

*Put away*  
*W*

6044, II-17-27,054-12-11-49

EPH (1946) Department

L<sub>1</sub> SERIES.

G.O. No.

896 Eon.

Dated

30. 4. 46

[Despatch Abstract.]

J.E.S. <sup>key</sup> ~~Dr. B.B.~~ <sup>De. B.B.</sup> Rai Bahadur - Leave  
during re-employment and extended  
leave preparatory to retirement  
Sanctioned.

## Back Papers

| G.O. | No.  | Department.   | Date.    | G.O. | No. | Department. | Date. |
|------|------|---------------|----------|------|-----|-------------|-------|
|      | 33   | <del>CD</del> | 6.1.45   |      |     |             |       |
|      | 1667 | "             | 20.10.45 |      |     |             |       |
|      | 946  | "             | 4.6.44   |      |     |             |       |
|      | 1422 | "             | 6.10.42  |      |     |             |       |
|      | 1388 | "             | 30.9.42  |      |     |             |       |
|      | 1119 | "             | 6.8.42   |      |     |             |       |
|      | 1016 | "             | 13.7.42  |      |     |             |       |
|      | 595  | "             | 11.4.42  |      |     |             |       |
|      | 255  | "             | 13.2.42  |      |     |             |       |

## Further Papers.

| G.O.    | No.               | Department. | Date. | G.O. | No. | Department. | Date. |
|---------|-------------------|-------------|-------|------|-----|-------------|-------|
| Memo.   | 40335-            |             |       |      |     |             |       |
|         | A-2               |             |       |      |     |             |       |
| 27. sub |                   |             |       |      |     |             |       |
|         | <del>74</del>     |             |       |      |     |             |       |
|         | <del>4.4.48</del> |             |       |      |     |             |       |

pro. G. A. IV. Edn. 834

Office of the Accountant General,  
Madras dated 2nd November 45,

To

The Secretary to the Government of Madras,  
Education and Public Health Department, Madras.

Subject - Madras Educational Service-Dr. B.B.Dey,  
Director of Public Instruction-Leave.

6 NOV 1945  
Reference:- G.O.Ms.1667 Edn. dated 20-10-45.

In the G.O.cited above, Dr. B.B.Dey has been granted leave on average pay for 4 months and 19 days being the leave applied for by him and refused by Government in G.O.No.Ms.946 Edn. dated 21-6-44. A reference is invited to Instruction (2) under F.R.86 inserted by G.O.Ms.No.853 Finance dated 28-7-45 wherein it is ordered that the leave taken during reemployment must first be debited against the leave earned during reemployment before debit is made against leave refused under F.R.86(a). Hence his leave for 9 days ~~for~~ 23-10-45 to 31-10-45 taken during the period of reemployment is set off against the leave

0370



earned from 1-11-44 to 22-10-45 under the Madras Leave Rules. He is eligible for a further period of leave on average pay for 4 months 19 days from 1-11-45 refused in G.O. 946 Edn. dated 21-6-44.

*M. K. Venugopal*  
Assistant Accounts Officer.

*A*  
E. & P. H. (A)

G.O. 1667-Edn., d/ 20-10-45, reqd. for disposal of this, is put up in another file which is in O.M. to H.E. The return of the file may be awaited till 16-11-45.

From

Dr. B.B. Dey, D.Sc.(LONDON), F.R.I.C., F.N.I.,  
Director of Public Instruction, Madras, (On leave).

To

The Secretary to the Government of Madras,  
Education and Public Health Department,  
Fort St. George, Madras.

Through

The Director of Public Instruction, Madras.

Madras, dated the 17th November, 1945.

S i r,

I have the honour to invite the kind attention of Government to the new procedure approved by the Secretary of State for the grant of extended leave preparatory to retirement to all officers subject to the control of the Secretary of State, in relaxation of Articles 234 and 555 of the Civil Service Regulations, or of Fundamental Rule 86, as the case may be, according to which officers who have been compulsorily retained in service, whether by general or individual orders, up to the date of retirement, should be granted the full amount of leave for which they would otherwise have been eligible on the date of compulsory retirement, subject to a maximum of 28 months - Vide letter No.F. 4429 W/44 dated the 15th June, 1945, of the Government of India, Finance Department, to all Provincial Governments, and G.O.No. 1795 dated 28th July, 1945, of the Government of Madras.

I have the honour to submit that on the 1st November, 1944, the date of my compulsory retirement, the leave at my credit was 2 years, 7 months and 11 days and that I should, therefore, be eligible for the maximum amount of leave permitted under the new rules, Viz., 28 months. I beg to request, therefore, that the Government would be pleased to grant me the full amount of leave under the new Rules in modification of G.O. Ms.No.1667 dn., dated 20th October, 1945, granting me leave on average pay for 4 months and 19 days only under Fundamental Rule 86 (c).



