

E & P. H

(1948) Department.

Ms SERIES.

G.O. NO. 1613 Education

Dated

22-6-1948

closed

~~ms~~

Supdt.

[Despatch Abstract.]

Madras Record Office - Retrenchment -
Dusting of persons - Procedure.

Back Papers.

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

Further Papers.

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

CONFIDENTIAL.

Endt.No. 1372-A/48-1.

Madras Record Office,
Chittoor, 11th June 1948.

Forwarded.

2. The petitioner is one of the clerks who had to be discharged for want of vacancies in this office, consequent on the retrenchment orders issued in G.O.No.440, Education, dated 4th March 1948. The procedure followed in deciding on the discharge of such persons was according to the scheme of discharge laid down in G.O.No. 3036, Public (Services), dated 29th December 1945 and it has been explained to the Government in this office letter No.2247-A/47-10, dated 14th April 1948, orders on which are awaited.

3. The petitioner belongs to the Brahmin community from which there was an overrecruitment of candidates in respect of this office during the years 1942, 1943 and 1944.

4. Sri T.S.Viswesan mentioned in the petition, is a Non-Brahmin and he was selected by the Madras Public Service Commission for appointment as a typist and allotted to this office in 1942. He was appointed as a typist on 23-4-1942 and was transferred as an officiating lower division clerk on 17th July 1944 (afternoon). He has continued as a lower division clerk ever since. His appointment as a clerk was not made under the emergency provisions as stated in the petition. It was a regular appointment since he possesses the minimum general educational qualifications prescribed under the rules (please see R.Dis.1107 A/44 enclosed).

5. In regard to the contention of the petitioner that the retention of Sri T.S.Viswesan as a clerk on communal grounds in preference to the petitioner is irregular because Sri T.S.Viswesan was recruited first only as a typist and transferred as a clerk only subsequently, reference is invited to paragraph 2 of the G.O.No.3036, Public (Services), dated 29th December 1945 cited above from which it may be seen that the instructions issued therein apply to all the candidates recruited to the Madras Ministerial Service during the years 1942, 1943 and 1944 and that they do not make any distinction as between clerks and typists. Nor does the communal roster maintained for each unit call for any such distinction.

6. It has also to be mentioned that the percentage of composite marks referred to in G.O.No. 3036, Public (Services) dated 29th December 1945 is higher in the case of Sri T.S.Viswesan than in the case of Sri T.V.S.Satyanarayana Murthy, as may be seen from the extract from the list of marks maintained in this office, which is given below:

	Marks received at the Public Service Commission Examination.	Total marks obtainable at the Examination.	Marks allotted by the head of the office.	Total of the Marks.
1. Sri T.S.Viswesan	74	150	50	124 out of 150.
2. Sri T.V.S.Satyanarayan, Murthy	175	450	150	325 out of 450

7. It may also be stated that no orders were issued on the petition of Sri T.V.S.Satyanarayan, Murthy dated 16th April 1948 since it was considered that that petition could be disposed of after the orders of the Government on this office letter No.2247-A/47-10 dated 14th April 1948.

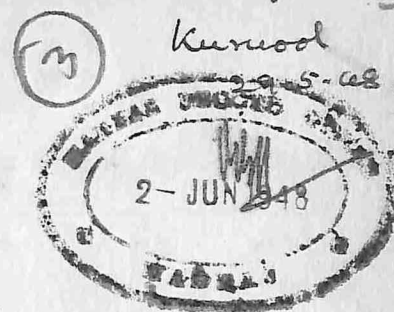
Encls: 1) Petition of Sri T.V.S.Satyanarayana Murthy dated 29th May 1948 (with its enclosures).
2) R.Dis.No.1107-A/44.

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

BR.

CURATOR.
11-6-1948.

From
J.V.S.Satyanarayana Murthy
c/o T.Satyanarayana Murthy
No.15/53 Fort, Kumool.



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

Thro'
The Curator,
Madras Record Office, Lohittoo

Respected Sir,

Sub:- Retrenchment - Madras Record Office -
Abolition of Certain Posts - Ordered.

Read:- (1) G.O.No. 440 Edn. dt 4-3-1948
(2) M.R.O. Chittoor Office Order No.2247-
47/A.3 dt 31-3-1948.
(3) My petition for reconsideration of
Orders dt 1-4-1948.
(4) Curator's Memorandum No.766/A/48
dt 9-4-1948.
And (5) My petition dt 16-4-1948.

