

E & P H

(1947) Department.

SERIES.

G.O. NO. MS.783 Edn.

Dated 17-4-1947

[Despatch Abstract.]

Establishment -District Board Coimbatore - Appeal of Sri. T.J.Anantha Padhmanabham - Secondary grade teacher - representation against the proceedings of the Director of Public Instruction - Orders passed.

Back Papers.

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

Further Papers.

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

* reference on the subject would not be entertained

G.F. 32

Local Administration Department
From (Name) Sri V.K. Palaniswami Gounder,
Designation President, District Board,
Station Coimbatore.

Received

To

The Hon'ble Minister for Education,
Government of Madras.
Through The Secretary to Government,
Education & Public Health Department,
Fort St. George, Madras.

Enclosures:

Roc. No. 6424/46-B3

dated 10-10-1946

Sir,

Sub: Establishment - Education - Secondary - punishment procedure
case arising from appeal of J. Anantapadmanabhan.

I have the honour to bring to the kind notice of Government the following case arising out of the disposal of a punishment proceedings in appeal by the Director of Public Instruction for consideration and orders on certain vital issues involved.

2. One Sri Anantapadmanabhan, a Secondary grade teacher in the High School Department was punished by me for overstaying after medical leave and absence without permission and for indifference by a temporary reduction in pay. The teacher appealed against the order and the Director of Public Instruction in his proceedings Dis.2386/46 dated 13th July 1946, admitted the appeal and directed me to cancel the order of punishment. The order did not mention the grounds on which the appeal was admitted and there was only a peremptory direction to cancel the order. This led me to enquire of the Director whether it was not necessary to state the grounds on which the appeal was admitted so that I might have knowledge of them at least for future guidance and safeguarding against a repetition of any mistake that might have crept in the case. To this I have received a reply to the following effect:-

"The decision in my proceedings Dis.no.2386/46 dated 13-7-46 was arrived at on the merits of the case and I regret I cannot enter into further correspondence on this subject."

3. I submit that this is quite unfair to me. I fail to see why the Director could not state the reasons on the basis of which the punishment had to be quashed. If there has been any technical irregularity or error in judgment it could reasonably have been made clear in the order so that I could have the benefit of the decision for my future guidance. But to direct that the order of punishment should be cancelled and say that further favours of an arbitrary ruling which rightly requires examination at the hands of Government.

4. I find from the references in the preamble of the order of the Director that in disposing the appeal the Director had reference to the remarks of the Divisional Inspector of Schools. The Director had also informed me in reply to an interim reminder that the matter was under correspondence with the Divisional Inspector of Schools, Coimbatore. This was in his letter 698-G/46 dated 7th June 1946. Government have held that departmental enquiries are quasi judicial proceedings. Such proceedings cannot change their character when cases are taken on appeal. Apart from the materials on records, remarks of subordinate officers who are not connected with the disposal of the case, can have no pertinent place in the disposal of the appeal. I am however subject to conviction. Any any rate the Inspector of Local Boards does not seem to refer cases of appeals to his deputies and decisions are arrived at on the evidences on record. This kind of reference to subordinate officers always causes a very unhealthy influence in the parties who try to go about influencing persons.

5. A perusal of the records would show that the teacher was punished for charges. He took casual leave for 5 days from 26-6-45 and left the station for medical treatment for malaria on 27-6-45 and applied for extension till 9-7-45 with a medical certificate. His application itself was received late. He was due to return to

10-7-45. But before the expiry of the medical leave he left to his native place Kollegal and from there he applied for extension of 6 weeks leave on the plea that his wife was sick. His long absences ever since his transfer from the plains showed his general indifference. That he overstayed the medical leave and absented without permission cannot be disputed. So in dealing with his wilful absence I was inclined to treat the period as leave without allowances. As in any case disciplinary action was called for for misconduct, eligible leave was granted and he was punished with a ^{temporary} reduction in pay after observing formalities. In Government memo No.6648.2.A L.A. dated 22-4-46 Government have also clarified that incases where subordinates leave no station without permission the absence may be regularised by treating it as ordinary or extraordinary leave and that the question of disciplinary action is a separate matter which may be resorted to apart from the question of conversion of the absence into ordinary or extraordinary leave. As such the need for disciplinary action in the case is undisputable.