(A) H. 8. 2

The facts concerning my service since 1942 which are relevant to this application, are stated below:

- (1) Took charge as Principal, Presidency College, Madras, on the 2nd April, 1942, and remained in charge of the College during the whole of the summer vacation - the period of 'scare' in Madras, from 2nd April to 1st July, 1942, and also for 28 days after the re-opening of the College on the 2nd July, 1942.
- (2) Granted leave on average pay for 7 months from 3rd August, 1942, to 2nd March, 1943 ( G.O. No. Ms. 295 Education, dated 19th February, 1942).
- (3) Recalled from leave to the post of Principal, Presidency College, Madras, on the 22nd October, 1942 - thus prevented from enjoying leave for more than 2 months and 19 days out of the total of 7 months leave sanctioned.
- (4) Officiated as Director of Public Instruction, Madras, from the 13th April to 12th June, 1944- thus prevented from enjoying the summer vacation of the College of that year.
- (5) Applied for leave for 4 months and 19 days which was refused in G.O. Ms. No. 946, Education, dated 21-6-1944.
- (6) Re-employed Principal, Presidency College, Madras, for one year with effect from the date of retirement on the 1st November, 1944. ( G.O. No. Ms. 1589 Education, dated the 27th October, 1944).
- (7) Appointed Director of Public Instruction, Madras, on the 8th June, 1945 ( G.O. Ms. No. 33, Education, dated the 6th January, 1945).
- (8) Granted leave on average pay for 4 months and 19 days with effect from the 23rd October, 1945, under Fundamental Rule 86(c).

I have the honour to be,  
Sir,  
Your most obedient servant,

Copy to Sit Thomas Austin, Adviser,  
Government of Madras.

M. S. Day



Very Urgent

E. & O. H. (A)

Enclt. No. 52898-A-1-Edu., d/- 23/11/45

Referred to the A.G. for very early remarks. His attention is invited to his letter No. 9-A-1-Vedu. 834, d/- 2-11-45.

OSM  
23/11/45

To be A.G. (int  
copy of pp. 3-4 -  
kept below)  
Depd  
int  
23-11-45

Memo. No. 52898-A-2-Edu. d/- 11/12/45

G.E.S. - Dr. B.B. Dey - Grant of "extended leave preparatory to retirement".

The A.G. is requested kindly to send his reply to Govt. Enclt. No.

52898-A-1-Edu., d/- 23-11-45, at a very early date.

W  
5/12/45  
OSM  
6/12/45

Depd  
int  
6-12-45  
To the A.G.

Note:-

Please see Dr. Dey's letter to A-2, on pp. 7-8 infra. The remainder subd. above may go to A.G.

W  
5/12/45  
5/12/45

A

Dr. B.B. DEY, D.Sc. (Lond.), F.R.I.C.

Santhome, Madras,  
Dated 1st December 1945.



My dear Sir,

Some time ago I took the liberty of sending you a copy of my application to the Government for special leave under the new rules of the Secretary of State conveyed in G.O. No. 1795, dated 28th July 1945, [a copy of which is enclosed for ready reference]. I hope you have received it. As you will see from the perusal of the order, these rules are very clear on the point that an Officer who has been compulsorily retained in service till the date of his normal retirement should be granted ~~the~~ total leave which is due to him on the date of his retirement subject to a maximum of 28 months. I have been compulsorily retained in service till the date of my retirement--1st November, 1944, and then re-employed continuously from that date first as Principal, Presidency College and later as Director of Public Instruction, Madras. There can be hardly any doubt about my having been refused leave solely in ~~the~~ public interest and I have been prevented from enjoying leave sanctioned on previous occasions by being recalled to service in the midst of the leave. I may also mention that while acting Principal, Presidency College, Madras, I had been sent on deputation to Lahore and Rawalpindi for special training in anti-gas warfare and after return, appointed Chief-Chemical Adviser for this Province. It is only fair that I should be admitted to the benefits contemplated in these new-rules and not granted

pp. 3-5 ante

55431

x/scr.

9. not prep



strictly the period of leave which had been actually refused by the Government on the last occasion.

I do hope the matter will receive your sympathetic consideration and support.

With best regards,

Yours sincerely,

*M. S. Dey*

Sir Thomas Austin, I.C.S.,  
Adviser,  
Government of Madras,  
Fort St. George,  
M a d r a s.



SUBJECT: Indian Educational Service --- Dr. B.B.Dey -  
Compulsory retention in service until the age of  
compulsory retirement - Leave concessions -  
Petition - Submitted.

\*\*\*\*

REFERENCE: - Petition dated 17-11-1945 from Dr. B.B.Dey,  
I.E.S. (on leave), Madras.

Submitted.

2) Dr. B.B.Dey reached the age of compulsory  
retirement on 1st November 1944, i.e., before the date of  
the date of the Secretary of State's Orders requiring all  
officers under his rule-making control to remain in active  
service until they attain the age of superannuation.  
However, the leave concessions contemplated in G.O.No.1795  
P.(S), dated 28th July 1945 will be applicable to Dr. B.  
B.Dey, provided the Government are pleased to certify that  
he was retained in service, until the age of superannuation  
in the public interest.

