Scott II-27—58,004—4-11-46.

M/1076.

①

EDUCATION & PUBLIC HEALTH (1947) Department.

(22)

Edn.R.S. SERIES.

G.O. NO. 2347 (Edn)

Dated 3-11-47.

[Despatch Abstract.]

I.E.S. - Miss K. Myers.- Eligibility for leave after retirement -
Papers recorded.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	880 3 1811 12	Fin [illegible] [illegible] 10-45					

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	741 18.4.	48					

C.F. 32 (a).

(2)

Education Department

Received .... Registered ....

From (Name) Dr. S.R.U.Savoor, M.A.,
D.Sc., I.E.S.,

Designation Director of Public
Instruction,

Station Madras.

To

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

THROUGH THE ACCOUNTANT-GENERAL, Madras

1946 MAY

27

Enclosures :

Rc. No. 984 C/46 dated 6th May 1946. 194 .

Sir,

Miss K. Myers, Principal, Queen Mary's College
for Women, Madras - Leave.

[illegible] 2 [illegible]

In submitting herewith a copy of letter No.G.A.IV Edn., 24 dated 5-4-1946 and also a copy of letter No.Rc.325/44 dated 27-4-46, I have the honour to recommend that Miss K.Myers, Principal, Queen Mary's College for Women, Madras, may be granted the leave applied for by her from 14-7-1946.

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

8.5.46

for Director of Public Instruction.

k.h.7-5.

sd
7/5

p.t.o.

2/

DD

Copy of letter No.G.A.IV. Edn., 24 dated 5th April 1946 of the Asst. Accountant-General, Madras to the Director of Public Instruction, Madras

---

On 14-1-46, the date of Superannuation, Miss K. Myers had at her credit leave on average pay for 9 days and leave on half average pay for 27 months and 21 days making a total of 28 months the maximum admissible under G.O.No.1795 Public (Services) dated 28-7-45.

I/2

Copy of letter Rc.No.325/44 dated 27th April 1946 of the Principal Queen Mary's College, Madras to the Director of Public Instruction.

Kindly let me know if my presumption that I am entitled to get the 28 months leave referred to by the Accountant-General, Madras is correct. If so, please also recommend to Government to grant me the leave from 14-7-1946, the date of retirement.

(True Copies)

8.5.46

for Director of Public Instruction.

7/5

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(3)

3

Office of the Accountant General, Madras,
Fort St. George, dated 22nd May 1946,
No. G.A. IV. Edn. 179.

Sub: Miss K. Myers, Principal, Queen Mary's College for women Madras-Leave.

ASST. SECRETARY TO GOVERNMENT
24 MAY 1946
EDUCATION AND PUBLIC HEALTH DEPT.

27740

Forwarded.

It is for Government to decide if this is a fit case to be included in the list of officers to be sent to the Secretary of State under para 4 of Government of India, Finance Department letter No. F.44 (29)-M/44 dated 15th June 1945 communicated in G.O. No. 1795 Public (Services) dated 28th July 1945. If so decided a certificate, that the officer was retained in service in public interest, may be furnished, -vide para 5 of the above letter.

I/23

1A

I/2

P. Venkataramaiah

tpr.

Assistant Accounts Officer.
M.H.

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

5/20/6

(V)

Edn. (A) and Public Health.

Memorandum No.27740-A-2- dated 18/6/46

Sub: I.E.S. - Miss K.Myers - Principal, Q.M.C. - Leave
for 28 months.

CF3

Ref: From the A.G., No.G.A.Edn.179, Dated 22-5-46.

The A.G. is informed that Miss Myers was re-employed for six months from 14-1-46 at her own request. It has however to be held that the re-employment served the public interest. But the question is whether with reference to para 3 of the G. of I.'s lr. commd. with G.O.No.1795, P.S., dated 28-7-45, read with G.O.No.499, Public Ser., dated 20-2-45, Miss Myers can be considered eligible for the extended leave for 28 months in the absence of a specific application for leave preparatory to retirement and its refusal by the Government. The A.G. is requested to offer his remarks on this point taking into account the fact that Miss Myers entered I.E.S. on 17.2.19 and that her case

I/2

I/1

6

-2-

falls under the exception mentioned in G.O.No.499, P.S., dated 20-2-45, i.e., persons governed by note 2 to Article 465 A of the C.S.R. If she is eligible, for the concession, the A.G. is requested to certify the leave to which she ~~will be~~ was eligible on 14-1-46.

I/1

~~p. 139, B.K. 138~~

(t)

18.6.46

18/6/46

19.6.46

21-6-46

To the A.G.

No. G.A.IV.Edn.392.

(4)

Office of the Accountant General, Madras,
Fort St. George, dated the 13th July 1946.

ASST. SECRETARY TO GOVERNMENT
17 JUL 1946
EDUCATION AND PUBLIC HEALTH DEPT.

To

The Secretary to the Govt. of Madras,
Education & Public Health Department,
Fort St. George, Madras.

38539

Subject: Indian Educational Service - Miss. Myers. K. Principal, Queen Mary's College - Leave for 28 months.

Reference: Government of Madras, Education & Public Health Memorandum No.27740-A.2 dated 18.6.194
(Education).

====

I/1

(t)

Miss. K. Myers is an officer governed by note 2 to Article 465.A. of Civil Service Regulations and she enjoyed the option to retire earlier than the date of her superannuation with reference to para 1 of G.O.No.499 Public (Services) dated 20.2.1945. As [Government have stated that] she did not apply for leave preparatory to retirement on 14.1.1946, and as there was no specific refusal of such leave, it should be regarded that the conditions in para 3 of the Government of India letter No.F.44(29)W/44 dated 15.5.1945 have not been fulfilled and that she is not therefore eligible for the concession.

I/2

Psy/.

Assistant Accounts Officer.

SN.

