Scott. II-27—15,004—22-8-46.

(194 7) Department.

E. & P.H

MISCELLANEOUS SERIES.

G.O. NO. MS.1073 Edn.

Dated 23rd May 1947.

[Despatch Abstract.]

Appeal - Remanathan Sri P-G. Former Headclerk, Presidency College, Madras
Rejected.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Confdl.	1678	Edn	2-9-46				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	561	Edn	18-3-48				

Education Department

From

Dr. S.R.U. Savoor M.A., D.Sc.(Lond)., I.E.S.
Director of Public Instruction,
M a d r a s.

To

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

C.No.5486 C-6/46 Dated 19-10--1946.

63584

Sir,

Sub: Appeal petition dated 2.9.1946 from Sri P.G. Ramanathan, former Head clerk, Presidency College, Madras against the orders of the Director of Public Instruction, Madras.

In submitting herewith the appeal petition referred to above, I have the honour to state as follo

As I was of the opinion that the facts of the case against Sri P.G. Ramanathan disclosed sufficient grounds for taking departmental action against him calling for the imposition of any one of the penalties mentioned in G.O. No.3389 Public Services dated 25.11. 1944, I referred the case to the Special Officer for Departmental Enquiries. The Special Officer conducted a regular enquiry in accordance with the prescribed procedure and forwarded his findings along with his recommendations as to the nature of punishment to be awarded. He framed four charges: --

Charge I:

That you, in your capacity as Headclerk of the Presidency College Madras entrusted with the custody of the amounts required for meeting the expenses under contingencies and payment of scholarships, dishonestly appropriated to your own use the sum of Rs.122/7/11 found short of the book balance on 22.1.1944.

Charge II:

That, you in your capacity as Headclerk of the Presidency College, Madras authorised to receive the sums payable to the said College, having received prio to 22.1.1944 a sum of Rs.44/- (towards the amount due to the said college) deliberately failed to bring the said amount to account (and remit the same promptly to the Bank) and produced the same only on 22.1.1944 having misappropriated the same to your own use in the meanwhile.

-- 2---

Charge III:

That you between the 5th of January and 9th of February 1944 failed to remit to the Bank promptly the amounts shown in Annexure 'A' collected by you as Head clerk of the Presidency college as required by ~~xxxx~~ rule 8 (h) of the Treasury rule 10 and

Charge IV:

That you, as Headlcerk of the Presidency College responsible for receiving ~~xxx~~ the college fees from the students and remitting the same promptly to the Bank, having had on 21.1.1944 a sum of Rs.7460/- in your custody in cash (according to the books of account maintained by you) reported to the Principal of the said college late in the evening of the said date that a sum of Rs.7460/- out of the collections for the day, kept by you on your table, had been stolen by someone and thus caused loss of the said sum on account of your gross negligence in the discharge of your duties as Head clerk".

The explanation of the accused on Charges II and III was accepted by the Special Officer and the accused was acquitted on both these charges. Charges I and IV were taken together by the Special Officer who found no satisfactory explanation so far as the loss of moneys was concerned. He found him guilty of gross negligence and recommended the following punishment: --

"As the loss has been directly caused by his carelessness he has to bear it. In other words, the money which he had already replaced will be forefieted to Government and he is not entitled to get it back. He is unfit to continue any more in service and he should be compulsorily retired on such pension as his service entitles him"

The main charge of gross negligence and carelessness on the part of the accused officer is discussed below: --

On 21.1.1944 which was the last day for the college fee collections it is reported that the accused officer had collections to the extent of Rs.7000/- and odd. The Collections were closed by about 3 or 4 p.m. and were kept inside a small box specially kept for the purpose ~~of~~ by the ~~xxid~~ side of the Headclerk. The Stenographer (Sri Rameswami) was seated with his back to the Headclerk. At the end of the collections after 5 p.m. the accused took out the money and the cheques from the box for counting and totalling the figures and also for compering the counterfoils of the fee receipt books with the amount entered in the Daily Fee collection.

After the totals had been tallied, the currency notes in 3 bundles were placed in front of him for the purpose of removing them to the safe for the night. Just then, it appears, the Headclerk left the room for half a minute or so for spitting. He returned and sat in his chair engaging himself in some calculations. After a few minutes when he got up to take the bundles, he found them missing. These were, it is reported, the circumstances under which the money was lost. The Principal, on being informed of the incident by the Head clerk at about 6.30 p.m. came down, made enquiries and conducted searches which ultimately proved futile. In this connection, I may point out, that there are certain psychological facts to be considered at this particular moment. A really honest and innocent person would have been, in this predicament, utterly shocked; would have bawled out "theft, theft etc.," would have cried out if not collapsed, to the great dismay and disappointment of his colleague Mr. Ramaswamy, who was seated there. Neither did the accused call upon the watchman on duty to make searches nor did he asked Ramaswamy at all about the money. On his return from the Principal's room. Both in the cross examination in the Court of the Chief Presidency Magistrate and by the Special Officer Sri Ramaswamy stated that the fee collections were over by 3 p.m. that day and that he did not see any bundles of notes on the Head clerk's table. Further the Headlcerk made no suggestion to the Principal that the money had disappeared during his absence from the room; it was in answer to a pointed question that the Headlcerk said that he had left the room to spit. His allegation was that he had seen some one about and that the money might have been taken when his attention was concentrated on the figures. All this appears to be nothing but an after thought. The two explanations of the accused

submitted to the Special Officer do not throw any light on this particular appect of the question. Nor even in his present appeal does He bring in any new facts for consideration. His grievance appears to be that he was the only person that was punished when there were others like Ramaswamy and so on. The Police undertook the investigation of the case which lasted for over six months and if there was an iota of evidence against either Ramaswamy or the Watchman, he too would have been taken to task. From a perusal of the two judgments of the Chief Presidency Magistrate it will be seen that the manner in which the delayed remittances -- holding back of certain sums on each occasion, were made to the Bank the unsatisfactory way in which the accounts were maintained-- showing discrepancies between the book entry and the cash on hand and the belated remittances of Endowment prizes to the winners concerned, go to prove that the accused was guilty of misappropriation. Though this particular charge of misapprppriation was set aside by the High Court, the accused was not honourably acquitted. The Hon'ble Mr. Justice Happell, in the course of his judgment on the criminal revision petition relating to the charge of criminal breach of trust in respect of a sum of Rs.7460/- being the fee collections remarked that Sri Ramanatha Iyer, no doubt gave no very satisfactory explanation as to why ~~that~~ the was the shortage of a sum of Rs.~~122~~120/7/11, but it was a small sum which he was undoubtedly able to replace and intended to replace.

To sum up ~~my~~ my argument, as pointed out by the Special Officer, the accused officer should not have kept such a large amount on the table and left the room. His version either that he went out to spit or during that minute somebody spirited away the bundles as if by ~~a miracle~~ magic cannot be believed. By~~x~~ his so placing the bundles of notes and leaving his room, the accused had shown gross negligence

and carelessness in safe guarding the Government money placed in his trust. The accused had failed to offer any satisfactory explanation to this charge. I, therefore submit that the findings of the Special Officer are just and I see no reason to deviate from his recommendations.

The appeal may therefore be rejected.

All the connected records are submitted herewith for reference and return.

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

for Director of Public Instruction.

9-2/60

6

26

DIR. OF PUBLIC INSTRUCTION
8 SEP 1946
MADRAS

17, Kassim Ali Lane,
Triplicane,
Madras.
2nd Sept, 1946.

To

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

Through the Director of Public Instruction,
Madras.

The humble appeal of P.G. Ramanathan, former Head Clerk, Presidency College, Madras, against the orders of the Director of Public Instruction R.C. No.261C/44 dated 3rd August 1946 respectfully showeth:-

1. The Order of the Director (1) compulsorily retiring the appellant with effect from 29-1-44 (a date thirty months behind the date of the order) and (2) ordering the forfeiture of the sum of Rs.7300/- paid by him to the Principal of the Presidency College, is illegal, unfair and opposed to the findings of the High Court in Criminal Revision case No.949/44.

2. The Director does not appear to have exercised his judgment before passing the order dated 3rd August 1946. He merely agrees with the findings of the Special Officer in his Departmental enquiry No.42/45. The order is also vitiated, because it gives no reason for accepting the findings of the Special Officer and does not even purport to discuss the representations made by the appellant, much less does the order give any reason for rejecting his representations, especially in view of the fact that the Special Officer, instead of confining himself to a consideration of the fact and circumstances from which an inference of negligence or carelessness could be drawn, starts with a prejudiced idea that the appellant " might have made up his mind to misappropriate the money." But as the Special Officer finds himself in conflict with the judgment of the High Court, he suddenly jumps into the charge of negligence without making any attempt to prove it, and for this charge of alleged negligence has inflicted a double punishment.

3. The appellant therefore submits that the findings of the Special Officer are erreneous and his observations are not warranted by facts, and he appears to have constituted himself as an appellate authority over the High Court and has found circumstances and facts against the appellant contrary to the judgment of Mr.Justice Happell.

4. In paras 10 to 14, the Special Officer has been at pains to show that the appellant's explanation is false and that his conduct is inconsistent with that of an honest man. The Special Officer has failed to note that the very same explanation was put up before the High Court and it was accepted. The same conduct which according to the Special Officer is inconsistent with that of an honest man, has been accepted by the High Court as being consistent. The question then would resolve into this. If the appellent, who according to the circumstances of the case, has spent over an hour in tallying the accounts and after having succeeded in doing so, left the money on the table and went out for a minute or two, is his conduct such as would make him responsible for the loss of money, if it was lost ? It must be remembered that there was another clerk in the office, a Government servant of fifteen years' standing. It will be seen from para 3 of the appellant's representation to the Director (Appendix V) and para e 2 of his explanation submitted to the Special Officer on 10th April,1946 (App.III) that this clerk, Ramaswamy was unwilling to speak the truth and that there were several discrepancies in his evidence. The appellant submits that the observations of the Special Officer regarding the fantastic theory put forward by him that " He might have made up his mind to misappropriate the money and arranged that someone should go to the office after 4 p.m. etc." were not thought of from 21-1-44 to 17-4-46, and even the Special Officer admits that some flaw might be found in this theory.

5. What the Special Officer has forgotten is this. Both the police and the authorities were obsessed with the difficulties in the way of proving that the appellant misappropriated the fee collections of the 21st January 1944 and that there-

therefore they actually abandoned the case of misappropriation of 21-1-44 but sought to make out a case of gradual extraction of money spreal over a period of three weeks. This case put forward by them was completely shattered. In support of this theory, the police led evidence to show that there was a delay in remittances into the Treasury day after day and that there were alterations in the account books. All these facts were fully dealt with by the defence and the High Court has given its findings in the following words:-

> " It is plain, in fact, that the evidence adduced showed no misappropriation or falsification of accounts prior to the 21st January and that the petitioner was not forced, as the Chief Presidency Magistrate seems to have thought to report, a bogus theft to cover up his previous misdeeds."

Similarly dealing with the alterations in the account books the Learned Judge remarks on the evidence of the attender P.W. 6.

> " The evidence of this witness has not been accepted by the Chief Presidency Magistrate, and I refer to it only because it seems to me another illustration of the fact that the prosecution was not clear as to what its case against the accused really was."

The Learned Judge goes on to say that

> " The result of what has been said above is that no inference adverse to the petitioner can be drawn from the accounts or from anything that transpired before 21-1-44."

Dealing with the conduct of the appellant the Learned Judge says.-

> " It is simply that all the fees collected on the 21st January are missing, that the petitioner was responsible for their collection and in charge of them, and that it does not appear that any one could have stolen the money except the petitioner and/or the two persons working in the room, with him, P.Ws. 2 and 6. It is clear that it cannot be held to have been proved beyond reasonable doubt that the petitioner misappropriated the money."

The Judge goes on to say

> " that the money has never been traced and there is no indication of how the accused, if he did misappropriate it, either secreted it or managed to pass it out of the college. The evidence is clear that he did not leave the college that day or indeed, except for a minute or two, his office, before he reported to the Principal that the money has been lost. Both the prosecution and the Chief Presidency Magistrate were evidently concious that the evidence with regard to what happened on the 21st January by itself did not prove the charge against the accused, but, as it seems to me and as I have shown above, they were wrong in thinking that there was any other evidence."