3) In this connection the following facts are  
submitted to show that Dr. B.B.Dey was retained in service  
until 1-11-1944 (the date of superannuation) in the public  
interest:-- He was in charge of the Presidency College,  
Madras during the summer vacation of 1942 and also for 28  
days after the vacation. He was subsequently granted  
leave for 7 months from 3rd August 1942. Before he could  
enjoy 2 months and 19 days of the above leave, he was  
posted as Principal, Presidency College, Madras, Vice  
Mr. H.C.Papworth who had to proceed on leave. -- Vide  
Director's R.R.Cl.No.44/42, dated 17-9-1942 disposed of  
in G.O.Ms.No.1422, Edn., dated 6-10-42. Subsequently  
Dr. Dey officiated as Director of Public Instruction from  
13th April to 12th June 1944. Finally in G.O.Ms.No.946  
Edn., dated 21-6-1944 he was also refused leave for 4  
months and 19 days applied for by him, preparatory to  
retirement in the Public interest. Moreover, the fact  
that he was granted re-employment for a period of one year  
from 1-11-1944, strengthens his case that his services  
were considered indispensable during the emergency-period.

4) In the above circumstances, I recommend  
that the Government may be pleased to issue the necessary  
certificate on behalf of Dr. B.B.Dey as required in the pro-  
viso under paragraph 2 of G.O.No.1795 P.(S) dated 28-7-1945  
so that he may become eligible for the concession regarding  
the grant of extended leave preparatory to retirement.

5) The particulars on behalf of Dr. B.B.Dey are  
submitted herewith in the prescribed form.

*K. R. S. S. S.*  
/2.12.45-  
For Director of Public Instruction.

To

The Secretary to Government,

Education and Public Health Department.

Wdy. 12-12.



56761

E

para 2, E/1

W

m/105  
m/5

X/5 CF

E/1

p.13 infra

*sel*  
12/12

1-11-44  
43  
42



14/12/2008

INFORMATION TO BE SUPPLIED TO THE SECRETARY OF STATE

(Vide G.O.No.1795 Pub.(Services), dated 28-7-1945)

\*\*\*

|                                                                                                                |                                |
|----------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1. Name of Officer.                                                                                            | Dr. B.B. Dey.                  |
| 2. Service of origin.                                                                                          | .. Indian Educational Service. |
| 3. Date of commencement of service.                                                                            | .. 16th April 1920.            |
| 4. Date of compulsory retirement.                                                                              | .. 1st November, 1944.         |
| 5. Periods, if any, for which the officer has been on foreign service after the outbreak of the war in Europe. | .. Nil.                        |

6. Whether the officer was ~~or will~~  
be retained in service in the  
public interests upto the date  
of compulsory retirement. ... Yes

7. Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer.

On 1-11-44 Dr. Day was eligible for 28 months leave - L.A.P. for 7 months and 26 days followed by L.H.P. for the remaining period.

8. Leave taken, if any, subsequent to the date of the Audit Officer's Certificate.

Leave granted for 4 months & 19 days  
with effect from 23-10-45

9. For Officers on extension of service--

Was the extension granted at the Officer's own request?

Was he retained in service up to date of compulsory retirement solely in public interest?

Has the Officer derived additional benefit because of the extension, e.g., in the shape of pension or addl. pension?

Re-employed for a period of 1 year from the date <sup>at</sup> 1-11-41. From 1-11-41 to 8-1-45, was on a salary of Rs. 1,550 (including pension and a duty allowance of Rs. 250, where, <sup>on</sup> his retirement, he was drawing before 1-11-41. From 8-1-45 to 22-1-46 he was

10. For officers who have retired--

If the officer has been re-employed without a break in Govt. service have the conditions which would normally have been applicable to him, e.g., pay of the post, leave during re-employment, been altered to his advantage?

During the period of re-employment he was appointed to act as D.P. in a temporary post created in the M.F.S. and was granted a pay of Rs.2,500/- p.m.(including his pension) from 8-1-45 to 22-10-1945.

If so, to what extent?

Pay: To the extent of Rs.700/-  
per mensem in the matter  
of pay for the period from  
8-1-45 to 22-10-1945.

11. Remarks of the Administrative Dept.

Decy. 16. 1804.

SRTS Sanoor.

(Head of the Department).  
DIRECTOR OF PUBLIC INSTRUCTION  
MADRAS.



No.G.A.IV.Edn.1048.

Office of the Accountant General,  
Madras dated 14th December 45.

To The Secretary to the Government of Madras,  
Education and Public Health Department, Madras.

Sir, Subject:- Mr. B.B.Dey - Application for leave.