From the Director's order I can only vaguely infer that I should not have instituted disciplinary proceedings at all in this case. The ~~per~~ peremptory direction for cancellation of the order would suggest that and nothing else. Why it is so is not made clear. Unfortunately for me I am confronted with the same situation in the subsequent conduct of this teacher. This teacher has been again stayed away from 5-6-46 under some false pretexts. When he was directed to go to the District Medical Officer he pleaded inability. Then he was directed to appear before the Assistant Surgeon, Kollegal which also he has evaded. He is still absenting. Undaunted by the previous punishment he is repeating his old game probably with the sanguine hope that he cannot be dealt with effectively.

In the circumstances explained above I would request Government to kindly call for all papers from the Director of Public Instruction and pass such orders as deemed fit with reference to para 9(3) of the rules relating to appointment and punishment of officers and servants of Local Boards.

I also request Government to kindly clarify the following issues:

Whether the appellate authority should not give reasons for setting aside an order of punishment in appeal.

Whether the practice of referring appeals to subordinate offices may not be given up for good.

I request early orders on the above.

V.K. Palaniyandam
12.10.46
President, District Board.

P.C.D./11-10.

Education and Public Health Dept.

Fort St. George

Encl. 61913 B/46-1 20th B 25/10/46

Referred to the Director of Public Instruction

for remarks.

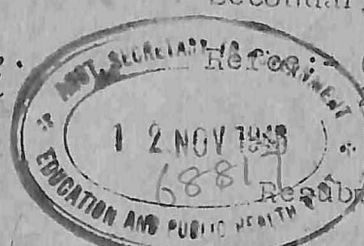
(By order)

J.P. Alind
Asst. Secretary to Govt.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS
No.No.9833 G1/46, dated 5-11-1946.

District Board, Coimbatore - Secondary schools - Review of Director's orders on the appeal of Sri T.J. Ananthapadmanabhan Secondary grade teacher.

C.No.
6193



Government endorsement No.61913 B1/46-1 Edn., dated 25-10-1946.

Resubmitted.

2. On the appeal of Sri T.J. Ananthapadmanabhan, Secondary grade teacher against reduction of his pay by Rs.3/- p.m. for a period of three months, the Director of Public Instruction issued his Rocs.Dis. No.238/46, dated 13-7-1946 directing the President, District Board, Coimbatore to cancel his order of punishment. Thereafter the President, District Board addressed the Director to inform him of the reasons for admitting the appeal of the teacher and for directing him to cancel his order of punishment. He was informed in the Director's letter No. 5362 G1/46, dated 15-9-1946 that the decision in his above proceedings was arrived at on the merits of the case and that he could not enter into further correspondence on this subject. Now, the President, District Board has addressed Government protesting against this letter from the Director and has requested them to call for the papers from the Director and pass orders. This office file Dis.No.2386/46, dated 13-7-1946 is herewith enclosed for reference and return to enable Government to decide finally in the matter.

3. In this connection the President District Board has raised the following two queries:--

(i) whether the appellate authority should not give reasons for setting aside an order of punishment in appeal,

and (ii) whether the practice of referring appeals to subordinate officers may not be given up for good.

As regards (i) above, it may be stated that it is not usual to give the reasons in the final orders admitting or rejecting appeals and that it will lead to further correspondence not only here but in other District Boards also.

Regarding (ii) above, attention is invited to late Sir Meveral Statham's D.O.No.2821 G/43, dated 26-3-1944 to the Secretary to Government, Education and Public Health Department, and his D.O. reply No.13773-1 B Edn., dated 12-4-1944. All papers relating to appeals in Schools for remarks so as to be helpful to the Director to arrive at his own decision finally. Just as Government call for the Director's remarks on almost all references made to them by the local bodies, the Director calls for the remarks of his subordinate officers who are there to give him a helping hand. The practice of referring appeals to subordinate officers of this department need not therefore be given up.

To

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

m.k.8/11.

8/11

23/10/1

(4)

P. M. no 61913-B/46 - d. 17-1-47.

~~From 68817-B/46 d. 17-1-47.~~

Encl(2)

21/1

From.

The Assistant Secretary
ETPA Dept

To

The Deputy D.P.S.

Reference Director's Encl Ac no 9833 G.1/46 d. 15-11-46

Appeal of S. T. J. Anantha padmanabhan Secondary
grade teacher Coimbatore Dt Bd - Review of Direct
orders -

Please furnish for reference a copy of the
Do no 13773-1 B Encl 3 12-4-44 quoted therein together
with a copy of the D.P.S. Do. to which it was a reply
as the papers are not readily available

Encl
17/1/47

187
137-47

157
157/47

Post Copy of Telephonic Message dated 20th January 1947.

