Close

3971/6

Sectt. II-37--37,004--18-[illegible]-45.

E&PH (1946) Department.

Ms. SERIES. (1)

G.O. No. 724 Edn.

Dated 4-4-46

㉔

[Despatch Abstract.]

Estt - Sri S. Vaiswanathan - Ex headmaster of Municipal High School, Tiruppur - treatment of the period between the date of relief and the date of joining duty under Coimbatore District Bd - as leave - Ordered

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	
M	676	Edn	30.4.45.				
″	1446	″	17.9.45.				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
1900	Edn	dt 2.	10.46.				

C.F. 32.

In reply, please quote number, date and short title.

LOCAL ADMINISTRATION DEPARTMENT.

B ②

Received ______ Registered ______

25590

Asst. Secretary to Government 17 JUN 1945 Education and Public Health Dept.

From (Name) Sri V.K.Palaniswami Gounder, M.L.A.,

(Designation) President, District Board,

Post Box ______, (Station) COIMBATORE.

Telegraphic Address ______

To

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

Roc. No. 11437/45, dated 6--6--1945.

Sir,

Establishment - Secondary education - Sri S.Vairavanathan - Headmaster, Nanjappa High school, Tirupur - re-transfer to District Board - Instructions requested.

Enclosures ______

Spare Copies ______

In February 1944, Sri S.Vairavanathan, a permanent headmaster of Board High school under the services of the District Board applied to the Tirupur municipality for an appointment as headmaster. His application was forwarded to the Commissioner in the usual course. In his letter B.2-9214 of 43 dated 24-2-44 the Commissioner informed me that the appointment committee had appointed Sri S.Vairavanathan as headmaster and requested that a resolution of the District Board might be obtained for the transfer of his services to the municipality as required by rule 3(1) of the rules relating to transfers of officers and servants. Accordingly the District Board in its resolution No.1843 dated 28-3-44 agreed to the proposal which was approved by the Director of Public Instruction, Madras, in his Proceedings L.Dis.No.490 C/44 d/15-4-44 with reference to the proviso to rule 3(1) of the above rules. The headmaster was relieved from District Board service on the afternoon of 30-5-44 and he ceased to hold any lien under this Board.

p.271 of the statutory rules under MIL Bkt
Box no 157

P

Exactly after one year of his relief, the Commissioner, Tirupur municipality has sent me a copy of his Memo. directing Sri S.Vairavanathan to hand over charge to the Ist assistant of the school and report himself for duty to the President, District Board to take orders of posting. He has also sent an extract of G.O.No.Mis. 676 Edn dated 30-4-45 in which Government have passed certain orders on the appeal petition of Sri K.P. Ramasubba Ayyar, Ist assistant of the municipal High school, Tirupur.

11-25-26 CF of
K

R/

-2-

No instructions were however received from Government in this office on the subject. So far as I see, I do not think that the orders on the appeal petition of Sri K. Ramasubba Ayyar has anything to do with the recognised transfer of services of Sri S.Vairavanathan under the statutory rules issued in G.O.No. 841 L.&.M. dated 2-3-32 as amended. From the facts mentioned in G.O.No.Ms. 676 Edn. dated 30-4-45 I find that this is not the case of first appointment of a headmaster. The rules issued in G.O. No. 953 Edn. dated 30-4-42 will govern only cases of first appointment of headmasters and not permanent transfer of headmasters from one local board to another. As such the question of irregularity in the drawing of a panel and selection cannot have application to this.

157

(B)

Government had not communicated any orders in this connection to the District Board* at any stage in the matter. It is unfortunate that the Government should have left the matter vague and the District Board should have been put to the necessity of taking orders from the Commissioner of the municipality not-with-standing the statutory implications involved in the rules regarding transfer of services. It is observed that the Commissioner should have received the orders by the Ist or 2nd of May. It would have been desirable if the Commissioner had ~~forwi~~forthwith informed me about the order so that the position might have been clarified in time. On the other hand the Commissioner kept quiet for a long time and has issued the memo. of relief abruptly and asked the headmaster to take orders of posting without the least regard to the transfer rules with reference to which he was transferred to the municipality. Further there was no urgency to relieve him immediately even without informing this office in advance for issue of orders of posting. This abrupt relief ~~at~~ of the headmaster by the Commissioner does not appear to be regular and seems to have been done to complicate matters.

*nor have they consulted the District Board

In the ordinary course if it is the intention of Government that Sri S.Vairavanathan should be provided under this Board the propper procedure appears to be that the ~~formatie~~ formalities as per rules in G.O.No. 841 L. & M. dated 2-3-32 as amended have to be gone through for re-transfer of his services to this Board unless action under section 70-A of the Madras Local Boards Act is resorted to. Even for that previous consultation is necessary. In the absence of any of the alternatives referred to above, Sri S.Vairavanathan has to continue under the Tirupur municipality and his relief is therefore irregular.

157

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Act

Pending orders of Government on these points, I am unable to issue any orders of posting to Sri S.Vairavanathan as he does not hold any lien under this Board. I request that Government will be pleased to re-examine the case and issue necessary orders.

V.K. Palaniswami
6.6.45.

President, District Board.

nv/ 6-6.

V.K.Palaniswami Gounder,M.L.A.,
President,
DISTRICT BOARD,
COIMBATORE.

453

Coimbatore,

Dated 6 - 6 - 1945.

B (3)

Dear Sir,

ASST. SECRETARY TO GOVERNMENT
11 JUN 1945

Sub: Establishment - Secondary Education - Vairavanathan Sri S. - Transfer from Tirupur Municipality.

Pp 25-26 (D)

Ref: G.O.No.Mis.676,Edn., dated 30-4-1945.

....

26319

I have to bring to your personal notice the following facts for kind consideration and early instructions.

Sri S.Vairavanathan, B.A.,L.T., a permanent Headmaster who was in service of this District Board applied to the Tirupur Municipality for appointment in the Nanjappa High School. The Municipality having selected him for appointment, sanction of the Director of Public Instruction was obtained with reference to G.O.No.1027,Edn., dated 9-5-1939 for the transfer of his services to the Municipality and the District Board also agreed to the transfer. This transfer of service from one local board to another was regular with reference to the statutory rules issued in G.O.No.3580, L & M., dated 7-9-32 as subsequently amended by G.O.No.841, L & M., dated 2-3-36 and G.O.No.1027, Edn., dated 9-5-1939. The teacher was relieved from the District Board service on the after-noon of 30-5-1944. After his relief on 30-5-44 on transfer of services, the teacher ~~was~~ ceased to hold any lien under this Board.

(E)

Pp 270-272 A.K. no 157

Exactly after one year of his relief, the Commissioner, Tirupur Municipality has communicated a copy of his Memo in which he had directed Sri S.Vairavanathan, to hand over charge to the 1st assistant and report himself for duty before me to obtain orders of posting. He has also sent an extract from Government Order No.Mis.676, Edn., dated 30-4-45. These orders have come as a surprise and appears strange. As the matter stands, Sri S.Vairavanathan has no place under this District Board. If he is required to be re-entertained under this Board, the proper procedure appears to be that the formalities as per rules issued in

Pp 25-26 (K)

G.O.