\*\*\*\*\*  
In returning herewith the petition of Mr. B.B. Dey received with Government Endt. No.52898-A-1 Edn. dated 23rd November 45, I have the honour to state that the concession mentioned in Government of India Finance Department letter No.F.44(29)-W/44 dated 15-6-45 embodied in G.O.No.1795 Public (Services) dated 28-7-45 will apply to Mr. Dey only if the Provincial Government certify that he was retained in service until the date of compulsory retirement in the public interest vide proviso to paragraph 2 of the letter. If the certificate can be furnished, his name may be included in the list of Officers to be sent to the Secretary of State under paragraph 4 of the letter. He was eligible on 1-11-44 (the date of his compulsory retirement) for

5445



LETTER/REF: No. 52898-A-10 — Edn. dated 9-2-1946.

To  
The Rt. Hon'ble the Secy. of State for India,  
Whitehall, London. (with encl.)

Rt. Hon'ble Sir,

I.E.S. - Madras Cadre - Dr. B.B. Dey - Grant of  
extended leave preparatory to retirement.

I am directed to address the Secy. of State in  
the matter of granting leave concessions, in relaxation  
of rule 86 of the Fundamental Rules, to Dr. B.B. Dey,  
I.E.S. (Retired).

2. Dr. Dey was Professor in the Presy. College,  
Madras. After officiating as Principal from 2-7-42  
to 29-7-42, he reverted as Professor on 30-7-42 and  
continued in that post till 3-8-42, when he applied  
for leave on average pay for 7 months, which was  
granted. He, however, rejoined duty as Principal on  
22-10-42, cancelling the unexpired portion of the  
leave. Dr. Dey subsequently acted as D.P.I. from  
13-4-44 to 12-6-44 in the place of the late Sir  
M. Statham granted leave. In May 1944 he applied for  
leave preparatory to retirement for 4 months and 19  
days from 13-6-44. The Govt. refused this leave  
on grounds of public interest. On Sir Meverel rejoin-  
ing duty, Dr. Dey reverted as Principal, Presidency  
College, in which post he continued till 1-11-44, the  
date of his superannuation. From 1-11-44, the Govt.  
re-employed him for a period of one year as Principal  
Presidency College. Consequent on the death of Sir  
Meverel <sup>in Dec. 1944</sup> on 27-12-44 the post of D.P.I. became perma-  
nently vacant and Dr. Dey was ~~then~~ appointed to offi-  
ciate as <sup>Dir.</sup> ~~D.P.I.~~ in a temporary post created in the  
Provincial Service. <sup>with effect from 8.1.45.</sup> He continued as Director until  
Dr. S.R.U. Savoor, I.E.S., took charge of the post on  
23-10-45. Dr. Dey was then ~~xxx~~ granted leave for 4  
months and 19 days refused in June 1944.

3. With refce. to the procedure approved by

DPD. by Secy.  
Mail also  
29.  
12.2.46

pb. 90-91, BK. 154

6/5

K/7

(W)

m/10

210. not put up - para 3,  
cf 11

X/1 CF

X/5 CF

(210. not put up)

(210. not put up)

22.10.45 AM.

T/56 CF

leave for 28 months viz. leave on average pay for 7 months  
and 26 days followed by leave on half average pay for the  
remaining period. Leave on average pay for 4 months and 26 days  
from 13-6-44 to 31-10-44 preparatory to retirement of Dr. Dey  
for by him was refused and he was granted leave for unexpired  
period from 23-10-45.

I have the honour to be, Sir,  
Your obedient servant,

*M. S. S. S. S. S.*  
Assistant Accounts Officer.

v:



the Secy. of State and communicated in the G.O. of I., Fin. Dept., letter No. F.44(29)-W-44, dated 15-6-45, Dr. Dey has now requested that he may be granted the leave admissible to him, subject to a maximum of 28 months. The A.G., Madras, has certified that Dr. Dey was eligible for 28 months' leave on 1-11-44 - viz., leave on average pay for 7 months and 26 days followed by leave on half-average pay for the remaining period. The Govt. of Madras. certify that Dr. Dey was compulsorily retained in service till the date of his retirement, in the public interest.

I am directed to request that the Secy of State will be pleased, in relaxation of F.R.86, to grant Dr. Dey the leave as certified by the A.G., with effect from the date of his retirement. The following periods of leave already enjoyed by Dr. Dey will be deducted from the leave at the time of notifying it:-

Leave on average pay for 2 months and 19 days from 3-8-42.

Leave on average pay after retirement for 4 months and 19 days from 23-10-45.

4. The necessary particulars re: the officers' service etc. are furnished in the prescribed form.

V.O.S.

Copy to the G.O. of I.,  
Fin. Dept.  
Copy to the Sectt. of the  
G.O. (Pub), New Delhi.  
Copy to the D.P.I.  
Copy to the A.G.  
with encl.

Particulars re: the services of Dr. B.B. Dey, I.E.S.