6. The appellant begs to bring to the notice of the Government that he was induced to part with the sum of Rs. 7300/- by Dr.B.B.Dey on the special understanding that the police would investigate the case, recover the money and that amount would be refunded to the appellant. The appellant instead of that promise being fulfilled, found that the police tried to foist a false case against him, subjected him to a long and nerve racking trial and appeal to the High Court. The appellant desires to place on record that in respect of this thoroughly false charge he was compelled to be in custody for about a week.

7. The appellant also begs to point out that he was kept under suspension for a period of thirty months during which he was merely on a subsistance allowance of a quarter of his salary. He has not been granted the advantage of leave on average salary of ten months which he has earned. As a matter of fact, he has not, during his thirtyone years of service availed himself of any leave. During these thirtyone years of service he occupied a responsible position. A perusal of the confidential reports by successive Principals would show that he has had a clean and good record.

8. The appellant therefore begs to request that the order of the Director of Public Instruction be set aside

14

(9)

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and he be reinstated in service and the refund of the sum of Rs. 7300/- paid by him be ordered.

Your appellant begs to remain,

Yours obediently,

P. G. Ramanathan

2/9/46.

Encl:

Appendix I. Mr.Justice Happell's judgment.
II. Appellant's explanation No.1 to the Special
III ,, ,, No.2 ,, Officer.
IV. Special Officer's Report.
V. Appellant's representation to the Director.
VI. Director's Order.
Vii. Charge sheet of the Special Officer.
VIII. Annexure 'A' to charge sheet.

28 pages.

copy to The Secretary to Govt,
Education Pinkiehealth.

T.M Typist 17 (10) EDPH(A)

From
To The A.S, EDPH.
The Dy DPI
Sub. Appeal petition d/2-9-46 from Sri P.C. Ramanathan, former H.C., Presidency College, Madras
Ref Director's letter No. 5686 C-6/46 d/19-10-46

I forward urgently the personal file of Sri P.C. Ramanathan, former Head Clerk, Presidency College, Madras

PC to go

EJ 25-11-46

MK 25/11/46.

MK 25/11/46

Office of the
Director of Public Instruction
Madras, dated 29th November 46.

T.M.(By post).

To

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

APPEAL petition -- Sri P.G. Ramanatha Iyer, former Head clerk, Presidency college, Madras.
Ref: Your T.M. by post dated nil.

The personal file of Sri P.G. Ramanathan is enclosed as desired.

for Director of Public Instruction

GAW/29.11.46.

20

15

12

21

Edn and P.H Dept

A.

Very urgent

Telephone message by Pol.

From

The Pol. Secy to Govt, Edn and P.H. Dept

To The Dy D.P.I.

Appeal petition from Sri P.G. Ramanathan, former Head clerk, Presidency College, Madras

Ref D.P.I's letter CRO: 5486 C6/46 dt 19.10.46.

—

Please send very urgently the original of the Director's Proceedings Re RO: 261C/44 dt 3.8.46.

Pol
12/12/46

Pol
12/12/46

Note This paper has to be sent to the Commissioner. It is not in the papers sent by the D.P.I.

In the meanwhile note is here before

POST COPY OF TELEPHONIC MESSAGE. . . . .DATED. 16-12-46.

From

To The Director of Public Instruction, Madras.

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

Sub:- Appeal of Sri P.G.Ramanathan, formerly Head Clerk Presidency College, Madras.

Ref:- Your Telephonic Message by post dated 12-12-46.

77670 The original of the Director's Proceedings Rc.261-C/44 dated 3-8-46 is sent herewith as desired.

17 DEC 1946

for Director of Public Instruction.

pkr.16/12

EDPH(A)

24 UC T.M 46

From The A.S. EDPH

To The Dy DPI.

Sub. Appeal petition from Sri P.G. Ramanatham, former Head Clerk, Presidency College Madras

Ref Director's Pc & T.M dt 16-12-46

Pl. find the whole file relating to Director's Proceedings No 261 C/44 & 38-46. Only the Proceedings have been rcd. with the Director's Pc & T.M dt 16-12-46.

Pc to go

DSM 18/12/46

CJ 18-12-46

Hom 18/12/46.

Dy Sec's Asst 19/12/46

Post Copy of Telephonic Message dated 20th December, 1946.

From

The Director of Public Instruction, Madras.

To

The Assistant Secretary,
Education and Public Health Department,
Fort St. George, M a d r a s.

ASST. SECRETARY TO GOVERNMENT
21 DEC 1946
EDUCATION AND PUBLIC HEALTH DEPT.

7894

APPEAL of Sri P.G.Ramanatham, formerly Head Clerk, Presidency College, Madras.

Reference:-Your telephonic message dated 19.12.1946.

The whole file bearing No.261-C/44 and 5484-C6/46 consisting of 305 pages is sent herewith.

For Director of Public Instruction.

ks.20-12.

SJ 20/12

19(14)

28

26

27

(15)

Edn and P.H. Dept

Letter No. 63584 A/46-2 Edn dt 1-2-46
Ref.

(Copy)

To The Secy, M.P.S.B. (with encls)

Mr 7-16 ct in red & other ends marked in annexure.

Dpd with enclosure under sealed cover
1-2-46

Sir,

Sri: P.G. Ramanathan, ex-headclerk, Presidency college, Madras - Appeal.

I am directed to forward herewith in original ~~the proposals~~ an appeal from Sri. P.G. Ramanathan, ex-headclerk, Presidency College, against the order of the D.P.S. compulsorily retiring him from service and forfeiting to Govt. the amount which he had replaced from his own pocket, together with the papers noted in the annexure and to request that the M.P.S.B. will be so good as to offer its views on the

Mr 7-16 ct

28

appeal.

21/1/47

23/1/47

23/1/47.

Annexure

1) Original of D.P.I's office file No.261C/44 & 3.8.46 -
305 pages (w)

2) File containing charges framed by the Special Officer, Statement of Sri Ramanathan &c.
55 pages (w)

3) Report of the Principal Presidency College & findings - in the case - 64 pages.
~~64 pages.~~

4) Personal file of Sri Ramanathan

23/1/47

29

CONFIDENTIAL. TEL: "PUBSERCOM"

GOVT. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH 6 - FEB 1947

From
Sri Rao Bahadur P.K.Gnanasundara Mudaliyar,
Secretary, Public Service Commn.,
Madras-8.

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

No.512-C/47-1, dated 3-2-1947.

Sir,

Appeal - Sri P.G.Ramanathan, Ex-head clerk, Presidency College, Madras - Your letter No.63584-A/46-2, Education, dated 1-2-1947.

I am to say that in the office file No.261-C/44, dated 3-8-1946 of the Director of Public Instruction, which is stated to contain 305 pages /vide item (1) of the Annexure to the letter cited/ pages 43-48, 119-120, 133-148, 173-188 and 213 to 220, are not found.

Your obedient servant,

Secretary.

Encl. - Nil.

ckn.3-2-1947.

(Dep(A))

30

Memo. No. 63584 A/46 - 3 Edn. 12-2-47

Sub. Sri P.G. Ramanathan, ex-head clerk, Presidency College, Madras - Appeal.

From the Secy. M.P.S.C, No. 512 - C/47-1 of 3-2-47.

A copy of the Lr cited is communicated to the DPI and he is requested to forward to Govt at an early date the missing pages in his office file referred to

DPH 12/2/47

Despd. 13-2.

To The DPI (with encl)

Copy to p3 and

CS 11-2 AS/Dep 11/2/47

R.C.NO.5486-C6/46.

Office of the Director of Public Instruction, Madras, Dated 17--2--1947.

31

17

FROM

Dr. S.R.U. Savoor, M.A., D.Sc., I.E.S., Director of Public Instruction, MADRAS.

TO

The Secretary to Government, Education and Public Health Department.

SIR,

SUB: SRI P.G.Ramanathan, ex-Head clerk, Presidency College, Madras - appeal.
REF:Government Memorandum No.63584-A/46-3 dated 12--2--1946.

F3793 I have the honour to report that the entire current file of my Office was already submitted to Government and there are no more pages left behind in this Office. The gaps in the numbering of pages may be due to the intermediary transmission or re-transmission of enclosures from one office to the other.

The only file pertaining to the subject is the note file consisting of 39 pages (without any gap). This is also sent herewith. It will be seen therefrom that at least in one case pages 43-48 the missing pages refer to this judgement of the Madras High Court which was detached from the file and submitted separately.

for DIRECTOR OF PUBLIC INSTRUCTION.

Copy to:
The Secretary, Madras Public Service Commission.

RR.17/2.

17/2

32

Lr No. 635 R4 A46 & Encl

To The Secy. MPS.C (with encl.)

Sir Sub Sri. P.G. Ramanathan, ex-headclerk, Presidency College — Appeal.

Ref. your Lr No. 512-C/47-1 dt 3-2-47

I am to enclose a copy of letter from the DPI, Madras. No. 5486-C1/46 dt 17-2-47 for your information. I am also to forward herewith in orgl the Director's office note file containing 38 pages for your reference and return.

Y.O.S.

CS
1-3-47 1/3/47

A47
The Commission has agreed in toto
27/3/47

33

CONFIDENTIAL. TEL: "PUBSERCOM"

(13)

From
Sri C.Krishnaswami Chetty,
Secretary, Public Service Commn.,
Madras-3.

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

No.512-C/47-3, dated 1-3-1947.

Sir,

Appeal - Sri P.G.Ramanatha Ayyar - Ex-head clerk - Presidency College, Madras - Your letter No.63584-A/46-2, Education, dated 1-2-1947.

M 27-28 ante

The Commission agrees with the findings of the Special Officer and the Director of Public Instruction in respect of the charges framed against Sri P.G. Ramanatha Ayyar. The facts establish that the appellant caused loss to the Government by his negligence. In the Commission's opinion, the punishment of compulsory retirement imposed on him [presumably under Article 465 (2), Civil Service Regulations] is proper and calls for no interference.

(R)

But the Director of Public Instruction, imposed another punishment on the appellant, viz., forfeiture to the Government of the sum of Rs.7,500/- paid by him in replacement of the sum lost to the Government. Such a punishment of forfeiture is not contemplated in clause (v) in rule 8 of the Madras Civil Services (Classification, Control and Appeal) Rules or in any other clause of that rule, as the question of recovery from his pay of the loss caused to the Government has not arisen. What the Director of Public Instruction ordered was the "forfeiture" of a sum of money paid by the appellant long before either his criminal prosecution or the departmental enquiry. In paragraph 6 of the appeal, the appellant alleges that he paid this sum on the special understanding that the Police would investigate the case, recover the money and refund it to him. It is not clear to the Commission under what provision of law or rule having the force of law such a sum can be forfeited to the Government. The Commission suggests that the Advocate-General be consulted as to the legality of the "forfeiture" ordered by the Director of Public Instruction.

age 18 of I 45 Services allce. 13 ante

placed below

2. The records as per list enclosed are returned.

Your obedient servant,

Secretary.

clm. 1-3-1947.

SECRETARY, EDN. AND P.H. DEPT. 0 - MAR 1947 GOVERNMENT OF MADRAS

pto.

L I S T.

1. Appeal dated 2-9-1946 and Director of Public Instruction's letter dated 19-10-1946.

2. Original of Director of Public Instruction's Office file No.261-C/44, dated 3-8-1946.

3. File containing charges framed by the Special Officer, statement of Sri Ramanathan etc.

4. Report of the Principal, Presidency College and judgment in the case.

5. Personal file of Sri Ramanathan.

D.Dpt.(A)

Confdl Memo.No 63584 A/47-5 Edn dt 19-3-47

Sub Appeal - Sri P.C. Ramanathan, former Head Clerk, Presidency College, Madras.

In para 6 of his Appeal petition dt 2-9-46, Sri P.C. Ramanathan has contended that he was induced to part with the sum of Rs 7300 by Dr B.B. Dey on the special understanding that the Police would investigate the case, recover the money and refund the money to him. It is not clear from any of the records forwarded by the Director with his Lr No 5481 C-6/46 dt 19-10-46 whether there is any basis in fact for this contention. The Director is requested to ascertain and report whether Dr Dey the appellant's statement is correct.

To
The DPI

Dpt in order
17-3
17/3/47.

AM 18/3/47

17/3/47

(20)

CONFIDENTIAL

Office of the Director of Public Instruction,
Madras.

ASST. SECRETARY TO GOVERNMENT
1 APR 1947
EDUCATION AND PUBLIC HEALTH DEPT.

Subject: APPEAL - Sri P.G. Ramanathan, former Head-clerk, Presidency College.

Reference: Letter C.No.43/44 dated 27-3-47 from the Principal, Presidency College, Madras.

