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Dated 7.7.1948

[Despatch Abstract.]

Back Papers.

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3/11/47.

No.1 Sagoji Panditar's Street,
Melakavery, Kumbakonam,
1st November 1947.

From

Sri R. Subramanyam B.A.,B.Ed.,
(Formerly Senior Deputy Inspector of Schools, Hosur,
And Then School Assistant, Government Training
School, Villupuram)
No.1 Sagoji Panditar's Street,
Melakavery, K U M B A K O N A M.

DIRECTOR OF PUBLIC INSTRUCTION MADRAS
RC-10085-C6/47
27 NOV 1947

To

The Honourable Minister for Education &c.
The Government of Madras,
Fort Saint George,
M A D R A S.

1 MAR 1948
MADRAS PUBLIC SERVICE COMMISSION

Through
The Proper Channel.

Honoured Sir,

Subject: Madras Educational Subordinate Service-
Disciplinary order of dismissal -
Appeal against.

I was serving as School Assistant, Government Training School, Villupuram till 6th September, 1947. The Director of Public Instruction, Madras, has, in his Proceedings R.C.10085-C.6/47 dated 26th August, 1947, ordered that I should be dismissed from the Civil Service of the Crown. I was relieved from duty on 6th September, 1947. And I beg to prefer this appeal against the order of dismissal.

2. I am somewhat handicapped by the circumstance that the order of the Director of Public Instruction under appeal does not set forth the evidence for and against me, nor does it contain any discussion of the case at all, nor any examination of my representation dated 16th June, 1947 to him and points of view. After setting out the charges against me and referring to the fact that I had submitted representation called for by him with reference to the report of the Special Officer, the Director of Public Instruction, in para 4 of his order, expressed his mere agreement with the findings of the Special Officer on the 6 allegations against me and accepted the advice

of

of the Special Officer in regard to the penalty of dismissal. It is for consideration whether such an order can be considered valid or whether it can suffice to show that the Director's individual judgment has been brought to bear on the facts of the case.

3. As it is clearly felt that the Director of Public Instruction has adopted the whole of the reasoning of the Special Officer, I am obliged to subject the Special Officer's report to a critical scrutiny with the request that my submissions may kindly be considered by the Hon'ble Minister from the standpoint of the appellate authority's function, i.e., to determine whether

i. the facts on which punishment was based have been established
ii. the facts established afford sufficient ground for taking action, and
iii. the penalty is excessive, adequate or inadequate.

4. The Special Officer has acquitted me of all charges (II, III and IV) of corruption and part of Charge I relating to alleged false diary (allegations 5 and 8) recommending at the same time the extreme form of punishment, i.e. dismissal, for the remaining unestablished ones. I submit in this appeal that the findings are unsustainable, and that in consequence the Director of Public Instruction erred in accepting, without discussion with reference to my representation dated 16th June, 1947, and acting on them. I may kindly be permitted to deal with each of the said instances separately. The allegation is that in these instances I have made false statements vide preamble to Charge I:

"That between 13.5.44 and 6.11.45 when you were Senior Deputy Inspector of Schools, Hosur, Salem District, you maintained and submitted false diary as to the work done by you on the dates noted below:--"

5. Charge I: Allegation 1

"16.6.45. In your diary you stated as having attended the Teachers' Association meeting at Royakota from 14 to 14-30 hours and did War Propaganda

Propaganda over the recent success of the Allies and then left for Hosur, your headquarters at 15 hours and reached the same at 18-30 hours, while as a matter of fact you were at the Office of the Sub-Registrar, Hosur, ⊗ that day in connection with the registration of a deed of usufructuary mortgage for Rs.200/- executed by one Srimathi Mahalakshmi Amma which document was presented for registration that day between the hours of 1 and 2 p.m."

⊗ from 11 A.M

(i) The latter part of the allegation states that I was at Hosur from about 11 a.m. on 16.6.45. P.W's 1, 2, 4 and 5 who have been examined in proof of this allegation are residents of interior villages and have not said a word about my being in Hosur from about 11 a.m. The only person who has given evidence as to my presence at Hosur on 16.6.45 is P.W.3 (Sub-Registrar). He too has not at all said that he saw me at about 11 a.m. or from thereon continually for any length of time. His evidence at the most fixes my presence between 1 and 2 p.m. on 16.6.45 at Hosur. Therefore, the second part of the allegation that I was at Hosur from about 11 a.m. must fall as unsupported by any evidence.

(ii) The first part of the allegation has to be considered in the light of the evidence of the P.W's 1 to 5 and Ex. A, A1 and A3 which relate to the minutes of the Teachers' Association meeting under reference and Ex. A2, B, D and E being respectively the statements of P.W's 1, 2, 4 and 5 at the preliminary ex parte enquiry and Ex.C, the mortgage deed registered on 16.6.45. The essence of the allegation is that I had not come to Rayakotta at all on 16.6.45 and therefore the entries relating to my attendance at the Teachers' Association Meeting are false. In its positive aspect the allegation is sought to be supported by the evidence of P.W's 1, 2, 4 and 5 and in its negative aspect by the evidence of P.W.3 that I was at Hosur between 1 and 2 p.m. My first submission is that the prosecution evidence itself contains indications favourable to my presence at Rayakota on

16.6.45.