I most humbly beg to submit the full facts of my case for due Consideration by Government in passing orders on the reference, which the Curator informs me was being sent for orders about my having been ousted in favor of Sri T.S.Viswesan, who is my junior in the office.

2/- Consequent on the abolition of the Special Assistant post in the Madras Record

under G.O. No. 440 Edn. of 4.3.1948, I was ^{(W) 17} ousted from service on the afternoon of 31.3.48 after a continuous period of more than four years service from 22.3.1944 to 31.3.48. I have completed the period of probation satisfactorily on the afternoon of 21.3.1946. I was promoted to the Upper Division and has been working from 1.4.1946 to 25.3.1948 afternoon. I was reverted to lower division on 26.3.1948 for want of a vacancy, and on 1.4.1948, I was retrenched from service without considering my seniority and giving preference to my junior, Sri T.S. Viswesan.

3/- Sri T.S. Viswesan, was selected by the Madras Public Service Commission in 1942 only as a Typist (Vide Fort St. George ^{Gazette} Part I-B- not put up 1942 of 2.6.1942 Page 355) after his competitive examination only in Grammar, when he did not possess the minimum General Educational qualification and did not possess of S.S.L.C to compete for the clerical service in the examination held in four subjects. He was only as a Typist for more than two years. He was promoted as a lower division clerk on a temporary basis under the emergency provisions after 2.6.1944. When he was qualified for the clerical service, his name was sent up to the Service Commission by the Auditor for appointment as a clerk to fill the posts temporarily. He was given slender chances

to act as Upper Division clerk now and then. ^{(V) 35}

(W) of L.F.

4/- In G.O. No. 440 Edn. of 4.3.48

(C) of L.F.
the Government directed the Auditor to observe the strict order of juniority either in the case of reversion or discharge. I beg to point out ~~is~~ that this principle has not been observed and instead, the instructions contained in G.O. No. 3036 public (Services) of 29.12.1945 have been observed. I am unaware whether the orders contained in the Government Order are still valid. Granting that this G.O. is still operative, I beg to submit that the retention in service of my junior, Sri T.S. Viswesan as a clerk is not sustainable under the orders contained in the Government Order for the following reasons.

1) Sri Viswesan was directly recruited as a typist and the Communal rule has to be satisfied only at that stage. His transfer as a clerk need not and has not to satisfy the Communal rule under the service rules. I submit that on the ground of Communal Consideration, Sri Viswesan's retention in service as a clerk will not satisfy

the service rules.

ii) The marks obtained by Sri Viswesan at the Madras Public Service Commission Competitive examination in respect of the examination held to select him only as a typist and naturally the marks will only reveal his efficiency as a typist and it is no proof of his efficiency as a clerk inasmuch as the typists sit for only one question paper and the clerks sit for four question papers for the Competitive examination. I submit that this aspect of question may also be considered.

5/- From what is stated above, it will be seen that the procedure enunciated in G.O. No. 3036 Public (Services) dt 29.12.1945 cannot be applied for posting me in preference to my junior Sri T. S. Viswesan, since the two considerations (viz., Communal rule and marks) cannot be applied in the case of appointments by transfer.

6/- The above points mentioned in para 4 were taken notice of in my petitions dt 1.4.48 and 16.4.1948. On my petition dt 1.4.48, the Curator informed me

that I was posted only in strict accordance with the Government Orders relating to the posting of clerks. I was also informed that the matter is however being referred to Government and that a further communication will be sent on receipt of orders from Government (Copy enclosed) As no intimation was given to my petition dt 16.4.48, it is not known, whether all these facts were brought in, while referring the matter or without making mention of them.

7/- In Conclusion, I most humbly submit that G.O. No. 440 Edu. dt 4.3.1948 laid down that the discharge or reversion should be carried out in accordance with the strict order of seniority in the category of clerks and that the seniority of a typist, who was selected after 2.6.1944 for appointment as a clerk under the emergency provisions and who have no ^{probationary} rights can have no preferential claim against one like me, who was selected for a clerk's post by the Madras Public Service Commission on a competitive examination and that my grievance of having been posted without taking the facts and orders into consideration may kindly graciously be redressed

by ordering my restoration to clerk's post
and reverting Sri T. S. Viswesau to typist post
for which he was selected.