25883

- - - - - - - -

There is nothing in the records to show that Sri.P.G.Ramanathan was induced to part with the sum of Rs.7,300/- by Dr.Dey on the understanding that the amount would be refunded to him after an investigation by the Police.

ENDORSEMENT R.C.No.5486-C6/46 dated 29th March 1947.

(Copy) submitted to Government with reference to their Memo. No.63584-A/47-5, Education, dated 19-3-47.

for Dirdctor of Public Instruction, Madras.

To

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

CONFIDENTIAL. TEL: "PUBSERCOM"

G.F. 82.

From (Name) Sri Rao Bahadur P.K. Gnanasundara Mudaliyar,
Designation Secretary, Public Service Commission,
Station MADRAS-8.

Received A Registered

To

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

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
32990
MAY 1947

Enclosures:

No. 512-C/47-4, dated 2nd May 1947.

Sir,

Appeal - Sri P.G. Ramanatha Ayyar - Ex-head Clerk - Presidency College, Madras - Commission's letter No.512-C/47-3, dated 1-3-1947.

I am to request that a copy of the orders passed on the subject may kindly be sent for the Commission's information.

Your obedient servant,

SECRETARY.

Encl. - Nil.

ckn.1-5-1947.

N.Dis 1303 C3/47 dt 15-4-47.

Submitted in Continuation of D's reference R.C. 5486 C6/46 dt 29-3-47.

For Director of Public Instruction.

15/4.

To

The Secy to Govt
Edn & P.H. Dept.
Madras

CONFIDENTIAL.

From

Dr. S.R.U. Savoor, M.A., D.Sc., I.E.S.,
Director of Public Instruction, M a d r a s.

To

The Secretary to Government,
Education & Public Health Department.

R.C. No.5486 C6/46 dated 1-5-47.

S i r,

Sub: Appeal - Sri P.G. Ramanathan, former Headclerk, Presidency College, Madras.
Ref: Government Memo No.63584-A/47-5 dated 19-3-47.

I request you to let me know when orders of Government may be expected on the appeal referred to above.

for Director of Public Instruction.

R.C.2/5.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

(24) 45

Monday, the sixteenth day of April,
One thousand nine hundred and forty five.

Appendix I

Present :-

THE HONOURABLE MR.JUSTICE HAPPELL

Criminal Revision Case No.1016 of 1944.
(Criminal Revision Petition No.949 of 1944.

P.G.Ramanatha Iyer ... Petitioner (Accused)

Petition under sections 435 and 439 of the code of criminal procedure, 1998, praying the High Court to revise the judgment of the Court of the Chief Presidency Magistrate Egmore, Madras in C.C. No.1654 of 44 dated 11-12-44.

This case coming on for hearing on Friday the sixth day of April,1945, upon perusing the petition and the judgment of the lower court and the record in the case and upon hearing the arguments of Mr.V.L.Ethiraj for Messrs. T.M.Kasturi and T.A.Sreenivasan, advocates for the petitioner (accused) and of Mr.C.D.Venkatramanan for the Crown Prosecutor on behalf of the Crown and the case having stood over for consideration till this day the court made the following

ORDER:- The petitioner has been convicted by the Chief Presidency Magistrate of Criminal breach of trust in respect of a sum of Rs.7460/- and has been sentenced to undergo six months rigorous imprisonment.

The petitioner was the head clerk of the Presidency College Students of the college,it appears have to pay their fees between the 10th and the 21st January and the petitioner, as head clerk, was responsible for receiving the fees, giving receipts, making the necessary entries in the appropriate registers, getting the chalan for remittence to the bank signed bythe principal, and remitting the cash collect-ions to the bank. The fees were paid sometimes by cheque, but mainly in cash. About 6.30 p.m. on the 21st January 1944, the petitioner went to the principal, Dr.Dey, P.W.1 and told him that the whole of the collections made that day amounting to over Rs.7000/- were missing. He said that he had had the money beside him while he was trying to work out some figures and that he could not account for the loss. He did not say that he suspected any one. In his statement at the trial, the petitioner said that he had gone out to spit for two or three minutes and that when he returned he found the cash missing. According to P.W.1 however, he did not tell him this, but had only said when asked whether he had left the room, that he had once gone out to spit. Principal sent for the police, who arrived at about 8 O' clock. They searched the petitioner's house in the same evening and found their something over Rs.300/- in new notes but it is not suggested that these are connected with the misappropriation of the fees. The money, in fact, has never been traced. The petitioner was arrested on the 29th January. In the meanwhile he had replaced the whole amount. The evidence is that the petitioner was working in his office the whole day and that except perhaps on the one occassion when he went out to spit, he had not left it. There were working with him in the office of P.Ws 2 and 6. P.W2 is a stenographer and says that he left the office once to go to the principal. He was, however, in the office when the petitioner reported the loss to the principal, and it is clear that he did not leave the college in the course of the day. P.W.6 is an attender. He left at 5.30 p.m.

The Chief Presidency Magistrate has not convicted the petitioner simply on the footing that the evidence and circumstances in his openion showed that he misappropriated the fees collected on the 21st and had tried to cover up the misappropriation by reporting to the principal that the money had been stolen. The Chief Presidency Magistrate seems to have believed that the petitioner told the story of the theft to the principal in order to cover up his own previous defalcations. He sets out in his judgment a tabular statement which shows as collections under various dates from the 5th January to 21st January 1944, the amount deposited into the bank as per the daily fee collections register, Ex. B, the actual cash re-

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CONFIDENTIAL.

From

Dr. S.R.U. Savoor, M.A., D.Sc., I.E.S.,
Director of Public Instruction, M a d r a s.

To

The Secretary to Government,
Education & Public Health Department.

R.O. No.5486 O6/46 dated 1-5-47.

Sir,

Sub: Appeal - Sri P.G. Ramanathan, Former Headclerk, Presidency College, Madras.

Ref: Government Memo No.63584-A/47-5 dated 19-3-47.

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for Director of Public Instruction.

R.O.2/5.

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remitted into the bank, according to Ex.E, a certified extract from the ledger account of the Presidency College. He says in dealing with this tabular statement that

> " The strongest point for the prosecution is that the accused was remitting money to the bank after a delay, as will be seen from the tabular statement given below."

Then again, after setting out the tabular statement, he says:

> " It is contended that in this way he eventually managed to misappropriate a total of Rs.7460/- and make it appear that it had been stolen."

He goes on to say:

" No remittence was made to the bank on 19-1-1944 although the accused had cash amounting to Rs.4047/- collected on 18-1-1944. The amount remitted on 21-1-1944 corresponds to collections made on 19-1-1944. The collections of the 20th were found in the safe on 22-1-1944 and remitted by P.W.1 on 24-1-1944. The accused has absolutely no explanation for these damning figures."

The Chief Presidency Magistrate also points out that the accused has shown in Ex.B. that money collected on one day was invariably remitted the same day but at the same time the correct dates are given in the cash book. Why the Chief Presidency Magistrate should have regarded these figures as damning, it is difficult to see ? Both Mr.Ethiraj for the petitioner and Mr.Venkatramanan, who appeared for the Crown Prosecutor, say that they are unable adequately to explain the figures set out in the judgment. The statement seems to have been handed to the Chief Presidency Magistrate in the course of the trial but, even as they stand, they do not support the inferences which the Chief Presidency Magistrate appears to have drawn from them. The actual cash remitted into the bank does not equate exactly with the cash collections. The collections however made on the 20th January,1944 had not been remitted to the bank and were found in the safe when the cash was investigated. If this amount is taken into account and the fees collected on the 21st which are missing, are added to it even according to the tabular statement set out in the judgment, the cash remitted into the bank as against the cash collected is short by only Rs.330/- There is no foundation whatever, therefore to be found in the figures for the contention that the petitioner had managed to misappropriate a total of Rs.7460/- and make it appear that it had been stolen. Further more, the reasoning of the Chief Presidency Magistrate is difficult to follow. What for instance is the significance of the fact that no remittence was made to the bank on 19-1-1944 although the accused had cash amounting to Rs.4047/- collected on 18-1-1944, when the tabular statement itself shows that this amount or something very near it was remitted on 20-1-1944 ? Nor, having regard to the fact that the cash collected was being remitted to the bank, do I see any significance in the fact as remarked by the Chief Presidency Magistrate that the petitioner was remitting money to the bank after some delay; nor again in face of the fact that the cash was remitted, is it shown that there is any significance in the fact that the daily fee collection register showed money remitted on the day of collection, when actually it was remitted one or two days later. It appears from the accounts that the petitioner was in the habit of getting a chalan signed by the Principal the day after the collections were made and then making the remittence on the following day. It may be that he should have made the remittence on the day after the money was collected, but I can see no bearing on the delay of one day on the charge against him. Mr.Ethiraj, in fact, has shown me a statement which Mr.Venkatramanan for the Crown agrees to be correct, which shows, there were of course some other collections each day, that the fees collected from the 10th to 19th were all remitted to the bank. As already stated the fees collected on the 20th were found in the safe, while the fees collected on the 21st were either stolen or misappropriated. It is plain in fact that the evidence adduced showed no misappropriation or falsification of accounts prior to the 21st January and that the petitioner was not forced as the Chief Presidency Magistrate seems to have thought, to report, a bogus theft to cover up his previous misdeeds.

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Apart from an examination of the accounts, this should have been clear from other circumstances. The Charge was in respect of the misappropriation of a sum of Rs.7460/- and this was made up, it is not disputed, of the fees collected on the 21st together with a small sum of Rs.120/- for which the petitioner had to account. If there had been an previous defalcation, the sum misappropriated would, of course, have been largely than Rs.7460/- Moreover, the Inspector of police who ~~inspected~~ investigated the case, P.W.5 states clearly that he had checked the accounts of the accused and found a shortage of Rs.120-7-11, after allowing for the amount alleged to have been stolen. The accused no doubt gave no very satisfactory explanation as to why there was this shortage, but it is a small sum which he was undoubtedly able to replace and intended to replace and has no connection with the charge against him.

The only evidence as far as I have been able to see, which, if accepted, might have tended to show that the petitioner had falsified the accounts in order to further his schemes of misappropriation is the evidence of the attender, P.W.6. It is the case that at the top of page 26 of the daily fee collection register the date "20-1-44" continued"has been crossed out and replaced by " 21-1-44" and P.W.6 says that the petitioner made this correction, although the fees on that page entered as received on 21-1-44 were really received on 20-1-44. The evidence of this witness has not been accepted by the Chief Presidency Magistrate and I refer to it only because it seems to me another illestration of the fact that the prosecution was not clear as to what its case against the accused really was. The suggestion seems to have been that the petitioner wished to show as large a total of fees as collected on the 21st as possible because he had already made up his mind to misappropriate them. Seeing, however, that the collections of 20-1-44 were in the safe and available for misappropriation, there seems very little in this contention even if the evidence of P.W.6 is accepted. Moreover the counter foil receipts show that the fees on page 26 under the corrected date of 21-1-44 were received on the 21st January. The dates in the counter foils have no doubt been entered by the petitioner, but if they did not correspond with the receipts given to the students, they could easily have been checked.

The result of what has been said ~~is~~ above is that no inference adverse to the petitioner can be drawn from the accounts or from anything that transpired before 21-1-44. But that it was the prosecution case that some such inference could be drawn and that the Chief Presidency Magistrate accepted this case appears again not only from his comment on the tabular statement, but from a reference to an arguement of the Asst. Crown Prosecutor which appears at the end of the judgment. In dealing with the contention for the defence that the accused's failure to tally his accounts in the small matter of the sum of Rs.120/- was really in his favour, he refers, apparently with approval, to the arguement put forward by the Asst.Crown Prosecutor

> " that the accused had managed to accumulate a large balance by that day which he had decided to misappropriate and the discripancies were taken advantage of only to advance the accused's statement that he took the money out to recount it."

as has been seen, the petitioner had not accumulated a large balance at all. There were the collections of the 20th January, but they were not misappropriated. They were found in the safe and would, presumably, according to the ordinary routine have been remitted to the bank on the following day. The amount stolen or misappropriated was only the amount collected by way of fees on the 21st January.

Now if no adverse inference can be drawn from the way in which the accounts were maintained, or the monies received for the college dealt with, prior to the 21st January or from anything that transpired before that date, what is the evidence against the petitioner ? It is simply that all the fees collected on the 21st January are missing, that the petitioner was responsible for their collection and in charge of them and that ~~he~~ it does not appear that any one could have stolen the money except the petitioner and / or the two persons working in the room with him, P.W.2 and 6. In my opention, once the case is confined to the evidence and circumstances connected with what happened on the 21st of January, it is clear that it cannot be held to have been proved beyond reasonable doubts that the petitioner misappropriated the money.