16.6.45. P.W. 2 has said in examination-in-chief itself:

> "I heard that he(referring to me, the Deputy Inspector) had come and gone. ..... On the same evening or the next day I heard that the Deputy Inspector had come and gone. The Post Master and the two Muhammadan Urdu teachers told me(~~that the Deputy Inspector~~) of it".

and in the cross-examination too he has stated:

> "The Muhammadan teachers who told me that the Deputy Inspector had come on 16.6.45 are called Nabis."

This evidence of a P.W. that he had heard from the Post Master and the two Muhammadan teachers fixes that I had come to Rayakota on 16.6.45. It is material and valuable to mention at this stage that the Post Master from whom P.W. 2 received information about my presence "On the same day or the next" has given evidence as D.W. 1 and stated that I was in the village on 16.6.45 and corroborates P.W. 2. Of the Muhammadan teachers referred to, one has been examined as D.W. 3. He bears out D.W. 1 on the point that I was at Rayakota on 16.6.45. P.W. 4 has also stated that he had heard from the Rayakota Post Master (D.W.1) that I had come to D.W.1's house on 16.6.45.

P.W. 5 has stated

> "That very evening, 16th itself, the Post Master said that this Officer had come and gone."

There is no ground whatsoever to disbelieve the statements of P.W's 2, 4 and 5 that they had been told by the Post Master (D.W.1) on or about 16.6.45 itself of my presence in the village on 16.6.45, the more so because the Post Master has given evidence as D.W. 1 in the most positive manner. There is one other witness whose evidence bears on this allegation, i.e., P.W. 8 cited by the prosecution with reference to allegation 3. But he, admittedly one of the teachers present at the Teachers' Association

meeting

6 5

meeting on 16.6.45, has stated with reference to 16.6.45

> "I got there (Royakota) when the meeting was going on. Mahadevan was presiding. I was there for some time and left before the meeting ended. From there I went to the Bus stand direct. I did not see this Deputy Inspector on my way there. The Post Master told me at the bus stand that the Deputy Inspector had come. ~~to the School~~ I said 'No'. Then he said that the Deputy Inspector was in the Post Office."

⊗ He first asked me if the Dy. Inspector had come to the school ⊗

* pp 25-37 (E)

~~A 17~~ = (13)

In my final defence statement to the Special Officer dated 24.3.47 at page 4 sub-para c (i) under charge 1 allegation 1 I definitely referred to the evidence of P.W. 8 just previously extracted. The Special Officer has not referred to this as a piece of evidence at all in his (Special Officer's) report. P.W's 2, 4, 5 and 8 have spoken to their having heard of my presence in Rayakota on 16.6.45. It is not seen why their evidence should have been discredited especially when the person who had given them this information on or about 16.6.45 has corroborated it by positive evidence and when besides one of the Muhammadan teachers giving similar information has supported it as D.W.3. The Special Officer has said that he does not rely so much on the evidence of P.W's 2, 4 and 5 as is favourable to me for the only reason that they did not mention the point in their statements at the preliminary ex parte enquiry, Ex. B, D and E. Such reasoning is clearly untenable.

* pp 3.8 (A1)

(a) Only statements made in my presence should count against me. It is implicit that portions of the evidence given at the open enquiry which are favourable to me, should go to my benefit.

(b) There is no direct contradiction between the evidence of P.W's 2, 4 and 5 on this point on the one hand and their prior statements on the other. They must have been answering questions put to them in the ex parte enquiry and might not reasonably think of volunteering information beyond the point of the question put by the investigating Officer. At the open enquiry statements of incidents remembered in my presence were elicited by me in the cross-examination and those favourable to me should not be brushed aside simply because they had not been mentioned in their earlier statements obtained behind my back.

None

None of the witnesses, P.W's 2, 4 and 5, not to mention P.W. 8, were declared hostile or cross-examined by the Prosecution. Portions of their evidence favourable to me are binding on the Prosecution and must go to my favour. Those P.W's definitely mentioned D.W's 1 and 3 as the sources of their information on or about 16.6.45 itself. D.W. 1's evidence and that of D.W.3 should have been accepted. D.W.1, the Post Master, referred to in the evidence of P.W's 2, 4, 5 and 8, has stated

> "He (referring to me) said that he had come from Gummanur and was in a hurry to go to Hosur. He said he had to return to Rayakota to attend the meeting. He went away. At about 3 p.m. he came to our office exhausted. I gave him some quinine pills. .....This may be in Ani".

The Special Officer rejects this evidence on the ground that the witness was not able to give any date but mentions that it occurred in the month of Ani.

> This reasoning ignores totally that Ani (the Tamil month) corresponds to June and July and that was the <u>only one</u> meeting at Rayakota attended by me after the summer vacation in May, 1945.

This reasoning also ignores that P.W's 2, 4, 5 and 8 link up D.W. 1's evidence with 16.6.45. Added to D.W. 1's evidence is the evidence of D.W. 3 who has been referred to as one of the informants of P.W. 2 and who has said that I was present at Rayakota on 16.6.45. If I was at Rayakota on that date it makes it very probable and acceptable that I was there only in connection with the Teachers' Association meeting and some War Propaganda work. The evidence fits in with my explanation that I was at Rayakota on 16.6.45, that I hurried up to Hosur for the purpose of <u>appearing as an identification witness only</u> in connection with the registration of Ex. C between 1 and 2 p.m. and rushed back to Rayakota in time to attend the Teachers' Association meeting there. It also makes it right to accept my further explanation that when I returned to Rayakota after my short stay at Hosur for the purpose specified above, I found that the school had not been