G.O.No.841, L & M., dated 2-3-32 6 as amended have to be gone through for re-transfer of his services to this Board. It is not clear whether a transfer made under these rules could be nullified by a mere direction in an order on an appeal petition, In fact if the Government want to re-transfer him, they should have recourse to Section 70-A of the Madras Local Boards Act and previous consultation is absolutely necessary. This requires really clarification.

(K)/2526

Apart from this aspect of the question, from the facts of the case as mentioned in G.O.No.Mis.676,Edn., dated 30-4-45, I find that this is not the case of first appointment of a Headmaster. The rules issued in G.O.No.952,Edn., dated 30-4-42 will govern only cases of first appointment of Headmasters and not permanent transfers of Headmasters from one local board to another. As such the question of irregularity in the drawing of a panel and selection cannot have application to this.

(B)

Government had not communicated any orders in this connection to the District Board nor have they consulted the District Board at any stage in the matter. It is unfortunate that the Government should have left the matter vague and the District Board should have been put to the necessity of taking orders from the Commissioner of the Municipality notwithstanding the statutory implications involved in the rules regarding transfer of services. It is observed that the Commissioner should have received the orders by the 1st or 2nd of May. It would have been desirable if the Commissioner had forthwith informed me about the order so that the position might have been clarified in time. On the other hand, the Commissioner kept quiet for a long time and has issued the Memo of relief abruptly and asked the Headmaster to take orders of posting without the least regard to the transfer rules with reference to which he was transferred to the Municipality. Further there was no urgency to relieve him immediately even without informing ~~kkx~~ me in advance and issue of orders for his posting. This abrupt relief of the Headmaster by the Commissioner does not appear to be regular and seems to have been done to complicate matter.

(IX)

In any case, I do not think that in the circumstances explained above, the Headmaster has any place under this District Board to revert as a matter of course. There has been no instruction from Government to the Board either. No instruction can be regular except action under Section 70-A of the Act which has not been ~~se~~resorted to in the case. Till action under Section 70-A can culminate, he should continue under the Tirupur Municipality. I therefore request you to kindly examine the papers and clarify the position as to how the District Board can take him notwithstanding the rules relating to transfer of services. Pending your instructions, I am not taking any action to issue orders of posting of the Headmaster.

Very early instructions are solicited. I am obliged to make this personal representation direct in view of the implications involved and of the urgency of the matter; I am also addressing the Government officially separately.

Yours sincerely,

V.K. Palaniswami
6.6.45

To
Sir T.Austin, Esq., K.C.I.E.,I.C.S.,
Adviser to His Excellency the Governor of Madras,
Madras.

Local Administration Department 6

(5)

From

Sri V.K.Palaniswami Gounder, M.L.A.,
President, District Board, Coimbatore.

Received ...... Registered ......

B/

To

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

29984

Roc.No. 11437(2)-B3-45, d/23-6-1945

dated 23.6.1945

30 JUN 1945

Sir,

Sub: Establishment - Secondary Education - Vairavanathan Sri S. - Retransfer from Tirupur Municipality.

Ref: My D.O. letter d/ 6-6-45 on G.O.No. Miss. 676 Edn. d/ 30-4-45.
Also letter Roc.No.11437-B3-45 d/ 6-6-45 to Government, Education & Public Health Department.

(K) 23-26

H-1-2 ante

I request the early orders of Government on my letter quoted above.

V K Palaniswami
26.6.45.

President, District Board.

nv/25.6.

B

(6)32270 7

Sri V.K.Palaniswami Gounder,
President, District
...

SECRETARY, EDN. AND P.H. DEPT.
16 JUL 1945
GOVERNMENT OF MADRAS

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

District Boar Office,
Coimbatore, [illegible]0-7-1945.

C.No. 25590-2B: Legal
1117

Dear Sir,

Co. E

Sub: Establishment - Secondary Education - Sri S. Vairavanathan, B.A.L.T., Headmaster, - Retransfer from Tirupur Municipality - Orders Solicited.

Ref: This Office letter Roc.No.11437-B3-45 d/ 6-6-45 addressed to the Secretary to Government, Edn. & P.H. Department, Madras and reminder letter dated 23-6-45 thereon.
Also D.O. letter d/ 6-6-1945 to the Adviser.

I have not yet received the orders of Government on the above.

Sri S.Vairavanathan has requested this office to issue orders of his posting under this Board as per the directions of the Commissioner, Tirupur Municipality in his Memo. Roc.No. 4067/45 dated 28-5-45. This is not readily possible and is even illegal as he was permanently transferred from this Board under the statutory provisions governing such transfers. It may not be desirable to keep Sri S.Vairavanathan out of job for no fault of his. In case it is not possible to re-examine the matter and issue necessary orders immediately, I would suggest that the orders of the Commissioner, Tirupur Municipality, relieving Sri S.Vairanathan may be kept in abeyance and Sri S.Vairavanathan ordered to be continued as headmaster in the Tirupur Municipality where the vacancy still continues till final orders are passed by Government.

P.T.O.

8

In the peculiar circumstances of the case I [illegible] compelled to address you again in the matter.

Yours sincerely,
V.K.Palaniswami
12.7.45.

To
Sir T.Austin Esq., I.C.S., K.C.I.E.,
Adviser to His Excellency the Governor of Madras.
Madras.

4/20-7.

A/19/7/45

He 25.26 of (K)

(7) Edn. and P.H. Deptt. 9

MEMORANDUM No.25590-[illegible] dated 19/7/45

Estt. - Vairavanathan, Sri S. - ex-Headmaster Municipal High School, Tiruppur - Retransfer to the service of the Coimbatore Dt. Board.

Ref:- From the P.D.B., Coimbatore, Roc.No. 11437/45, dated 6-6-45.

Sri S. Vairavanathan having been appointed as Headmaster of the Municipal High School, Tiruppur, in the vacancy consequent on the grant of leave preparatory to retirement to the permanent Headmaster, his appointment can be looked upon only as an officiating arrangement. His appointment having been reversed on appeal for the reasons mentioned in G.O.No.676-Edn., dated 30-4-45 (copy enclosed), he should naturally revert to the District Board service. The P.D.B., Coimbatore, is requested to take action accordingly.

The

~~-2-~~ 20

The Commissioner of the Tiruppur Municipality is ~~xxx~~ asked to report the date of relief of Sri Vairavanathan from his post as Headmaster of the Municipal High School.

9.7.45

11/7/45

To the P.D.B., Coimbatore.
" Commr., Tiruppur Mty.(thro' the C.M.C.).
" D.P.I.

Despd
KN
20.7.45

From
Sri M.Narayana Shenoy,B.A.,B.L.,
Commissioner, Tiruppur Municipality,
Tiruppur.

DIRECTOR OF PUBLIC INSTRU
24 JUL 1945
MADRAS

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

Thro'
The Director of Public Instruction, Madras.
" The Chairman, Municipal Council, Tiruppur.