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It is an extraordinary case and it was natural that grave suspicion should be aroused. On the other hand the money has never been traced, and there is no indication of how the accused, if he did misappropriate, either secreted it or managed to pass it out of the college. The evidence is clear that he did not leave the college that day or indeed except for a minute or two his office before he reported to the Principal that the money had been lost. Both the prosecution and the Chief Presidency Magistrate were evidently conscious that the evidence with regard to what happened on the 21st January by itself did not prove the charge against the accusei; but as it seems to me and as I have shown above they were wrong in thinking that there was anyother evidence. In my judgment for the reasons given, the conviction cannot be sustained. The conviction of the petitioner is there-fore set aside and his petition is allowed. The bail bond of the petitioner will be cancelled.

(sd) K.N.Ganapathy
Depty. Registrar A. S.

(True Copy)

P. G. Ramanathan

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17,Kassim Ali Lane,
Triplicane,
Madras. 6th March 1946.

Appendix II

DEPARTMENTAL ENQUIRY NO.42/45
(P.G.Ramanatha Iyer)
....

To

The Special Officer for
Departmental Enquiries,
Fort St.George,
Madras.

The Special Officer in his proceedings enq. No.42/45 dated 16th February 1946 has asked me to submit my explanations to four charges, so as to reach him on or before 9th March,1946. Though the proceedings is dated 16th February it came to my hands only at 7.p.m. on 1st March 1946. I do not, however,desire to take the risk of asking for an extension of time. I therefore submit my explanations as best as I can, during the short time at my disposal.

EXPLANATION TO CHARGES.

Charge No.1. A certain sum of money relating to contingencies, scholarships etc. is always left with the Head-clerk for effecting disbursements. On 21-1-44 the balance on hand in the safe for disbursements was Rs.575-14-11. From this amount I took that day a sum of Rs.200/- for disbursements. A sum of Rs.79-10-0. was actually disbursed and vouchers in respect of them obtained. The balance of Rs.120/6/-left undisbursed was on my table along with the fee collections of Rs.7460/- for depost in the cash chest after the days transactions were noted in the cash book. The cash chest embeded in the wall is a few yards away from my seat. When I found that the entire money on the table was missing I became stunned and almost insane and what was uppermost in my mind was the loss of the fee collections of the day. In such a confused state of mind I forgot to mention that day the loss of the above mentioned Rs.120-6-0 along with the fee collection money. The police came and took me to the Ice House police station and kept me there until 1.0.a.m. that night. The cash book could not be written up that day. This was done only on 22-1-44. While doing this I came to remember about the disbursements and the balance kept with the fee collection money. I immediately mentioned it to the inspector of police who was seated opposite to me. The loss of Rs.126-6-0 was also explained in the written statement given by me to the Principal on 22-1-44. Unfortunately this written statement was not produced before the court. The Principal Dr.B.B. Dey has referred to it in his evidence as follows:

" The accused gave me a written statement.
I do not remember if I got it or the
police took it."

On a subpoena issued to the principal by the Chief Presidency Magistrate for the production of this statement he replied

" It is not traceable. Perhaps it is
with the police."

Thus it will be seen that the sum of Rs.120-6-0- was also stolen, was duly reported and that there was no question of misappropriation at all. There is however a small of Rs.2-1-11 still to be accounted for being the difference between the sum of Rs.120-6-0. mentioned above and the amount mentioned in the charge viz. Rs.122-7-11. Here also there was absolutely no misappropriation. This amount was in the shape of revenue stamps and small change left in the wooden cash box which apparently were not taken into account. This point was made clear both to the Principal and to the inspector of police on 22-1-44.

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Charge No.2. The amount of Rs.44/- referred to in the charge was not an item of receipt intended for remittance into the bank. It was drawn from the bank on 21-1-44 for disbursement of scholarships to two students and General Provident Fund Advanced for insurance premium payable to an Asst.Prof. Mr.O.P.Rangaswamy. On the evening of 21-1-44 when I was busy checking the heavy fee collections the peon brought from the bank Rs.44/- and placed it on the table which was full of cash. I made a note of this on the tear off block on my table kept for the purpose and placed the amount in my pocket, to avoid getting it mixed up with the fee collections. On account of the shock due to the loss of the heavy fee collection that day I forgot about the existence of this amount in my pocket. The cash transactions of 21-1-44 were not recorded that day. While writing the cash account of 21-1-44 on 22-1-44 I remembered about this amount, immediately accounted for it and there was no misappropriation. If I had closed the cash account on the evening of 21-1-44 I would have entered this also and placed it in the safe. But before the cash balance could be closed on 21-1-44 the police arrived on the scene and I was taken away to the Ice House Road police station.

It may kindly be noted that the amounts referred to in charges 1 and 2 relate to transactions of 21-1-44 and the circumstances were such that they could be recorded only on 22-1-44 and that the cash account of the previous day viz. 20-1-44 closed on the same day was examined, scrutinised and signed by the principal on 21-1-44.

Charge No.3. I was on casual leave from 26-1-44 to 29-1-44 and I was under suspension from 29th January,1944. Hence I am not answerable to transactions subsequently to 25th.

I submit that this charge was fully gone into by the High Court and it has been proved that the amount received by me between 5th January and 25th January 1944 have been fully and duly accounted for. It has also been clearly established that there was no delay in remittence to the bank. I have attached to this a statement showing the dates of receipts the dates when the principal signed the chalans, and the dated of remittences and realisation of cheques by the Reserve Bank. A perusal of this statement will convince the Special Officer that there was no delay at all on my part and that I am innocent of the charge.

It will be seen from the cash book and various chalans of remittences that the collections of a day have been remitted not on the immediately succeeding day but a day later. This is due to the unavailability of the principal at the material time and the chalans including cash and cheque -- the latter requires his endorsement -- having been signed late in the day. There has not been a single instance of remittance being made later than a day except when holidays intervene. 6th, 7th, 8th, 9th, 13th, 14 and and 16th January 1944 were holidays for Vaikuntekadasi, Muhhuram, Saturday, Sunday and Pongal holidays .

The principal examines, scrutinises and signs daily the cash book and the daily fee collection book. He has never pointed out or complained against any delay in remittances. The chalans in most of the cases were signed by the principal after the bank time and therefore it was physically impossible for me to remit the amount the same day. In every case the entire collection of a day (cash and cheques) was duly remitted without splitting the amount.

The process of remittence to the bank from the college takes more than 1½ hours daily. Each currency note is stamped with the college date stamp, the bundles of notes are counted by the peon in my presence , a note of denomination of currency notes is prepared, details of cheques with totals of chalans are noted in the daily fee collection book and the money is then taken to the bank. Thus unless this work is taken

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is taken up by me at 11 A.M. every day it will not be possible to effect remittance that day; and unless the Principal is available at 11 A.M. every day the collections of the previous day cannot be remitted the next day. The Principal is conscious of that and he has therefore never complained of any delay in remittance. It is therefore clear that all remittances have been effected promptly according to rule and accounted for.

I may also mention here that I have to collect fees from the students who are more than a thousand, within a limited period of 8 or 9 days and each days bank business has to be ~~rush~~ finished before the students begin to rush for making payments.

The amount shown in column 5 of annuxure " A " of the Special Officer's proceedings are misleading and inaccurate. They relate to aggregate of cheque amounts realised by the bank and taken credit by it and have therefore no bearing to the dates of presentations of chalans into the bank. Chalans for cash and cheque relating to the entire collection of a particular day are presented at the bank. The bank gives credit for cash on the date of remittance but cheque amounts are credited, not on the date of presentation, but on the dates of realisation by the bank. An examination of the log book maintained by the Reserve Bank will show that the total amount of cash and cheques presented on a particular day exactly tallies with the total amount shown as remitted in the cash book. The following two illustrations will make the position clear.

ILLUSTRATION 1

Date.	Collection including cheques.	Cash	Cheques.	No.of Chalans
17-1-44	5488/-	4708/-	780/-	8.
	Remittence including cheques.			
18-1-44.	5488/-	4708/-	780/-	8*

(*)	Amount. Rs.	Date of credit by bank.
1. Cash chalan.	4708/-	18-1-1944.
Cheques.		
2.	96/-	19-1-44.
3.	118/-	19-1-44.
4.	106/-	19-1-44.
5.	84/-	19-1-44.
6.	42/-	19-1-44.
7.	234/-	20-1-44.
8.	100/-	20-1-44.
Total.	780/-	

It will be seen from annexure "A" that column (2) against 17-1-44 and columns 3 and 4 against 18-1-44 agree with the above mentionei statement but column 5 shows an amount which has no connection or bearing to the cheque chalan presented on 18-1-44. The amount in that column is Rs.628/- which is the aggregate of cheques presented on previous dates but realised on 18-1-44 as shown below.

Chalans of cheques presented on 17-1-44 but realised on 18-1-44.	Rs.100.	Rs.299.	Rs.628/-
	145.		
	54.		
Chalans of cheques presented on 15-1-44 but realisei on 18-1-44.	21	Rs.329	
	84.		
	64.		
	180.		

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ILLUSTRATION 2

Date.	Collections including cheques.	cash	cheques	No.of Chalan
18-1-44.	4760/- Remitted into the bank including cheques.	4024/-	736/-	9.
20-1-44.	4760/-	4024/-	736/-	9 *

*	Amount. Rs.	Date of credit by bank.
1.Cash chalan.	4024.	20-1-44.
Cheques.		
2.	54.	21.1-44.
3.	42.	21-1-44.
4.	108.	22-1-44.
5.	148.	22-1-44.
6.	64.	
7.	60.	
8.	100.	
9.	160.	Realised subsequent to 22-1-44.
Total.	736.	

The amount against 18-1-44 in column 2 and the amount against 20-1-44 in columns 3 and 4 of annexure A agree with the above amounts but the amount against 20-1-44 in column 5 of the annexure viz. Rs.276/- has no bearing to the chalans of cheques actually presented on 20-1-44. Rs.276/- really relates to chalans of cheques presented on previous dates as detailed below.

Chalans of cheques presented on 18-1-44 bu realised on 20-1-44.	42/-
	234/-
Total.	276/-

Charge 4. I submit this was really the case that was enquired into by the police and the Chief Presidency Magistrate and a perusal of the judgment of the Hon'ble Mr.Justice Happell would explain the occurence. I further submit that 21-1-44 was the last date for payment of fees without fine and there was a heavy rush of students for payment of fees. After I finished the work of counting cash I made a note of the denominations of currency notes on the tear off block on my table kept for the purpose and locked into the total of the fee collection register which was posted from the fee receipts by attender Natesan. I found the discrepancy of Rs.64. between cash and the total in the fee collection register. I wanted to take the work of comparison of fee receipts with the entries in the fee collection register with the help of Mr.Ramaswamy. But he was not found in the seat. Thinking I might have made a mistake in counting cash I took out the bundle of currency notes from the wooden cash box and placed it on the table. Just then Ramaswamy came and said that he was ready for the work of comparison. It took us more than half an hour to locate the inaccuracy in posting. It happened that some figures were incorrectly entered in the fee collection register and when they were corrected the figures did tally. Having finished this laborious task I just went out of the room for a moment when the money disappeared. I had that day a severe attack of cold and there was some acute irritation in my throat and had to clear it by spitting I submit in so leaving my room there has been no negligence on my part for my Asst.Mr.Ramaswamy was near me in the room. He was at my table inking the totals in the daily fee collection book when I left the room. There was only one entrence to this room and all the other openings are iron barred.

Here I may mention that Mr,Ramaswamy the stenographer was assisting me all these years in the collection of fees, checking of fee receipts, verifying totals etc. He used to remain with me until all the work is finished and we used to leave the office together every day. Thus there was no reason for me to mistrust him or to take any extraordinary precaution just for a minute or two when I went out for spitting. I therefore did not suspect him.

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It is no doubt true that a loss has been caused to Government but on the facts and in the circumstances explained, I respectfully submit that there has been no negligence on my part. I would in this connection place before the Special Officer that the Government and the Police chose to prosecute me for an offence under Section 409 I.P.C. in respect of this self-same amount instead of investigating the theft reported by the Principal. The Police had taken more than 7 months for investigating this occurrence and I had to go through a long drawn out trial and then an appeal to the High Court. Fortunately for me my innocence was established in the High Court and I would crave leave to submit that the departmental enquiry onthe same subject after my acquittal is too hard. I have put in 31 years service on 21-1-44 and I would crave leave to refer to the evidence of Mr. H.C.Papworth in regard to the opinion that he has expressed about my reliability and integrity.