I beg to remain,
Respected Sir,

Your Most obedient servant.

I.S. Sathyanarayana
29.5.48

Encl.

- 1) Office order no. 2247/A/47-8 dt 31.12.48 pp 9-10 info
- 2) My petition dt 1.4.48 pp 11-12 info
- 3) Memo no. 766/A/48-1 dt 9.4.48 pp 13 info
- 4) My petition dt 16.4.48 sent by registered post pp 15-17 info

Enc. No. I

Copy of Office order No. 2247/A/47-8 dt
31.3.48 from the Curator, Madras Record
Office Chittoor.

Subj: - Establishment - Madras Record Office -
Retrenchment - Special Assistants' post - Abolition
Consequential arrangements - Ordered.

Read: - G.O. no. 440 E dt 4.3.1948

(W) L.F.

1) The temporary post of Special Assistant
in the scale of Rs 140/5/190 is abolished with
effect from 1.4.1948.

2) In consequence of this abolition, the
following orders are issued and they will
come into force with effect from 1.4.48 (Forenoon)

i) Sri M. Natesan, Temporary Special Assistant
is appointed as Office Assistant and posted to the
Reprint Section. He will continue to do the Selection
work and will also be in charge of the Confidential
records as hitherto.

ii) Sri P. S. Ramachandran, Office Assistant,
will revert to his permanent post of Upper
Division Clerk.

iii) Sri B. Subbarao, Officiating Upper
division clerk, will revert to the lower division
and officiate as lower division clerk.

iv) Sri T. V. S. Sathyanarayana IAS, Officiating
lower division clerk, will be posted for want of
a vacancy.

3) Since, in consequence of this measure of
retrenchment, there will be no vacancy for any
of the four persons mentioned below, they will be
considered to have been discharged from service.

with effect from 1.4.1948 (forenoon). Under G.O. no. 3036 Public (Services) dt 29.12.1945 their discharge will be regarded as final.

- i) Sri T. Sarvarayudu (Absent without leave from 17-1-48.
- ii) Sri A. Subbarao (on duty in the District Munsiff's Court, Kozhikode, West Egoorani District).
- iii) Sri V. K. Varadachari (Appointed on 18.8.45 while on military duty)
- iv) Sri S. Rajaram (on duty as joint inspector of Cooperative Societies)

4/- The following postings are ordered with effect from 1.4.1948 (Forenoon)

Sri P. S. Ramachandran on his reversion to the Upper division will work as Chief Referencer.

Sri R. Thyagarajan now Chief Referencer will work as Referencer Block VIII

Sri B. Subbarao, now Referencer of Block VIII, will now work as the Assistant to the G.D.C.

Sri B. Mahabaleswar Rao, now working as assistant to the G.D.C. will work as despatching clerk.

(Sd) P. S. Baliga
Curator.
31.3.48.

5/- The individuals (Paras 1 to 3 only) to the persons mentioned in Para 3.

Copy to the G.D.C.

Copy to the office Assistant in Charge, Madras

Enc. No. II

Copy of petition for reconsideration of orders dated 1.4.48.

Sub:- Establishment - Madras Record Office - Retrenchment - Abolition of Special Assistant post - Consequential arrangements - Ordered

M 910
ant

Ref:- Office order no. 2247-A/47-8 dt 31.3.1948

I beg to submit the following for kind perusal and favourable orders.

In Office order no. 2247-A/47-8 dt 31.3.48 I was ousted for want of a vacancy and as a result of retrenchment from 1.4.48. In G.O. no. 440 Education dt 4.3.1948, read in the office order states that strict seniority should be observed in the case of discharge or reversion.

I understand that in carrying out the retrenchment, this principle of seniority has not been observed and instead, the Communal rule has been applied to the detriment of the interest of the clerks ousted or about to be ousted.

Thus I may submit is unjust and unfair in the extreme. I therefore humbly request that my Case may again be

reconsidered in the light of the above and that I may be reinstated. I am quite prepared to take my chance and always ready to bow to the inevitable when my turn comes.

In Conclusion, I do not want that any special treatment should be accorded to me or anything out of the way done to me. I should be immensely pleased if bare justice is done.

Thanking you in anticipation for your kindly reconsidering the order and doing the needful to set matters right if there should be any miscarriage of justice

(Sd) T.V.S. Saljanarayana Moos
1.4.48.