[illegible]

20/5/8

E. AND P.H. Dept.

MEMO. No. 27740-~~A~~-4-[illegible] dated 2/8/46

I.E.S. - Miss K. Myers, Principal, Q.M.C. - Eligibility for the Secy. of State's concession of 28 months' extended leave preparatory to retirement.

p.1 cf.

Ref:- From the D.P.I., Rc.No.984-C/46, dated 6-5-1946.

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cf. 7

A copy of letter No.G.A.IV.Edn.392, dated 13-7-1946, from the A.G. is forwarded to the D.P.I. and he is requested to inform Miss K.Myers ~~that~~ for the reasons stated therein that she is not ~~entitled to~~ eligible for the 28 months' extended leave preparatory to retirement. ~~w.r.t. G.O.No.1795-Pub.(Ser.), dated 28-7-1945, read with para 1 of G.O. 499-P.(S.), dt 20.2.45.~~

Issued 6.8.46

To the D.P.I. (with enc.)

Copy to A.G.

copy of cf 7

P.G. 22.7.46

22.7.46

24/7/46

Copy of pp. 3-5 infra

(7)

9

Nederas Hotel,
Gulmarg, Kashmere,
5.9.46.

To the Secretary to Government, (Education),

From Miss, K. Myers, Principal, Queen Mary's College
(Retired)

Sir,

P47 / P. Intn Case (I) Y/8

P1 / Case (B)

I request that you will be so good as to recommen to Government reconsideration of the order R.C.2398 da ed 3.8.46. The term of G.O.No.RC674C/45, dated 20.2. is clearly indicative of a desire to retain senior officers in active service until they reach the age compulsory retirement. In my case, this was 14.1.46. could not go earlier for the Accountant-General i his reply to my enquiry in his letter of ~~22.3.~~ 22.3.1937 ed that my service dated only from 26.3.1921, the year of my confirmation. I needed then to stay until 14.1.46 to complete 25 years of service.

A

This was accepted

I was recommended for retention for 6 months lon er in the service in the public interest. Considering that during that time, I ~~brought completed~~ brought the academi year to a close, went through the vary harassing peri of making the admissions and got everything ready for my successor at the beginning of the new academic year, I think my retention was justified.

I have not had an easy time as Principal during the greater part of the last 12 years. Government was good enough to bestow on me the Kaiser-i-Hind gold medal in 1942.

No relief whatever on account of the greatly enhanced cost of living was granted to women officers of the I.E.S. My pension is Rs.479 a month.

P35 Y/I Case (F)

In his letter of 15.4.46, R.C.984C/46 the Accountant-General stated that on 14.1.1946 the date of superannuation I had, at my credit, leave on average pay for 9 days and leave on half average pay for 27 months and 21 days making a total of 28 months, the maximum admissible and

10

Public Services, dated 28.7. 1945.".

He has now gone back on that statement on the ground ~~on the ground~~ that there was "no specific refusal" of leave applied for. But in G.O. No. 54287/45 C.S. R 3 dated 26.1. 1946 it is stated that leave shall not be held to have lapsed on the ground that it has not been applied for in writing and refused in the interest of the Public Service

not put up
G.O. 1302
No bearing to extend leave for 28 months

I can honestly say that during the last few years my energies have been so much absorbed by the demands of the office I held that I had no ~~in~~sufficient time left over to give full consideration to technical points relating to my own interests in the service. I just worked on and trusted I would receive fair treatment when the time came to retire.

2. I am considered to have done good work, and, the bestowal of the Kaiser-i-Hind medal seems to justify this. It seems illiberal to cast me off from a measure of relief clearly contemplated for all those who could ill be spared at a difficult time, on the trivial ground of "No specific refusal". I appeal to Government to consider whether I have not claims to ~~be~~ the benefit enjoyed by so many others.

I am,
Your most obedient servant,
Katherine Myers I.E.S-(retired)

Nedous' Hotel
Gulmarg
Kashmir
5.9.

To the Secretary to Government (Education)

From Mrs K. Myers. Principal Queen Mary's College
(Retired).

53125

ASST. SECRETARY TO GOVERNMENT
12 SEP 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Sir, I request you will be so good as to recommend to Government reconsideration of the order R.C. 2398 dated 3.8.46. The tenor of G.O. No R.C. 674 C/46 dated 20.2.1945 is clearly indicative of a desire to retain senior officers in active service until they reach the age of compulsory retirement. In my case, this was 14.1.46. I could not go earlier for the Accountant General in his reply to my enquiry in his letter of 22.3.1937, stated that my service dated only from 26.3.1921 the year of my confirmation. I needed then to stay until 14.1.46 to complete 25 years of service.

I was recommended for retention for 6 months longer in the service in the public interest. Considering that during that time, I brought the Academic year to a close, went through the very harassing period of making the admissions and got everything ready for my successor at the beginning of the new academic year. I think my retention was justified.

I have not had an easy time as Principal during the greater part of the last 12 years. Government was good enough to bestow on me the Kaiser-i-Hind Gold Medal in 1942.

No relief whatever on account of the greatly enhanced cost of living was granted to women officers of the I.E.S. My pension is Rs 479 a month.

In his letter of 15.4.46. R.C. 984 C/46 the Accountant General stated that "on 14.1.1946 the date of superannuation I had, at my credit, leave on average pay for 9 days and leave on half average pay for 27 months and 21 days making a total of 28 months, the maximum admissible under G.O. No 1795 - Public Services dated 28.7.1945".

He has now gone back on that statement, on the ground that there was "no specific refusal" of leave applied for. But in G.O. No 54287/45 C.S R3 dated 26 1.46 it is stated that leave shall not be held to have lapsed on the ground that it has not been applied

for in writing and refused in the interest of the Public Service.

I can honestly say that during the last few years my energies have been so much absorbed by the demands of the office that I had insufficient left over to give full consideration to technical points relating to my own interests in the Service. I just worked on and trusted I would receive fair treatment when the time came to retire.