All these years I have without a fault handled cash to the tune of 1½ lakhs under receipt and 3½ lakhs under expenditure per annum and managed a college which has more than a thousand on its rolls and 150 members in the staff. A reference may also be made to the confidential reports about me submitted to the Director by successive Principals.

I was placed under suspension on 29-1-44 and even after the acquittal by the highest tribunal of two separate charges by two different Judges the suspension is being continued. I have had no reply to my request forpayment of arrears of my salary and reinstatement, and I am made to cotinue to undergo harishp and agony even after twentysix long months.

In connection with this enquiry I would request the Special Officer to kindly allow me to be heard by Counsel; if so I may be informed so that I can arrange for his appearance before the Special Officer on any date that may be specified. I would also submit that in the absence of such permission I may be given a personal hearing so that I can have an opportunity of refuting the charges fromthe records both in the Court and in the College.

(Sd) P.G.Ramanathan.

(True copy)

P. G. Ramanathan

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Date on which collections made.	Total amount of collection	Total amount actually remitted into Bank.	Date on which money remitted intoBank as per Cash Book.	Date on which money remitted into Bank as per Bank challans	Date or dates on which money credited by Bank in Exhibit E.			Why remittance not made earlier.
1.	2.	3.	4.	5.	6.			7.
	Rs.	Rs.			Rs.			
5-1-44	450	450	11-1-44	11-1-44	Cash 314	on 11-1-44		6th, 7th, 8th 9th are holidays. Challans & cheques signed late or the 10th. So remitted on next day, viz. 11th.
	p10 C+D. 436. 4 10. 450	p12.	436 4 10 450 p12	Cash 314 Cheques 136 450	Cheque 94 " 42 450	" 11-1-44 " 12-1-44		
10-1-44	3896	3896	12-1-44	12-1-44	Cash 3374	on 12-1-44		Principal signed late on 11th. So remittance on 12th.
	p11 C+D. 3877 12 2 5 3896		3877 12 2 5 3896 p12+13	Cash 3374 Cheques 522 3896	Cheque 84 " 126 " 270 " 42 3896	" 13-1-44 " 13-1-44 " 15-1-44 " 15-1-44		
11-1-44	3052/6	3052/6	15-1-44	15-1-44	Cash 2654/6	on 15-1-44		Principal signed late on 12th. 13th & 14th holidays. So remittance on 15th.
	p12 C+D 3051/6 1/- 3052/6		3051/6 1 3052/6 p13.	Cash 2654/6 Cheques 398 3052/6	Cheques 69 " 84 " 160 " 64 " 21 3052/6	" 17-1-44 " 18-1-44 " 18-1-44 " 18-1-44 " 18-1-44		
12-1-44	5203	5203	17-1-44	17-1-44	Cash 4724	on 17-1-44		13th and 14th holidays. Principal signed late on 15-1-44; 16th Sunday; So 17th.
	p12 C+D		5203 p13	Cash 4724 Cheques 479 5203	Cheque 100 " 145 " 54 " 54 " 126 5203	" 18-1-44 " 18-1-44 " 18-1-44 " 19-1-44 " 19-1-44		
17-1-44	5488	5488	18-1-44	18-1-44	Cash 4708	on 18-1-44		Remitted on the very next day, viz 18th.
	p13 C+D. 12		5488 p14	Cash 4708 Cheques 780 5488	Cheque 96 " 118 " 106 " 84 " 42 " 234 " 100 5488	" 19-1-44 " 19-1-44 " 19-1-44 " 19-1-44 " 20-1-44 " 20-1-44 " 21-1-44		
18-1-44	4760	4760	20-1-44	20-1-44	Cash 4024	on 20-1-44		Principal signed late on 19th; Hence on 20th.
	p14 C+D 4741 12 2 5 4760		4741 12 2 5 4760 p15	Cash 4024 Cheques 736 4760	Cheque 54 " 42 " 108 " 148 " 64 " 60 " 100 " 160 4760	" 21-1-44 " 21-1-44 " 22-1-44 " 22-1-44 Result known subsequent to 22-1-44	(118) 62	contra 22/11/44

Date on which collections made.	Total amount of collection.	Total amount actually remitted into bank.	Date on which money remitted into Bank as per cash book.	Date on which money remitted into bank as per challan.	Date or dates on which money credited by Bank in Exhibit E.		Why remittance not made earlier
1	2	3	4	5	6		7
	Rs.	Rs.					
19-1-44	4186 p14, 4+D	4186	21-1-44 4186 - p16	21-1-44 cash 3750 cheques 436 4186	cash 3750 Cheques 212 64 160 4786	21-1-44 22-1-44	Chalans signed late on 20-1-44 hence money remitted on 21-1-44.
20-1-44	4186 p15 4+D	4186	24-1-44 4186	24-1-44 Cash 3308 Cheques 878 4186	Cash 3308 Cheques 878	24-1-44	
21-1-44	8229 p16 4+D	8229			Cash 7460 Cheques 769 8229		

(7) found in test in Safe on 22.1.44
(6) Amount lost J. p 5 item 6 & 7.

Appendix III

17, Kassim Ali Lane,
Triplicane, Madras,
10th April 1946.

(35)

Departmental Enquiry No.42/45
(P. G. Ramanatha Ayyar).

To

The Special Officer for Departmental Enquiries,
Fort St. George, M a d r a s.

I have been kindly permitted to make such further submission as would be beneficial to me, in addition to the explanation filed by me on 6th March 1946. I therefore submit the following for favourable consideration. As I understood the position in the course of the enquiry, the only point requiring further elucidation is whether I was guilty of any negligence in respect of the amount of fee collection on 21-1-1944.

2. The evidence of Mr. Ramaswami Ayyangar, the stenographer of the college is significent. Mr. Ramaswami used to assist me both in the matter of administration and in safe guarding Government property. I had no reason to suspect anything about him. His version now is totally different from what he gave on previous occasions. Even in the Court of the Chief Presidency Magistrate, there were several discrepancies in his evidence. At one place he says that he was asked "to verify the correctness of the horizontal totals". In another place his statement is "The accused asked me to see if the totals in Ex.B (Daily fee collection book) were correct" and continues 'I sat in front of the accused and totalled the entries under each class". Again he says he "did not make any reference to fee receipt books" but later on he has admitted that he "checked the fee receipt books". In regard to the time taken for the checking of receipts and accounts his statements are equally contradictory. In one place he syas he took only 15 moniutes, while in another place he has stated that the timetaken is half an hour, and in the present enquiry he was totally silent on these points but when cross examined he gave out that he checked a few receipts and that it would have occupied 15 minutes. There are other contradictions:- In the Court of the Chief Presidency Magistrate he could not at all remember when he went to the Principal to take shorthand notes. His statement was only to the effect that he went to him once during the day. In the present enquiry which takes place 1½ years after the first enquiry he suddenly remembers that the shorthand notes were taken between 5-30 P.M. and 6 P.M.. These discrepancies I submit, reveal an anxiety on the part of Ramaswami to conceal facts which otherwise would throw a strong suspicion against him. In this connection I wish to invite a reference to the evidence of Mr. N. V. Subrahmanyam (Page 7 of the printed pleadings) that when he left the office at 5-40 P.M. both myself and Ramaswami were in the office and Mr. Ramaswami was not checking the figures at that time or beforeit. It must be clear that the checking which Ramaswami himself admits was done, must havetaken place after 5-40 P.M.. He could not therefore have gone to the Principal to take short hand notes at that time.

3. One other circumstance, which I believe should weigh in deciding this question of negligence is that there was a discrepancy between the book balance and cash in hand on that day. The cash was taken out for recounting. Ramaswami was then found available for checking and he sat in front of me for the purpose. The reading of the counterfoils of receipt books and the comparision etc took nearly half an hour. Discrepancies as detailed below were found out. They can even to-day be verified by a perusal of the daily fee collection register and the respective counterfoils of fee receipts.

Fee receipt No.	Wrong posting	Corrected to	Difference
27300	Rs.35	21	14
27340	54	27	27
27360	46	23	23

			Rs. 64/-

The submission that I wish to make is that both from the evidence and the circumstance, it is obvious that myself and Ramaswami were not only present in theoffice room on the evening of 21st January 1944 but that both of us handled the books and took part in the checking of accounts and cash. The summary of totals in the daily fee collection register

was inked by by Mr. Ramaswami in his own handwriting. It should also be remembered that when I left the room for a minute or two I did not leave it without any one being left there and that there was Ramaswami as much bound to safe guard the interest of Government as myself. I would not go to the extent of saying that the money should have disappeared with the knowledge of or ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ through a fraud on the part of Ramaswami, but the following facts are relevent in the circumstances. I was straightway apprehended by the Police and till my house was searched, I had no opportunity to communicate with the inmates of my house and when I made good the money, it was by means of a cheque drawn in my favour by my Sambandi Mr. S. R. Vaidyanatha Ayyar Coimbatore to whom I still owe the money; whereas Mr. Ramaswami was allowed to go home. No steps were taken in respect of either of his movements or any other fact concerning him. In this connection I would draw the attention of the Special Officer to the representation made by me to the Principal on 2-3-44 copy herewith enclosed. The original must be available with the Principal, Presidency College.

4. It is also in evidence that there were at that time the nightwatchmen in the corridor and on the verandah and no sort of investigation was carried out about their movements or anything concerning them. From the beginning the Police assumed that I had stolen the money and the investigation was directed only to find something or other to prove a false case against me. That it failed is due to Providence, but the Police have left me in the lurch.

5. In these circumstances I submit that there was no negligence on my part and I pray that I may be exonerated on this charge also.

(True copy)

Regarding my work and conduct Mr. H. C. Papworth has given evidence as follows:- "I have known the accused for 27 years. He was honest efficient and careful"

As recently as May 1943 Dr. B.B.Dey recommended my retention in the college. Page 3 printed pleadings lines 21-to 23 'In May 1943 there was a proposal to transfer the accused on promotion. I thought it desirable that he should stay on" The following is an extract from his letter to the Director.

Extract from letter No. Rc. 300/43 dated 3-5-43 from the Principal, Presidency College, Madras, to the Director of Public Instruction.

Ref.- Your Proceedings C. No.1050 C/43 dated 29th April 1943 regarding the transfer of the Head Clerk of the Presidency College, Madras-Sri P.G. Ramanathan.

* * * * *

During the whole period of his thirty years of service, Sri P.G. Ramanathan hasbeen serving in the capacity of a clerk in a college and has thereby acquired extensive and valuable experience of such work which I believe is very different from the work in other offices. I would personally like him therefore to continue as Head Clerk during my term of Principalship instead of having a new person, inexperienced in college work who would obviously require to be trained ~~xxxxxxxxxxxx~~ a good deal, at least at the beginning.

P. G. Ramanathan has proved to be a very efficinet and able Head Clerk and has also had special training in A.R.P. duties at the college for the last one year, and I therefore strongly recommend the retention of his srvices as Head Clerk of this college.

(Sd) B.B.Dey.

In the Annual report of the Presidency College for the year 1939-40 recorded in Proceedings R.O.P. No.3-A 13/40-41 dated 24th June 1940 the Principal has mentioned on page 6 Para 23 "I desire to convey a special message of the tanks to Sri K.Swaminathan * * * Sri P.G.Ramanathan * * * and the members of the Executive committee of the Old Students' Association whose hard work and willing service so greatly contributed to the success and uniqueness of the Centenary Celebrations".

<u>Copy of my representation to the Principal sent on 2nd March 1944.</u>

I beg to bring to your notice a new phase in the development of the case against me. I understand that for the last two days the Police

are investigating into the old records and files of the past ten years not with a view to trace the present theft but mainly with the object of blackening my character some how or other. If any such possibility arises I submit that the Department should protect me ahainst what is manifestly unjust and unfair. Any dereliction of duty as a Head Clerk must be a matter purely for a departmental enquiry and should not form the subject for Police enquiry. This is for the Department to protect itself and its servants.

Besides I have also to point out that valuable vouchers and records continue to be available to the one person who was equally responsible with me when the money was lost and who alone is allowed to be free and have full access to all the records of the college. What havoc he might play with the records when he gets the chance if only to make my position more difficult and suspicious can better be imagined and catalogued. You have still kept him free and not even have taken action suspecting him in the theft and now allow him access to the records is I protest not calculated to give me a fair chance or to assure for Government a sure chance of getting at the truth.