(True copy)

29.5.

P.
Enc. no. III

Copy of Memorandum No. 766/A/48-19
9.4.1948. of the Curator, Madras Recd
Office, Chittoor.

Sub:- Saljanarayana Moos; Sri T.V.S.-
Petition.

Ref:- Petition from Sri T.V.S. Saljanara-
yana Moos; of 1.4.1948.

11-12
ant

Sri T.V.S. Saljanarayana Moos;
is informed that he has been ousted only
in strict accordance with the Government
orders relating to the ousting of clerks.
He is also informed that the matter is
however being referred to the Government
and that a further Communication will be
sent to him on receipt of the orders of
the Government.

(Sd) B.S. Baliga
Curator.
9.4.48.

To
Sri T.V.S. Saljanarayana Moos
C/o R. Malikarjuna Rao.
No. 176 Brahmin Street
PAKALA, Chittoor Dt.

(True copy)

29/5

14
D,
Enc. No. IV

Copy of my petition of 16.4.48¹⁵ ¹³ Sent
to Curator, Madras Record Office Chittoor
by Registered Post.

Sub:- Retrenchment - Madras Record
Office - Abolition of Special Assistant
Post - Consequential arrangements -
ordered.

Ref: 1) Office order No. 2247/A/47-8
of 31.3.48.

2) My petition of 1.4.48 for
reconsideration

and 3) M.R.O. memo no. 766/A/48-1
of 9.4.48.

In Continuation of my petition of
1.4.48, I respectfully beg to submit the
following facts, which may also be taken
into account while referring my case
to Government.

2/. I understand that Sri T.S. Visweswar
who is my junior to me as a clerk is still
continuing as a clerk presumably on the
ground that he belongs to the Non-
Brahmin Community and on the ground of
Comparative efficiency with reference to
G.O. no. 3036 (Lab Ser) of 29.12.1945. I
am unaware whether the orders contained
in the G.O. are still valid. Granting

C.L.F.

16
that the G.O. is still operative, I submit, that the retention in service of my junior, Sri T.S. Viswesaran as a clerk is not sustainable under the orders contained in the Govt. order for the following reasons.

(a) Sri Viswesaran was directly recruited as a typist and the Communal rule has to be satisfied only at that stage. His transfer as a clerk need not and has not to satisfy the Communal rule under the service rules. I submit therefore that on the ground of Communal Consideration, Sri Viswesaran's retention in service as a clerk will not satisfy the service rules.

(b) The marks obtained by Sri Viswesaran at the R.P.S.C. Competitive examination were in respect of the examination held to select him as a typist and naturally the marks will reveal only his efficiency as a typist and it is no proof of his efficiency as a clerk inasmuch as the typists sit for only one question paper and the clerks for four question papers for the Competitive examination. I submit that this aspect of question may also kindly be considered.

3/- From what is stated above, it will be seen that the procedure enunciated in G.O. No. 3036 Pub (Ser) D, 29.12.45 - Cannot be applied for ousting me in preference to my junior Sri T.S. Viswesaran since the two considerations (viz., Communal rule and marks) Cannot be applied in the case of appointments by transfer.

15-17
41- Lastly, I submit that the orders issued in the office order No. 2247/A/47-82, 31.3.48 may kindly be considered in the light of the foregoing facts and I may be reinstated in service in preference to my junior.

(80) T.S. Sathyanarayana
(True copy)

29.11.48

24/6
22/6

pp 3-8 cf
pp 1-2 cf

Will be filled before Edm.
dispatch - vide draft
memo in the Top file

15/6
17/6/48
The curator, M.R.O.
the petitioner (para 2 only)

19 E.P.H.(93)

Estl. - M.R.O. Appeal - Sri J.V.S.
Satyanarayana Murthy - Against the
order of the curator, M.R.O. - Orders passed.

From Sri J.V.S. Satyanarayana Murthy, d/ 29.5.48.
from the curator, M.R.O. Endt. NO. 1372-A/48-1 d/ 11.6.48.

Order (MS) NO. 1613 Edm. d/ 22.6.48.

The attention of the Curator, M.R.O.
is invited to the orders in memo. NO. 28230 G/48-3
d/ 21-6-48 and he is requested to take action
as indicated herein on the claims of
~~the petitioner~~ Sri J.V.S. Satyanarayana Murthy
allowed.