INFORMATION TO BE SUPPLIED TO THE SECRETARY OF STATE:

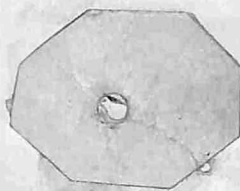
(Vide G.O. No. 1795 Pub. (Services), dated 28-7-1945).

1. Name of Officer. Dr. B.B. Dey.
2. Service of origin. Indian Educational Service.
3. Date of commencement of service. 16th April 1920. ✓
4. Date of compulsory retirement. 1st November 1944. ✓
5. Periods, if any, for which the officer has been on foreign service after the outbreak of the war in Europe. Nil.
6. Whether the officer was retained in service in the public interests upto the date of compulsory retirement. Yes. ✓
7. Total amount of leave at credit on the date of compulsory retirement as certified by the Audit Officer. Dr. Dey was Eligible for 28 months' leave - L.A.P. for 7 months and 26 days followed by L.M.P. for the remaining period.
8. Leave taken, if any, subsequent to the date of the Audit Officer's Certificate. Leave granted for 4 months & 19 days with effect from 23-10-1945.
9. For Officers on extension of service --  
Was the extension granted at the Officer's own request?  
Was he retained in service up to date of compulsory retirement solely in public interest?  
Has the officer derived additional benefit because of the extension, e.g. in the shape of pension or addl. pension?  
10. For the Officers who have retired--  
If the officer has been re-employed without a break in Govt. service have the conditions which would normally have been applicable to him e.g. pay of the post, leave during re-employment, been altered to his advantage?  
Re-employed for a period of one year from the date of relief retirement. From 1-11-44 to 8-1-45, was paid a salary of Rs. 1550/- (including pension) and a duty allowance of Rs. 250/- which were the emoluments he was drawing before the retirement. From 8-1-45 to 22-10-45 he was appointed to act as D.P.I. in a temporary post created in the Provl. service and was granted a pay of Rs. 2,500/- p.m. (including his pension).  
If so, to what extent? Pay: Advantage to the extent of Rs. 700/- per mensem in the matter of pay for the period from 8-1-45 to 22-10-45.
11. Remarks of the Administrative Dept. See covering letter.

Secretary to Government.



20



13408

Handwritten text, possibly a signature or date, in the center of the left page.

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GOVERNMENT OF MADRAS  
Abstract.

Pension - Superannuation - Condonation of deficiency in service - Dr. B.B. Dey, Principal, Presidency College, Madras - Declined.



FINANCE (PENSION) DEPARTMENT  
G.O. No. 205, dated 5th March 1946.

Read the following:-

In paragraph 1 of the G.O. read above, the Government sanctioned the grant to Dr. B.B. (late Principal, Presidency College, Madras) of an ordinary pension of Rs. 6,800 only per annum on the basis of a qualifying service of 29 years, 6 months and 15 days. It was stated in paragraph 2 thereof that the pension would be revised if subsequently found necessary after the receipt of the orders of the Secretary of State on the question of counting the leave granted to Dr. Dey at the end of his re-employment for purposes of pension. The Government of India have now informed this Government that they see no sufficient justification for recommending to the Secretary of State that special orders should be issued permitting leave in such cases to count for pension in relaxation of the normal rules. The Provincial Government also consider that there is no case for sanctioning to Dr. B.B. Dey pension as for 30 years' qualifying service.

2. The Director of Public Instruction is requested to communicate the above orders to Dr. Dey.

(By Order of His Excellency the Governor) C.O. Coorey, Deputy Secretary to Govt.



To the Director of Public Instruction.  
To the Accountant General, Madras.  
To the Education and Public Health Department.

BAK/6-3/

True Copy  
Forwarded/By Order

*Rahman*  
Superintendent

E. J. D. H. (A)

Lodged as file no 528908.

9.3.46

W  
9.3.46

OSK  
11/30/46



No.D.1629-Est.IV/46.  
GOVERNMENT OF INDIA.  
FINANCE DEPARTMENT.

New Delhi, the 5th April 1946.

Khan Sahib Kazi Abdul Hamid,  
Assistant Secretary to the Government of India.

To (A) 406-3  
The Chief Secretary to the Government of Madras.

Subject:- Proposed grant of extended leave preparatory  
to retirement to Dr. B.B.Dey, I.E.S.(retired),  
Madras.

Sir,

With reference to your letter No.52898-A-10 Edn.,  
dated the 9th February, 1946, on the subject noted above,  
addressed to the Secretary of State for India, I am directed  
to enclose herewith for your information a copy of the  
India Office letter No. S. & G. 8050/46, dated the 15th March  
1946 conveying the Secretary of State's sanction to the  
relaxation of Fundamental Rule 86 in favour of Dr. B.B.Dey,  
I.E.S.(retired). Attention is particularly invited to para.2  
of the Secretary of State's letter referred to above.

I have the honour to be,  
Sir,  
Your most obedient servant,

Assistant Secretary to the Government of India.

Naqvi.