If I am considered to have done good work, and, the bestowal of the Kaiser-i-Hind Medal seems to imply this, it seems illiberal to cut me off from a measure of relief, clearly contemplated for all those who could ill be spared at a difficult time, on the trivial ground of "no specific refusal". I appeal to Government to consider whether I have not claims to the benefit enjoyed by so many others.

I am
Your most obedient servant
Kathleen Byon I.E.S (retired)

66576

DEPUTY SECRETARY TO GOVERNMENT
13 NOV 1946
EDUCATION AND PUBLIC HEALTH DEPARTMENT

(10)

SECRETARY, EDN. AND P.H. DEPT.
1 - NOV 1946
GOVERNMENT OF MADRAS

Nedou's Hotel
Srinagar
Kashmir
20.10.46

14

To S. Viswanathan Esq.
Secretary to Government

From Mrs K. Myers. Formerly Principal
Queen Mary's College.

Sir,

In continuation of the correspondence with reference to leave concessions after my retirement I have now received G.O. Finance Department No F 44 (29) dated 6th August 1946. It is clear from item 4 that I am entitled to the concession since I was recommended for retention in service in the public interest.

(II)/6-7

I shall be much obliged if you will kindly issue orders to the Accountant General. Yours sincerely

Kathleen Myers

15

E. & P.H. (A)

The file containing the previous letter of Miss Myers is now in circn. to H.E. It was proposed therein to reject her request for the grant of ~~the~~ Secy. of State's "28 months' extended leave" main concession. On the return of ~~the~~ file, ~~the~~ point since raised by her on p. 1 ante may be exd. in consultation with ~~Fin.~~ L.O.

12/11/46

P.G. 10.11 11/11/46

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12 27/11

URGENT.

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

MEMO No. 53128-A-2, d/ 26.11.46. 16

I.E.S. - Miss K.M. Myers - Extended leave for 28 months after retirement.

Copies of letters dated 5-9-46 (cf. 1-2) and 20.10.46 (cf. 6) from Miss K.M.Myers, on the subject, received with reference to Govt. Memo. No. 27740-A.4. Edn, dated 3.8.46, are forwarded to the A.G. He is requested kindly to offer his detailed remarks on the points raised in the letters and also fully discuss whether Miss Myers satisfies all, or any of, the conditions governed by note 2 to Article 465A, C.S.R., esply. ~~on~~ the following ~~basis~~:-

(1) having been an I.E.S. officer in ~~the~~ service on 29.8.1919, she must have elected to come under the new pension rules ~~i.e.~~ vide Art. 349A; and

(2) she must have completed 25 years of qualifying service. ~~vide Article 349 A.~~

Y/S cf.

~~p. 139, BK. 138~~

~~p. 100, BK. 138~~

27/11/46

To the A. G.
(with encl.).
pp. 1-2 & 6

23/11/46

26.11.46

No.G.A.IV.Edn.1197.

Office of the Accountant General,
Madras-9, dated 20th January 1947

17

To

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

ASST. SECRETARY TO GOVERNMENT
21 JAN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

4221

Subject:- I.E.S. - Miss K.M. Myers - Extended leave for 28 months after retirement.
Government Memo.No.53125-A.2(Edn. & P.H.) dated 26th November 1946.

......

Sir,

(t) – Extract

I have the honour to state that as Miss Myers was not appointed substantively to the Indian Educational Service prior to 29th August 1919 she became subject to the New Pension Rules under Article 349(A) C.S.R. The question of her definitely electing to be governed by these rules does not arise as she was appointed to the I.E.S. in a substantive capacity after August 1919.

2/ As an Officer governed by Note 2 under article 465(A) C.S.R. she was not subject to the ban, and she was entitled either to retire earlier than the date of compulsory retirement viz., 14-1-1946 or to take all the accumulated leave prior to the date of her superannuation and to retire on 14-1-1946. While she is governed by article 465(A) C.S.R. for her retiring pension she ~~should~~ could not have retired earlier than 14-1-1946 as she would not have completed a qualifying service of not less than 25 years at any time before 14-1-1946. Her officiating service from 17-2-1919 to 25-3-1921 will not count for pension in the absence of information regarding the nature of the vacancies in which she has officiated. Her qualifying service on 14-1-1946 has been proved for over 25 years by the addition of 5 years under article 404(A) C.S.R. which is admissible only for a superannuation pension. In her lertter dated 5-9-1946 Miss Myers has admitted that she did not apply for retirement earlier as she wanted to stay until 14-1-1946 to complete 25 years of qualifying service, and Government has also sanctioned in G.O.No.360-Fin. (Pension), dated 3rd May 1946 a superannuation pension to her.

(t) p.139 RK.138

(A)

(t) p.126 RK.138

(Y)

Y/2 cf.

3/ In April 1946, the amount of leave at her credit was certified by audit, and there was no question of this office modifying that statement as stated by Miss Myers, because the leave so certified was always available, and it was for Government to grant the leave under the conditions in F.R.86. Under paragraph 3 of the Government of India letter of 15th June 1945 communicated to the G.O.No.1795, Public Services, dated 28th July 1945, excepting the case of Officers for whom the general ban was imposed on the grant of permission to take leave preparatory to retirement, an application for leave and specific refusal of such leave in the public interest were essential conditions for eligibility for the grant of any leave beyond the date of superannuation. On this point Government have already recorded in their memorandum Education and Public Health No.27740-A-2, dated 18th June 1946 that there was no application for leave or its specific refusal. Please see also Government U.O. Note Public Service 706-46-1, dated 2nd April 1946 and this office letter No.G.4.Edn.179, dated 22nd May 1946 suggesting that it was for Government to decide whether the case of Miss Myers should be included in the list of officers to be furnished to the Secretary of State with reference to paragraph 4 of the Government of India Orders communicated with G.O.No.1795-P.S., dated 28th July 45. In these circumstances, Government may now decide whether any concession should be granted to Miss Myers with reference to paragraph 2 of the Government of India letter dated 11-1-46 communicated with Government endorsement No.P.S.188-46-1 dated 28th January 1946.

p.p. 90-91 RK.154

Y/2

p.5 cf. Y

(Y)

Y/3 cf.

