority of the committee. The committee resolves also that the termination of the services of Mr. C. R. Venkataramier is not in any way a reflection either on his teaching ability or his fitness for the post of headmaster, in some other school.

sd/-A.J. John,
COMMISSIONER.

sd/-E.R.Logan,
Chairman,
Kodaikanal Municipal Council.

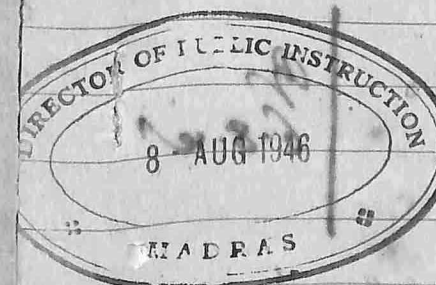
Edn. & P.H. Department (B1).

12
ESTABLISHMENT - Municipal Council, Kodaikanal - Headmaster,
Municipal High School - Termination of service - Resolution - Cancellation.

pp15
From the Commissioner, Kodaikanal Municipality, Ref.No.4097/46 dated the 17th July 1946.
pp7-8
From the Inspector of Municipal Councils and Local Boards, L.Dis.No. 22970/46 dated the 25th July 1946.

pp16
In its resolution No.77 dated the 28th June 1946, the Municipal Council, Kodaikanal resolved to request the Appointment Committee to consider the appointment of Sri C.R. Venkatarama Ayyar, Headmaster, Municipal High School as the Council was dissatisfied with the state of affairs in the school. Subsequently in its resolution No.82 dated the 6th July 1946 the Council resolved to request the Commissioner to give notice immediately terminating the service of the headmaster who was appointed only temporarily and whose incompetency has been proved by the result of the school in the S.S.L.C. Examination. With reference to the former resolution, the Appointment Committee met on 8th July 1946 and appointed Sri J.A. Paulraj to act as headmaster in the place of Sri C.R. Venkatarama Ayyar and resolved that the matter be referred to Government as the latter resolution of the Council dated the 6th July 1946 is an encroachment on the powers of the Appointment Committee. The Inspector of Municipal Councils and Local Boards considers that the resolution of the Council No.82 dated the 6th July 1946 is in excess of its powers and is an encroachment upon the powers of the Appointment Committee and recommends that steps may be taken to cancel the resolution under Section 36(1)(i)(b) of the District Municipalities Act.

pp17
2. In its resolution dated the 31st May 1945, the Appointment Committee of the Kodaikanal Municipal Council resolved that Sri C.R. Venkatarama Ayyar might be appointed temporarily for the post of headmaster subject to the inclusion of his name in the panel sent by the Divisional Inspector of Schools. From the Commissioner's letter on p.3 c.f., it appears that the headmaster's name was included in the panel for 1945-46 but the question of appointing him regularly as a probationer was not placed before the Committee. The Commissioner has given



given one month's notice terminating the services of the headmaster treating him to be a temporary employee and as his successor has been appointed by the Appointment Committee, it has to be presumed that the Committee has agreed to the termination of the services of the acting headmaster. The headmaster has preferred an appeal against the Commissioner's order and it will be considered ^{separately} on its merits. ^{concerning the D.P.'s remarks} The point for decision now ² whether the resolution of the Municipal Council dated the 6th July 1946 should be cancelled.

3. As pointed out by the Commissioner, Kodaikanal Municipality and the Inspector of Municipal Councils and Local Boards, the resolution of the Municipal Council is clearly in excess of the powers and as it is not of a recommendatory nature, it is liable to be cancelled. As the Appointment Committee had already taken action to determine the temporary appointment of Mr. C.R. Venkatarama Ayyar there was no necessity for the Council to pass ~~the~~ resolution dated the 6th July 1946. It is for consideration whether the Council may be called upon to show cause why its resolution should not be cancelled or whether it may be ascertained first whether it is willing to cancel the resolution itself. Legal may be consulted U.O.

2/8/46
The cl's resolution of 6.7.46 is clearly ultra vires and is liable to be cancelled. The cl may be advised to cancel its resolution of its own accord and if it is unwilling, the Govt. may cancel it. But before proceeding further, it would appear desirable to obtain the remarks of the D.P. and in this matter.

6.8.46 / 6.8.46
F.P.H. No. 38863-31/46-1 Egn
26/8/46

D.P. (U.O.) 2/8/46

U.O. reply No. 2140-G/46

Office of the D.P.T., Madras
16th August 1946.



As suggested in the Secretariat note, the Council may be called upon to cancel its resolution of its own accord and if, for any reason, it is unwilling, then Government may cancel the resolution under the powers vested in them.

As regards the appeal of Sri C.R. Venkatarama Ayyar, I shall submit my remarks as soon as full particulars are received from the Divisional Inspector of Schools.

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

F.P.H. (B1) Dept.

Please see the remarks of the D.P.T. above. It agrees that the M.C. Council, Kodaikanal may be called upon to cancel its resolution of its own accord and that if the Council is unwilling, the Govt. may cancel the resolution under the powers vested in them.

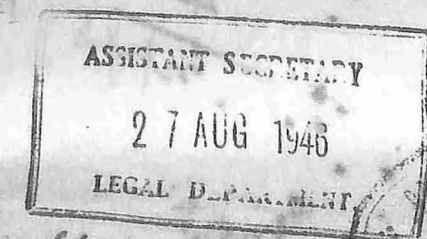
2. A draft memo to the Commissioner, Kodaikanal Municipality is submitted below for approval. - Legal may see before issue

F.P.H. No. 38863-B1/46-1 Egn
26/8/46

23/8/46
23/8/46

24.8.46

26.8.46



Legal No. 6434-1
31.8.46



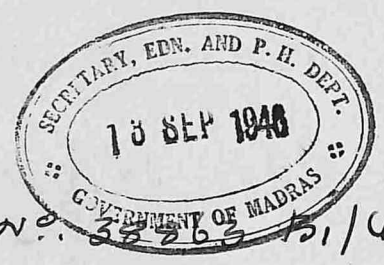
Seen in Legal
Legal Dept

31/8/46
F.P.H.

Please see the legal Dept's note on page 3 ante
The draft memo below may now be issued.
For orders as to circulation to HM (Edu)

1872
319/46

Y
H. H. (Edu) 13-9-46



Ts4 4-11 (Edu)
13-9-46

Memorandum No. 32263-151/46-32nd. 13-9-46 pp 13-14 46

From the Commissioner, Kodaikanal Municipality,
Ref. no. 5648/46/c1 dated 8.11.46.

pp 15-16 46

Please see the letter from the Commr.,
Kodaikanal Municipality on pp 15-16 of. The Council
has at its special meeting held on 11.10.46
cancelled the resolution no. 82. No further
action seems necessary. The papers may
be

Pl. Sec. 1200/46
No. 192 of 11/1946
on p 16 46

Recorded

21/11/46
G.O. no. 2254. Edn. 71 225425/1946.

hr
22-11-46

Abstract
East-M.H. cl. Kodai-
kanal - Headmaster,
M.H.S. - Termination of
Service - Resolution.
Cancellation - Papers -
Recorded.

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22/11/46

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