Ref.No.B-2-6458/1945. Dated the 21st July 1945.

Sir,

Sub:- Establishment- Secondary- Nanjappa High School- Vairavanathan Sri S- Retransfer to District Board, Coimbatore.

Ref:- Government Memorandum No. 25590-3-Edn. dated 19th July 1945.

On receipt of Government Order Mis.No. 676-Edn. dated the 30th April 1945 I requested the Deputy Director of Public Instruction, Madras by D.O. on 1-5-1945 if Sri S.Vairavanathan does not revert to the District Board, Coimbatore. In his Proceedings Rc.No.2346/1945 dated the 26th May 1945, the Director of Public Instruction stated that Government have stated [illegible] that Mr.S.Vairavanathan should revert to the District Board service. In my memorandum dated the 28th May 1945 Mr.S.Vairavanathan was instructed to report himself for duty before the President, District Board,Coimbatore and take orders of posting. The President, District Board, Coimbatore was given a copy of the memorandum along with extracts from the Government order (deleting reference to the District Educational Officer) and of the Director of Public Instruction's Proceedings. Sri S.Vairavanathan was relieved from the post of the Headmaster, Nanjappa High School, Tiruppur on the after-noon of the 1st June 1945.

Commissioner.
21.7.45

Forwarded.

Chairman,
Municipal Council, Tiruppur.

DESPATC
23 JULY 1945

T.V.S. 21/7.P.

L.F. Form No. 236.
M.F. No. 144.

ORIGINAL.

.... Municipal/Panchayat ELECTRICITY DEPARTMENT.

Service No. 826

Bill No. 224

Bill for ~~week~~/month ending 11-10-1941

Mr Subrahmaniyam

	Rs.	A.	P.
For 25 watt bulbs at..........annas			
For 40 watt bulbs at..........annas			
For 60 watt bulbs at..........annas	0	6	6
Fuse off call Card No..........dated..........			
Surcharge on payments to end of..........			
Total ...	0	6	6

Rupees nil annas six and pies six only.

Date of Service/Collection/Credit 30-4-1941

Bill Collector. 2

Accountant.

Commissioner/President.

B

31 JUL 1945

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT.

3441

(9)

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.C.No.2346 G/44, dated 27-7-45.

Sub: Municipal Nanjappa High School, Tiruppur - Sri S. Vairavanathan, Headmaster - retransfer to the District Board, Coimbatore.

Ref: Letter to Govt. No.B-2-6458/45, dated 21-7-45 from the Commissioner, Tiruppur Municipality.

@@@@

SUBMITTED.

for Director of Public Instruction

TRB.28/7

To

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

sd

13

B

(10)

OF. 32.

reply, please quote number, date and short title.*

LOCAL ADMINISTRATION DEPARTMENT.

*Received*________ *Registered*________

From (Name) Sri V.K.Palaniswami Gounder, M.L.A.,

(Designation) President, District Board,

POST BOX______, (STATION) COIMBATORE.

*Telegraphic Address*________

[illegible] TO GOVERNMENT [illegible]
[illegible] SEP 1945
[illegible] DEPT.

42771

To

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

Roc.*No.* 11437(1)B.3 / 45 *dated* 20--9--1945.

9/5

Sir,

ENCLOSURES______

SPARE COPIES______

Sub: Establishment - Education - Secondary - Vairavanathan Sri S. Headmaster, ~~Bd.~~ Municipal High School, Tirupur - Retransfer to the service of the Coimbatore District Board.

Ref: Govt. Memorandum No. 25590-3-B Edn. d/ 19-7-45 forwarding a copy of G.O.No. 676 Edn. dated 30-4-45. Wp 25-26 of (K)

...

Government have stated that Sri S.Vairavanathan having been appointed as headmaster in the vacancy consequent on the grant of leave to the permanent headmaster preparatory to retirement, his appointment can be looked upon only as an officiating arrangement and his appointment having been reversed on appeal for the reasons mentioned in G.O. No. 676 Edn. dated 30-4-45, he should naturally revert to the service of the District Board. Sri S.Vairavanathan was posted to a Board High School in a leave vacancy pending further clarification of the issues involved as explained infra. Wp 25-26 of g (K)

2. It is observed from the G.O. 676 Edn. dated 30-4-45 that the appointment of Sri S.Vairavanathan was held irregular on the representation of Sri K.P.Ramasubba Ayyar, an assistant teacher of Municipal High School, Tirupur. The Government order after referring to irregular advice given by the District Educational Officer about the inclusion of names in the panel of headmasters for 1943-44 with reference to rules in G.O.No.953 Edn. dated 30-6-42, holds that the appointment of Sri S.Vairavanathan is irregular and have set aside the appointment. Wp 25-26 of g (K)

(J)

3. The facts in the case are the following:-

Sri S.Vairavanathan, B.A.L.T., was a permanent headmaster, Board High School, Mettupalayam, under the District Board. In response to an advertisement by the Commissioner, Tirupur Municipality, Sri S.Vairavanathan submitted an application for transfer to the post on 11-2-44. The application was duly forwarded to the Commissioner of the Tirupur Municipality with a distinct endorsement that if he was appointed the Board would agree to the permanent transfer of his services to the municipality. The Commissioner, Tirupur Municipality in his letter B.2 9214/43 dated 24-2-44, informed this office that the appointment committee of the Council had appointed Sri S.Vairavanathan as headmaster and that the Director of Public Instruction, Madras, had been addressed for approval of the transfer of the headmaster from the Coimbatore District Board with reference to G.O.No.1027 Edn. d/ 9-5-1939. The Commissioner also requested this office to obtain a resolution of the Board agreeing to the transfer of the headmaster. Accordingly the Director of Public Instruction was addressed in this office letter Roc.No. 4635-B3-44 dated 3-3-44. The Board's resolution was also obtained and furnished. On this the Director of Public Instruction in his proceedings L.Dis. 490-G-44 dated 15-4-44 approved the proposal of the Board to transfer the services of Sri S.Vairavanathan, headmaster, Bd. High School, Mettupalayam, to the ~~service of the~~ Tirupur Municipality for employment as headmaster, Municipal High school, Tirupur. On receipt of this approval the Commissioner,

(E)

Tirupur municipality,

appointed Sri S.Vairavanathan, headmaster, Bd. High School, Mettupalayam, as headmaster, Nanjappa Municipal High School, Tirupur with effect from 1-6-44 in his Proceedings No. B.2 9214/43 dated 24-4-1944, and Sri S.Vairavanathan was relieved on 30-5-44. His service records were closed as also his provident fund under the District Board, soon after his transfer.

4. It will be patent from these facts that the transfer of services of Sri S.Vairavanathan was made quite in conformity with the statutory rules framed by Government and with the previous approval of the Director of Public Instruction as provided in the rules.