25  
Copy of India Office, Whitehall, letter No.S.& G.8050/46,  
dated the 15th March 1946 to the Secretary to the Government  
of India, Finance Department, New Delhi.

14  
Subject:- Proposed grant of extended leave preparatory to  
retirement to Dr. B.B.Dey, I.E.S.(retired), Madras.

Sir,

p.17 ante  
I am directed to forward herewith a copy of a letter,  
without enclosure, No.52898 A-10 Edn., dated the 9th February  
1946, from the Government of Madras, on the subject noted  
above, and to say that the Secretary of State sanctions the  
grant, in relaxation of Fundamental Rule 86, of 28 months'  
leave preparatory to retirement to Dr. B.B.Dey, I.E.S.(retired),  
less leave on average pay for 4 months and 19 days availed of  
after retirement.

2 With regard to the period of leave on average pay  
for 2 months and 19 days from the 3rd August, 1942, which the  
Provincial Government also propose to deduct, I am to say that  
it is not the Secretary of State's intention that leave taken  
before the date of compulsory retirement, except leave preparatory  
to retirement, should be so deducted. I am therefore to say  
that, unless the Government of Madras can satisfy the Secretary  
of State that these are good and special reasons for this  
proposal, only the period of leave taken after Dr. Dey's  
retirement should be deducted from the total of 28 months.

3 I am to ask that the Provincial Government may be  
so informed.



I.E.S. - Dey, Dr. P. P. Rai Bahadur <sup>Dr. B. B. Dey during reemployment</sup> Extended leave preparatory to retirement - Sanctioned.

Read: G.O. No. 1667-Edn., dated 20-10-45.  
From the D.P.I., Rc. No. 4686-C/45, dated 8-12-45.  
From the A.G. No. G.A. IV, Edn. 834, dated 2-11-45 and 14-12-45.  
From the G. of I., Fin. Dept., No. D. 1629-1st. IV/46, dated 5-4-46.

ORDER (MS.) No. 896 Edn., dated 30-4-1946

The Secy. of State has sanctioned the grant, in relaxation of F.R. 86, of 28 months' leave preparatory to retirement to Rai Bahadur Dr. B. B. Dey <sup>less leave on average pay for 4 months and 19 days available after retirement.</sup> 2. The follg. notif. will be published in the F.S.G. Gazette:-

NOTES  
Leave

Rai Bahadur Dr. B. B. Dey is granted <sup>leave</sup> earned <sup>during reemployment</sup> leave for nine days with effect from 23-10-45, <sup>W.r.t. Instruction (2) under F.R. 86</sup> and also, <sup>leave in continuation</sup> leave in relaxation of F.R. 86, leave preparatory to retirement for 28 months from 1-11-1945 - L.A.P. for the first 7 months and 26 days and leave on half-average pay for the remaining period.

2. The leave sanctioned to Dr. Dey in Notification No. 230, dated 20-10-1945, published at p. 362 of Part I-B of the F.S.G. Gazette, dated 23-10-45, is hereby cancelled.

LETTER/Ref. No. 5288 <sup>1/45</sup> A-12-Edn., dt 29.4.46

To The Secy. to the G. of I.,  
Fin. Dept., ~~XXXXXX~~ New Delhi. (with copy of Draft I)

Grant of extended leave preparatory to retirement to Dr. B. B. Dey.

Ref:- Your Dept. letter No. 1629-1st. IV. 46, dated 5-4-46.

6-7 38/4  
T/56 CF  
CF 11  
CF 12 15-16  
CF 23

pp. 90-91, BK. 154

on average pay  
a/i

p. 16 CF

T/56 CF  
Verified

to the D.P.I. ✓  
" A.G. ✓  
" S.G.P. (for pubn. of notifn.) ✓  
" Pub. (C.L.) Dept. - do ✓  
R.B. ✓  
G. of I. one copy ✓  
1 s/c.

1-5-46

CF 23



I am to enclose a copy of this Govt.'s proceedings No. 896 Bdn., dated 30/4/46, notifying the extended leave preparatory to retirement to Rai Bahadur Dr. B. B. Dey. *Sanctioned by the S. G. S.*

Y. O. S.,

*25-4-46 k*  
*26-6-46*

*B.M. 26/4/46*

*W/ 2/11/46*

*X will be filled in at time of move 2*  
*Draft I*

CF 1-2  
CF 3-5 47-9  
CF 11  
CF 15-16

From the A.G., G.A.IV. Bdn., 834 dated 2-11-1945.  
From Dr. B. B. Dey, dated 17-11-1945 and 1-12-1945.  
From the D.P.I., Rc. No. 4686.C/45 dated 8-12-1945.  
From the A.G., G.A.IV. Bdn. 1048 dated 14-12-1945.

I.E.S. - Dr. B. B. Dey, late Principal, Presidency College - Grant of extended leave preparatory to retirement.

Dr. B. B. Dey, I.E.S., retired from service on 1-11-1944.

