

EDUCATION AND P.H.

(1947) Department.

MS. SERIES.

G.O. NO. MS. 40 Education.

Dated 10th January, 1947.

(8)
[Despatch Abstract.]

College - Engineering, Guindy - Sri T.V.Natarajan temporary -
Demonstrator - vacation pay - allowed.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
(Ps)	1881	Edn	18-8-39				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	891						

M. 2870-A2-18
7-5-47

From T.V. Natarajan, B.Sc.,
B-8, Todhunternagar, Saidapet.

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

22178

Subject:-- Appeal against the orders of the Director of Public Instruction, Madras, re: eligibility for vacation pay of appellant appointed temporarily as Demonstrator in Physics, College of Engineering, Guindy under Rule 9(a) (1) of the General Rules for Provincial and Subordinate services.

The appeal submits that

(1) The appellant was appointed as Demonstrator in Physics in the College of Engineering, Guindy, vide copy of orders of appointment Enclosure (1).

(2) The appellant worked as Demonstrator from 15-8-45 to 2-4-46 the date of closing of the College for summer vacation and that he was relieved on the afternoon of 2-4-46 vide Enclosure (2).

(3) The appellant requested the Director of Public Instruction to reconsider the orders, continue him in service and to grant him the benefit of vacation pay which he had earned - vide Enclosure (3).

(4) The Director passed orders on the petition in his Proceedings R.C.No. 1067 C/46 dated 9-4-46 rejecting the request - vide Enclosure (4).

(5) The appellant submits again that a candidate appointed under Rule 9(a) (1) could at any time be replaced by either (i) a candidate selected regularly under the rules or (ii) by a candidate already in service and that he could have no grievance then.

(6) This was & not done in his case. The post is kept vacant and the benefit of the vacation pay which he has earned is denied to him.

(7) The appellant is fully qualified for the post and had steps been taken to regularise the appointment he would have stood a very good chance of being appointed to the post and the present difficulty would not have arisen.

(8) The appellant submits that it is not fair and that it is against the principle laid down in G.O.No. 1881 Edn., & P.H., dated 18-8-1939 wherein Government have ordered that teachers appointed temporarily by local bodies should be paid vacation pay.

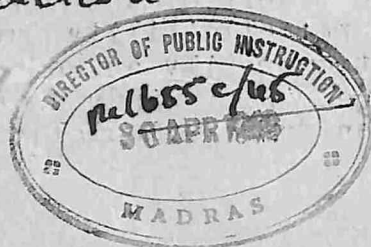
(9) The appellant submits that (i) Government cannot be otherwise than fair to their own teachers (ii) his predecessor in the post also appointed under 9(a)(i) in 1944-45 was paid vacation pay. (iii) There are still in the College and elsewhere Instructors, Assistants and teachers appointed under 9(a)(i) who continue in service and draw their vacation pay. (iv) By principle precedent and practice that prevails he should be given vacation pay.

(10) In conclusion, the appellant prays that his appeal may be admitted and vacation pay allowed to him.

J.V. Natarajan
24/4/46.

✓
Encls No: 22178 A/46-1 dated 27-4-46

Referred to the Director
of Public Instruction for remarks
with special reference to paras 19 &
the petition



(By order)

J. V. Natarajan

Asst. Secy to Govt.

25-4-46

25-4-46

To the Director of
Public Instruction

3
I.
Copy of R.C.No. 526 M/44 dated 14th August 1945 of the
Principal, College of Engineering, Guindy.

Under 9(a)(i) of the General Rules for Provincial and
Subordinate services Sri T.V. Natarajan is appointed temporarily
as Demonstrator in Physics in the College of Engineering,
Guindy. To join immediately.

(True Copy) J.V. Natarajan

II.

Copy of R.C.No. 44 A/46 dated 2nd April 1946 of the
Principal, College of Engineering, Guindy.

Ref:- Proceedings C.No. 1655 C/45 dated 21-3-46 and T.M.
dated 2-4-46 from the Director of Public Instruction,
Madras.

X

X

X

2. Sri T.V. Natarajan, Offg. Demonstrator in Physics
will be relieved of his duties in the college this day
(afternoon).

(True Copy) J.V. Natarajan

III.

Copy of letter dated 4th April 1946 from T.V. Natarajan, B.Sc.,
to the Director of Public Instruction, Madras, through
the Principal, College of Engineering, Guindy.