been opened and ~~some~~ teachers were in the verandah and that after speaking to them for a short while I left for the post office to get relief for my head ache telling that the meeting could be continued after the Headmaster's arrival with somebody in the chair and that was the reason why I had said in my diary that I merely 'attended' the meeting and not 'presided' over it. As is usually the case, the President of the day's meeting in question (Mahadevan) signed the minutes and I, as one who only attended the meeting in its early stages only for about half an hour did not sign the minutes. D.W. 3 whose presence is admitted by P.W. 2 one of the persons that attended the meeting, has stated that I was there before the school was opened and that I spoke to him and other teachers present then on the pial and left on the ground of feeling unwell adding that the meeting should go on when the Secretary arrived. D.W. 2, another teacher of Rayakota, corroborated D.W. 3 in every particular and proves the truth of the fact mentioned in my explanation. I therefore venture to submit that the evidence of P.W's 2, 4, 5 and 8 read with the evidence of ~~D.W's~~ D.W's 1, 2 and 3 establishes the substantial truth of the entry in my diary relating to 16.6.45.

(iii) The Special Officer has tried to make out that the evidence of the Sub-Registrar militates against the truth of my entry. There is really no such conflict. My presence in connection with the meeting at Rayakota was after 2 p.m. on 16.6.45. P.W. 3's evidence at the most fixes my presence at Hosur for some time between 1 and 2 p.m. only. The points that follow deserve consideration:

a. P.W. 3 was giving evidence on 24.2.47, i.e. nearly 20 months after the date of registration of Ex. C on 16.6.45. No previous statement had been recorded from him. He should have been guided only by the entries in the document which show that the registration took place between 1 and 2 p.m.

b. In para 3 of his examination-in-chief he has said that

that he examined the document and

> checked it in about 5 minutes and that the registration was done within 12 minutes after the document was presented

though in another place he states that

> I (meaning me) could not have left his office before 25 minutes after the document was presented.

The contradiction between 12 minutes and 25 minutes should suffice to show that his recollection about a routine incident in June 1945 could not be precise in February, 1947. It therefore stands to reason that if the document was presented for registration at 1 P.M., the registration was over in less than ¼ of an hour which left me sufficient time to come in a rushing journey to Rayakota about 21 miles from Hosur. There is nothing irreconcilable between the positions that I was at Hosur for some time between 1 and 2 P.M., and that I was in Rayakota between 2 and 3 P.M. The time 2 and 3 mentioned in the diary should not be taken as meticulously exact. There is no evidence that the entry that I left Rayakota at about 3 P.M and reached Hosur at 6.30 P.M., is not correct

Thus this part of the allegation proves to be ill-grounded on the combined result of the evidence of P.W's 2, 4, 5 and 8 and D.W's 1, 2 and 3. And the second part of the allegation that I was at Hosur from 11 A.M., right through has not been proved by any evidence as already shown in para 5 sub-para (i) above cutting to the ground at the same time the finding of the Special Officer

> "I have no doubt that the accused officer did not leave his headquarters at all on 16-6-45."

And I, therefore, pray that this allegation of Charge I should not have been held proved.

~~not have been held proved~~.

6. Charge I: Allegation 2:

"26.9.45. Though you were fully aware that the V.P. School at Pachapanette remained closed from 25.7.45 for want of a teacher, without scrutinising the records and actually testing the instruction, in your diary for 26.9.45 and in the return of visits for September, 1945, you stated as having inspected the school between 2 and 5.30 p.m. on the said date."

(i) This allegation was sought to be proved by the evidence of P.W.'s 6 and 7. P.W. 6 at the open enquiry stated that I did inspect the school at Pachapanette on 26.9.45 thus cutting the ground beneath the feet of the allegation itself. When he stated in his examination-in-chief itself that I inspected the school there was no occasion for pressing into use his alleged statement to the contrary at the preliminary ex parte enquiry.

> It is only when the statement at the open enquiry is in the sense of alleged earlier statement that the latter can be used as corroborative evidence.

Though P.W. 6 was not treated as hostile and not cross-examined with permission obtained for the purpose, he was asked whether he had not given a different statement at the ex parte preliminary enquiry. He said that the District Educational Officer (Prosecutor) asked him to write it and he wrote so. Whether the District Educational Officer forced the earlier statement, Ex.F, out of P.W. 6 or not, the evidence that holds the field is the one given in my presence. The earlier statement is not substantive evidence. Thus the only substantive evidence in the case, i.e., that of P.W. 6 disproves the allegation and, at any rate, does not prove it. P.W. 7's evidence is only to the effect that he did not hear that I came and inspected the school on 26.9.45. Obviously, such a statement can have no probative value. He is admittedly a sickly man living in another village 6 miles off. His negative and hazy support to the effect that he did not hear of my visit on 26.9.45 ~~is false~~ cannot be considered

to

to prove the allegation. In view of the evidence of P.W. 6 the description of the entry relating to 26.9.45 is false, is not tenable. A kind reference to the incidental communications submitted as enclosures (as they were refused to be admitted as Defence exhibits) to my representation dated 16th June, 1947 to the Director of Public Instruction, throws further light on the actuality of my visit to Pachapanette on 26.9.45. There can be no point in ignoring these as they definitely precede the preliminary enquiry started without any previous notice. The matter should therefore end here so far as my visit is concerned.