2. The petitioner is referred to the
Curator, M.R.O. for orders on his petition cited above.

18/6/48

P.T.O.

Bo
29/6/08

22

E. & P. R. Dept. (G.3)

Please see the letter from the Curator, M.R.O. at p1 ante. The Memo. referred to by him has ^{since} been despatched to him. Please see the memo at p5 of (C). This may simply be ~~as~~ filed with the G.O. at (W).

RV
22/4/48
cew
28/4

30/6/48

From
Rao Bahadur
Dr. B. S. Baliga, Ph.D. (Lond.),
Curator, Madras Record Office,
CHITTOOR.

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

No. 2247-A/47-10 dated 14th April 1948.



Subj: Madras Record Office - Retrenchment - Custing of persons - Procedure.

Ref: G.O.No.440, Education, dated 4-3-1948 and
G.O.No.3036, Public (Services), dated 29-12-1945.

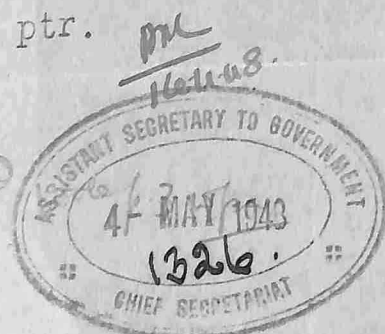
28 230 In G.O.Ms.No.440, Education, dated 4-3-1948 the Government have, as a measure of retrenchment, ordered the abolition of certain temporary and permanent posts in this office and directed that the reversion and custing of persons consequent on the abolition of these posts should be made in the order of juniority. But in G.O.No.3036, Public (Services), dated 29-12-1945 the Government have already ordered that in order to eliminate the large number of inefficient clerks and typists recruited by the Madras Public Service Commission in 1942, 1943 and upto 1st June 1944, a particular procedure should be followed in the case of persons recruited during this period. According to this procedure, candidates who have been recruited out of their communal turn should be ousted first and while doing so the most inefficient man should be ousted first, the next inefficient man next and so on. It has been laid down that for the purposes of comparing efficiency the marks obtained by the several persons at the examination held by the Madras Public Service Commission should be taken into consideration and that marks upto 50% of the marks obtainable at the examination should be added to them according to the abilities of the individuals and the names should be arranged according to the total marks thus obtained. When it comes to discharging anyone the order to be followed is the order of inefficiency as decided above and a person who is discharged is to be regarded as having been discharged once for all and he is to be given a gratuity corresponding to the length of his service, in accordance with G.O.No.3035, Public (Services), dated 29-12-1945.

191-2/10

2. This procedure which applies only in the case of candidates recruited during 1942, 1943 and upto 1st June 1944 has not been superseded till now. Therefore, reading the G.O. prescribing this procedure, viz., G.O.No.3036, Public (Services), dated 29-12-1945, with the second paragraph of G.O.No.440, Education, dated 4-3-1948, it has to be presumed that, while strict juniority should be followed in the case of all persons recruited before 1942, in the case of persons recruited in 1942, 1943 and upto 1st June 1944 the special procedure of ousting inefficient persons of the over-recruited communities should be followed, irrespective of their seniority. In the case of those who are ousted in this manner after 1-4-1948, however, the discharge is not to be regarded final in accordance with G.O.No.693, Public (Services), dated 19-3-1948, lately received. They are to have the right of re-employment, but in the case of those who were discharged on or before 1-4-1948, their discharge is to be regarded as final.

3. In carrying out the orders of the Government regarding the retrenchment of the clerical staff in this office I have had to oust some persons and I have ousted them in the manner explained in the foregoing paragraph. I may kindly be informed whether my procedure has been correct.

ptr.



CURATOR.

15-4-1948.

St.P.H. (83)

G.O.No. 693 Pub (Ser) dated 19-3-48 referred to above is not available with the CRB. The Pub (Ser) Dept. may be requested w.o. to put up the G.O. for this file and return the case urgently to this Dept.

E.P.H. no. 2823063/48-1
3.5.48.

8.5.
2.5.48

W
3.5.48

Relaxation - C



A copy of the G.O. 693 dt. 19.3.48 (Pub. Ser) is ~~here furnished herewith~~.
W.H. put up cl-p.3 cy (A). E & P.H. will no doubt let this dept in the case by giving reply to the curator

Pub. Ser. e.
W. 1326/48-1
6.5.48.