Prior to this date the history of service of Dr. Dey is as follows:-

- (1) From 2-4-42 to 1-7-42 was Professor, Presidency College, and was in additional charge of the post of Principal during vacation.
- (2) From 2-7-42 to 29-7-42 was Principal, Presidency College.  
From 30-7-42 to 2-8-42 was Professor, do.
- (3) From 3-8-42 was granted 7 months leave.
- (4) Rejoined duty as Principal, Presidency College, on 22-10-1942, cancelling the unexpired portion of the leave.
- (5) From 22-10-42 to 12-4-44 was Principal, Presidency College.
- (6) From 13-4-44 to 12-6-44 officiated as D.P.I.
- (7) Applied for leave for 4 months and 19 days from 13-6-1944. This leave was refused in G.O. No. 946 Edn., dated 21-6-44.
- (8) 13-6-44 to 1-11-44 Principal Presidency College

2. After retirement, Dr. Dey was re-employed as Principal, Presidency College, for one year with effect from 1-11-1944, on grounds of public interest. During this period, the post of D.P.I. fell vacant and he was appointed as D.P.I. from 8-1-1945. He continued as D.P.I. till 23-10-1945. From 23-10-45 he was granted leave for 4 months and 19 days which was refused in the G.O. referred to in item (7) above.

3/ Dr. Dey has now requested that he may be granted extended leave preparatory to retirement for 28 months with reference to the Secretary of State's instructions communicated in the Government of India letter F.44(29)W/44, dated 15-6-45. The intention of the Secretary of State's decision is to grant the full amount of leave for which they (officers) would otherwise have been eligible, subject to a maximum of 28 months, to officers under his rule-making control who have been compulsorily retained in active service beyond the date on which they would

*State of birth*  
*1-11-1889*  
*A*  
*para (3), CF 11*

*B/5*

*K/7*

*W*

*21-10-42 A.N. m/10*

*G.O. not put up) when Sir Shyam went on leave*  
*X/1 CF*  
*X/5 CF*  
*(8) Re-employed for 1 year from 1-11-44 as Principal Presidency College*

*G.O. 1587-Edn.*  
*27-10-44*

*T/56 CF*

*CF 147*

*(E)*

*Para 1, ibid*



2  
normally have had to proceed on leave in order to enjoy all the leave admissible to them. In this particular case, as Dr. Dey retired before the 19th Jan. 1945 (the date of the Secy. of State's order requiring all officers under his rule-making control to remain in active service until retirement) the Govt. <sup>unless</sup> should certify that he was retained in service till the age of compulsory retirement, in the public interest <sup>he would not be eligible for the concession</sup>.

From the history of service given on the previous page, it will be seen that during the period from 3-8-42 to 22-10-42, Dr. Dey was on leave and that he returned to duty, cancelling the unexpired portion of the leave granted to him. Dr. Dey proceeded on leave when he was Professor, Presidency College. As he was posted as Principal, he returned to duty. Attention is invited to the portion marked 'M' on p.1 of G.O.1422 Edn. dated 6-10-1942.

The point for consideration is whether Dr. Dey agreed to cancel his leave of his own accord or as a result of any persuasion by the D.P.I. If it was a voluntary act, Government cannot certify that he was retained in service on grounds of public interest. The Director's letter on p.13 c.f. is silent on this point. Dr. Dey will then have the benefit of the Secy. of State's leave concessions <sup>only</sup> from 2-3-1943 <sup>only</sup>, the normal date on which the leave granted in G.O.295 Edn., dated 19-2-1942, would have expired. If, however, as a result of persuasion from the D.P.I., he agreed to cancel the unexpired portion of the leave, he may be deemed to have been recalled to duty; the concession of the extended leave up to a maximum of 28 months would then be applicable to his case <sup>the necessary certificate being given by the Govt.</sup> (subject of course to deduction of the actual period of leave enjoyed by him.) The D.P.I. may be consulted u.o. on this point. <sup>for orders</sup>

hr  
24.12.45  
The concession is applicable to officers who were in service otherwise than on leave preparatory to retirement on 1-11-40 and had not reached the age of compulsory retirement <sup>on that date</sup>. Dr. Dey was in service on 1-11-40. He attained the age of superannuation only on 1-11-44. It does not seem that the fact that he took ordinary leave for a few months in 1942 will affect his <sup>eligibility</sup> for the concession. The leave preparatory

Proviso to para 3  
E/1

W d m/10

(W)  
m/5  
(m)

(W)

para 2, E/1

X  
W d m

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27.11.45  
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para 2, p.1 (E)

para 2, p.1 (E)

para 2, p.2 (E)

to retirement applied for by him in 1944 was refused in the public interest and he was also re-employed after he attained the age of superannuation. It seems that the Govt. may certify that he was retained in service until the age of compulsory retirement in the public interest. The statement in the recommendation roll at "m"/1 that "Dr. Dey has agreed to cancel the unexpired portion of his leave" indicates that he expressed his willingness to do so only on receipt of a communication from the Director. It does not seem that a reference to the Director is necessary. Finance may see for remarks.