I/2

p.5 of (I)

4/ In her letter dated 20th October 1946 Miss Myers has

p.t.o.

28

177 (I)

has stated that she is eligible for the concession under paragraph 4 of the Government of India letter No.F.44(29)-W-44 dated 6th August 1946 as she was retained in service for six months from 14-1-46. She was not granted any extension of service beyond the date of her compulsory retirement as she was only re-employed for six months from 14th January 1946. Please see G.O.No.Ms.1611-Edn., dated 12th October 1945.

h/15 CE

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

M. Doraiswamy Ayyangar
Assistant Accounts Officer.

V.

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(13)

15 MAY 1947
FINANCE DEPARTMENT

Sectt. II-16—10,002—15-11-45.

29/4/7/082

E & P.H. DEPARTMENT. (A)

SUBMITTED that the Finance/Pub. (Ser.) Department may be asked to expedite their reply to the unofficial reference noted on the margin regarding which reminders have already issued on—

U.O. No. 53125-A 4
Dated 17/2/1947

6. 3. 1947.
1. 4. 1947.

Subject.

I.E.S. — Miss K. Myers Request for reconsideration of decision re: ineligibility for 28 months' extended leave after retirement

To
The Finance/Pub. Department u.o.

M 12/5 M 13/5/47

(IX)

E.P.H. Dept

Memo. No 53125 A/46 – 6 Edn dt 11.10.47

I.E.S. – Miss K. Myers – Eligibility for 28 months' leave after retirement.

Read: – Memo. no. 27740 A – 4 Edn dt 3.8.46
from Miss K. Myers, dt 5.9.46 and 20.10.46 — pp 6-7 cf
from the A.G. to G.A. IV Edn/~~dt~~ 1197 dt 20.1.47 and G.A. 4 Edn/1578 dt 12.5.47 — p 17 nf

pp 9-10 cf

Miss K. Myers is informed that the Govt. have ~~reconsidered~~ re-examined her case; ~~but~~ they regret that they are unable to comply with her request.

Address entry overleaf

TNS 9.10.47

10/10/47

11/10/47

11/10/47

23/10

21/10

2)

Address entry

1) Miss K. Myers, IES (Retd.)
Nederes Hotel, Gulmarg,
Kashmere

Copy to the A.G.
D.P.I.

28/10

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(15)

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

I.E.S. - Miss K.Myers - Eligibility for 28 months leave after retirement.

C.No.27740. From the D.P.I., Rc.No.384-C/46, dated 6-5-46.
From the A.G., G.A.IV.Edn.,179, dated 22-5-46.

Miss K.Myers, I.E.S., Principal, Q.M.C., attained the age of superannuation on 14-1-46. At her own request, she has been re-employed for six months, i.e., up to 14-7-46. She now asks whether the concession ~~of the maximum~~ of the 28 months' "extended leave preparatory to retirement" to officers ~~of~~ under the Secy. of State's rule-making control, communicated in the G.O. at "1/2", will be applicable to her. As the date of Miss Myers' retirement was only 14-1-46, she is ordinarily eligible for the concession w.r.t. para 2 of the G.O. ~~Under~~ Para 3 ibid prescribes that, except in the case of services for which a general ban was imposed on the grant of permission to take leave preparatory to retirement, an appln. for leave and a specific refusal of leave in the public interest ~~will be~~ are essential conditions of eligibility for the concession. In G.O.499-P.(S), dated 20-2-46, the Secy. of State ordered that "during the present emergency" officers of all services under his rule-making control (excluding certain officers) shd. remain in active service until they reach the age of compulsory retirement. As, but for this general ban, Miss Myers would have proceeded on leave preparatory to retirement, it seems that an appln. for leave and a specific refusal of the leave, is not necessary in her case - cf. the ~~xxxxxx~~ view given by the AG. in Dr.Chakko's case (p.49 CF of G.O.2215-Edn., d/-31.12.45. It does not also seem that the fact of her re-employment at her own request will have bearing in this connection. Para 5 the G.O., ~~referred to by the A.G.~~, refuses the concession only to officers who have applied for and accepted extensions of service and not to officers who have asked for re-employment & accepted it. If Finance agree to this view, a copy of the A.G.'s endt. at C.F.3 may be sent to the D.P.I. and he may be asked to include Miss Myers' case in the list which he will forward to Govt. by the 1st week of July, for transmission to the Secy. of State.

May be sent to Fin. before circn.

31653
I/1
4-6-46

ASST. SECRETARY TO GOVERNMENT
4 JUN 1946
FINANCE DEPARTMENT

Let us address to A.G.
4.6.46

Removed

U.O. No. 27740-A-1
4/6/46

1.6.46

1.6.46

3/6/46

4.6.46

Finance

Fin (CSR)

The notes of EPH on p1 above may be perused.

~~As~~ The certificate referred to by the AG on p. 3 C.F does not seem to be necessary in this case, as no extension of service was granted to Miss H. Myers. ~~Regarding portion A on p 1 above, it may be stated that a specific application for leave and its refusal is necessary only in those cases coming under the proviso to para 2, of G.O. No. 1795 Pub. d 28-2-45. Hence it does not seem necessary to address the AG on the point.~~

10/6.

This Dept may agree to the present case being included in the list to be sent to the Secretary of State, subject to decision re A ante.

Yes - but, in the list to be sent to the Secy of State, it may be mentioned that she was re-employed after retirement at her own request. If it serves public interests (EPH should decide this) to reemploy her, this fact may also be mentioned.

Re A overleaf I do not think an application for leave & a specific refusal of it was necessary, if Miss Myers was not in service on or before 15/11/1919. (Vide F/16/1 Note 2 to CSR 66B - A). However AG may be consulted on this.

~~p. 137, BK. 138~~

10/6/46

0.6.46.

10.6.46

ASST. SECRETARY TO GOVERNMENT
12 JUN 1946
EDUCATION AND PUBLIC HEALTH DEPT.