(ii) ~~Instead~~ But, the Special Officer has sought to make up for this fatal absence of any admissible evidence to prove the item of allegation, by relying on the fact that the school had been closed and therefore I would not have gone to the village for inspecting the school. But when there is evidence that I did go to the village for inspecting the school, there is no merit in the point that I should not or would not have gone to the village. I may kindly be permitted to go further and state that there was nothing irregular in ~~visiting~~ inspecting the school. The Prosecutor and the Special Officer have relied upon the Proceedings of the Director of Public Instruction (R.C.1450-B/45 dated 17.4.45) but that has no application in the case. According to the said proceedings if a school remains closed for more than 3 months, it automatically forfeits its recognition. In the present case the school remained closed from 25.7.45 to 23.9.45, i.e., less than 3 months. The school had been closed because the teacher had resigned. I asked the management by Ex. G1 dated 27.8.45 whether it could effect the revival of the school, taking into consideration the possibility that if it could be revived within 3 months it might be saved the disadvantage of losing recognition altogether. It is one of the primary

primary duties of the Deputy Inspectors of schools to see to the revival of schools, more so in such a highly backward area as Hosur Taluk educationally. In fact, P.W. 6, the teacher who resigned, has expressly stated

> "I sent my resignation to the President. He said that I should come and work again if the Deputy Inspector does not accept my resignation. I said I would do so."

P.W. 7 has stated that he did not pass on to P.W. 6 any letter ~~from the President to~~ of acceptance of resignation. P.W. 6 likewise says

> "I did not get any letter from the President to say that my resignation was accepted."

The situation for some time before my visit to the locality on 26.9.45 was that the school remained closed and the teacher's resignation was not accepted and so the school could be revived as the period of closure had not been 3 months then. While so, when the teacher was seen by me at Kelamangalam (where he was living unemployed with his brother, a teacher in the local Higher Elementary School) I advised him to join duty and revive and serve in the School at Pachapanette. He agreed to do so. This is clear from his answer in examination-in-chief itself

> "One day the Deputy Inspector met me in my village and told me that he had received my letter of resignation and asked me to join saying that he would write to the President about it. I agreed."

What happened subsequently can be stated in his words:

> "I went to the School. It was locked. I sat on the pial. Some boys came. I noted their names on a sheet of paper. The next day and the day after I went and sat on the pial. On the third day the Deputy Inspector came and asked me to take the attendance in the morning and evening, in different parts of the paper and not together. He signed that paper and left it with me."

It was thus when the teacher was giving instruction to the pupils that I visited the village and finding some pupils receiving instruction from the teacher I thought that the school had bona fide re-commenced to function. In the normal course the school had to be inspected before the close of that month. That it was an actual inspection

at

at a time and place when and where the boys were receiving instruction, is proved by Ex. G5, the attendance sheet on which I had put my signature. In fact P.W. 6 had admitted in his evidence that he had marked attendance on a sheet of paper and added further

> "The paper which this Deputy Inspector signed is with the registers handed over at the preliminary enquiry".

The previous registers had been handed over to the President previously and could not be got back on the day of inspection of the school for the reason that the President was not in the village. Thus the school was actually functioning, with the same teacher. It is obvious that my visit to the village and to the place of instruction was not mythical.

(iii) P.W. 30, the District Educational Officer has endeavoured to use against me two circumstances i.e. that I did not inform him (the District Educational Officer) of the closure of the school and that instead I intimated to the Deputy Inspector of Local Boards. These two circumstances have only a remote bearing on the allegation in view of the fact that the alleged falsity of my visit to Pachanapatte, has been disproved by the evidence of P.W. 6. All the same, as I desire to show myself right, I wish to answer the point. It is abundantly clear from his evidence, and it seemed to me from all the circumstances known to me, that his resignation was an impulsive act which he could undo early as the resignation had not been accepted finally. As the school could be revived within 3 months and as it was only after the expiry of 3 months that the District Educational Officer could withdraw the recognition, I, with the best of intentions, deferred apprising the District Educational Officer of the closure preferring to wait and see if the school could be revived within 3 months from 25.7.45. My bona fide is clearly

and

and forcibly brought out by the admitted fact that I communicated the fact of the closure to the Deputy Inspector of Local Boards to safeguard against the continuance of grant as a matter of course from the date of closure. The very fact that I intimated the fact to the Deputy Inspector of Local Boards suffices to silence any innuendo suggesting any sinister secretiveness on my part.

(iv) It now remains to consider the effect of Ex.G3 and G4 which have been compendiously described as my confessions. It is true that therein I admit the want of thoroughness of my inspection of the school under reference. But that is far different from saying that I have admitted the mythical nature of my inspection. On the other hand, I have only confirmed, and reiterated too, the position that I did visit the village and inspected the school, though it was held in the pial of the old building. The inferior quality of my inspection work can have no bearing on the question whether the entry in my diary about my visit to the locality for inspecting the school, is a false entry. The essence of the allegation is that I did not visit the place and did not inspect the school. Just the contrary is proved by the evidence of P.W.6 and my signature found in the attendance sheet of the School referred to by P.W.6.

(v) In para 7, sub-para 2 the Special Officer's report points out

a. "The accused officer says that he sent for the registers of the school and made some notes there (the registers = Ex.G5 and G6)"

and continues in sub-para 3 in the following terms:

b. "....he (meaning me) admits that he sent for the inspection book ~~and noted on it~~ of the school and noted on it (inspection book = Ex.G6)"

At the outset these do not find place in any document or deposition and as such definitely incorrect.

a. Except the attendance sheet referred to by P.W.6 as having been attested on 26.9.45 in the course of the

the Annual Inspection and handed over by him (P.W.6) to the Prosecutor (P.W.30) at the Preliminary enquiry, no other record contains inspection remarks for the reason that they were then with the President, Panchayat Board under the circumstances explained already, and hence, not available for recording remarks of inspection. Thus, in regard to ~~the former~~ reference (a) above the error is clearly brought out by the absence of entries.