B.M.  
24/12/45

by  
27/11/45

Finance (CSR) dept.

XX In letter No. F.44(29)-W/44 dated 15-6-45, Govt. of India have communicated <sup>proposed</sup> the procedure approved by the Secy. of State for India, of granting extended leave preparatory to retirement, subject to a maximum of 28 months, in relaxation of the relevant rules, to officers under the rule making control of the Secy. of State who have been compulsorily retained in active service beyond the date, on which they would normally ~~have~~ have had to proceed on leave, in order to enjoy all the leave admissible to them. All such officers who were in service otherwise than on leave preparatory to retirement on 1-11-40 and who had not reached the age of compulsory retirement on that date, are entitled to the concession. In the case of officers not being members of the I.C.S. who reached the age of compulsory retirement between 1-11-40 and 19-1-45 a certificate to the effect that they were retained in service, until the age of compulsory retirement in the public interest, is necessary to make them eligible for the concession. The concession is not to be denied to those officers who have already retired before the issue of the orders provided they are otherwise eligible for it. The point for consideration in this file is whether Dr. B.B. Dey, ex-Director of Public Instruction is entitled to this concession and if



8. He has also enjoyed 2 months and 18 days leave from 3-8-42. The date of superannuation was 1-11-44. Thus in



p. 1 above.

19.1.46  
19.1.46

02.1.46

Sept. Dept. (A)

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Mr. May see the app.

201.146

The draft letter to the Secretary for India maybe perused and the case returned to Adm + Fin. WJ

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ΣαπΗ  
Α

For ~~the~~ orders as to circulation

Encl. no 58570821  
31.1.46

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$\frac{1}{1/4}$   $A_2, A_1, H_2$

— may is me.

Am 2/46

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for put facts approval

SECRETARY, E.E. AND P.E. 100-7-76  
8 - FEB 1946

12.2.46 W

12772. From the G. of I., No.D.1629-Est.IV/46, dated 5-4-46.

6.25.64 Para 1 of the letter: The leave preparatory to retirement for 5 A. Day <sup>for 20 months.</sup> may be sanctioned. Finance may

be requested to say whether, w.r.t. A.C.'s communication at p.1 C.F., whether the leave preparatory to retirement should commence from 23-10-45 or from 1-11-1945, first sanctioning the leave earned by Dr.Dey for the period of his re-employment.

25 CF. Para 2 of the letter: <sup>there is no</sup> ~~no~~ special reason there  
is to mention to the Secy. of State. Neither the Secy. of  
State nor the G. of I. require a reply. ~~Another~~ //A copy of

the order may be sent to the G. of I. with a covering letter.

May be sent to Fin. for remarks with response

May be sent  
h  
15.4 kb  
to A above;  
right

46/406 J

Finance (CSR) dept.

(Previous Finance note on page 6 above).

The file has been sent to this dept. with reference to A above. Dr. Dey was relieved by Dr. Savoor apparently on 22-10-45. The point for consideration is whether the leave for 9 days earned by Dr. Dey during re-employment can be sanctioned after this date of relief.

Re-employed Govt. servants are treated as temporary Govt. servants and are therefore for purpose of leave governed by the Madras Leave Rules, 1933. According to rule 26 of M.L.R. 1933, the grant of leave to a non-permanent Govt. servant shall be subject to the

29 JAN 1948  
FINANCE DEPARTMENT

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SECRETARY TO GOVERNMENT  
17 APR 1946  
FINANCE DEPARTMENT

SECRETARY TO GOVERNMENT  
17 APR 1946  
FINANCE DEPARTMENT

607  
CSR



8/ A

condition that, but for the grant of leave, he would have continued to hold a post in Govt. service until the expiry of the leave. Though Dr. Dey could not have continued as D.P.I. after 22-10-45, he could have continued as Principal, Presidency College, Madras till 31-10-45, the date on which his period of re-employment ceases. <sup>Thus</sup> ~~the~~ the condition relating to the grant of leave to temporary Govt. servants in rule 26 of the M.L.R. is satisfied in this case. <sup>Here</sup> The 9 days leave that Dr. Dey earned during <sup>the</sup> re-employment period may be sanctioned to him with effect from 23-10-45 to 31-10-45 and the leave of 28 months sanctioned by the Secretary of State may take effect from 1-11-45 - see p-1 C.F. also.

scriben (g. and) above  
1174 9/10/45  
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20.4.46  
20/4/46



22607 CSR-1  
24/4/46

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

22153

A draft order is subd. A draft letter to the Govt. of India is also subd. For orders as to circulation.

25.4.46  
26.4.46



(N/S for b's) (note)  
26/4/46  
Approved.  
28/4/46

22607 CSR-1  
24/4/46