5. It is now pointed out that Sri S.Vairavanathan was appointed in the vacancy caused by the grant of leave preparatory to retirement to the permanent headmaster and so his appointment can be looked upon only as an officiating arrangement. The correspondence leading to the transfer of services will not certainly warrant this conclusion. There is nothing to show in the advertisement inviting applications in the reference of the Commissioner soliciting the transfer of services in the orders of the Director of Public Instruction, Madras, approving the transfer proposals or in the final orders of the Commissioner, Tirupur municipality appointing Sri S.Vairavanathan, that the appointment was an officiating arrangement. That the vacancy was one consequent on the grant of leave preparatory to retirement will not alter the position. In as much as the permanent headmaster was granted leave preparatory to retirement his lien should be deemed to have been suspended under rule 14(b) of the Fundamental Rules, which clearly permits the suspenpension of lien in such cases. Moreover if it were to be case of transfer to ~~eee~~ officiate in a post, it should have come under the scope of instructions in G.O. No. 3579 L. & M., dated 7-9-1932; whereas Director of Public Instruction in his proceedings had definitely pointed to the G.O.No. 988 L.A., dated 7-4-1941 which governs permanent transfers of officers and servants from one local board to another, while approving the permanent transfer under the rules in G.O.No. 1027 Edn. dated 9-5-1939. The facts explained supra and what has been stated in my letter Roc.No. 11437-B3-45 dated 6-6-45 to Government do not seem to have been ~~prp~~ properly placed before Government when the orders in G.O.No. 676 Edn. dated 30-4-45 were passed. It is therefore a mere twist of facts and against all recorded evidences to suggest that the appointment is only an officiating one.

6. The transfer of services effected with reference to the rules explained supra cannot be questioned by an assistant teacher on appeal whose name might have happened to be in the panel of names for the headmaster's post. Whatever be the irregularity in the drawing up of the panel that cannot affect the permanent transfer of the services of a permanent headmaster from a local body to another, unless there is any irregularity in the transfer proceedings itself. That there is no irregularity in the proceedings relating to the transfer and that ~~is~~ was done with the previous approval of the Director of Public Instruction is established beyond doubt. As such the order of reversion is ultravires and irregular.

7. Further the transfer of services having been effected with reference to rules in G.O.No. 1207 Edn. dated 9-5-1939, read with the G.O.No. 988 L.A., dated 7-4-~~44~~ 1941, it ~~cann~~ can be reversed only with reference to the same rules with the approval of the Director of Public Instruction or under section 70-A of the Madras Local Boards Act, which gives power to Government to transfer servants of local boards. Without resorting to any of these rules, the retransfer of Sri S.Vairavanathan ordered by Government is illegal and cannot stand any judicial examination not to speak of equity and good conscience.

8. The decision of Government in this case has set up a very dangerous precedent. The simple irregularity in the drawing up of the panel of names for headmasters posts with reference to the rules in G.O.No.953 Edn. dated 30-6-42 cannot set aside the transfer of service effected under the statutory rules governing such transfers. The rules in G.O. No. 953 Edn. dated 30-6-42 will apply only to Ist appointment of a headmaster and not to the appointment of a permanent headmaster ~~as~~ on permanent transfer from one local body to another. I have to point out that at this rate there will be considerable difficulty in the working of the transfer rules and there is need to examine the decision in the cases vis-a-vis the transfer rules.

9. It is since learnt from a D.O. letter 7-9-45 to me from the Commissioner, Tirupur Municipality that the post of the headmaster, Nanjappa Municipal High school is still vacant. The Commissioner has again moved for the transfer of an L.T.Assistant who is a probationer in the post of headmaster under this Board for appointment in the same vacancy. The Commissioner, Tirupur Municipality who was in haste to send back Sri S.Vairavanathan and who relieved him abruptly is now again asking for transfer of services of ~~an~~ a L.T. assistant. All these can point to one and only one thing. Will

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ill it not be reasonable in the circumstances to retain Sri S.Vairavanathan whose services re previously transferred instead of all these manipulations?

10. In the light of the above facts on record, it will be only just and fair that the Government should reconsider their orders in G.O.No. 676 Edn. dated 30-4-45 and in their Memorandum No. 25590-3-B Edn. dated 19-7-45 and change their decision in this case so as to re-appoint Sri S.Vairavanathan, as headmaster of the ~~Mx~~ Nanjappa High School, Tirupur.

11. If still the Government hold that Sri S.Vairavanathan should revert to the District Board certain other issue arise. Sri S.Vairavanathan was posted in this office memo. Roc.No. 11437-B3/45 dated 27-7-45 under the District Board on receipt of the Government Memo. No. 25590-3-B dated 19-7-45 and he joined duty on 1-8-45. He is reported to have been relieved at Tirupur on the afternoon of 1-6-45. So he should be deemed to have been in the service of the Tirupur Municipality during the period from 31-5-44 the date of his relief from his permanent post at Mettupalayam on transfer to 31-7-45 the date of his rejoining duty in the service of the District Board after reversion. If this period is to be treated on foreign service to enable him to hold an officiating ~~as~~ appointment the following contributions are due to be recovered from the Tirupur Municipality under the terms of ~~th~~ G.O.No. 3579 L. & M. dated 7-9-1932 (1) month Provident Fund contribution (2) leave salary contribution equal to 12½% of the pay drawn in foreign service minus the leave salary directly paid in respect of leave granted while under foreign employment. Since he was admitted to and had subscribed to Provident Fund under the Tirupur Municipality the recovery of the contribution does not arise. Leave ~~s-sl-~~ salary contribution will have to be claimed if Government still refuse to reconsider their orders.

12. Further with reference to the rules in clause (v) of the annexure to G.O. No. 3579 L. & M. dated 7-9-32 and rule 125 of the Fundamental rules, his reversion will take effect from the date of his taking charge of his post under the District Board after reversion from foreign service. The Commissioner, Tirupur municipality relieved Sri S.Vairavanathan abruptly on the afternoon of 1-6-45 without even waiting for his posting under the District Board ~~for his pos~~ in consultation with the President, District Board and without the least regard to the rules relating to transfer of officers and servants from one local body to another. It is observed that the Commissioner, Tirupur Municipality, should have received orders of Government G.O.No. 676 Edn. dated 30-4-45 by the Ist or 2nd May 1945. The Commissioner ought to have informed this office about the order immediately so that the position might have been clarified in time. Instead ~~of~~ the Commissioner without considering the implications involved in the transfer rules, kept quiet for over 3 weeks and issued an order in his memo. Roc.No. 4067/45 dated the 28th May 1945 to the headmaster to hand over charge immediately to Sri K.P.Ramasubba Ayyar, Ist assistant of the school and also directed him to report for duty before the President, District Board, Coimbatore and take orders of posting. The need for this precipitate action is not apparent. The headmaster need have been relieved only after appointment of a proper substitute. The Government order No. 676 Edn. dated 30-4-45 certainly does not warrant such an abrupt relief of the headmaster by the Commissioner in an irregular manner. In the ordinary course the Commissioner should have moved for communication of the orders of Government to this office and asked for the posting of orders of the President and thus avoided any sort of complication in the procedure of transfer services. Therefore the Tirupur municipality should meet the salary of the headmaster till the date of his joining the new post under this period (i.e.) on 1-8-45.