(b) Absence of remarks relating to 26.9.45 in the Inspection Book (Ex.G6) explains similarly the imaginary nature of ~~the latter~~ reference (b) above.

Thus the findings seeking support on the references (a)+(b) in question must fall to the ground as untenable. I, therefore, submit that at the least it has to be said that the allegation is not proved beyond doubt.

7. Charge I: Allegation 3:

"15.6.45. You stated in your diary as having inspected the V.P. School, Gummanur, between 2 and 6.30 p.m., conducted Parents' Association meeting and conducted War Propaganda on the 'Recent Victory' between 8.30 and 9.45 p.m., while as a matter of fact after the inspection of the school in the forenoon you left the village and never returned in the afternoon and no meeting of any kind was held that day."

(i) The allegation specifically says that the afternoon activities were not actualities and that I left the village after inspecting the school in the forenoon. Prosecution evidence itself contains materials rebutting the allegation. P.W. 8, the witness in respect of this portion of this allegation, has stated that in addition to inspecting the school from 11 to 12 noon I inspected the school again between 2.30 and 4 p.m. on the same date, i.e., 15.6.45. He has also specifically mentioned that he saw me that evening in the house of the Karnam at 6.30 p.m. talking to some farmers. To the same effect is the evidence on the point of P.W.5 who also corroborates P.W.8. As these statements have been made by the PlW's themselves examined in respect of the allegation and as the allegation is answered effectively to my advantage by their

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their statements it should and would not matter even if there was no rebuttal by the evidence of D.W's. But there is the evidence of D.W. 4 in confirmation of P.W's 5 and 8 who have stated that they saw me in the night in the Karnam's house talking to some farmers. There is no point in saying, as the Special Officer has done, that the karnam refers to only 'one night' without fixing it with reference to the date. The Karnam's evidence has to be read with the evidence of P.W's 5 and 8 who have referred to him. The allegation refers to my last visit to the school. The Karnam distinctly refers in his deposition to that inspection in these terms:

> "On the last occasion he stayed in my house for the night and left the next day. That night some ~~of~~ villagers came to my house and were talking to him about the village school."

There can be no difficulty in fixing that the Karnam was giving evidence about the inspection concerned in this allegation i.e., 15.6.45.

It is true that P.W's 5 and 8 and D.W. 4 do not use the word "meeting" and all speak to my talk to a number of farmers. But it may be remembered that the notion of a meeting in the sense of the number of people attending it may vary with agriculturists, illiterates and almost illiterate ones, who are parents of school-going children. The allegation should therefore have been dropped as not having been proved.

8. Charge I: Allegation 4:

> "3.8.45. You falsely stated as having visited the V.P. School, Chambarasanpalli between 4.45 and 5.30 p.m. and carried on propaganda work for the completion of the school house from 7 to 7.45 p.m. and stayed there for the night while in fact you never visited the village and did neither visit nor propaganda work."

(i) This rests on the evidence of P.W's 9 to 13. The only direct evidence about my visit or non-visit has to be found in the evidence of P.W. 9 and none else. P.W.9 is positive at the open enquiry that I had come to the

villag

village on a visit to the school on 3.8.45 and did visit the school. The Special Officer has <u>again</u>, to my misfortune, <u>ignored</u> the evidence at the open enquiry treating the disowned prior statement as the substantive evidence against me. P.W. 9 has explained that my attender T. Rangachar who was working against me from the beginning, influenced him to give the prior false statement. However it be, his evidence in my presence disproves the allegation by itself and more is not necessary to negative the allegation. The Special Officer has thought it fit to hold ~~,~~-not on good grounds of course--that the evidence of P.W's 10 to 12 points to P.W.9 bringing some records of the school of Chambarasanpalli to Sulagiri and to my making some entry in them at Sulagiri. P.W's 10 and 12 have <u>not at all deposed</u> that I wrote anything in the books of the Chambarasanpalli school at Sulagiri. All that P.W's 10 and 12 say is that ~~the~~ P.W. 11 was sent to fetch P.W.9 from Chambarasanpalli and that P.W.9 came from Chambarasanpalli to Sulagiri with the school registers. The visit at Chambaranpalli was over on 3.8.45 and I sent for the records the next day at Sulagiri to enable me to bring up-to-date my handbook in the leisure I had after the Teachers' Association meeting at Sulagiri for the inspection of my Office which was impending then; P.W's 10 and 12 have not at all adhered in the open enquiry to their earlier statements. <u>Evidence at the open enquiry must, in justice, be accepted as the basis for the case.</u> Even P.W.13, the President of the Panchayat Board, has definitely stated at the enquiry that P.W. 9 has told him on the day following the visit that I had come to visit the school and left. The Special Officer has nothing to say about P.W. 13. His evidence thus fits in with the evidence of P.W.9 that I actually visited the school on 3.8.45. He has further stated that P.W.9 has said that the Deputy Inspector <u>after scrutiny had returned them</u>, i.e., the registers.

There

There is no reference to any entry having been made by me at Sulagiri in the school records. P.W's 10 and 12 are residents of Sulagiri and could not say anything about my visit to Chambaranpalli (4 miles off) and they have not said so. P.W. 11, the peon, has not said that I did not visit Chambarasnapalli. P.W. 9 has said that I did visit the school. P.W. 13 has said that immediately after my visit to the school he had been informed of it by P.W.9. In the face of this overwhelming evidence favourable to me it is difficult to see how the Special Officer and the Director of Public Instruction could have considered this instance proved. This, therefore, ought to have been dropped as not proved.