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

Fin U.O. 31853 CSR-1
16/6/46

A draft Memo. to the A.G. is subd.

31460

17.6.46

18.6.46

BM 18/6/46

19.6.46

CF 5-1 (Issued as Memo.No.22740-A-2-Edn., dated 18-6-1946).

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(16)

C.F.7 From the A.G., No.G.A.IV.Edn.392 dated 13-7-1946.

Please see the A.G.'s reply on C.F.7. A copy of the letter as edited may be forwarded to the D.P.I. and he may be asked to inform Miss Myers that she is not eligible for the 28 months' extended leave preparatory to retirement. A draft memo. is subd. Finance may see. ~~before issue~~.

40768 CSR

ASST. SECRETARY TO GOVT.
26 JUL 1946
FINANCE DEPARTMENT

22.7.46

22.7.46

BM 24/7/46

25.7.46

EPH U.O. 27740-A-3
25/7/46

Finance (CSR)

previous Fin: notes on p. 2 above

The AG's letter on page 7 CF and the draft memo below to the D.P.I. may be perused and the file returned to EPH

Fin U.O. 40768 CSR/46
27.7.46

DS EPH

CSR EPH
26/7/46

27/7/46

ASST. SECRETARY TO GOVERNMENT
JUL 1946
EDUCATION AND PUBLIC HEALTH DEPT.

EPH

41724

4

E. & P.H. (A)

Draft Memo. may now issue.

P.G.
31-7-46

for certification
1.8.46

BM
2/8/46

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(17) Edn. and P.H. Dept.
5

From Miss. K. Myers, dated 5.9.1946.

I.E.S. Miss. K.Myers- Eligibility for 28 months' leave after retirement.

Last August, Miss K.M.Myers (retired Principal of the Queen Mary's College) was informed that she was not eligible for the Secretary of State's concession of [illegible] leave after retirement for the reason that, having entered I. E. S. on 17.2.1919 and being an officer governed by Note 2 to Art. 465A, C.S.R., she enjoyed the option (given by para 1 of "I"/1) to retire earlier than the date of superannuation but that she did not exercise that option, i.e., she did not apply for leave preparatory to retirement and had it refused. Miss Myers now asks for a reconsideration of the matter for the following main reasons :--

(1) She did not go on leave earlier, as the A.G. informed her in 1937 that her service dated only from 26-3-21, the year of her confirmation, and therefore she wanted to stay on until 14-1-46 to complete 25 years' service; and

(2) during the last few years of her service she was so much absorbed by the demands of the office she held that she had no sufficient time left over to give full consideration to technical points relating to her own service and now she should not be denied merely on the trivial ground of "no specific refusal of leave," a privilege given to so many others.

The reason appears equally trivial!
B
20.9.46

(1) above: "The A.G.'s statement ~~must~~ might have been in answer to an enquiry about the officer's "pensionable" service and it seems it could not have had any reference to the question whether she was governed by the note to the C.S.R. Article or not.

ASSISTANT SECRETARY
51536
24 SEP 1946
FINANCE DEPARTMENT

(2) above:

It may be true that the officer did not know the intricacies of the orders. But even if she knew and applied for the leave, it cannot be said now whether the leave would ~~not~~ have been ~~granted~~ refused. 'Application for leave' and 'specific refusal of leave in the public interests' are essential conditions of eligibility for the concession, and not "trivial grounds", and inasmuch as they have not been fulfilled, there does not seem to be a case to reopen the matter.

see para 3, letter in G.O. at II/2

B
20.9.46

Finance may see before circulation.

P.G.
20.9.46

21.9.46

BM
21/9/46

B
20.9.46

E&P.H.U.O.
53125-A-1
28.9.46.

Finance

Fin may agree with the view

2

of Edn & P.H at A ante above.

27.9.46

E & P.H. Dept. (A)

A draft Memo. is subd. For orders as to circn.

P.G. 2.10

21/10/46

5/10/46

Fin. no 51536 CSR/46-1
27-9-46.

SECRETARY TO THE GOVERNOR
F.1410C
15 OCT 1946
MADRAS

ASST. SECRETARY TO GOVERNMENT
8 OSEP 1946
EDUCATION AND PUBLIC HEALTH DEPT.

14 NOV 1946

57339

10/10

Governor's Secretariat.

p.139, Bk. 138
Extract at (t)

The point at issue is whether Miss Myers is, or is not, governed by Note 2 to Article 465-A, C.S.R. If she is governed by that note, the ban on retirement did not apply to her and she is not entitled to the concession of taking leave after retirement. If that note does not apply, she was affected by the ban on retirement, and is entitled to the concession.

For Miss Myers to come under Note 2 to Article 465-A C.S.R. she must satisfy all the following conditions

(t)

(t) p.100, Bk. 138

A. She must be an officer under Article 349-A C.S.R. i.e. she must be both
   (i) an officer of the I.E.S. - this is fulfilled and
   (ii) having been in service on 29-8-1919 (as she was) she must have elected to come under the New Pension Rules. It is not known whether Miss Myers did so elect.

B. Under Note 2 to Article 465-A she must have been in service on 15-11-1919. This condition is fulfilled.

C. Under clause 1 of Article 465-A read with Note 2, she must have completed 25 years qualifying service. Since her substantive appointment dates only from 26th March 1921, she did not complete 25 years qualifying service until 25 March 1946, and does not appear to satisfy this requirement of the note.

GOVERNOR'S SECRETARIAT
F.1410C
15 OCT 1946

A on p.1 C.F.

Education and Public Health Department may examine the point raised above in consultation with the A.G., Public (Services) and Finance and recirculate the case through HM's to H.E.

13.11.46

18

3

Edn. & P.H. (A)

p.6 C.F. From Miss Myers' letter d/- 20.10.46.