Please threfore obtain for me a personal interview with the Director of Public Instruction to enable me to place before him all that I have to say.

Youre obediently,
(sd) P.G.Ramanathan.

(True copy)

P. G. Ramanathan

Appendix IV

GOVERNMENT OF MADRAS

Special Officer (Departmental Enquiries)

Present: Sri Diwan Bahadur T. Anantha Charya, M.A., B.L.,
Special Officer.

Departmental Enquiry No.42 of 45.

Fort St. George, Madras. Dated 17th April 1946.

Report on the enquiry into the conduct of Sri P.G. Ramanatha Ayyar, former, Headclerk, Presidency College, Madras.

Sri Ramanatha Ayyar was Head clerk of the Presidency College at Madras. The last day for the students to pay their term fees without fine was the 21st of January and the Headclerk was responsible for receiving the fees, passing receipts and making the necessar entries in the appropriate registers, getting the chellans for remittance to the Bank signed by the Principal and remitting the cash collections to the Bank without unavoidable delay. The fees were sometimes paid by cheques but mainly in cash.

2. At about 6.30 p.m. on 21.1.1944, the accused officer went to the Principal, Dr. Dey (P.W.1) and told him that the whole of the day's collections amounting to Rs.7000/- and odd were missing. Dr. Dey asked him how it happened but he was not able to give any reply, but simply said that the money was kept on his table and that it disappeared. Dr. Dey came out from his room to the room where the Head clerk was working. There again the Head clerk simply said that he kept the bundles of notes on his table but was not able to offer any explanation for the loss. Dr. Dey thought that perhaps in a moment of absent mindedness the Head clerk kept the money in his drawers and asked him to look for it there. The Head clerk searched but there was no money to be found . Dr. Dey asked the other clerk Ramaswami Ayyangar if he had noticed the bundles on the table but Ramaswami Ayyangar said he did not. Dr. Dey thought that the Head clerk who looked dazed might remember about it if he cooled down. Dr. Dey left the room and returned in a few minutes but the situation was the same. Dr. Dey had no other course but to ring up the police who turned up within fifteen minutes. The Assistant Commissioner along with the C.I.D. Inspector (P.W.2) and a Sub Inspector arrived. The room was sealed and the next day the iron safe was searched when the cash found in it did not tally with the amount in the books. It fell short by about Rs.122/- and odd. Another amount of Rs.44/- which was to be given to some students for scholarships money and also a small amount which had to be disbursed to an Assistant Professor was also missing.

3. The police wanted to arrest forthwith the Headclerk who however sought the intervention and protection of Dr. Dey offering to replace the lost money if time was granted to him. After consulting the police Dr. Dey allowed him a few days' time. Within a week the Head clerk brought a cheque for Rs.7000/- and odd which was cashed. Ultimately however Ramanatha Ayyar was arrested and put up for trial before the Chief Presidency Magistrate. There were three distrinct cases against him all for criminal breach of trust one was in relation to the collections of fees on 21.1.1944 while the other two were about some amounts drawn for payment to the prize winners and not accounted for. The Chief Presidency Magistrate found the accused guilty in all those three cases and sentenced him to various terms of imprisonment. They were all set aside by the High Court.

4. After the matter ended thus in the Criminal Courts, the Director of Public Instruction sent the records to me for making an enquiry into the conduct of Ramanatha Ayyar, specially with reference to his gross negligence as a result of which the two amounts, namely, Rs.7460/- collected on 21.1.1944 and the balance of contingent amount of Rs.122/- and odd, were missing. He also found that the amount of Rs.44/- had not been accounted for though it was later found on his person. The Director of Public Instruction also furnished details to show that the Headclerk was not promptly remitting the moneys to the treasury as required under the rules.

5. On these materials, I framed the following four charges and obtained the explanation of the accused officer:

Charges:

1. That you, in your capacity as Headclerk of the Presidency college, Madras entrusted with the custody of the amounts required for meeting the expenses under contingencies and payment of scholarships, dishonestly misappropriated to your own use the sum of Rs.122-7-1 found short of the book balance on 22.1.1944.

2. That you, in your capacity as Headclerk of the Presidency College, Madras authorised to receive the sums payable to the said college, having received prior to 22.1.1944 a sum of Rs.44/- (towards the amount due to the said college) deliberately failed to bring the said amount to account (and remit the same promptly to the Bank), and produced the same only on 22.1.1944, having misappropriated the same to your own use in the meanwhile.

3. That you, between the 5th of January and 9th of February 1944, failed to remit to the bank promptly the amounts shown in Annexure 'A' and collected by you as Head clerk of the Presidency college as required by rule 8(b) of the Treasury rule 10.

and 4. That you, as Headclerk of the Presidency College, Madras, responsible for receiving the College fees from the students and remitting the same promptly to the bank, having had on 21.1.44 a sum of Rs.7460/- in your custody in cash (according to the books of account maintained by you) reported to the Principal of the said College late in the evening of the said date that a sum of Rs.7460/- out of the collections for the day, kept by you on your table, had been stolen by someone, and thus caused loss of the said sum on account of your gross negligence in the discharge of your duties as Head clerk.

6. The enquiry was held in the Presidency college on the 5th April 1946, at which Dr. Dey, the C.I.D. Inspector and the other clerk who was then in the room were examined. Copies of the depositions were furnished to Mr. Ramanatha Ayyar who said he did not wish to give evidence himself nor examine any defence witnesses. He however sent a further written statement of his defence.

7. Charges 1 and 4: --

Charges 1 and 4 may be considered together. It is not disputed that Sri Ramanatha Ayyar collected Rs.7460/- on 21.1.1944 as College fees from students nor does he deny that there was a shortage of Rs.122.7.1 between the book entry and the cash found in the safe when the police opened it.

8. His defence however is the same with respect to the amounts involved in both the charges. As regards the amount of Rs.122/- and odd his case is that he withdrew Rs.200/- out of the contingent money and after spending some money, kept the sum of Rs.122/- and odd on the table along with the days' collections. In other words, he disclaims any criminal intention of misappropriating this amount. The only point against the truth of this story is that he did not mention it to the police in the first intance. His explanation is that when a large amount was found missing he got up set and in that excited state of mind forgot to mention this fact. His explanation may be accepted. Thus, the loss of both these amounts will be considered together.

9. The real point for decision in considering these two charges is, whether the accused officer had taken all reasonable care regarding this amount and whether this loss was due to circumstances over which he had no control. The burden is clearly upon him.

10. There is evidence to show that the collections for that day (21.1.1944) had been completed by about 3 or 4 p.m. that day. After that there was no body in the Headclerk's room except the Head clerk and another clerk P.W.3. The explanation of the accused officer is that he kept all the bundles of currency notes on his table, went out for a minute to spit and by the time he returned the notes had vanished. It is not easy to accept this explanation. I saw the room in which all this took place. It is barred on all sides save for one entrance leading to a narrow verandah which opens into the compound. If he had really gone out to spit he must have done that only by that entrance. It would not have taken more than half a minute to go out and spit and come back into the room, a distance of a few yards. The story which he sets up is that during this brief spell somebody had spirited away these currency notes. Who is that mysterious person, how did he get into him room unnoticed and how did he manish with the money? These are not explained.

11. The conduct of the accused officer under the circumstances throws in my opinion not a little light on the matter. Leaving the bundles on the table he goes out to spit and returns and coolly remarks to his colleague that the day's collections were lost. He does not ask the other clerk whether he noticed anybody coming into the room nor did he raise a hue and cry as one would expect him to do. He actually sits down for sometime, goes to Dr. Dey and there takes sometime before telling him that the day's collections had been lost. It is not without significance that when Dr. Dey pressed him for an explanation he made no mention of his having left the room for spitting. He simply had no explanation to offer. And when Dr. Dey casually asked him whether he had gone out of his room, the accused officer quickly fastened on it and invented this explanation. His behaviour and attitude at that time are wholly inconsistent with those of an honest man when confronted with the sudden disappearance of a large amount of money entrusted to him and left by him on his table only a minute before.

12. In his explanation to me after the enquiry was over he makes a suggestion which I cannot but regard as a cowardly one, that is that the other clerk might have something to do with it. If when the police searched him and his house he had suspected this clerk he would have told them to do the same thing to the other man also. He would have told Dr. Dey about it. He now says "I would not go to the extent of saying that the moneys should have disappeared with the knowledge of or through a fraud on the part of Mr. Ramaswami". But at the same time he complains that the police only searched him and not Ramaswami. When Ramaswami was in the witness box this accused officer did not dare to suggest to him that he was also responsible. He was indeed harping upon a minor discrepancy in the statements made by him before the Magistrate and here regarding the number of minutes actually taken by that clerk in checking some vouchers with this accused officer.

13. It is not for me to offer an explanation as to how the money might have vanished. It is for the accused officer to explain it and he has quite definitely failed to do so. He should not have kept such a large amount on the table and left the room. I do not believe his story either that he went out to spit or during that one minute sombody spirited away the bundles of currency notes. His story is too absurd and childish for belief.

14. The fact that the accused officer's story is palpably absurd does not throw upon the prosecution, the burden of explaining how else the day's collections could have disappeared. It is not very difficult to advance an explanation though it is wholly unnecessary for me to do so. The collections were over by about 3 or 4 p.m. The Head clerk knew that there would be large collections that day being the last day for paying the term fees without fine. He might have made up his mind to misappropriate the money and arranged that someone should go to his office after 4 p.m. or he might have gone out with the bundles and quietly slipped them into his hands and at about 6.30 p.m. he made up this story. Some flaw may be found in this theory but it will not save the accused officer.

I find on charges 1 and 4 that the loss was occasioned by his gross negligence and carelessness in the charge of his duties.

15. Charge 3: -- Enclosure 'A' sent by the Principal gives a list of the amounts collected and the several dates on which they were remitted. The accused officer has offered an explanation which is briefly this: For the amounts collected each day challans were to be prepared, entries made in the book and the money could be remitted only on the third day. I see from the list that all the collections were remitted not later than the third day except of course when holidays intervened. Dr. Dey had himself admitted that there is nothing abnormal in it if an examination of the records shows that the remittances were not later than the third day. A perusal of enclosure 'A' shows that judged from this stand-point there has been no avoidable delay in making remittances to the treasury. On the third charge he is acquitted.

16. Charge 2: -- Rs.44/- was drawn only on the 21st January for disbursements of certain scholarships and payment of Provident fund advance to a Lecturer. The accused officer says that he kept it in his pocket, so that it might not get mixed up with the other moneys. It was found on his person when searched by the Police. His explanation may be accepted and on this charge he has to be acquitted.

17. The punishment which I recommend is this:

As the loss has been directly caused by his carelessness he has to bear it. In other words, the money which he had already replaced will be forfeited to Government and he is not entitled to get it back. He is unfit to continue any more in service and he should be compulsorily retired on such pension as his service entitles him.

Dated this 17th day of April 1946.

Sd/- T. Ananthachari,
Special Officer
(Departmental Enquiries)

(Witnesses examined for the prosecution)

1. Dr. B.B. Dey
2. Kesava Menon(Inspector of Police)
3. K.S. Ramaswami Ayyangar

Documents marked: --

Ex.A/29.2.1944 : Letter from Dr. B.B. Dey, Principal of the Presidency College to the Director of Public Instruction, Madras.

,, I/ .. : Extract from the deposition of Sri K.S.Ramaswami, Stenographer, Presidency College, Madras.

T.A.
Special Officer
(Departmental Enquiries)

(True copy)

7.8.46

for Director of Public Instruction.

G.A.W./6.8.1946

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-- 4 --

I find on charges 1 and 4 that the loss was occasioned by the gross negligence and carelessness in the discharge of his duties.

15. Charge 3: -- Enclosure 'A' sent by the Principal gives a list of the amounts collected and the several dates on which they were remitted. The accused officer has offered an explanation which briefly this: For the amounts collected each day challans were to be prepared, entries made in the book and the money could be remitted only on the third day. I see from the list that all the collections were remitted not later than the third day except of course when holidays intervened. Dr. Dey had himself admitted that there is nothing abnormal in it if on examination of the records shows that the remittances were not later than the third day. A perusal of enclosure 'A' shows that judged from this standpoint there has been no avoidable delay in making remittances to the treasury. On the third charge he is acquitted.