9. Charge I: Allegation 6:

"29.7.44 and 25.8.44: You falsely stated in your diary as having inspected the V.P. School, Belur, between 8 and 9.30 a.m. on 29.7.44 and ~~12.30 p.m.~~ 11 A.M and 12.30 P.M on 25.8.44 while as a matter of fact the said school was not in existence between 1.3.44 and 3.3.45."

(i) This allegation seeks support on the evidence of P.W.30, the District Educational Officer, and Ex. GG/13.6.44 relating to the withdrawal of financial provision of Belur V.P. School while the defence rests on (1) Ex.HH, the attendance register, (2) Ex. HH 1, the Inspection Book, and (3) the file of correspondence of the Deputy Inspector of Schools, Hosur Range, (which is in the case file) with special reference to (a) my letter dated 29.7.44 to the District Educational Officer, Salem and (b) the letter of the President, Panchayat Board, Belur communicating resolution 70 of the Panchayat Board.

(ii) The use of the word 'inspection' in the allegation is not justified. In fact I have not stated in my diary that I 'inspected'. I have used the word 'visited' which must be distinguished from 'inspected' in regard to my work at Belur on the said dates.

(iii) Without seeking to prove whether I actually visited Belur or not on the dates in question with reference

reference to depositions in support of prosecution, the Special Officer proceeds to argue that I would not have or might not have visited the locality on the dates under reference for the mere reason that the Inspector of Local Boards, in his Ex. GG of 13.6.44, withdrew the financial provision of the V.P. School, Belur with effect from 1.3.44. The circumstances of the visits are as here under:-

Consequent on the withdrawal of the financial provision referred to above for reasons of unsatisfactory accommodation and want of teacher, the locality became a school-less centre (in the sense that there was no school approved by the education department) from 1.3.44 to 3.3.45. It is unfortunate that the Special Officer did not consider the efforts that must have been made by me in getting the financial provision restored from 3.3.45 through my visits on the said dates. Setting aside for a moment the one-sided deposition of P.W.30, the Prosecutor, and bearing in mind the want of initiative in the villagers for securing a recognised school for their village, could it not be possible to infer readily the probability that the restoration of financial provision cited above must have been due to my efforts in the course of the visits in question? It is one of the primary duties of the Deputy Inspectors of schools to take initiative in the matter of getting schools for school-less centres in addition to their routine work of inspection of and visits to the existing schools in the range. Hosur is an extremely backward area educationally. The recognition of the school at Belur had not been withdrawn. In fact, P.W. 30 himself admits the same in the following terms:

> "The withdrawal of provision was ordered by the Inspector of Local Boards. The next thing to be done is to remove the name of that school from the list of recognised schools. I have to do it. I might not have issued formal orders of withdrawal by the time of his (meaning me) visits."

As the recognition had not been cancelled as should have

20

have happenad normally and as no communication had been received from the District Educational Officer (P.W.30) against my duty of taking initiative in regard to this school-less centre, I thought there was nothing irregular in visiting Belur on 29-7-44 with a view to secure an approved school and get the teacher's appointment ratified, if a teacher could be found as well as pupils. In the course of my march to other localities on 29-7-44, Belur was visited to sound the inclination of the residents in the matter of getting an approved school for their village. A group of children were receiving instruction in a fairly satisfactory accommodation under one Paul Raj. The Panchayat Board was prepared to take over this for to their management and get it duly recognised. Nobody has said that I did not visit the locality on 29-7-44. No P.W. villager has come forward and said that I did not visit the school on the said date. On the other hand, clear defence is evident from my entries in Ex. HH and HH 1, the registers. This is further strengthened by Resolution 70 of the Panchayat Board which was totally ignored by the Special Officer while viewing the question. In Page 51 of the file referred to above I have specifically informed the District Educational Officer (P.W. 30) that I took steps for the revival of school and visited it with a view to get it to the management of the Panchayat Board. On 25.8.44, in the course of my march to other localities I paid another visit to the school for the scrutiny of the cirtificate of the teacher. Ex. HH and HH 1 do contain references to this visit again. The letter dated 31.8.44 of the President Panchayat Board, Belur communicating Resolution 70 in question definitely refers to my visit on 25.8.44. Pending therefore the privileges of restoration of financial provision and recognition, the above school was provisionally referred to as 'Belur V.P. School in my diary and return of visits. Having thus

A1 + A5 + A19

A1

A11

thus proved that my visits on 29.7.44 and 25.8.44 were regular and actual, the allegation falls to the ground.

(iv) The question whether I was in order in proceeding to the locality and visiting the said school under the circumstances explained above, is altogether different from the question whether I falsely claimed to have visited the locality and the school. I have specifically referred to my visit in my letter dated 29.7.44 to the District Educational Officer (~~P.W.30~~ Prosecutor himself). It evoked no objection from him. Not only was there no official objection but there was clear indication of approval of my visits and my acts when my diary and the details of my visits to the place and the school were reviewed by the District Educational Officer (the Prosecutor himself) without any special remarks of objeetion. The very fact that the travelling allowance ~~of~~ for the journeys performed therefor was ~~fully~~ readily allowed by the District Educational Officer (the Prosecutor), leads to the inference that ~~P.W. 30~~ Prosecutor himself, as the controlling authority, did consider the journeys on the said dates essential in the interests of departmental work.