13. I request urgent orders of Government in the matter.

14. I also request that pending receipt of final orders from Government, the Commissione Tirupur Municipality may be directed not to select any other candidate for the post of the headmaster which is still vacant.

V.K. Palaniswami
22.9.45

President, District Board.

nv/ 21.9.
SN

49
3/10

(12)

Estt.(B)

Establishment - Varavanathan Sri S. Ex-Headmaster Municipal High School, Tiruppur - Retransfer to the Service of the Coimbatore Dt Bd

From the P.DB, Coimbatore Roc. no 11437 (1) B-3/45 dated 20-9-45

Memo. No. 25590-B/45-4 Edn. dated 3/10/1945.

A copy of paragraphs 11 to 14 of the letter from the P.DB, Coimbatore, is forwarded to the Commissioner, Tiruppur Municipality for very early remarks

KSK
29.9.45

2/10/45

3/10

Despd with encls
4-10-45

To
the Commr Tiruppur
Mty with copy of
paras 11 to 14 of
the P.D.B's letter on
pp15-16

DIRECTOR OF PUBLIC INSTRUCTION
~~RC 2346/G/44~~
20 OCT 1945
C.No.
MADRAS
4/11/45 CR

From
Sri M.Narayana Shenoy B.A.,B.L.,
Commissioner, Tiruppur Municipality,
Tiruppur.

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

Through
The Director of Public Instruction, Madras.
& The Chairman, Municipal Council, Tiruppur.

Ref.B2-9196/1945 Dated 13th October 1945.

Sir,

Ref: Establishment - Secondary Education - Nanjappa High School Sri S.Vairavanathan - Ex-Headmaster - leave salary contribution - Memorandum No.25590-B-45-4 Edn. dated 3-10-1945. p17 ante

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Sri S.Vairavanathan joined duty in this Municipality as Headmaster on 1st June 1944. His appointment was set aside by Government in pp 25-26 cf (K) Government Order Mis. No.676-Edn.dated 30-4-1945 on an appeal by Sri K.P.Ramasubba Ayyar, the 1st Assistant. Sri S.Vairavanathan was informed about this on 1-5-1945 and asked to hold himself in readiness to hand over charge at short notice. As however it was not clear if he was to revert to the District Board service and as the Government Order had not been communicated to the President, District Board, I took up the matter on 1st May 1945 with the Director's office and requested instructions. I further requested that necessary instructions may be issued to the President, District Board also. The Director of Public Instruction in his Proceedings R.C.No.2346/G/44 dated 26=5=1945 stated that Government had ordered the reversion of Sri S.Vairavanathan to the District Board service. In my memorandum Ref.No.B2-4067/1945 dated 28=5=1945, I ordered the relief of Sri S.Vairavanathan and he was accordingly relieved in the afternoon of the 1st June 1945. He was instructed to report for duty before the President, District Board and take orders of posting.

p237 of BK no-157-A - 2. Under rule 8 (3) of the Appointment and Punishment Rules I have to give effect to the orders of Government as appellate authority. The President, District Board, Coimbatore, equally obliged to give effect to them. There is therefore no irregularity or impropriety as alleged by the President in my asking Sri K.P. Ramasubba Ayyar to relieve Sri S.Vairavanathan. Sri K.P.Ramasubba Ayyar, I may submit here, was in the panel for Headmaster's post and therefore eligible for the appointment and his appointment with effect from 1-6-1945 as Headmaster made by the Appointments Committee at its meeting on 4-6-1945 is therefore strictly in order. The order of Government dated 30-4-1945 setting aside Sri S.Vairavanathan's appointment was received by me on 1=5=1945 and the Headmaster was actually relieved a month later on 1-6-1945 There has therefore been no precipitate action at this end.

3. A copy of my memorandum No.B2-4067/1945 dated 28-5-1945 p 20 f (copy submitted) ordering relief of the Headmaster was sent by me (K) 25 ref to the President, District Board with a copy of G.O.No.676-Edn dated 30-4-45 and a copy of para 1 of Proceedings R.C.No.2346/G/44 dated 26-5-1945 of the Director of Public Instruction. The pp 1-2 cf President omits in his letter to refer to the receipt of the copies of these two orders of Government and Director of Public Instruction and refers only to the receipt of the subsequent order pp 9-10 cf Memo No.25590-3-B-Edn dated 19-7-1945. The President had ample time to issue orders of posting to Sri S.Vairavanathan to enable him to join the Board service before the expiry of the joining time. He could have done so easily as there was in the service of the Board, a Headmaster who was on probation. It is not known why he did not choose to do so. If he considered the reversion of Sri S.Vairavanathan as irregular it was open to him to permit him to join duty in June 1945 itself in compliance with the orders of Government and then to represent matters to Government as he has

19

=2=

done now. Why he did not then chosse the obvious course which was later adopted by him is not understood. There is absolutely no reason why this Municipality should pay for the omission on the part of the President to comply with the clear orders of Government.

4. Sri S.Vairavanathan was relieved on the 1st June 1945 and allowing normal joining time, he should have joined duty under the District Board on or before 9th June 1945. If his service in this Municipality is to be treated as a temporary one, this Municipality would be liable to contribute towards his leave-salary for the period from the date of his relief from the District Board service in May 1944 to 9th June 1945 only.. Sri S.Vairavanathan must have reported himself before the President, District Board, before 9-6-1945 as per relieving orders; and he should therefore be deemed to have joined the District Board service with effect from this date. If he has not done so, obviously he is responsible, and not this Municipality. While in this Municipality, he has already been granted leave as per account now with the President. If there is still any balance to be paid towards leave-salary contribution it will be paid. If any excess has been paid as leave-salary it will have to be refunded by the District Board. The Municipality is not liable to pay salary or contribution for any period after the 9th June 1945.

on 21-7-45 p11 ante

5. The date of relief of Sri S.Vairavanathan was reported to Government as required in para 2 of Memo. No.25590-3-b-Edn. dated 19-7-1945. p9 ante

6. The post of the Headmaster, Nanjappa High School, is not vacant as stated by the President, District Board in para 14 of his letter.

Commissioner. 16.10.45

Forwarded.

Chairman.
Municipal Council,
Tiruppur.

DESPATCHED 18 OCT 1945

Copy submitted to the Inspector of Municipal Councils and Local Boards, Madras.

Commissioner. 16.10.45

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120 (14)

Copy of Memo Roc.No.B2-4067/1945 dated 28-5-1945 to ~~th~~ Sri S.Vairavanathan.

Memorandum.

Roc.No.B2-4067/1945. Dated 28th May 1945.

Sri M.Narayana Shenoy B.A.,B.L., Commissioner.

Establishment - Secondary Education - Nanjappa High School - appointment of Headmaster - This office Roc.B2 - 4067/1945 dated 1-5-1945.

In continuation of this office Roc.No.B2-4067/1945 dated 1-5-1945 Sri S.Vairavanathan B.A.,L.T., Headmaster, Nanjappa High School is requested to hand over charge of his office immediately to Sri K.P. Ramasubba Ayyar B.A.,L.T., 1 st assistant. Relevant extracts from (5) G.O.No.676 Edn. dated 30-4-1945 are herewith furnished to Sri S. Vairavanathan as requested by him in Ref.No.2486/1945 dated 7-5-1945. Sri S.Vairavanathan may report for duty before the President, District Board, Coimbatore and take orders of posting.