16. Charge 2: -- Rs.44/- was drawn only on the 31st January for disbursements of certain scholarships and payment of Provident fund advance to a Lecturer. The accused officer says that he kept it in his pocket, so that it might not get mixed up with the other moneys. It was found on his person when searched by the police. His explanation may be accepted and on this charge he has to be acquitted.

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As the loss has been directly caused by his carelessness he has to bear it. In other words, the money which he had already received will be forfeited to Government and he is not entitled to get it back. He is unfit to continue any more in service and he should be compulsorily retired on such pension as his service entitles him.

Dated this 17th day of April 1946.

Sd/- T. Ananthasayanam.
Special Officer
(Departmental Enquiries)

(Witnesses examined for the prosecution)

1. Dr. B.B. Dey
2. Reserve Menon (Inspector of Police)
3. K.S. Ramaswami Ayyangar

Documents marked: --

Ex.A/29.3.1946 : Letter from Dr. B.B. Dey, Principal of the Presidency College to the Director of Public Instruction, Madras.

" I/ .. : Extract from the deposition of Sri K.S. Ramaswami, Stenographer, Presidency College, Madras.

T.A.
Special Officer
(Departmental Enquiries)

(True copy)

for Director of Public Instruction.

G.A.V./6.8.1946

Appendix V

17, Kassim Ali Lane,
Triplicane, Madras.
12th June 1946.

(4) 24

Departmental Enquiry 42/45
(P.G.Ramanatha Iyyar)

To

The Deputy Director of Public Instruction,
(Personal)
M a d r s.

S i r,

With reference to your proceedings R.C. No.261 C/44 dated 16th May 1946, I respectfully beg to submit that a careful perusal of all relevent papers, especially the Hon. Mr. Justice Happel's judgment and my explanations to the Special Officer submitted on 6-3-46 and on 10-4-46, will show that the Special Officer had no grounds to try me on the four charges which he had purported to do. On an eloborate consideration of the whole evidence, the High Court has come to the conclusion that I am absolutely innocent. The Special Officer is not therefore competent to pronounce his opinion or offer his remarks and to reopen the charge of misappropriation and give findings thereon adverse to me, especially in view of the fact that there was not one little bit of evidence before him which was not considered by the High Court. In fact he has acted in this respect as a court of appeal over the High Court. The Special Officer's remarks in para 8 " His explanation is that when a large amount was found missing he got upset and in that excited state of mind forgot to mention this fact. His explanation may be accepted " is hardly consistent with his remarks either in para 13 " I do not believe his story either he went out to spit ...." or in para 14 " He might have made up his mind ....."

2. Paras 10, 11 and 12 of the Special Officer's report contain facts which have been distorted and circumstances obviously in my favour have been twisted to support his findings. He forgets that if I were in a position to say who actually took the money, it is obvious that that person would not have been allowed to take it. My case has always been that in a short interval, when I was absent from my seat in the office, on the evening of the 21st January 1944 the money was lost. The High Court has found against the case set up by the prosecution that my report to Dr.Dey was false. All the circumstances referred to namely, my condition, mental and physical at the time of report and the manner in which the report was made to Dr.Dey have all been taken into account, and the High Court has come to the conclusion that these circumstances were not inconsistent with my innocence. Please see last para of the Hon.Mr.Justice Happel's judgment. I would in this connection invite the attention of the Director to the statement given to the police by Dr.Dey immediately on their arrival on the evening of 21-1-44 which reads as follows. " At about 6.30 p.m. the Head Clerk ran up to him and stated that a sum of Rs.7460/- all in currency notes kept on his table was found missing etc." This as well as the similar statement of Ramaswamy to the police on 21-1-44 contradicts the Special Officer's remarks in para 11.

3. In para 12 the Special Officer has characterised my suggestion that there was another clerk in the office who has as much opportunity to get hold of the money as myself , as cowardly. He has not either understood the point put forward by me or has not gone through them carefully. The other clerk Ramaswamy was not only present in the same room as I was on the evening of 21st January 1944, but admittedly has helped me in tallying the accounts. Tallying the accounts must necessarily mean tallying the book with cash. Ramaswamy has been unwillingly compelled to admit this fact that he helped me in checking the accounts which he denied at the beginning. If Ramaswamy is as innocent as the Special Officer seems to think he is, there is absolutely no explanation for the highly unsatisfactory evidence given by him in the court of the Chief Presidency Magistrate as well as before the Special Officer. I did not harp upon a discrepancy but pointed out that if he had nothing to conceal, why was

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why was the clerk unwilling to speak the truth on any matter. The discrepancies in his evidence have been eloborately noted in para 2 of my explanation to the Special Officer submitted on 10-4-46.

4. In para 10 the Special Officer says " after that (4.p.m.) there was no body in the head clerk's room except the head clerk and another clerk P.W.3. This is not correct at all. The evidences are that all the clerks (Kanniah Naidu, Sundaram, Subramaniam and the attender Natesan) were also in the office until 5.30 p.m. Attender Natesan says " I left the office room at 5.30 p.m. The accused, Kanniah Naidu, Sundaram and Ramaswamy were there then " Clerk Subramaniam says " the accused remained in the office till I left at 5.40.p.m. P.W.2. (Ramaswamy) was also there". Ramaswamy says " I did not leave the office between 11.a.m. and 6.p.m." This is another instance to show that the Special Officer has not studied the case carefully.

5. What the Special Officer has forgotten is this. Both the police and the authorities were obsessed with the difficulties in the way of proving that I misappropriated the sum of Rs.7460/- plus Rs.120/6/- and that therefore they actually abandoned the case of misappropriation on 21-1-44 but sought to make out a gradual extraction of money spread over a period of three weeks. This case put forward by them was completely shattered. The prosecution sought to buttress this argument with false figures and in fact even set up at a late stage a false witness namely attender Natesan. The whole of this structure could not stand up to even a cursory examination in the light of proved facts. I therefore submit that the authorities having failed to make out a case in the Criminal Court are not entitled to fall back upon a new case without fresh evidence. The Special Officer should have confined himself to a consideration of the facts and the circumstances from which an inference of negligence or carelessness could be drawn. On the other hand he has tried me once again on charges of fraud and has offered remarks contrary to the judgment of the High Court and from these consiusions he has further drawn the inference that I have been grossly negligent and careless in the discharge of my duties.

6. The proved facts are these. On the 21st January 1944 I had on my table Rs.7460/- plus Rs.120/6. At that time another clerk a Government servant of fifteen years standing was present in the office room. The night watch men were present at the gates. In these circumstances can it be said that my going out for half a minute is tantamount to carelessness and neglect of duties ? These and these alone are the facts and the other circumstances have no bearing on the question of negligence.

7. I also wish to bring to the notice of the Director another aspect of this case. I was induced to pay the sum of Rs.7300/- to the Government. At that time I was assured that the police after a proper investigation would recover the amount and repay me. I was further told that I would not be harrassed in respect of this amount. Believing these promises I borrowed the money from my relation and handed it over to Dr.Dey the then Principal. The police not only failed to investigate the case properly but prosecuted me in respect of this sum of money, and the prosecution was conducted with the utmost rigour both in the Magistrate's Court and in the High Court. There has therefore been a breach of faith both in regard to the repayment of the money and the prosecution that I was subject to. The Government should not resort now to the method of penalising me in respect of the sum of Rs.7300/- I therefore beg to submit that I am entitled to a finding in my favour ~~to~~ and to the refund of the money I have paid.

Yours obediently,

(Sd) P. G. Ramanathan.

(True Copy)
P. G. Ramanathan

81

Proceedings of the Director of Public Instruction, Madras.
R.C. No.261 C/44 Dated 3rd August 1946. (42)

Inquiry- Sri P.G.Ramanathan Ayyar - former Head Clerk, Presidency College, Madras, - Forfeiture of the amount paid by him and compulsory retirement with effect from 29-1-44 ordered.

Read;- From the Special Officer (Departmental Enquiries) Madras D. No. 267 dated 22nd April 1946.

In connection with the certain irregularities alleged to have been committed by Sri P.G. Ramanatha Ayyar, while he was the Head Clerk, Presidency College, Madras, the Special Officer (Departmental enquiries) Madras, framed four charges against him, conducted an enquiry into the case in accordance with the prescribed procedure and sent a report together with his findings on each of the charges. The accused officer was also given an opportunity to show cause why the penalties suggested by the Special Officer in paragraph 17 of his report namely 1. forfeiture to Government of the money he (Sri P.G. Ramanatha Ayyar) had replaced and 2. compulsory retirement from service, should not be imposed on him. Accordingly he submitted a representation in this regard.

2. The Director agrees with the findings of the Special Officer contained in his report, Departmental Enquiry No.42/45 dated 17th April 1946 (copy enclosed) that the charges against the accused officer have been proved, except the following:

<u>Charge No.2</u> "That you, in your capacity as Head Clerk of the Presidency College, Madras authorised to receive the sums payable to the said college, having received prior to 22-1-44 a sum of Rs.44/- (towards the amount due to the said college) deliberately failed to bring the said amount to account (and remit the same promptly to the Bank)~~xhavingxmisappropriatedxx thexsamextoxyour~~ and produced the same only on 22-1-44, having misappropriated the same to your own use in the meanwhile.

<u>Charge No.3</u> "That you, between the 5th January and 9th of February 1944, failed to remit to the Bank promptly the amounts shown in Annexure 'A' and collected by you as Head Clerk of the Presidency College, as required by rule 8 (b) of the Treasury rule 10",

3. After a careful consideration of the circumstances of the case as well as the representation of the accused in regard to the imposition of the proposed penalties, the Director has come to the conclusion that Sri P.G.Ramanatha Ayyar is unfit to continue any longer in service and that the amount (representing the loss caused to Government) which he had replaced from his own pocket, should be considered as recovered from him. The Director orders that Sri P.G.Ramanatha Ayyar former Head Clerk Presidency College, Madras (under suspension) be compulsorily retired from service of the crown with effect from 29-1-44 the date of his suspension and that the entire amount Viz Rs.7300/- (Rupees seven thousand and three hundred only) which he had replaced be forfeited to Government.

(Sd) Muhammad
for Director of Public Instruction.

(True copy)

Read;- Director's Proceedings R.C. No.261 C/44, dated 3-8-46.

In continuation of Pros cited above, it is observed that there is yet a balance of Rs.282-7-11 lost through the negligence of Sri P.G. Ramanatha Ayyar. Since however the Special Officer 'Departmental Enquiries)Madras has already taken this loss into account in his charge sheet against him and did not recommend recovery of the amount, the Director sanctions the write off of the sum of Rs.282/7/11 under the power delegated to him in Appendix 23 A.1 of the Madras Financial Code Vol.II.

(Sd) Muhammad
for Director of Public Instruction.

(True copy)

82

Appendix VII

389/27 63

Proceedings of the Special Officer for Departmental enquiries
Enquiry No.42 of 1945.

(43)

...

To

Sri P. G. Ramanatha Ayyar,
Formerly Head Clerk, Presidency College

* * * * * * * * * * *

Charges.

1. That you, in your capacity as Head Clerk of the Presidency college, Madras, entrusted with the custody of the amounts required for meeting the expenses under contingencies and payment of ~~sbhdarbhips~~, dishonestly misappropriated to your own use the sum of Rs.122-7-11 found short of the book balance on 22-1-44.

2. That you, in your capacity as Head Clerk of the Presidency College, Madras, authorised to receive the ~~sumsxfxXxx~~ payable to the said college, having received prior to 22-1-44 a sum of Rs.44 towards the amount due to the said college, deliberately failed to bring the said amount to account and remit the same promptly to the Bank, and produced the same only on 22-1-44, having misappropriated the same to your own use in the meanwhile.

3. That you, between the 5th January and 9th February 1944, failed to remit to the bank promptly the amounts shown in Annexure 'A' and collected by you as Head Clerk of the Presidency college, as required by rule 8 (b) of the Treasury Rule 10.

4. That you, as Head clerk of the Presidency College, Madras, responsible for receiving the college fees from the students and remitting the same promptly to the bank, having had on 21-1-44 a sum of Rs.7460/- in your custody in cash (according to the books of account maintained by you) reported to the Principal of the said college late inthe evening of the said date that a sum of Rs.7460 out of the collections for the day kept by you on your table, had been stolen by some one, and thus caused loss of the said sum on account of your gross negligence in the discharge of your duties as Head Clerk.

* * * * * * * *

(True extract)

P. G. Ramanatha.

Appendix VIII

Annexure 'A'

Particulars showing amount collected and remitted into the Bank on the several dates in January 1944.