W.r.r. the Govr. Sectt.'s note on p.2 ante a draft Memo. to the A.G. is subd. After his reply is recd, ~~the case~~ may be further exd. ~~if necy,~~ in consultation with Pub. (Ser.) and ~~Public~~ Finance.

P.G. 22.11.46

22/11/46.

26/11/46

26.11.46

(Issued as Memo.No.53125-A-2, dated 26-11-46.)

p.8 C.F.
p.9-10 C.F.

From the A.G., No.G.A.IV.Edn.1197, dated 20-1-47.

Taking Miss Myers' letter at p.6 C.F. first: She was granted, not an extension of service in the public interest, but re-employment for six months at her own request (though the re-employment can be held to have served the public interest). Therefore, para 4 of the G. of I.'s letter at "I"/7 will not apply to her case, as remarked by the A.G. at p.10 C.F.

2. Coming to the Governor's Sectt. note on p.2 ante next: The first sentence of para 2 of the A.G.'s letter would indicate that he has no doubt that Miss Myers was governed by Note 2 to Art.465A, C.S.R. - i.e., the ban imposed at "I"/1 on officers under the rule-making control of the Secy. of State going on leave, did not apply to her. The Governor's Sectt. ~~particularly~~ asked for clarification of the follg. two points which should be fulfilled if Miss Myers should come under the Note:

Extract at (t)

A(ii) on p.2 ante

(1) That she should have elected the New Pension Rules. The A.G. says that the election was not necy. and that, as she was apptd. substantively to the I.E.S. after 29-8-1919, she was governed by the New Pension Rules (Art.349A, etc. C.S.R.). This view is correct - Art. 349A (1)(a).

Art. 349A-(1)(b) - (t)

C.F. 9

(t)

C on p.2 ante

(2) That she must have completed 25 years' service: The view held by the former Fin. Dy.Secy. at F on p.2 N.F. of "Y" seems to be that, for an officer to come under the Note to Art.465A, it is enough if she was in service on or before 15-11-1919

and that she need not necessarily complete 25 years' qualifying service.

That point apart, if this condition ~~is~~ were fulfilled, Miss Myers would have been eligible for a retiring pension; it would also, then, be incumbent on Govt. to accept her resignation, if she subd. one, before six months. She was not allowed this concession, because the date of her entering service was such that she could not complete 25 years before attaining her 55th year. She, therefore, went on superannuation pension. Presumably, the A.G. holds that the circumstances at "X" above did not alter the point that for retiring pension Miss Myers was governed by the Note and that therefore the ban did not apply to her. Para 2 of the letter cf 9 is not however quite clear about this. The fact ~~that~~ remains that she did not actually enjoy the concession mentioned in the Note.

(t)

X

r/16

The A.G. has, in this connection, also ~~statated~~ stated that the Govt. may decide whether any leave should be granted to Miss Myers w.r.t. para 2 of the G. of I.'s letter at "I"/5. That para is to the effect that (x) an officer, who is entitled to the concession allowed by Note 2 below Art.465A but has been ~~precluded~~ persuaded to stay in active service during the period of the ban, without exercising that right (concession), is eligible for leave in relaxation of F.R.86. The question of 'persuasion' does not arise in this case, since, as already stated, Miss Myers did not exercise the right to retire on a 'retiring pension'.

Concluding portion of para 3, cf 9

has recommended in the first sentence of para 1 of I/1

3. Finance and Pub.(Ser.) may be requested to offer their remarks, with particular refce. to para 2(2) above.

P.G.
12.2.47

14/2/47 S

17/2/47

Fin.
Pub.(R.)

EPH U.O. NO.
53125 — A-4
17.2.47

ASST. SECRETARY TO GOVERNMENT
18 FEB 1947
FINANCE DEPARTMENT

9869 CSR

Finance(CSR).

(Previous Fin. note on p.p.1-2 above)

In G.O.No;499 Pub.(Services) dated 20-2-45 the Secretary of State imposed a ban on retirement of ~~old~~ Secretary of State's officers. As regards the officers governed by note 2 to Art. 465A.(9) CSR and the acceptance of whose resignation could not be deferred for more than 6 months, he suggested that they may be persuaded to remain in service. In order to remove the hardship involved in this compulsory retention in service (viz. the loss of the right ~~option~~ to take 28 months leave preparatory to retirment), the Secretary of State ordered in G.O.No.1795 Pub.Services dated 28-7-1945 that the officers concerned could take, after the date of superannuation, leave to their credit subject to a maximum of 28 months, preparatory to retirement. Thus an officer to whom the ~~leave~~ ban applies will get the concession automatically. The others referred to in note 2 to Art.465A. of C.S.R, would be entitled to it only if they had been persuaded to remain in active service. See para 2 of ~~A.G.'s~~ letter No.44(29)W/44 dated 11-1-46 (P.5 of (I))

P.1
2nd (B) p.5 (I)

p.13 (I)

(E)

pp.2-3 of (I)

p.139 & 138

Miss. Myers, ex Principal of the Queen Mary's College was a Secretary of State's officer coming under 349A. ~~and 465A~~. of CSR. She retired on superannuation pension on 14-1-46. In her case there was no refusal of leave preparatory to retirement; Nor was she persuaded to remain in service until the date of superannuation. The point for consideration is whether she is entitled to the concession of taking 28 months leave after superannuation. This would depend on the fact whether she comes within the scope of note 2 to 465A of CSR or not.

para 1, p.9 C.F

X on p.9 C.F

See 2 on p.1 above

p.139 & 138

The A.G. has stated that as an officer governed by note 2 under Art. 465(A) CSR, Miss. Myers was not subject to the ban. He has assumed that she is governed by the note 2 - see also in this connection A.G.'s reference G.A.IV.Edn.392 dated 13-7-4 on the strength of which the name of Miss. Myers was omitted from the list to be sent to the Secretary of State. But it is exactly this assumption that Governor's Secretariat has questioned. See the notes on p.2 above.

para 2, p.9 C.F

p.7 of (Y)

An officer has to satisfy the~~se~~ following conditions before he will be entitled to the concession mentioned in note 2

(P.T.O)

~~4~~ 6 10

to Art 465A, CSR.