(Sd) M.Narayana Shenoy,
Commissioner.

To
Sri S.Vairavanathan, B.A.,L.T., Headmaster, Nanjappa High School.

Copy to Headmaster, Nanjappa High School.
Copy to Sri K.P.Ramasubba Ayyar B.A., L.T., 1st Assistant, Nanjappa High School.
Copy to the District Educational Officer, Coimbatore.
(5) (a) Copy to the President, District Board, Coimbatore with extracts from G.O.No.676 Edn. dated 30-4-1945 and copy of para 1 of Proceedings of Director of Public Instruction R.C.No.2346/G/44 dated 26-5-45.

/True copy/

DESPATCHED 18 OCT 1945

Commissioner. 16.10.45

Note: Sri K.P. Ramasubba Iyer was appointed by the Appointments Committee on 4.6.45 as H.M from 1.6.45
16.10.45

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1008

B 245
d 25-X-45

No. Dis. on Eng. 1702 G/45

OFFICE OF THE INSPECTOR OF MUNICIPAL COUNCILS AND LOCAL BOARDS
1945
EGMORE, MADRAS
34365

Retransmitted.

This may be submitted to Government direct as the Director of Public Instruction is not aware of the Govt. Memo No. 25590 B/45-4 Edn d 3-10-45 or of the correspondence leading to the issue of this Memo ~~and as it is therefore for the Government alone to decide on the present letter.~~

25.10.45

For Director of Public Instruction

24.10.45.
24/X

MUNICIPAL OFFICE
27 OCT. 194
TIRUPPUR

To

The Commissioner,
Tiruppur Municipality.

Retransmitted thro' the Inspector of M.C. & the Chairman M.C. Tiruppur

Forwarded.
Chairman M.C. Tiruppur.

31 OCT. 1945

Memo under
29.10.45

22

Office of the Inspector of Municipal Councils and Local Boards Madras

No. Dis. 34365/45. dated 10-11-45

ASST. SECRETARY TO GOVERNMENT
14 NOV 1945
EDUCATION AND PUBLIC HEALTH DEPT.

Forwarded to the Secretary to Government

51869 Education and Public Health department

~~for dis~~

D. Subbarayasastri
10.11.45
For Inspector

10.11.45

To

The Secretary to Govt.
Education and Public Health Dept.

9/11/45.

gps

after issue of Memo file to be sent to Exr

C No 25590 B/45

19/12

pp. 13-16 C

17/12/45

EDUCATION & P.H. DEPARTMENT (B).

ESTABLISHMENT - Vairavanathan, Sri S. - Ex-headmaster, Municipal High School, Tiruppur - Re-transfer to the service of the Coimbatore District Boar

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From the President, District Board, Roc.No.11437(i)B.3. of 1945 dated the 20th September 1945.

MEMO NO. 25590-B/45-5/EDN., dated 19/12/45.

The President, District Board, Coimbatore, is requested to report urgently through the Examiner of Local Fund Accounts the total amount of

P.T.O.

24 ~~24~~ ~~-2-~~

leave to the credit of Sri S. Vairavanathan on 1--6--45, the date on which he was relieved of his appointment as headmaster of the Nanjappa High School, Tiruppur.

14-12-45

18/12/45

To

The P.D.B.,
Coimbatore.

Despd
20-12-45

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25 (17)

C.F. 32 (a).

Local Administration Department

From (Name) Sri V.K.Palaniswami Gounder,

Designation President, District Board,

Station Coimbatore.

Received Registered

To

The Secretary to Government,
Education and Public Health
Department, Madras,
Through the Examiner, of Local Fund ~~Acco~~
Accounts, Madras.

Enclosures:

Roc. No. 11437/B3/45. dated 30--12--45. 194 .

Sir,

Sub: Establishment - Education - Secondary - Sri S. Vairavanathan, B.A.L.T., ex-Head master, Nanjappa High school, Tiruppur - re-transferred to the Coimbatore District Board - information furnished.

Ref: Government Memorandum No.25590-B-45-5 Edn, dated 19-12-45.

EXAMINER ... LOCAL FUND
5639
3 JAN 1946

The total amount of leave to the credit of Sri S. Vairavanathan, on 1-6-1945, is 5 months and 1 day as detailed below:--

Co.D.J. Coimbatore

321.S.

Call

7/1/46

p.t.o.

26

-2-

	Y.	M.	D.
Leave in col. No.6=1/11th of duty on average pay.	0	0	1
Leave in Col. 7=balance of 2/11th of duty on half average pay.	0	5	0
Total.	0	5	1

It may be noticed that he is not eligible for leave for more than one day on a verage ~~pyx~~ pay.

V.K. Palaniswami
30-12-45

President, District Board.

Copy to the Secretary to Government, Education and Public Health Department, Madras, for information.

k.k.28/12.

27

C.F. 32 (a).

Local Administration Department

From (Name) Sri V.K.Palaniswami Gounder,

Designation President, District Board,

Station Coimbatore.

Received 8 - JAN 1945 Registered

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT.

B (18)

To

The Secretary to Government,
Education and Public Health
Department, Madras,
Through the Examiner, of Local Fund ~~Acco~~
Accounts, Madras.

Enclosures:

Roc. No. 11437/B3/45. dated 30--12--45. 194 .

Sir,

Sub: Establishment - Education - Secondary - Sri S. Vairavanathan, B.A.L.T., ex-Head master, Nanjappa High school, Tiruppur - re-transferred to the Coimbatore District Board - information furnished.

Ref: Government Memorandum No.25590-B-45-5 Edn, dated 19-12-45.

306

The total amount of leave to the credit of Sri S. Vairavanathan, on 1-6-1945, is 5 months and 1 day as detailed below:--

p.t.o.

818

28

	Y.	M.	D.
Leave in col. No.6 1/11th of duty on average pay.	0	0	1
Leave in Col. 7 balance of 2/11th of duty on half average pay.	0	5	0
Total.	0	5	1

ASST. SECY. TO GOVERNMENT
10 MAR 1946
EDUCATION AND PUBLIC HEALTH DEPT.

It may be noticed that he is not eligible for leave for more than one day on average ~~pay~~ pay.

V.K.Palaniswamy
30-12-45

President, District Board.

Copy to the Secretary to Government, Education and Public Health Department, Madras, for information.

890
7 JAN 1946

k.k.28/12.

EPH(B).

The main file on the subject was sent to Examiner U.O. on 24/12/45. This may ~~be over till its receipt~~ sent to the Exr as in continuation and he may be requested to expedite his reply.

3/1/46.

3-1-46

EPH U.O. No 25590-B/45-7 EPH
4/1/46.

4/1/46

4/1/46

Exr.

29

19

4/4

Edn. and P.H.(B.1) Dept.

C.No.25590.B.1/46.