From

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

To

The Assistant Secretary to the Government of Madras
Education and Public Health Department,
Fort St. George, M a d r a s.

Reference:-Your telephonic message of date
regarding the appeal of T.J. Ananthapadmanabhan,
District Board, Coimbatore.

Copies of Director of Public Instruction's D.O.No.
2821-G/43 dated 26.3.1944 and D.O. reply of the Secretary,
Education and Public Health Department dated 12.4.1944 are
herewith furnished.

Dr. V. V. Srinivasan
Dy. Director of Public Instruction.

ks. 21-1. *SR*
2/1/

Copy of D.O.No. 2821-G/43 dated 26.3.1944 of the Director
of Public Instruction, Madras.

Subject:-Disciplinary action against Headmasters of Municipal
High Schools.

Please see G.O.No.Ms. 773-Education dated 5.6.1943
issuing orders on the appeal of Mr. G.H. Moses, Headmaster
of the Municipal High School, Adoni. Even though most of
the charges against the appellant related to his duties as
Headmaster, as prescribed in the Madras Educational Rules,
the appeal was not referred to me for remarks and I was not
given an opportunity to obtain the remarks of my inspecting
officers and submit them to Government, before final orders
were passed by Government. Similarly in the case of the
Headmaster, Municipal High School, Bellary, Government have
passed orders on the appeal without a reference to me. Even
a copy of the orders of Government (G.O.No.Ms. 1153-Edn. & P.H.)
was not communicated to me. I may respectfully point out to you
that if cases of disciplinary action against Headmasters are
disposed of by Government without any reference to departmental
officers, the District Educational Officers' position vis-a-vis
Municipal High Schools will be made very awkward. Though I
know that the rules relating to disposal of appeals from
Headmasters by Government do not specifically provide for the
need for obtaining the remarks of departmental officers, I
consider that it is very desirable that their views should be
called for.

/True copy/.

II.

Copy of D.O.No. 13773-1.B Edn., dated 12th April 1944 from the
Secretary to the Government, Education & P.H. Department to
the Director of Public Instruction, Madras.

Disciplinary action against Headmasters of High Schools under
local bodies.

Ref:-Your D.O.No. 2821-G/43 dated 26th March 1944.

I am to say that in the past you were being consulted in
cases relating to disciplinary action against Headmasters of
High Schools under local bodies only wherever, on a preliminary
examination, it was found that your remarks were essential for
the disposal of the case. In future, you will be consulted in
all cases.

(True copy).

ks. 21-1. *SR*
2/1/

Dr. V. V. Srinivasan
FOR DIRECTOR OF PUBLIC INSTRUCTION.

DRAFT FOR APPROVAL.

C.F. 16.

Date.

Initials.

SUBJECT:— E& P.H. (B1)

When received for fair copying ..		Establishment Dt Bd Coimbatore -Appeal of Sri
When copied ..		T.J.Ananthapadmanabhan - Secondarygrade teacher-
When examined..		Representation against the proceedings of the
When signed ..		D.P.I. Orders passed
When despatched.		

READ AGAIN _____, dated _____ 19__

" " _____ " _____ 19__

READ ALSO:—

No. _____ From the P.D.B.Coimbatore R.O. No. 6424/46, Dated 10-10-46

" " " D.P.I. Re No 9833 G1/46 dated 5-11-46 " 19__

" " " " " " 19__

Order Ms. No. 783 Edn, dated 17. 4. 1947
Resolution Rout.

17/17

17/4/47

In his proceedings No 2386/46 dated 13-7-46, the D.P.I. allowed the appeal preferred by Sri T.J.Ananthapadmanabhan Secondarygrade teacher against the orders of the P.D.B.Coimbatore reducing his pay by Rs 3 p.m. for a period of three months for overstayal of medical leave and willful absence without permission and directed the President to cancel the order of punishment and to repay the amount if ^{already} recovered from the ~~teacher~~ ^{by stop drawal of his pay}. The Govt have considered the points raised by the P.D.B. Coimbatore in respect of the above proceedings and they pass the following orders

2. The appeal was allowed by the D.P.I. on the ground that the sanctioning of the extension of leave applied for implied the acceptance of the reason adduced by the teacher in support of his extension of leave and that the case could not therefore be treated as one of overstayal of leave. In Memo No 6648-2 A L.A dated 12-4-46 the P.D.B.Coimbatore was informed that the question of taking ^{discip} disciplinary action in such cases was a separate matter and that it might be resorted to apart from the question of according postfacto sanction to the leave or absence without permission.

The action taken by the P.D.B.Coimbatore in the case of Sri T.J.Ananthapadmanabhan was right in ~~view~~ ^{consideration} of the above instructions and the

D.P.I. was not aware of those instructions when he allowed the appeal. The Govt therefore direct that the Director's orders are therefore set aside.

13-14

$$\frac{1000}{247}$$
$$\frac{h}{b - (h.u)}$$

✓ The D-P.I. with copy of memo
✓ ,, Special Officer Dt
✓ Bd Coimbatore.
✓ (with the orig. No 238)

Feb 21 with
wel R. Smith
R. Smith
21/1/17

Edn. & P.H. Depart

pp1-2c
p3c

From the D.P.I., R.C.No.9833-G1/46 dated 5--11--46.

teacher

9-2-
teacher was held to be proved by the President and his pay was accordingly reduced by Rs.3/- per mensem for a period of three months.

4. Thereupon the teacher appealed to the Director of Public Instruction stating that as he received the news of illness of his wife on 6-7-45, he had ^{necessarily} to go to his native place and apply for an extension of leave on seeing the serious condition of his wife. The matter was then referred to the Divisional Inspector of School, Coimbatore, for remarks. He reported that the case under reference cannot be treated as one of overstayal of leave in as much as the

teacher had applied for the extension of leave on 8-7-45 and ^{the sanctioning of the leave} itself. ~~The leave applied for by the teacher had also been sanctioned by the President~~ ^{implies} the acceptance of the reason adduced by the teacher in support of his extension of leave. He therefore considered that the punishment inflicted ^{was} not in order and recommended that the appeal may be allowed. The Director accepted ^{the} recommendation and directed the President to cancel the punishment order and to repay the amount of Rs.9/- to the teacher if ^{it has been} already recovered from him. In the circum-

stances there does not appear to be any ground to interfere with the order passed. The Director should have set aside the order of punishment & in this case, not requested the President to cancel the order passed by him.

5. In this connection the President has raised the following two points:

- (i) whether the appellate authority should not give reasons for setting aside an order of punishment in appeal,
- (ii) whether the practice of referring appeals to subordinate officers may not be given up for good.

(1) above: The Director states that it is not usual to give reasons in the final orders admitting or rejecting appeals and that it will lead to further correspondence not only here but in other districts also. ^{no reasons are given when govt reject appeals but in cases where appeals are allowed the grounds for admitting the appeal are stated}

(ii) above: The Director states that all papers relating to appeals of punishment are being referred to the Divl. Inspector. The Director may be asked to follow this procedure in future.

Standard above. The D.P.J. says that the ~~papers~~ appeals are referred to the Divisional Inspector of Schools of Schools for remarks so as to to be helpful to the Director to arrive at his own final decision. Just as Government call for the Director's remarks on almost all references made to them by the local bodies, the Director calls for the remarks of his subordinate officers ~~who are~~ ^{there to give him a helping hand}. The Director therefore considers that the practice of referring the appeals to subordinate officers need not be given up. This may also be accepted. It is wrong to assume that the Director will always accept the opinion of the Divisional Inspectors.

6. The remarks of L.A. may be invited.

1/2/47 A on p 2 and

The appeal in this case has been allowed for the reasons adduced by the Divisional Inspector of Schools Coimbatore which have been accepted by the D.P.J. But ^{the order} ~~the reasons~~ based on these reasons are contrary to the instructions contained in govt memo 6648-2A/LA 522-4-46. This memo allows discretion to ^{P.D.Bs} officers to start disciplinary proceedings apart from the question whether the leave of absence was converted to ordinary or extraordinary leave. The memo was not however communicated to the D.P.J. ^{by} the P.C. D.C. Board Coimbatore District to it when he forwarded the appeal of the teacher with his remarks. Any how the P.D.B's action is right in the face of the memo at (E) and the order of the D.P.J. in allowing the appeal is wrong. A copy of the memo at (E) may be communicated to the D.P.J. ^{and his order may be set aside in view of the instructions contained herein.} L.A. may see before circulation.



B

20P.4 (B)
V.O. No. 4488/1-45
8/1/47

4088-B1
4/3/47

R.A. Dept

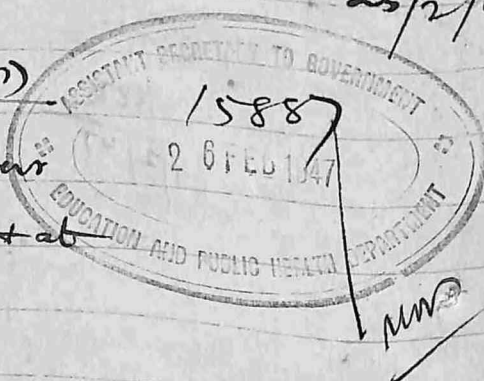
Mis. Dept may agree with
the views of E. & F. H. Dept at
K on p 2 above and at C & B on p 3
on page 3 ante. The file may
be returned to E. & F. H. Dept.

20/2/47
29/4/47 S 25/2/47

E. & F. H. LAWO. 4778-47-19

25/2/47

ETM (P. 1)



notes from page 1 ante may be perused.
The file may be circulated to E. & F. H. (E. & F. H.) for views
on the points raised at K on page 2 ante + at
B & C on p 3 ante

11/3/47

K
1.3.47 S 11/3/47

K. The reasons for rejection of an appeal is better indicated; though
no further correspondence may be had on the subject.
This will also indicate to lower authorities to a certain
degree

a. yes.

B. yes.



TSA
6.4.47

ETM (P. 1)

Please see the minutes of H. & E. Dept. above.
A draft order is submitted below for
approval.

K
16.6.47

12/4/47

OFFICE OF THE

Date 194 .

Hours Minutes

TELEPHONIC MESSAGE.

From

The D. P. G.

To

One Secy to Govt.

Sup. + Dep.

Ref. Go 783 Soln dt 17.4.47
Subject: D. P. G. - Complaint
appeal of Sri V. T. Ananda
for admission as a secondary
grade teacher.

The office file Dis
No 2386/46 dt 13.7.46
subject submitted
with the D. P. G. Endt
Rc 98.33 9/46 dt 5.1.46
disposed of in Go
referred to above has
not been received back
Please write on both sides.

Kindly return it at
an early date if
no longer required.

26/4/47

(X)

11/6/47

26/4/47

Let circles
disposal shall
be made.
The clerk will
be held
responsible
for such
irregularities.

(X)

11/6/47

26/4/47

To the S.O. D. P. I.
Bom. Calne.

Copy to the D. P. I.
(with reference to 26/4/47)

(10)

24PACN

Establishment - District Board, Coimbatore
- Appeal of Smt. J. J. Ananta Padmanabha
- Secondary grade teacher - representation
against the proceedings of the Director
of Public Instruction - orders passed.
Ref. G.O. No. 783 Edu. dated 17/4/47.

Memo 3609/M. S. Edu. D. 28/4/47
The file No. 2386/ub dt. 13/7/46 belonging to the office
of the D. P. I. was sent to the Special
Officer D. P. I. Coimbatore as enclosure
to G.O. No. 783. Edu. D. 17/4/47. The Special
Officer is requested to send the office
file referred to the D. P. I.

Mu

26/4/47

18/4/47

26/4/47

26/4/47

Handwritten notes in a ledger format, likely a record of correspondence or administrative actions. The text is mostly illegible due to fading and handwriting, but some words like "Received", "Registered", and "Disposal" are visible.

C.F. (a).
 Local Administration Department
 From (Name) F.W.A. Morris, Esq., I.C.S., To
 Designation Collector & Special Officer, District Board, COIMBATORE.
 Station
 8 MAY 1947
 Enclosures
 ROC No. 6424-B5/46 dated 7-5-1947
 Sir,
 Sub: Establishment - Education - Secondary - Punishment - Sri. Ananthapadmanabhan - Secondary grade teacher - Dis. No. 2386/46 dated 13-7-46 of the Director of Public Instruction - Transmitted - * * *
 I enclose the disposal file No. 2386/46 dated 13-7-46 of your office the receipt of which may kindly be acknowledged.
 Copy submitted to Secretary to Government, Education & Public Health Department with reference to Government Memorandum No. 36069/47-B.1 dated 28-4-1947.
 sgk/7-5.
 May be lodged filed with the G.P. 783251 of 17.4.47
 9/5/47
 9.5.47

Page 32

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