Ref:- Pros. C.No. 1655 C/46 dated 21-3-46 and telephone
message dated 2-4-46 relieving me of my duties as
Demonstrator in Physics.

I was appointed in R.C.No. 526 M/44 dated 14-8-1945
of the Principal, College of Engineering, Guindy, under Rule
9 (a) (i) of the General Rules for Provincial and Subordinate
Services, and I have been discharging my duties to the
satisfaction of my superiors.

There was nothing in the order of appointment to show
that it will be for the academic year. If I am replaced by a
candidate selected in accordance with the rules I could have
no grievance in the matter. But as it is I am deprived of
the benefit of the vacation which I have earned and which in
fairness should be given to me. I therefore request you to
be so good as to reconsider the orders passed in the Proce-
dings referred to above and continue me in service till a
regularly selected candidate is appointed to the post.

Thanking you,

(True Copy) J.V. Natarajan

IV.

Copy of Proceedings of the Director of Public Instruction,
Madras, R.C.No. 1067 C/46 dated 9-4-46.

Read:- Petition dated 4-4-46 from Sri T.V. Natarajan.
Also endorsement dated 4-4-46 from the Principal,
College of Engineering, Guindy, and
Also Proceedings R.C.No. 1067 C/46 dated 4-4-46.

Sri T.V. Natarajan is informed that the services of the
candidates appointed under rule 9(a)(i) of the General Rules for
Provincial and Subordinate Services could be terminated at any
time and it is not necessary to specify the period in the order
of appointment. There is also no necessity for continuing the
persons appointed under emergency powers during the vacation.

(True Copy) J.V. Natarajan

D.P.N(A)

R.O.C.No. 11555-C/45.

Office of the
Director of Public Instruction,
Madras, Dated 26th June, 1946.

From

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

To

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

Sir,

Sub: Appeal of Sri T.V. Natarajan.
REF: Government Endt. No. 22178-A/46-1 Edn., dated
27-4-1946.

4732

UNDER the existing practice the services of all School Assistants, Assistant Lecturers, Demonstrators, etc., appointed in Government institutions under emergency powers are terminated on the last working day of the academic year. In cases where the heads of institutions request that these persons may be continued during the whole or part of the vacation for correcting terminal examination papers, etc., their requests are generally complied with.

2. The services of the petitioner were not continued in the vacation as they were not required. In the circumstances the request of the petitioner may be kindly rejected.

3. The enclosure is returned herewith.

RR.27/6. SD
27/5.

for Director of Public Instruction.

Rec. No. 9070 CS/46.

Office of the Director of Public Instruction, Madras, dated 28-10-46.

From

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

To

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



Sub: Grant of vacation pay - Sri T.V. Natarajan -
ex-Demonstrator, College of Engineering, Guindy.

Ref: Your Telephonic Message dated 23-9-46.

I have the honour to state that the statement of Sri T.V. Natarajan that his predecessor was allowed vacation pay is true. The facts of the case are that the Principal, College of Engineering, Guindy appointed one Sri C.V. Poulose as Demonstrator, Physical Laboratory under emergency powers on 17-7-44. Since after repeated advertisements no candidates possessing the requisite qualifications was available, the Principal continued Sri Poulose in service even during the summer vacation of 1945 with a view to treating him as a regular probationer with retrospective effect from the date of his appointment, as it was not possible to secure the services of a candidate of his type for the post of Demonstrator in Physics possessing academical qualifications in Geology. But after receiving vacation salary for two months Sri Poulose resigned his appointment without attending the College on the reopening day after the summer vacation. On a reference from the Principal as to whether the vacation salary already paid for 2 months had to be recovered, orders were issued by me that as the Demonstrator had served for one full academic year, he might be considered to have enjoyed the summer vacation. The Principal was also informed that persons appointed under emergency powers should not generally be retained during the vacation unless their services are required during the vacation.

Appointments under emergency powers are made both in the case of leave vacancies as well as in the case of temporary or permanent posts when qualified and suitable candidates are not available. These emergency appointments are terminated on the return of permanent or officiating incumbents from leave or when suitable and qualified people become available, and also at the discretion of the appointing authority when he feels that there is no need to continue the emergency appointment. If according to G.O. No. 1831, Education, dated 18-8-39 vacation pay has to be granted to persons appointed under emergency powers in leave vacancies there will be double payment of vacation salary to both the permanent and temporary employees, when permanent or offg. incumbents return to duty from leave just before the vacation. This will not arise in the case of Sri T.V. Natarajan, as he was not relieved by a substitute. But he had to be discharged as there was no work for him during the vacation and as his relief before the commencement of the vacation would result in the savings of his pay to Government. If, in spite of the above, it is still considered that the petitioner is eligible for vacation pay on the analogy of G.O. No. 1831, Education, dated 18-8-39, he may be granted the same.

for Director of Public Instruction.