Date Jany 1944.	Collection including cheques.	Amount shown in cash book as remitted	Actual cash remitted as per chalan. By Cash	By cheques
5	45o			
10	3896			
11	3052/6	436	314	
12	5203	3.891	3374	136
13				210
15		3,052/6	2654/6	312
17	5488	5,203	4224	69
18	4760	5,488	4708	628
19	4186			584
20	4186	4,760	4024	276
21	8229	4,186	3750	196
22	(7460 by cash &769 by cheques)			586
24	2595/4	4,955	3308	260
	(2098 by cash and 497/4 by cheques)			
25	368	2,595/4	2098	769
	(284 by cash and 84 by cheques)			
26	364	368	284	1268
27	368	364	364	295/4
28	466	368	368	126
29		466	466	
31	304/8	7,300	7300	
2/2/44			239	65/8
9/2/44				
	43,916/2		37,975/6	5780/12

(sd)
Principal
Presidency College, Madras.

(True copy)
P. G. Rawalka

231 (460) 85

86

Appeal of P.G.Ramanathan,
Former Head Clerk,
Presidency College, Madras.

Dated 2nd September 1946.

Submitted to The
Secretary to Government,
Education and Public
Health.

Through The Director of
Public Instruction,
M a d r a s

Edn and P.H.Dept

C.F. 16.

(45)

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Appeal - Ramanathan Sri P.G., former Headclerk, Presidency College, Madras - Rejected.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :-

No. 63584 From the D. P. I, No. 5486-C6/46 dated 19.10.1946.

" _____ " Govt, Public Service Commission, Madras, " 512-C/47-3 dated 1.3.1947.

" _____ " _____ " _____ " _____ 19____

Order ~~Resolution~~ Ms. No. Edn 1073 dated 23-5- 19 47

The D. P. I is requested to inform Sri P. G. Ramanathan, former headclerk, Presidency College, Madras, that his appeal against the order of compulsory retirement issued by the Director, is rejected.

2. As the Proceedings of the D.P.I Re No: 261 C/44 dated 3.8.46, in pp 265-267 of (W) the D.P.I has ordered that the entire amount of Rs 7300 (Rupees seven thousand and three hundred only) which Sri P.G. Ramanathan had replaced, should be forfeited to Govt. The Govt are advised that the Director had no authority to "forfeit" the amount. As he that amount should have been ordered under the classification rules was a recovery from pay of the amount of loss caused to Govt by the negligence or breach of orders of the delinquent officer. The Director's order of forfeiture cannot therefore be sustained and the order is therefore set aside accordingly.

vide Legal note on pp 4-5 of orders in circulation on page 6 of.

Further, as explained below, there was no scope for the passing of any order of forfeiture in this case as the amount had already passed into the Government's ownership.

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But in this case there was no need to order any recovery from the officer as he had already paid the amount voluntarily.

3. There was clearly an obligation resting on Sri Ramanathan Aiyyar to make good the amount of the loss caused to Govt by his negligence and it was in fulfilment of this obligation that the payment ~~shd~~ was made by him voluntarily. [No doubt Dr Dey, ~~xxxxxxxxxxxx~~, told Sri Ramanatha Aiyyar that he would do his best to avoid giving publicity to the affair and also to prevent further action by the Police. Dr. Dey must have done his best but the prosecution was ordered by the Police as they were entitled to do.] The fact that the officer was acquitted at the end of the criminal case launched against him, cannot absolve him from civil liability. When the amount was paid, it passed into the ownership of Government and thereafter there was nothing to be forfeited. [It is also noted that in this case there is nothing to be ~~forfeited~~ forfeited, for the amount had already passed into the ownership of the Govt.] ~~The officer's version~~ Sri Ramanathan's contention that the amount was deposited by him on the understanding that it would be refunded after the investigation of the case by the Police is not borne out by facts. He has therefore no right to recover the amount.

14/5/47

15-5-47

To the D. P. I. (with enclosures) for Secy, Public Service Commission Madras

Received with thanks

(40) 1

Edn and P.H. Dept

6.10.635 84 A. From the D.P.I. No: 5486 C6/46 dt 19.10.46

Appeal - Sri P.G. Ramanathan, former Head clerk, Presidency College, Madras.

Sri. P.G. Ramanathan was the permanent head clerk of the Presidency College, Madras. In 1944 he was prosecuted for certain irregularities alleged to have been committed while he was head clerk. The Chief Presidency Magistrate found the accused guilty and sentenced him to various terms of imprisonment they were all subsequently set aside by the High Court.

After the matter had thus ended in the criminal courts the D.P.I initiated a departmental enquiry into the conduct of the head clerk. In accordance with the orders in Go No: 3389 P(S)/44 dt 25.11.44 the Director referred the case to the Special Officer for Departmental Enquiries. Observing the procedure laid down in rule 15(b)(1) of the Civil Services (Classification Control and Appeal) Rules the Special Officer framed 4 charges against the head clerk and asked him to submit his written statement with any representation that he might like to make, informing him at the same time that he could peruse any of the records or registers in the office of the Principal, Presidency College. the charges are to be found on pp 1-2 of (h): the accused desired to be heard by Counsel. This was refused by the Special Officer. The Special Officer later as desired by the accused held an enquiry at which witnesses were examined and also allowed the accused to make a statement. After this the accused put in a further written statement of his defence.

In his report dt 19.4.46 the Special Officer accepted the explanation of the accused in respect

of charges 2 and 3 and acquitted him of these charges. He however found him guilty of charges 1 and 4 and recommended that the money which the accused had repaid should be ~~forfeited~~ forfeited to Govt and that the accused should be compulsorily retired on such pension as his service entitled him. The accused was also given an opportunity by the Director to show cause why the penalties suggested by the Special Officer should not be imposed on him. Taking into account the further representation made by the accused the Director passed orders agreeing with the Special Officer.

Sri. Ramanathan has now (within two months from the date on which he was informed of the Director's Order) preferred an appeal to Govt. in the matter. Before passing orders on the appeal it is necessary for Govt. to consult the H.P.S.C. vide Commission Regulation 20.(1)(a). A draft letter to the Secy, H.P.S.C, is subd. Finance may see.

21/1/47

28/1/47 S

Finance (Pers)

The draft letter may be perused and the case returned to E.P.H

28.1.47 28/1/47.

28.1.47.

E.P.H

Edn and P.H.Dept

The draft letter may issue

29/1/47 28/1/47

[Issued as letter No: 63584 A/46-2 dt 1.2.47]

Edn U.O. 63584 A/46-4

23-1-47

ASST. SECRETARY TO GOVT. MADRAS
28 JAN 1947
FINANCE DEPARTMENT

Fin U.O. 4688 Pers
28.1.47.

6757

(47)

6.No: 17410 A. From the Secy, P.S.C. No: 512C/47-3 dt 1.3.47.

Please see the Commission's reply on page 33cf. The Commission agrees that the punishment of compulsory retirement imposed on Sri. Ramanatha Ayyar calls for no interference. The Commission however says that it is not clear to it under what provision of law or rule having the force of law the sum of Rs 7300 can be forfeited to Govt and suggests that the Advocate General may be consulted as to the legality of the forfeiture.

The file may be sent to Legal for remarks in the first instance.

7/3/47.

8/3/47 S

Edn U.O. 63584 A/47-4

11/3(4)

ASSISTANT SECRETARY
11 MAR 1947
LEGAL DEPARTMENT.

S.O 2691
Legal U.O. 2691-1
4/3/47

ASSISTANT SECRETARY
11 MAR 1947
LEGAL DEPARTMENT.

Legal Department.

The question is whether the Govt have a right to forfeit, or rather to retain, money (lost by the negligence of officers) made good by him subsequently. The appellant's contention is set out at p. 13. Cf — parag. 6.— It is not clear whether there is any basis in fact for this contention. This may kindly be examined by E.P.H. in the first instance.

K.M. 11/3/47.

E.P.H. Dept.
A

ASST. SECRETARY TO GOVERNMENT
20229
12 MAR 1947
EDUCATION AND PUBLIC HEALTH DEPT.

The D.P.I may be consulted on the point raised by the L.S., Legal Dept. A draft memo. is submitted.

17-3-47

17/3/47

18/3/47 S

28/3/47

Issued as Memo No 63584 A/47-5 Edn d/19-3-47
From the DPI, No 5486 - C6/46 & 29-3-47.

Pl. see the Legal Dept note on p 3 ante. There is nothing in the records to show that Sri P.C. Ramanathan was induced to part with the money in question on the understanding that the amount would be refunded to him after an investigation by the Police. The petitioner's statement in para 6 of his petition on p 13 cf does not therefore, seem to be based on any facts.

The file may be sent again to Legal for further remarks.

EJ 1-4-47 Hom 1/4/47 BM 2/4/47 S/ Legal 3/4/47 Legal.

Edn no 13584 A/47-6
3-4-47

LEGAL DEPARTMENT.

This case presents some peculiar features, and I have had the benefit of a discussion with the Secretary of this Department.

2. It is clear that, strictly speaking, the Director of Public Instruction had no authority to "forfeit" the amount. All that could be ordered under the Classification Rules was a recovery from pay of the amount of loss caused to Government by the negligence or breach of orders of the delinquent officer. The Director's orders cannot therefore be sustained.

3. But in this case there was no need to order any "recovery" from the officer as he had already paid the amount voluntarily. There was clearly an obligation resting on him to make good the amount of the loss caused to Government by his negligence, and it was in fulfilment of this obligation that the payment

S. O.
Legal
3752c
p26649 (W) 5.4.47.

ASSISTANT SECRETARY
8 APR 1947
LEGAL DEPARTMENT

(48)

should be deemed to have been made. No doubt, Dr.. told him that he would do his best to avoid giving publ.. to the affair and also to prevent further harassment by the Police. Dr. Dey must have done his best, but the prosecution was ordered by the Police as they were entitled to do. The fact that the Officer was acquitted at the end of the criminal case launched against him cannot absolve him from the civil liability to make good the loss.

4. It should also be pointed out that in this case there is nothing to be "forfeited" for the amount had already passed into the ownership of the Government. The story that the officer has set up that the amount was deposited by him, on the understanding that it would be refunded after the investigation of the case by the Police is stated to be not true. He has therefore no right to recover the amount.

para 6 on p 13 cf

p 37 cf

5. Orders may be passed by Government on the appeal, setting aside the order of "forfeiture" and declaring the correct position in regard to the amount. This Department would like to see the draft order before issue.

6. There seems to be no need to trouble the Advocate-General in this case.

K.M. 18/4/47

E. & P.H. dept.
A.

Legal S.O. SECRETARY TO GOVERNMENT 18 APR 1947 EDUCATION AND PUBLIC HEALTH DEPT.

A

Confidential

Edn no 13584A/46-7
23-4-47

For orders whether orders may be passed on the lines suggested by Legal. If approved a draft order will be put up and sent to Legal for scrutiny before issue.

Finance may see the case prior to circulation.

Hom 19/4/47. M 23/4/47 Legal 23/4/47

(Previous Fin. note on p. 2 above) Fin (Rev).

The Commission's letter on p. 33 c-f. & notes on pp. 3-5 above may be perused and the case returned to E.P.H.

26/4/47. This dept. supports the suggestion of Legal Dept.

SECRETARY TO GOVERNMENT 24 APR 1947 FINANCE DEPARTMENT

6

Edn and P.H. Dept

Notes from pages 1 and may be read.
The case may be circulated to ~~[illegible]~~ HM (Home and Legal) and HM (Ed & PH)

HM 28/4/47

VM 29-4-47

S WSW 30/4/47

HM (Home & Legal)

A draft order may issue on the lines (Con.) indicated by Legal who have set out the case correctly.

VM 8/5/47.

(BOC) 19.

~~VM~~ (1.5.47)

JOINT SECRETARY TO GOVERNMENT
12 MAY 1947
EDUCATION AND PUBLIC HEALTH DEPARTMENT

A draft order is submitted for consideration as Legal may see.

HM 14/5/47

VM 15-5-47

S WSW 16/5/47

Edn u.o 63584A/46-8
16-5-47

LEGAL DEPARTMENT.

I have made some alterations in red on the draft, for the consideration of Education & Public Health.

KM 20/5/47

ASSISTANT SECRETARY
12 MAY 1947
LEGAL DEPARTMENT

5509

Edn. P.H. Dept

A

Legal U.O.No. 5509/47-1
20.5.47.

The alterations suggested by Legal may be accepted. The draft order as amended may now issue

HM 21/5/47

VM 22-5-47

S WSW

43260

JOINT SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPARTMENT