

E & P H.

(1947)

) Department.

MS.

SERIES.

G.O. NO.

MS. 988. Edn.

988

Dated

12-5-1947

[Despatch Abstract.]

Madras Educational Service - Venkatasubramania Ayyar, Sri.K.V. - Professor Law College, Madraw - Leave after retirement - Granted relaxing Fundamental Rules.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	574						
	15229						
	372						
	8229						

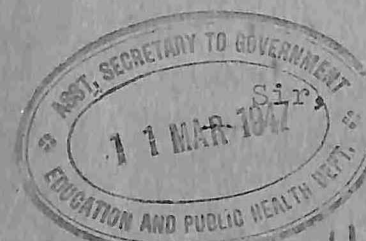
Further Papers.

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

From Education Department.
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, Madras.

Re.No.11789 C-1/46 dated 8-5-1947.



Sir,
Madras Educational Service - Sri K.V.Venkatasubramania Ayyar
- Professor, Law College - Leave preparatory to retire-
ment- Date of superannuation.

Ref: G.O.No,Ms.372 Edn., dated 28-2-1947.

I have the honour to invite your attention to paragraph 2 of
my Endorsement R.O.No.11237 J-4/46 dated 29-1-1947, wherein I have
stated that the date of birth of Sri K.V.Venkatasubramania Ayyar
should be 20-5-1892. Accordingly the date of retirement should be
20-5-1947 and not 16-5-47 as stated by the Accountant-General, Madras.
If the Government are agreeable to this, then the Professor will have
to be granted leave for 5 more days i.e., till 20-5-1947. I solicit
the favour of early orders of Government.

[Signature]
for Director of Public Instruction.

*As per since
stated that the date of
retirement should be 20.5.47
k.h.10-3.
sol
have 10/3
acceding*

Subject: Madras Educational Service - Sri K.V. Venkatasubramania
Ayyar - Leave preparatory to retirement - Petition
Submitted.

Ref: Petition dated 4-3-1947 from Sri K.V. Venkatasubramania
Ayyar, Professor, Law College, Madras.

COPY Submitted.

2. In G.O. Ms. No.372 Edn., dated 28.2.1947 Sri K.V. Venkatasubramania Ayyar was refused the leave preparatory to retirement applied for by him as from 15th January 1947 (upto 14th March 1947) with due regard to the interests of Public service. The interests of public service did not require the refusal of the whole period of leave applied for by him, and this cannot therefore constitute a legitimate grievance for the Professor. In the circumstances, the request of the petitioner does not deserve any consideration.

3. As regards the discrepancy in the date of birth of the Professor (whether 16th May or 20th May 1892), the attention of Government is invited to paragraph 2 of this Office Endorsement R.C. No.11237 J.4/46 dated 29.1.1947, submitting the List of Gazetted Officers due to retire during 1947-48. Orders of Government are awaited.

For Director of Public Instruction.

To
The Secretary to Government,
Education and Public Health Department,
MADRAS.

P.R. 13/3.

COPY OF: Letter dated 4th March 1947 from K.V. Venkatasubramania Iyer, Professor, Law College, Madras addressed to The Director of Public Instruction, Madras.

"I see from the official news appearing in this morning's Hindu that Government have granted me leave for two months from the 15th March preparatory to retirement. Presumably this has been done ~~on~~ my application for leave in December last. But my application was for leave from the 15th January for whatever period might stand to my credit under the leave rules. I stated in my application that I had never taken leave during my service and, as I was reaching the Superannation limit shortly, I wished to avail myself of the leave to which I might be entitled. The object of my application was to obtain relief from the high pressure of college lecturing ~~will~~ work in January and February, which, being concluding months of the academic year, involve much harder work than the earlier months. As I received no intimation of orders granting me the leave I asked for I conclude that the exigencies of College administration had made it impossible for Government to grant my request. I find now that leave has been granted me for a period in respect of which it makes no difference whatever to me whether I get leave or not. College lectures will be over by the 15th of March, and the granting of leave to me subsequent to that date gives me no relief whatever. In view of the fact that Government have virtually refused to grant me the leave, I asked for, namely 1 from the 15th January, May I request Government to allow me 2

P.T.O.

E Phra

Our further correspondence started ~~from~~ ^{W. R. L. stated} the D.D.'s letter ref. to at A. A. 1 and the A. G. ~~after~~ that there was no audit sign. In fixing the date of the Professor's retirement as 20.5.19 The file concerned is in on to H. C. (Cont). It returns may be awaited and, then, orders modifying the leave may be issued.

$$\frac{0841}{1373747}$$

13.2.9 / 19/8/97

avail myself of whatever leave may stand to my credit subsequent to the date when I reach the Superannuation limit? Further, may I point out that the date of my birth is 20th May, and that is the date when I complete my fiftyfive years of age.

Sd/ K.V. Venkatasubramania Iyer.

N.R.C. No. 285/46 dated 4.3.47.

Recommended and submitted.

The request is to grant him whatever leave he is entitled to after he retires on the 20th of May in view of the fact that he has not taken all that leave before retirement.

Dated, 4.3.47.

Sd/ R. Krishnamenon,
Principal,
Law College, Madras.

P.R.13/3.

[Signature]
For Director of Public Instruction.

21716
R.C.No.11789 C-1/46.



Office of Director of Public Instruction, Madras 15-3-1947.

SUB:-Madras Educational Service - Sri K.V. Venkatasubramania Ayyar - Leave preparatory to retirement - Cancellation of leave - Requesting.

REF:-Petition dated 12-3-1947 from Sri K.V. Venkatasubramania Ayyar, Professor, Law College, Madras, and endorsement N.R.C.No. 285/46 dated 13-3-1947 of the Principal thereon.

COPY submitted in continuation of the Director's endorsement

R.C.No.11789 C-1/46, dated 13-3-1947.

2. In the circumstances explained by the Professor, it is recommended that the leave already granted in paragraph 1 of G.O.Ms.No. 372, Education, dated 28-2-1947 may be cancelled. His request that the leave refused to him may be granted from the date of retirement may be considered.

[Signature]
Director of Public Instruction, Madras.

To
The Secretary to Government, Edn. & Pub. Health Department,
Fort St.George, MADRAS.

COPY of letter dated 12-3-1947 from Sri K.V. Venkatasubramania Iyer, Professor, Law College, to the D.P.I., through the Principal.

I have received from the Principal of the College copy of a communication, R.C.11789 C dated 8-3-1947 intimating that leave has been granted to me with effect from the 15th March. I am writing this to state that the leave granted is not the leave I asked for and that I have no desire to avail myself of it. Lecturing work in the college will be over with the 14th March and I gain no advantage by going on leave now. Besides, on the basis of the leave now granted, I shall draw full pay ~~thereafter~~ until the end of April but only half average pay thereafter, whereas, in the ordinary course of things, I will be entitled to full pay till the date of superannuation in May, whether it be the 16th or the 20th. In the circumstances, I have decided not to avail myself of the leave granted and I have informed the Principal that I shall come to the College as usual till the College closes and hold myself in readiness for any college work which requires to be done. It seems probable that there will be room for misunderstanding regarding my attitude, if I do not make it perfectly clear and I am writing this accordingly. Whether, in view of what has happened, I should be allowed the benefit of any leave I have earned with effect after the date of my superannuation is I hope a question which will receive consideration.

NRC No.285/46 dated 13-3-1947 of the Principal, Law College.

Submitted to the Director of Public Instruction.
The petition is for cancellation of the leave granted and it may be allowed if rules permit.

The petition is based on the fact that the College closes for the summer vacation on the 15th April and that lecturing work is normally over by the 15th March.

True Copy

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

(4)
M.E.S. - Venkatasubramania Ayyar, Sri K.V.,
Prof., Law College, Madras - Leave after retire-
ment - Granted relaxing F.R.

Read:- G.O.No.372-Edn., dated 28-2-47.
" 514-Edn., dated 15-3-47.
From the D.P.I., No.11789-01/46,
dated 15-3-47.
cf. 5

G.O.(ms.) No. 788 Edn., dated 12.5.47

Sri K.V.Venkatasubramania Ayyar, Prof.,
Law College, Madras, applied for leave from 15-1-1947,
prep. to retirement. The first two months of the
leave ~~was~~ applied for, was refused in the public
interest and the remaining period was sanctd. The
officer has since requested for certain reasons that
the period of leave sanctd. may be cancelled. The
Govt. accordingly direct that ^{first} orders in para 1 of
the G.O./read above be not given effect to.

100
12/5

w/5cf
p/5ab

w/12

w/5cf

cf. 5

w/5

2. In view of the foregoing orders, Sri Venkatasubramania Ayyar will not be eligible to take the leave for 2 months refused to him, from the date of superannuation, as the leave cannot be treated as falling under F.R.86(a). The Government however consider that the officer shd. not be prevented from availing himself of the leave which was refused to him in the public interest. H.E. the Governor of Madras, therefore, directs, under section 241(6) of the G. of I. Act, that the provns. of ~~rule~~ F.R.86(a) be relaxed in favour of Sri Venkatasubramania Ayyar and he be granted leave as in para 3 below.

3. Sri K.V.Venkatasubramania Ayyar, Prof., Law College, is granted leave for 2 months from 20-5-1947, subject to eligibility.

To the DPI. ✓
" AG. ✓
" SGP (para 3 only--for pubn. in the Gazette). ✓
" B.B. ✓
" Pub: (CL) ✓
" D. of I. & P. 2 copies ✓
" Private Secy. to HPM ✓

*Despatched
B. S.*

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

C.19951. From the D.P.I., Nos 11789-01, dated 8-3-47, 13-3-47 and 15-3-47.

M.E.S. - Sri K.V.Venkatasubramania Ayyar, Prof., Law College - Leave prep. to retirement.

Sri K.V.Venkatasubramania Ayyar, Prof., Law College,

applied for leave prep. to retirement from 15-1-47. On the recommendation of the Principal of the College and the D.P.I., leave for 2 months from 15-3-47 was refused to him in the public interest and leave from 15-3-47 to 15-5-47 (date of retirement) was granted to him. 15-3-47 was fixed as the date of ^{Prof. 15} superannuation w.r.t. the A.G.'s certificate. The A.G. has since agreed to the Govt. fixing the date of retirement as 20-5-47, and orders permitting the officer to retire from that date have accordingly been issued.

In his subsequent letters, copies at pp.3-4 and 5 C.F., the Prof. says that he has no desire to avail himself of the leave from 15-3-47 granted to him, as it is not the leave he asked for, and that what he wanted was relief from lecturing work in the months of Feby. and March. The leave may therefore be cancelled, as recommended by the D.P.I.

It is presumed that, in spite of the cancellation of the leave, the officer will be eligible to take, from the date of retirement, the leave for 2 months refused to him in the public interest in para 2 of the G.O. Finance may be requested to offer their remarks.

Finance (C.S.R.).

Sri K.V.V.Ayyar, Professor, Law College, applied for about 4 months leave preparatory to retirement. The first two months of leave was refused in the public interest and the remaining period was granted to him. Under F.R. 86(a), he was eligible to avail himself of the leave refused from the date of superannuation. It is now proposed, on his own request, to cancel the leave already granted to him. E.P.H. presume that in spite of the cancellation of the leave, the Professor can avail



A above.

himself of the leave already refused in the public interest from the date of superannuation.

2/ As the Professor wishes to have the leave already granted to him cancelled and return to duty, the leave applied for with effect from 15-1-47 cannot be deemed to be leave preparatory to retirement and it will not therefore fall under F.R. 86(a). In this view, he ^{will} ^L not be eligible for any leave after retirement. ~~If the leave of two months previously refused should be granted to him from the date of superannuation, it can be done only by relaxing the provision in F.R. 86(a) and in this case H.M. (Finance) should see. But there are no special circumstances justifying such relaxation.~~

With the above remarks, the case may be returned to

E.P.H.

Cis
29.3.47

DS.

E.P.H.

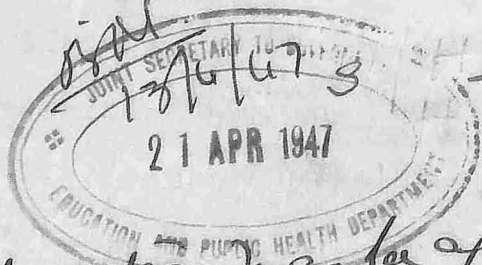
A above is correct, but Fin. need not object to relaxation of the rules if E.P.H. pass & orders in On including H.F.M. are taken.

24/3

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

If the F.R., as explained by Fin. at "A" above, is

applied to the case, the officer would be put to hardship in that he cannot avail himself after retirement of the leave which he was prevented from taking before retirement in the public interest. This Dept. may therefore press for relaxation of the rule in his behalf and circulate the case to H.M. (Edn.) ^{and} H.M. (Fin.) ~~and H.P.H.~~ for orders.



Relaxation may be granted

B.S.A.
21/4



16/4/47

21708-15

2508

Cis
29.3.47

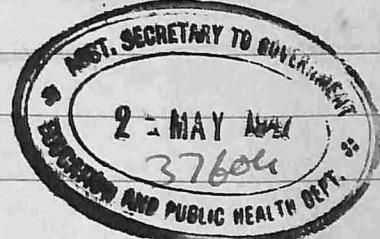
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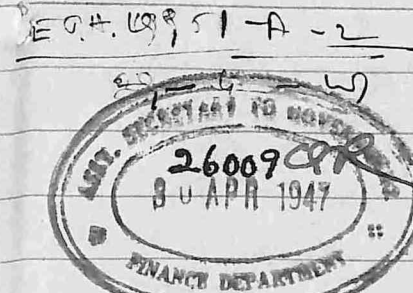
A draft order is subd. Fin. may see before ~~the~~ ^{can} again.

pg. 25.4-1/11/47
25/4/47

25/4/47



Finance (C.S.N)

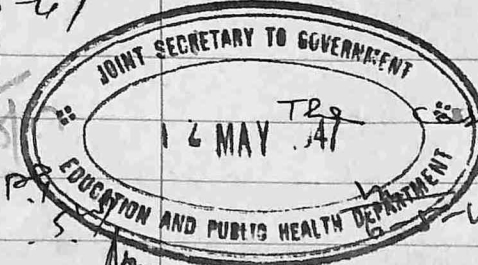


Fin. No. 26009 OR-1

2-5-47

10 MAY 1947

being grant of leave after ret. sent. Instr. 16



Previous fin notes on pp 1-2 above, orders in circulation on 2 above and the draft order may be passed and the case returned to. Gen. PH.

may be circ. to H.E. also.

PSR. H. agrees 1/11/47

From The Director of Public Instruction, Madras.

17 MAY 1941

Correspondence ending with my letter Re. No. 11789 C-1/46
dated 15.3.47 regarding the grant of leave to Sri K.V.
Venkatasubramania Ayyar, Professor, Law College, Madras.
under F.R.86 (a).

Kindly let me know when orders of Government on the subject referred to above may be expected. The Principal, Law College, has been directed to relieve the Professor on 19.5.47 Afternoon.

P.R. 16/5.

For Director of Public Instruction.

^{STH}
16/5

Orders have been issued granting leave for 2 months to ~~the~~ Professor from 20.5.47 after relaxing the rules - (b) 6-7 CF No. 18.5.47/14 action on this. May be filed. 15/5/47

^{STH(A)}
15/5/47

S. Y. 52.
Report of the Accountant General on application for Leave of Absence.
Madras

			LEAVE APPLIED FOR.				
Station.	Name of Officer.	Appointment.	Nature.	Period.			Date of commencement.
				Y.	M.	D.	
Madras	Sri K.V. Venkata-sulbramaniam Ayyar	Professor, Law College	L. A. P	-	1	9	from 20/7/47
			L. H. A. P	-	-	21	29/6/47
			Return from leave for 20.7.47				

No. Q.4 Edn 630 d 26.6.47
(Under Fundamental Rules.)
Certified that Leave for 12 months — days is admissible from 20.5.47
19 , under Fundamental Rules, viz., Leave on average pay for one months — days with leave on half average pay for — months — days under rules — of those rules, or if the leave is spent out of India, Ceylon, Nepal, Burma or Aden or is taken on Medical Certificate* but is not leave preparatory to retirement, Leave on average pay for — months — days with leave on half average pay for — months — days under rules — of the said rules.
(Under — Leave Rules.)
Certified that leave for — months — days is admissible from — 19 , under — Leave Rules, viz., — leave for — months — days with — for — months — days under rules — of the said rules.
[P.T.O.]

2/ ✓
There is no objection to his prefixing or affixing gazetted holidays or Sunday to leave provided the conditions prescribed in this respect are satisfied.

*N.B.—Leave reported on Medical Certificate may be granted to an officer on his furnishing proper Medical Certificate as prescribed in the subsidiary rules in support of his absence and the fact of the grant of any leave on Medical Certificate or out of India, Ceylon, Nepal, Burma or Aden may be distinctly stated in the orders sanctioning the leave.

Forwarded to The Secretary to Govt. Education and Public Health Department with reference to S.O. No. MS 988 Edn. d/12/5/47

†2. A copy of the orders sanctioning the leave may be sent to this office, with an intimation of the actual hour and date on which he is allowed to proceed on leave.

†3. The actual hour and date of his return to duty may also be intimated on his return from leave.

OFFICE OF THE

Accountant - General
Madras

(Signature)

Dated the

July 1947.

(Designation)

M. S. Srinivasan
Asst. Accts. Officer
MS

†To be scored out as unnecessary.

Depo
2/18/47
CF
B/3
B/4
CF
Y/17/47
From: The Asst. Secy. ED GA
To: The Asst. A/cy. Officer, A.G.'s Office.
Ref:—Your No. S4. Edn. 630, d/—20.6.47, re: Leave to S. K. V.
Venkatesubramania Murar, Professor, Law College.
In
Acc. to your report No. S4. Edn. 488,
d/—27.1.47 (disposed of in S.O. 372 Edn.,
d/—28.2.47) A. S. K. V. Venkatesubramania
Ayyar was eligible for leave on average
pay for 1 month & fifteen days from
15.3.47, etc. The Officer has not availed
himself of any leave since that date.
It is not clear how then the leave
on ave. pay credited to his account
has been reduced to 1 month and 9 days.
Kindly elucidate. On receipt of yr. reply,
neey. modfr. to para 3 of S.O. 988-Edn, d/—12.5.47
will be ordered.

MS
1/17/47
MS
1/17/47

No. G.4.Edn.749.

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, dated the 12th August 1947.

Enclosures.

From

The Accountant General, Madras.

To

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

Sir,

66103

Subject: Sri.K.V.Venkatasubramania Ayyar, Professor,
Law College - Leave Eligibility - Report of.
Reference: Telephonic Message (By Post) dated the 2nd
August 1947.

....

8/3

not
rev

pp. 1-2
b. 12

In this office eligibility report sent in No.G.4.
Edn.499 dated the 27th January 1947, the officer's service
(as lecturer in Law College) prior to the 17th January 1933
was taken into account in calculating the leave admissible
to the officer. The Director of Public Instruction since
stated in his R.C.No.11789.C.1/46 dated the 19th July 1947
that the officer's service prior to the 17th January 1933
was part-time service. As there is no provision for carrying
forward leave earned by part-time service the period prior to
the 17th January 1933 was excluded in the revised report sent
in this office No.G.4.Edn.620 dated the 26th June 1947.

tmp/.

Althi hramach
Assistant Accounts Officer.



(12)

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118
19

Memos No. 61432A-1 1-9-47

M.E.S. - Sri K.V. Venkatasubramanian Aygar
Prof, Law College leave
Ref: - From the A.S. No. 84, 60-749, dt-12/8/47

partial
modification of paragraph 3 of G.O. No. 785 dt. 12.8.47

the
Govt. direct that Sri K.V. Venkatasubramanian Aygar be granted leave on average pay for one month and nine days from 1.10.47 to 20.5.1947 and leave on half average pay for twenty-one days in continuation.

21/8/47
21/8/47

21/8/47 S. [signature]

21/8/47
To the A.S.
with copies
7 pp. 1-204