5/5/48
E+H

C. R. B. REQUISITION FOR RECORDS.

Madras Government Secretariat Edn. & P.H. Department 613 Section Record Issue No. I

To The Curator, Madras Record Office, Egmore.
The Superintendent, Central Record Branch, Fort St. George.
The Librarian, Secretariat Library, Fort St. George.

The following records are required:—

Serial number.	Nature of record (G.O., Ordinary or Routine, Memo, Random, En-dorsement, Demission, official, lodged papers, etc.)	Number.	Department.	Date.	Whether Original (O), Sp. copy (S.C.), or Sp. copy with Notes (S.C.N.)	PURPOSE.		If not furnished, reasons.
						Current number.	Year.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	G.O.	693	Public (Ser.)	19-3-48	OO or S.C.	28230/48a7		Not received

Date 30/4/48

Signature R. Vaidyanathan
 Designation

ACKNOWLEDGMENT.

Signature

Designation

Received the abovementioned records except items

Sectt. II-70.

M.R.O. - Retrenchment - Custing of persons - Procedure.

From the Curator, M.R.O. No.2247-A/47-10,d/14-4-48.

MEMORANDUM No. 28230 G13/48-3 Edn. d. 21-6-48.

The attention of the Curator, Madras, is ~~inform~~ invited to the last sub-para of para 1 of G.O.No. 821, Pub(Ser) dated 15-3-1947 and the Memo.No.1174/47, Pub(Ser) dated 4-6-47. ^{As per} by which orders the orders contained in G.O.No.3036.Pub(Ser) d/ 29-12-45 have been superseded, and he is informed that the procedure adopted by the ~~in~~ him is not correct. ~~and~~ He is requested to follow the procedure laid down in the last sub-para of para 1 of G.O.No.821.Pub(Ser) dated 15-3-47.

2. ^{The Curator} He is also requested to revise the orders ^{where necessary,} relating to the termination of ^{of candidates} services ^{passed} in the case of ousting the candidates stated in his letter cited above ^{of candidates} in accordance with the instruction issued in G.O. 3036, Pub (Ser) d 29.12.45.

o the Curator, M.R.O. 17848
 " A.G.

20/6/48

17/6

18-6-48

7 of (w)

HP 1-2 of (c)

p 7ef (w)

~~may be informed that in the~~
~~procedure laid down in para 2~~
~~of the G.O. 440.54n. of 4.3.48 may~~
~~be followed or whether the special~~
~~procedure laid down in G.O. No.~~
~~3036. Pub (Ser) of 29.12.45 may be followed.~~

~~The case may be sent to~~
~~Pub (Ser) W.O. for remarks.~~

29/1/48. The Curator's presumption seems correct. He
 may be informed accordingly. Pub (Ser)
 may see W.O.

8/1/48
 28.5.48
 Pub (Ser), Dept

The instructions issued with G.O.
 N. 3036 Pub (Ser) of 29.12.1945 have
 been superseded by those in the last
 sub para of para 1 of G.O. N
 821 Pub (Ser) of 15.3.1947 - see memo
 N. 1174/47-5 Pub (S) of 4.6.1947.
 E & P.H. may point out this to the
 Curator

8/6.48
 10/6/48
 E & P.H. (93)

please see the note of Pub (Ser)
 above. A draft memo. is submitted for approval.

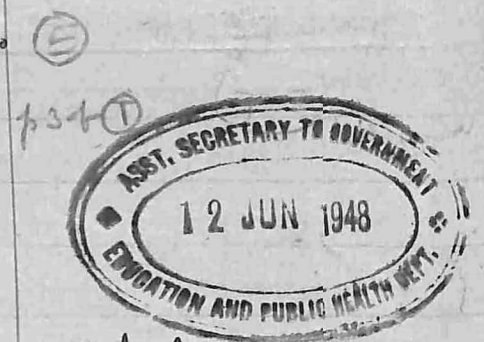
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P. 706 (W)

P.P. 1-206 (C)

E & P.H. W.O. 2823063/48-2
 31-5-48.

C / H. K. (11/6)



Pub. Ser e
 W.O. 1756/48.1
 11.6.48.



43539

17