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 under the Coimbatore Dt. Bd. as leave - Ordered.

pp1-2 cf — From the P.D.B., Coimbatore, Roc.11437.45 d/6-6-45 (pp3-5 cf) D.O.No. Nil dated 13-10-45, (pp13-16 cf) D.O.Roc.No.11437.B.3 (pp7-8 cf) 45 dated 10-7-45, 20-9-45 and 30-12-1945. (pp25-26 cf)

From the Commissioner, Tiruppur Mty., Ref.No.B.2. 6458.45 dated 21-7-45 and Ref.No.B.2.9196/45 (p11 cf) dated 13-10-1945. (pp18-20 cf)

...

Order/Ms.No. 724 Edn. dated 4-4-46

- -

2/4/46

pp25-26 cf (K)

pp9-10 cf

pl. see the Exr's remarks on pp6-7 nf.

p 28 cf

The Govt. decline to reconsider their orders in G.O.No.676 Edn. dated 30-4-45 and Memo. No.25590. 3.B.Edn. dated 19-7-45. They direct 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 Ml. Cl. and the date (1-8-45) on which, he actually joined duty under the Coimbatore Dt. Bd. be treated as leave to which he is entitled, namely, leave on average pay for one day and the

p.t.o.

30

balance as leave on half pay. The leave salary should be borne by the Tiruppur Mty. to the extent of leave earned by the headmaster under the municipality and not availed of so far and the balance by the Coimbatore Dt. Bd.

Expo remarks on pp6-7 ~~ante~~
N.F

2. The Govt. have sancd. the re-employment of Sri K.P.Ramasubba Ayyar ~~has~~ as the Headmaster of the Nanjappa High School, Tiruppur till the end of the current school year. The Commissioner, Tiruppur Mty., is informed that appt. to the headmasters post shd. be made from the panel in accordance with the rules and not by the transfer of an L.T. Asst. from the Coimbatore Dt. Bd.

p.59 (I)
Go. 1466 Edn
17/9/45.

(J)/2

25.3.46

35.3.46.

5.4.46

To the Commr. Tiruppur Mty.
thro' the C.M.C.
To the P.D.B. Coimbatore.

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ducation and P.H. Department.

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(20)

C.25590. From the P.D.B., Coimbatore, Roc.No.11437/45, dated 6-6-1945.
-do- D.O. to Adviser, dated 6-6-1945.

DIRECTOR OF PUBLIC INSTRUCTION
2 JUN 1945
8719
MADRAS

Estt. - Ml.High School, Tiruppur - Sri S.Vairavanathan, Headmaster - Retransfer to the Dt.Board, Coimbatore.

Please see the notes and orders with G.O. No.676-Edn., dated 30-4-1945, and Govt. Memo.No.21171-B-Edn., dated 23-5-1945. With reference to "P" in the President's letter (p.1 C.F.), it is difficult to see how the case could have been brought under rule 3(1) of the rules relating to the transfer of officers and servants of District Boards: that rule refers to a transfer of service as a permanency. The Headmaster's post in the Tiruppur Municipal High School was vacant consequent on the grant of two years' leave from 3-1-1944, preparatory to retirement, to the permanent incumbent. In a situation like that, there could not have been a permanent transfer. It is, however, stated that the D.P.I. gave his permission to the transfer under the proviso to rule 3(1) cited above. The Director's comments may first be obtained on the President's letter before the matter is further proceeded with.

(K)
(A)
(K)

p.27 pk no 157

18/6

18.6.45

Ed.No.
25590-1 B Edn
18/6/45

U.O. reply.
No.871 G/45.

D.P.I's Office,
Madras, 30-6-45.

The headmaster's post in the Municipal high school, Tiruppur was vacant consequent on the grant of two years' leave preparatory to retirement to the permanent incumbent and it should therefore be held that this post was permanently vacant for all practical purposes. Further, all transfers from one local body to another are considered as permanent transfers but questions regarding the leave salary etc., are governed by the rules issued with G.O.No.988 L.A. dated 7-4-41. Only in cases where the teacher transferred has to undergo fresh probation in the new local body on account of promotion, the transfer cannot be deemed to be a permanent one and he should be allowe

A

(Q)

pto

allowed to retain a lien in his old post till he is confirmed in the new post and should be granted leave without pay by the local body which permitted the transfer of his services - vide para 3 of Director's letter to Government, R.C.No.3326 G/40 dated 27-2-41 and their order No.901 Edn., dated 10-6-41. But in the case under reference, there is no question of putting in fresh probation under the Tiruppur Municipality as Sri Vairavanathan was already a permanent headmaster under the Coimbatore district board. His transfer should, therefore, be considered as a permanent one. There is thus nothing irregular in having accorded the approval in L.Dis. No.490 G/44 dated 15-4-44. K/5

y| 3-4

30394

2 Now the question arises, as pointed out by the President, District Board, Coimbatore, as to how Sri Vairavanathan could be reverted to the district board when he holds no lien there. But Govt. in their Memo No.21171-1-B Edn., dated 23-5-45 have ordered that he should revert to the district board. They were also fully aware of the details of the case before such an order was passed. It may also be mentioned that in his own interests, it is but fair that Sri S. Vairavanathan goes back to the district Board service as he was a permanent headmaster there. The President, District Board, Coimbatore seems to raise the objection to take him back only on the ground that the procedure in the matter of reverting him has not been correctly observed. His objection seems to be valid. In the circumstances, I would suggest that Government advise the district board to take Sri S. Vairavanathan back, if necessary the procedure required under the rules for the re-transfer being observed by the Municipal council, Tiruppur and the district board, Coimbatore.

(A) 5/6

Q/

B.B.Dey
D. P. I. 2-7-45.

To the Secretary to Govt. Edn. & Public Health Dept.

CT

3/

Education and P.H. Department.

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pp1-2 [illegible]

(21)

Para 1 of the D.P.I.'s note: "K"/5 which was before Govt. when the order there was passed had made no specific reference to rule 3(1) and it was not, therefore, clear to Govt. that the D.P.I. had approved the transfer of Sri Vairavanathan as a permanency. On the other hand, if the transfer had been so intended, there was no purpose in bringing in the panel arrangement at all, and it was with refce. to that procedure the whole of the discussions at "K" were conducted and decision taken. It is not profitable, however, now to be further debating the propriety of the procedure.

pp 25-26 of (K)

p. 2-71 of the book of rules

Bk 157

32635

Para 2: At "Q" here, the D.P.I. says that Govt. were fully aware of the details of the case when they, in Memo.No. 21171-B-1, dated 23-5-45, ordered that Sri Vairavanathan should revert to the Dt. Board service. A perusal of the papers with the Memo. will show that the Director merely raised the question whether Govt. intended his reversion, and, on a pointed reference to him, he again said that there was no reason why the reversion should not be ordered. There was no further [illegible] of the position As stated above, the Govt. were not aware that the D.P.I. had approved the permanent transfer. The observance now of the formality at "P" on p.2 C.F. would further delay the retransfer of Sri Vairavanathan to the Board service. The circumstances of the case would appear to justify a reply to the P.D.B., saying that the transfer of Vairavanathan to the Tiruppur Municipal service should be deemed to have been a temporary transfer. A draft Memo. is submitted. Legal may see before circulation.

pp 5-6 of (A)

para 4 on p. 3 of (A)

E & PH. U.O. NO.
25590-B/45-2
11/7/45.