The Special Officer has therefore erred in not taking into consideration the above quoted circumstances and documents in arriving at the findings as regards this allegation. So I venture to submit that this allegation should never have been made at all and at least must have been dropped thereafter.

10. Charge I: Allegation 7:

"1.8.45 and 2.8.45: You falsely stated in your diary as having proceeded to Baigepalli, gathered the villagers and addressed on their efforts needed for school between 20 and 21 hours and halted there for the night and proceeded to Zuzuvadi on the following day at 9 a.m. and visited the Board School there between 10 and 10.20 a.m. while as a matter of fact you never did any of these things."

⊗ and visited Moolanda-palle between 10.45 & 11.30 A.M on 2.8.45

This relates to visits to 3 places named in the allegation.

(i) Visit to Baigapalli: This rests on the evidence of

of P.W.15. He has stated at the open enquiry that I visited the locality twice. The Special Officer has, in this instance also, ~~ing~~ ignored the evidence at the open enquiry treating as substantive evidence the witness's prior statement at the ex parte enquiry that none but the District Educational Officer visited the locality. When he gave evidence in my presence he might have become certain from my appearance that I was the person who visited the locality twice. Possibly the witness might not have had an exact and correct idea of the designation of the ~~District~~ Educational Officer who visited. The witness has further stated that my two visits to the locality were for the purpose of considering whether a school could be started. One of the two visits referred to must be identified as the one on 1.8.45 referred to in the allegation because the witness mentions the year 1945 as the year of second visit. He goes further and says that I visited at the request of the villagers. So the evidence of P.W. 15 proves that the allegation is untenable. The statement of P.W.16 that he did not see me in the village is obviously unhelpful to the allegation. The point is well brought out in the form of the witness's answer in his evidence

"I can only say that I did not see the Deputy Inspector. How can I say that he did not come?"

P.W. 16 has admitted that on suspension from office he handed over charge of his office on 1.8.45. ~~in his activities and~~ His time and mind would have been fully occupied on 1.8.45 in his activities and preoccupations over the suspension and handing over of charge. He could have had no leisure or peace of mind to notice other events in the village. P.W. 17 is the grand father of P.W.16 and his evidence is of the same negative kind as that of P.W.16. The karnam in office on 1.8.45 has, as D.W.5, deposed that I visited the village on 1.8.45, halted

that

that night there and left for Zuzuvadi on the following day in his company. This fits in with the statement of P.W.15 about my second visit to the place in 1945 at the request of the villagers for considering a school for the village. As against the positive evidence of P.W.15 and D.W. 5, the Special Officer has relied on the statement of P.W.30 (prosecutor)

> " I (meaning himself) visited Baigapalli and found that there was no house where he could have halted."

It is a big village and it cannot be that I could not have found a place to sleep in for one night there. Apart from this, sufficient weight has not been given to the answer of P.W.15 that I stayed in the village temple. I submit that the evidence of P.W.15 and D.W.5 suffice to negative the first item of allegation 7.

(ii) Visit to Zuzuvadi: Intrinsically the finding as to the truth of my visit to Baigapalli on 1.8.45 involves that I ~~should~~ would have passed through and halted at Zuzuvadi which is on the route back from Baigapalli to Hosur. I must pass through Zuzuvadi on my return journey on 2.8.45. In support of this item of allegation, the evidence of P.W's 18, 19 and 20 has to be considered. P.W. 18's statement is that he had seen me only once and that when the school was working and that he did not see me at any other time. Obviously this negative cannot afford decisive disproof of my visit on 2.8.45. If he were truthful he would have replied, as did P.W.16, "I can only say that I did not see the Deputy Inspector. How can I say that he did not come?" P.W.19 also says that he did not see me after the school was closed. His answer in the cross-examination

> "I heard that some Inspector had come and gone when the school was closed"

is helpful in accepting that I did visit. P.W. 20 is even more definite in his deposition:

> "I heard that while it (school) was closed this Deputy Inspector (pointing to me) had come there."

24 | 23

The Special Officer has summed up the evidence of P.W's 18, 19 and 20 to the effect that I never came to the village. That is not correct. On the other hand, P.W. 18's evidence only says that he did not see me; P.W. 19 and 20 have said that they have heard of my visit. These considerations must be enough to establish that this item of allegation is not proved. There is the positive proof of my visit to Zuzuvadi in the evidence of D.W.5 who deposes

"The next morning we went to Zuzuvadi at 7 a.m."

As the village is situated on the route of the return journey, I wanted to find out if any outsider appointed as teacher had joined to revive the school as has often happened. The visit to this village involved no cost by way of travelling allowance for the day, 2.8.45. There was no purpose or reason at all for a false entry and there is no evidence to conclude that the entry is false.

(iii) Visit to Mookandapalli: Like Zuzuvadi of the previous paragraph, this village is on the route to Hosur from Baigepalli. This item rests on the evidence of P.W.21. He has said

"I did not see this Deputy Inspector in my village on 2.8.45."

As against it, there is my affirmation that I did go to the village. The probability is that I might have gone there as it is a roadside village on the route of my return journey. D.W. 5, who accompanied me during the early part of the return journey says

"At 7.30 a.m. we both left. I went on to Hosur while he stopped at Mookandapalle."