(i) He should be governed by Art.349A. ~~and 465A. of CSR~~.CSR

(ii) He should have been in service on or before 15th November, 1919.

(iii) He should have completed not less than 25 years of qualifying service.

Conditions (i) and (ii) are satisfied in the case of Miss. Myers. But condition (iii) is not satisfied. Hence, if she were to submit the resignation before 14-1-46, the Secretary of State could have deferred its acceptance beyond 6 months, for the simple reason that she had not completed 25 years of qualifying service. Thus, it would appear that she does not come within the scope of the note 2 under Act.465A of CSR and as such she comes within the purview of the ban imposed by the Secretary of State.

A

Miss. Myers has admitted that she remained in service upto the date of superannuation for private reasons. The question arises whether this would affect the issue in view of para 12 of G.O.No.1795 Pub.(Serv.) dated 28-7-45, which says that the concession should not be made available to all officers as a matter of course. But it would appear that the paragraph is only a direction to the Provincial Governments how to deny the concession in undesirable cases and has no relevance to the present case. The ignorance of the ban cannot, it appears, prejudice her claim for the leave.

No action was taken under this para: in her case
HRW
27.2.47

In the circumstances stated above, it appears that Miss. Myers is entitled to the concession of taking 28 months leave after the date of superannuation sanctioned in G.O.1795 Pub.Service dated 28-7-45. Before issuing formal orders Edn & PH may be requested to let the A G see the case U.O again for remarks if any.

B

See below
CSK
26.2.47

With the above remarks the case may be returned to E.P.H.

24.2.47.
24/2/47

Thru Pension
25.2.47 25/2/47

Miss Myers began to hold a substantive appointment only from the 26th March 1921. On the date of her retirement, viz. 14th January 1946, she did not complete qualifying service of not less than 25 years as required by clause (1) of Article 465 A C.S.R. This is one of the conditions laid down in the note 2 to Article 465 A, C.S.R. to enable an officer to draw retiring pension. The case of an officer who does not fulfil the above condition cannot therefore be brought under note 2 to Article 465 A, C.S.R. If her case does not come under

---

(2) 11 ~~17~~ 7

under the note referred to above, the ban on retirement imposed by the Secretary of State automatically applies and she is entitled to the grant of 28 months' leave from ~~preparatory to~~ the date of retirement.

In the circumstances, the views expressed in the office note at A and B on page 6 above seem to be correct.

But the Accountant General has stated in both of his letters that Miss Myers is an officer governed by Note 2 to Article 465 A, C.S.R. This makes all the difference. He may therefore ~~first~~ be requested to elucidate as to why he had held the above view and also to offer his remarks on the notes on pages 5-6 above.

CSK
26.2.47.

~~ASII~~ / ~~ADS~~

26.2.47

HRW
27.2.47

A.G. U.O.

AGWO
441
3/3/47

3 MAR 1947

Recd in CSR on 15/5
14 MAY 1947
29214

HRW
27.2.47

CSR
3/3

Fin. U.O. 9569 CSR/47-1
28.2.47

A.G's Office, Madras.

Seen and returned.

The crucial point for consideration is whether or not Miss Myers is governed by the provisions of Note 2 to Article 465-A of the C.S.R. She was appointed substantively to the Indian Educational Service after the 29th August 1919 although she joined the service in an officiating capacity in February 1919. She therefore came within the scope of Article 349-A(1)(a) of C.S.R. and consequently she is governed automatically by the provisions of Article 465-A of the C.S.R. and the note 2 thereunder. She was not however eligible for retiring pension under Article 465-A by which she is governed and was therefore obliged to retire on superannuation pension. If she did not or could not go on retiring pension earlier (than her superannuation) it was not because of the ban imposed by the Secretary of State but of the requirement of Article 465-A itself. The applicability of 465-A of the C.S.R. to a person does not depend on the completion or otherwise of 25 years' qualifying service for retiring pension. This Article merely regulates the admissibility of retiring pensions to officers governed by it. ~~with reference to the date of their appointment (vide Article 349-A).~~ Miss Myers chose to retire on superannuation pension as she would not otherwise get her full pension. In fact, she was not entitled to go on retiring pension before the date of her superannuation. She ~~is~~ was not therefore affected by the Secretary of State's orders imposing the 'ban' on retirement and persuaded to continue in service until superannuation and the question of applying the ban to her case and granting her the consequent benefit of full leave does not therefore arise.

A

B

C

S A Vaneswar

(S. A. Vaneswar)
Accountant General.

GR

M.G., Fin.Deptt., U.O.
A.G., Madras, U.O.No.G.A.4/1578 dated 12th May 1947.
Edn

Finance (CSR)

The question for consideration in this file is whether Miss K. Myers, Retd Principal of Queen Mary's College, Madras could be allowed the concession of the 28 months' leave preparatory to retirement according to the Secretary of State's decision in G.O. 499 Pub (Ser) d 20.2.45. The concession of 28 months' leave preparatory to retirement is applicable to all Officers who were affected by the ban on retirement imposed by the Secretary of State in para 1 of G.O 499 Pub (Ser) d 20.2.45. However certain officers who came within the scope of Note 2 below Art 465-A CSR were excluded from this ⊕ ban, and in order to make such officers eligible for the leave concession, those Officers ⊖ should have been persuaded by Govt. to stay on in service. How far the provisions in the orders mentioned above affect the case of Miss Myers has been explained in this department's note on pp 5-7 ante. This dept. was of the opinion that Miss Myers could not be deemed to be an Officer coming under Note 2 below Art 465-A CSR and as such the ban ~~of~~ on retirement imposed by the Secretary of State would apply to her thus automatically entitling her to ~~the~~ leave concession referred to. The A.G's note on p 7 above may be perused.

p 1 of ①

p 1 of ①

⊕ and they are not eligible for the concession ordinarily.