ASSISTANT SECRETARY I
12 JUL 1945
LEGAL DEPARTMENT.

3
9-7-45

S
11/7/45

LEGAL DEPARTMENT.

Legal U.O. 40090-1
18-7-45.

19/7

Seen in Legal.

E & P.H.
18/7/45

May be circulated (pp 3 & 7 c.f.) 18-7-45 E & PH

3
18-7-45

S
18/7/45

A2 11-7-45

From the Commissioner, Tiruppur Mty Ref. no B. 2. 6458/45 d 21.7.45 p11 c.f.
Endt of the DPI ref no 2346 G/44 dated 27.7.45

Please see the letter from the Commr. Tiruppur Municipality on p 11 c.f. He reports that Sri. Vairavanathan was relieved from the post of Headmaster, Ml High School, Tiruppur on 1.6.45 an. - It was subsequent to this, that the P.D.B, Coimbatore, addressed the Govt - He will probably report the action taken with reference to the memo on pp 9-10 c.f. - No action seems called for now - pp1-2 c.f

KSK
31.7.45

2.8.45

Dis 42771/45 - From the P.D.B. Coimbatore Roc no 11437 (1) B-3/45 dated 20-9-45 - pp13-16 c.f

Please see the letter from the PDB. Coimbatore on pp 13-16 c.f. - The transfer of services of Sri S. Vairavanathan from the Coimbatore Dt Bd to the Tiruppur Municipal Council was effected without ascertaining whether the post of headmaster in the Nanjappa High School was substantively vacant and the transfer was also approved by the DPI without knowing the consequences of the transfer of a permanent local board servant in the vacancy caused by the grant of leave preparatory to retirement - As pointed out in this depts' note on plank, in a situation like that there could not have been a permanent transfer. There is no need to reconsider the orders already passed.

22

para 11, p15 c.f

2. Sri S. Vairavanathan joined service under the Coimbatore Dt Bd on 1.8.45. The PDB, Coimbatore has proposed that the salary of the headmaster up to 1.8.45 should be met from the municipal funds. There is considerable force in the President's objection that the Commissioner Tiruppur Mty should not have relieved the headmaster abruptly on 1.6.45. The remarks of the Commr may be obtained on the PDB's proposal.

(1) 5-6 c.f

3. In regard to the request in the concluding para of the President's letter, attention is solicited to G.O. no 1446 Edn, dated 17.9.45, in which the Govt have sanctioned the reemployment of Sri K.P. Ramanatha Ayyar as headmaster of the municipal high school till the end of the current school year. No candidate is likely to be selected now.

A draft memo is submitted below for approval

KSK
29.9.45

OSM
2/10/45

p.17 c.f

(Memo No. 25590-B/45-4 Edn., dated the 3rd October 1945).

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pp18-19 c.f

From the Commissioner, Tiruppur Municipality, Ref.B.2.9196/45
dated the 13th October 1945.

Please see the reply of the Commissioner, Tiruppur Municipality on pp.18-19 c.f.

para 1-p18 c.f

2. Sri S. Vairavanathan was relieved of his appointment as headmaster under the Tiruppur Municipal Council on 1-6-45 afternoon and he was instructed to report himself for duty before the President, District Board, Coimbatore and take orders of posting from him. He should have joined duty under the Coimbatore district board on or before 9--6--45 but he actually joined duty only on 1--8--45. The President, District Board, Coimbatore, points out that the Tiruppur Municipal Council should meet the salary of the headmaster upto

1--8--45 but the Commissioner, Tiruppur Municipality says that the Council is liable to meet the salary only upto 9--6--45 as the President, District Board, Coimbatore, should have posted him as headmaster and then represented his case to Government - Vide paras 3 and 4 of his letter on pp.18-19 c.f. The reversion will ordinarily take effect only from the date of taking charge under the District Board. ~~In the present case,~~ As the high school was closed for the summer vacation there was no special urgency to revert Sri S. Vairavanathan without previous intimation to the President, District Board, Coimbatore. In the present case, Sri S. Vairavanathan may be deemed to have been on leave from 1-6-45 (the date on which he was relieved of his appointment under the Tiruppur Municipal Council) to 1--8--45, (the date on which he actually joined duty under the Coimbatore District Board.) If he was eligible for leave for two months ~~and~~ on 1--6--45, the Municipal Council will have to bear the leave salary. The President, District Board, Coimbatore, may be asked to furnish this information.

~~A draft memo is submitted below for approval~~

3. After issue the file may be sent to the Examiner of Local Fund Accounts for remarks as to whether the contention of the Commissioner, Tiruppur Municipality that Sri S. Vairavanathan should be deemed to have joined the District Board on 9--6--45 is tenable and if not whether there is any objection to the headmaster being considered to have been on leave from 1--6--45 to 1--8--45.

18/12/45

14.12.45

Read 17/12

Ex. of L.F. Accs.

(afternoon)

EXAMINER'S OFFICE.

740
28 DEC 1945

As Mr. Vairavanathan was actually relieved on the 1st June 1945, he should normally have joined the District Board Service on 9th June 1945. But as he actually joined on 1st August 1945, the period between the date of relief at Tiruppur to the date of joining should be treated as leave to which he is entitled, namely leave on average pay for one day and the balance as leave on half pay. The leave salary have to be borne by the Municipality, to the extent of leave earned under the Municipality and not availed so far and the balance by the District Board.

X E.P.H.U.O. No. 25590-B/45-6 dtd 24/12/45.

(23)

13826
7 MAR 1946
ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.

7.3.46

E. & P.H. U.O.

Examiner's U.O. No. 740-1
8.3.46.

The Examiner of L.F. Accounts has agreed to the suggestion that the period of absence of Sri. S. Vairavanathan from duty from 1.6.45 to 1.8.45 should be treated as leave to which he is eligible. The leave admissible is specified on pp 25.26 cf.

2. With reference to para 10 in the letter from the P.D.B. Coimbatore on p 15 cf. he may be informed

8

(K)

that the orders in G.O. No 476 Edn d/ 30.4.45 & in Memo no 25590-3 B Edn d/ 19.7.45 cannot be reconsidered — p 9 cf

Vide notes on p 4 nf

3. From para 9 of the Presidents' letter on p 14 cf, it appears that there was a proposal to fill the post again by obtaining the services of an L.T. Asst from the Coimbatore Dt Bd. The Commissioner Tiruppur Municipality may be informed that ~~the~~ appointment to the post of headmaster in the municipal high school should be made from the panel in accordance with the rules.

OD
1/4

A draft order is submitted below for approval

(Note from middle of p:4 cfs)

25.3.46

30.3.46

1/4/46 Ap.

Order approved.

1/4/46

SECRETARY, EDN. AND P. H.
2 - APR 1946
GOVERNMENT OF MADRAS

(24)