TRB:29/10

29/10

JOH(A)

C.O. No. 1881 Edu & 18-8-39 which is required for the disposal of the current has been called for from M.Ro on 3-7-46. This may lie over till 8-7-46 or till the C.O. is recd whichever is earlier.

ET 3-7-46 W 3-7-46

OSM 5/7/46

T.M

From The A.S. To To Dy.D.I.

Appeal of Sri T.V. Natarajan, Demonstrator, Engg. College, Guindy for vacation pay.

From the D.I., Rec No 1655 clus & 26-8-46

In his petition of 24-4-46, Sri T.V. Natarajan

refers to his predecessor's case who was also appointed under 9(a)(i) Rule and was paid vacation pay. Pt. say whether the statement is true and if so, on what grounds, vacation pay was allowed. It also say whether in view of the petitioner's service for about 8 months in from 15-8-45 to 2-4-46 should not vacation pay be allowed to him on the analogy of the order in.

C.O. No. 1881 Edu & 18-8-39, 3-7-46 W 3-7-46

OSM 9/7/46

29/10

EJPH(A)

Pl. see the petition on p1 ante and the D.P.I.'s remarks on p9 ante. In the circumstances reported by the Director, it is for consideration whether the petitioner's request for vacation pay should be complied with. Finance may see for remarks.

ES
-11-46
7-11-46

OSM
8/11/46 S

W
9/11/46

(F) I in view of that referred in Poullose's case, he should be paid for the vacation by

Finance (E.III) Department.

Coln. v. 22178 A/46-2

The proposal in the file is to allow vacation pay to Sri. T.V. Natarajan, Demonstrator, Engineering College Guindy. Sri. T.V. Natarajan, was appointed temporarily as Demonstrator in Physics in Engineering college Guindy on 14-8-1945 under rule 9 (a) (1) of the General rules for Provincial and subordinate Services. He was later relieved of his duties on the afternoon of 21-3-46 the day before the commencement of vacation. Mr. Natarajan put in a request to D.P.I. that because he was relieved of his duties on the last day of which the college closed for the vacation, he should be allowed to enjoy the vacation pay which he has earned by his full year's service.

In this connection Mr. Natarajan referred to the case of his predecessor Mr. Poullose. But in the light of the D.P.I.'s explanation on p9 ante relating to the circumstances under which the vacation pay was granted to Mr. Poullose, the case of Mr. Natarajan does not stand on all fours with that of Mr. Poullose. Mr. Poullose was retained during the vacation for special reasons where as Mr. Natarajan has been ousted. A candidate appointed temporarily under rule 9(a)(1) of the General Rules for the provincial and subordinate services, on his discharge, cannot say that no ultimatum or reference was given to him as to how long the vacancy will exist, because under the above rule the appointment may, at any time, be dispensed with, at the discretion of the appointing authority. The D.P.I. has also stated that Mr. Natarajan was ousted because there was no work

p9 above

M. p. 9 above

OSM
20/11

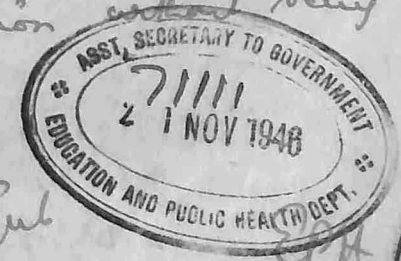
OSM
20/11

for him during the vacation, and as his relief before the commencement of the vacation would result in the savings of his pay to Government.

In the circumstances there seems to be no case to allow Mr. Natarajan vacation pay. This department may advise accordingly.

It will not be correct to apply the analogy of (F) here. Vacation pay can be granted under (F) provided the teacher is retained in service during the vacation and not discharged just before the vacation. This is not expressly stated in (F), but it can be implied. If that is the case, then it can be argued that the teacher's services must be available to the Government during the vacation. If he must be retained in service, there was no intention that, in cases where the teacher should be retained for vacation pay, he should be discharged and given his vacation pay. Since Mr. Natarajan was definitely discharged and he knew this before he left service, there is no case for the grant of any vacation pay to him, even though the analogy in (F) may apply to the case and he could have been retained during the vacation without being discharged.