⊖ Miss Myers was not persuaded to stay on.

AG's note on p 7 ante

2 The main reason why this department considered that Miss Myers would not be governed by the Note 2 below Art 465 A CSR was because of the clear terms contained in this note itself. There are two conditions imposed in this note:-

(1) an Officer should have been in service on or before 15.11.1919

and (2) he should ~~[illegible]~~ fulfil the condition of cl (1) of Art 465-A

pp 5-8 above

Ⓣ

p 139 of CSR – 6k 13.8

According to the condition (2) an Officer who comes within the scope of Note 2 below Art 465-A CSR should fulfil the terms of clause (1) of the main Article. Clause (1) of the main article refers to Officers who are eligible for retiring pension. Thus it was considered that for an Officer, to come under Note 2 below Art 465-A CSR, ~~should be an Officer who would~~ he should be eligible for a retiring pension. Since Miss Myers was not eligible for retiring pension (she retired on superannuation) ~~the~~, she was considered as not coming within the scope of the Note referred to.

Goat ⓡ

3. ~~With ref~~ The A.G's contentions regarding the opinion given by this dept does not seem to be correct. With

reference to 'A' ~~in~~ the A.G's note on p 7 ante, though she might be governed automatically by the provisions of Art. 465 A CSR it does not seem to be correct to consider that the Note 2 below that Article (which imposes certain fresh conditions) would also govern her case. Similarly with reference to 'B' on p 7 above, though it may be accepted that the applicability of Art 465 A CSR to a person does not depend upon the completion or otherwise of 25 years qualifying service, the applicability of the Note 2 below that article to an Officer will certainly depend on the completion or otherwise of 25 years' qualifying service (as found in clause (1) of Art 465 A CSR). It does not therefore seem that the A.G's conclusion that she ~~comes~~ would come within the scope of the Note 2 below Art 465 A CSR and consequently ~~could~~ would not be affected by the ban on retirement is correct.

by virtue of Art 349A

Ⓣ

Exactly. The A.G. has, I think, confused the applicability of the section with the applicability of the note. p 7 above

~~4. Finance may, in the above circumstances, suggest that the position may be explained to the Govt. of India and their ruling obtained by the EPH deptt. After orders are passed on the above suggestion the case may be sent to EPH~~

Through Fin (Pen)

17.5.47

17/5/47

25/5/47

The point is that Miss Myers, not having 25 years qualifying service, had not the right under note 2 to Article 465 A C.S.R to demand that Govt. accept her resignation within 6 months of her application.

Ⓣ

Had the Secretary of State not imposed the ban, Miss Myers could have taken at any rate a year's leave before she reached the age of superannuation and still have qualified for full pension. This taking of long leave was just what the ban was designed to prevent.

10/14

A

The Secretary of State directed his officers to remain on ~~active~~ service in the emergency caused by the war. Miss Myers clearly fell under that ban and is ∴ entitled to the concession of taking 28 months leave after retirement, if ~~it is due~~ she has it to her account.

The orders at (Y) ∴ require revision.

20/5/47

31 MAY 1947
1792

43258 E-P.H.

FIN. U.O. 9569 CSR-3
20/5/47

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

Public (Services) dept. may also see the case for remarks.

Public (Ser)

28-5-47

P.G.
27/5/47

Public (Ser) Dept   EPH. U.O.
No. 53125 A 5/47.
30-5-47

This department may agree with the ~~notes~~ views of Fin. Dept. at pp. 8-10 above and return the file to the E & P H dept.

3/6/47   4/6/47   5/6/47

9/6/47

2/6/47   E.P.H.

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

Last seen in Cn on p.2 ante. W.r.t. the Govr's Secty. note, there the matter has been further examined.

p.7 cf. 4 p.7 ante

The A.G. sticks to his view that Miss K.M.Myers, formerly Principal, Q.M.C., who retd. from the I.E.S., came within the scope of Note 2 to Article 465-A, C.S.R., and was thus not affected by the ban imposed by the Secy. of State on officers under his rule-making control, from going on leave prep. to retirement, and that therefore she is not entitled to 28 months' leave after retirement. On the other hand, Fin. hold, for the reasons given on pp.9-10 above, that the A.G.'s view is not correct and that Miss Myers clearly fell, under the ban and she is therefore eligible for the concession of maximum leave. Public agree with Finance.

~~The file was last seen in circn. on p.2 ante and, w.r.t.~~ The file

(Y/cf. 7)   I/1   I/2-3

Pub (Ser) U.O. 1792/47-1
7.6.47.

48786

Above

CSR   A   (22)   15

The file may now be circd. to H.E., thro' H.M.(Edn.), H.M.(Fin.) and H.P.M.

Letter to the Secy. of State will be drafted after orders are passed in circn.

P.G.
17-6-47   20/6/47

23-6-47

H.M. (Edn.)
H.M. (Fin.)
H.P.M.
H.E.

28/6

5 - SEP 1947

2035
2/9

The arguments of A.G. are clear. I support that view.

T.S.A.
25-6-47

J.8

G.P.R.
29/8

P.S.G.

H.E. agrees
4/9/47

A draft ~~order~~ memo. ~~to~~ Miss Myers is put up for appl. Finance may

T.B.
9.10.47   10/10/47

11/10/47   S/

Dr. (CSR)

E.P.H. U.O. no.
53125 A/47-6
11.10.47

Previous Finance notes at pp 8.10 above orders in circulation at p 11 above and the draft memo may be perused and the case returned to Edn & P.H.

15/10/47

EPH

17/10/47

61225
14 OCT 1947
CSR

Fin. U.O. 61225-CSR
17.x.47.

83195
20 OCT 1947

Issue

21/10/47

[Issued as Memo No: 53125 A/46-6 Edn. d. 11-10-47]

These papers may be recorded

31/10/47.

1/11/47

I.E.S. - Miss K. Myers. Eligibility for leave after retirement - papers recorded.

Order 2347 (Edn) d. 3.11.47
Ms