Fin. v. 0.
61391 Smt.
20-11-46.



The case is put in the hands of the D.P.I. above was the proper course that must have been taken. He may press his case.

The note from p10 ante may be perused. It is for consideration whether this Dept. may press the proposal for the grant of vacation pay to Sri T.V. Natarajan.

For orders as to circulation to H.M (Edu) and HPM. OSN 4/12/46 S M (Ca) H.P.

I see that circulars have been sent by the Government to Local Bodies as well as to private institutions that teachers appointed temporarily by Local Bodies and private managements should ^{be} also the vacation salaries. ~~even to those temporary~~ Cases have been brought to the notice of Government in which Local Bodies and managements have tried to appoint men merely on a temporary basis from the beginning of the year to the end of the year and then for the sake of saving some money have sent them out of service at the end of the college year. ~~Such cases have been strongly condemned by Government and the Government should be the last persons to resort to these methods.~~

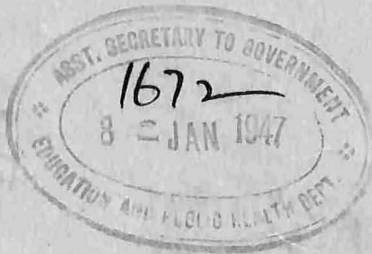
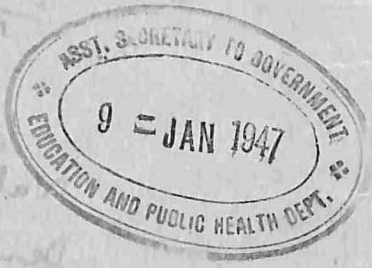
I find from the facts mentioned below that Mr. Natarajan was appointed on the 15th August 1945 and was relieved on the afternoon of the 2nd April 1946, that is, the day on which the college closed for the vacation. Nobody was appointed during the vacation. Having served for a major portion of the year, I think he is entitled to the vacation salary, at least in proportion of the service he had put in that year, ~~and may~~ be paid a proportionate salary for the vacation also.

TSA

9-12-46

H.P.M.

13/14/46



A draft order is submitted. Finance may see before 15/1/47

4/1/47

Finance

Edn. 22178 A/463 41-47

24/12/46. (Previous Finance note on p. 10-11 above) 4/1/47 The orders in circulation and the draft orders below may be perused and the return to E+P.H.

Fin. v.o. 400247 8-1-47

75/1

College - College of Engg, Crimidy - Sri T.V. Natarajan. Temp. Demonstrator - Vacation pay - allowed. 13

C.N. 22178 A/46, From the DPI, Sri T.V. Natarajan. petitioned 24-4-46
" The DPI. N. 1655-C/45 of 26-6-46
" " " 970C3/46 of 28-10-46

Order n. 40 Edn of 10-1-1947

The Court direct that Sri T.V. Natarajan, who was ~~was~~ employed as a Temp. Demonstrator in the College of Engg, Crimidy, from 15-8-45 to 2-4-46, be allowed vacation pay ~~in proportion to the~~ in proportion to the total period of his service in the College during the academic year 1945-6.

The petitioner is referred to the DPI for orders on his petition to Court of 24-4-46

To the DPI ✓
ACR Mrs Fin
T. Sri T.V. Natarajan, Bk.
B-8, Telukmanna,
Saidapet
(para 2 only)

21-12-46 24/12/46 4/1/47

4/1/47

400 Edn

2001

College - College of Engineering - Sri T.V. Narayana
Temple, Bangalore - Bangalore

22/10

C No. 218/18/10, From the DPT, Sri T.V. Narayana, petitioning for a
.. The DPT, No. 1000-1000 of 2000
.. do 1000 of 2000

Order No. 110
Date 10.10.2000

The Court direct that Sri T.V.
Narayana who was employed as a temple
demonstrator in the College of Engineering, Bangalore, from
12.8.02 to 2.11.02, be allowed vacation pay
amounting to Rs. 1000 in proportion to the
time period of his service in the College during the
period 12.8.02 to 2.11.02. The petitioner is referred to
the DPT for action on his petition to Court of law.

To the DPT
At Bangalore
Sri T.V. Narayana
10.10.2000