There is besides the evidence of ~~D.W~~ D.W 6, the village munsif of Mookandapalli, proving my presence in that village on 2.8.45. Leaving aside for a moment the probability pointed above and the positive evidence of D.W.6 and 5, I submit that the testimony of P.W.21 is not entitled to any value. In examination-in-chief he has said

25 1/24

In examination-in-chief he has said

> "I was told that this Deputy Inspector would come and inspect. I did not see this Deputy Inspector on 2.8.45 in the village. Nobody told me that he had come there on 2.8.45. The correspondence of the school will be with the Village Munsif."

In continuation he has stated

> "About 3 or 4 days a week I would go to Hosur 3 miles from my village. I would leave at about 11 or 12 after food and would return sometimes at 8 or 9 p.m."

The village Munsif referred to as the man who had custody of the correspondence, is D.W.6 and he has stated that I was in the village on 2.8.45. Apart from that it has to be ~~stated that I was in the village on 2.8.45~~ considered what is there to establish that P.W. 21 himself was not absent from the village on 2.8.45. Might it not be that it was one of the 3 or 4 days of his admitted absence from the village? It is also to be noted that I have <u>not claimed</u> travelling allowance for my visit to Mookandapalli either for 2.8.45. This sub-item also must be held not proved.

p54 (E)

11. Thus with reference to the concluding para of the report of the Special Officer summing up his findings

(a) The conclusion that the accused officer "was systematically writing false reports in his diaries and journals" sought to be proved by allegations 1 and 7 is not proved beyond doubt as detailed in paras 5 and 10 above.

(b) His inference "without visiting schools wrote falsely that he visited them and to cover up his misconduct he sent for the records of the school and wrote on them that he did visit them" in respect of allegations 3 and 4 is not established as detailed in paras 7 and 8 above, and

(c) His sweeping remark "was neatly caught in several cases where on the dates of the alleged visits those schools themselves did not exist at all" based on allegations 2 and 6 has not only been disproved but found the visits to be in conformity with the departmental rules, practices and requirements.

12. The Prosecution evidence itself has either disproved the charges, or contains materials calculated to disprove the charge, or is absolutely inconclusive. P.W.

P.W's 6 and 14 have admitted in the open enquiry that they yielded to influence in making incorrect depositions in their earlier statement at the ex parte preliminary enquiry in the following terms:

P.W.6: "I wrote in Ex.F that he did not visit Pachapanetti in September. This is not true. The District Educational Officer asked me to write it and I wrote so."

P.W.14: "I was pressed to say that the Deputy Inspector inspected on only one day and I said so".

P.W's 9, 22 and 23 have definitely stated in the open enquiry that the attender, T. Rangachar, constrained them to make false statements at the ex parte preliminary enquiry in the following terms:

P.W.9: " I said in my statement, Ex.L, that this accused officer never visited my school on 3.8.45. It is not true. I said so on the compulsion of one Rangachar, a clerk of the Deputy Inspector. He threatened to send for the Police and lock me up if I did not say so."

P.W.22: "I wrote and signed Ex.M. I said there that I have paid Rs.7/- to this Deputy Inspector to get the job. This is false. I said so at the instance of one Rangachar, the attender of the Deputy Inspector's Office."

P.W.23: "I see Ex.W. I signed it. Rangachar of the Office of the Deputy Inspector told me to say like that and I said so. All that I said there about payment of money to the Deputy Inspector is false."

Whether that is so or not, where the witnesses had given favourable evidence at the open enquiry I must have had the benefit of such statements. Further, such important records as the file cited in Allegation 6, the attendance sheet pointed out by P.W. 6 in allegation 2, were not forthcoming at the open enquiry for reference as defence exhibits. It is my misfortune that these elementary principles have not received due consideration at the hands of either the Special Officer or the Director of Public Instruction.

13. As there was no individual and separate dis-

cussion

discussion of the case by the Director of Public Instruction, I had to take some space in a detailed examination of the Special Officer's reasoning. Having regard to the fact that it is almost a matter of life and death to me, I submit that the appellate authority will not grudge taking the trouble of perusing and considering all that I have submitted above. The length of the the appeal has depended on and resulted from my legitimate and reasonable anxiety to refer to any material portions of the evidence and to suggest the drawing of inferences favourable to me, an accused officer, therefrom from the proper legal standpoint as well as the view point of equity.

14. I, therefore, humbly pray that the order of dismissal may kindly be set aside and I may be reinstated in my post with back pay.

I beg to remain,
Honoured Sir,
Your most obedient servant,
R. Subramanyam,
1.11.47 ~~31.10.47~~.

R.C. NO. 13. A/46 dated 15.11.47.

Endorsement N.R.C. NO. C1 7/46 d 6.11.47 and 7.11.47 of the Head Master, Govt. Training School, Villupuram submitting the appeal petition of Sri R. Subramaniyam, school assistant, Govt. Training School, villupuram.

Returned.

2). He may be instructed to submit the appeal direct.

(Sd) D. Anandanandam
for District Educational Officer,
S. Arcot

/True copy/.

N.R. CFL 7/46 dt 22.11.47

True copy forwarded to Sri R. Subramanyam, for information and guidance.

2) His appeal petition of 26 Pages is herewith sent.

D. Munisamy
Head Master
Govt. Training School, Villupuram

Appeal petition - Sri R. Subramanyam

Submitted to the Director of Public Instruction, Madras, as directed by the District Educational Officer, South Arcot, in his R.C 13-A/46 dated 15.11.47 communicated in N.R.C.F.L. 7/46 dated 22.11.47 of the Headmaster, Government Training School, Villupuram, received this day (26/11/47).

2. This appeal petition was submitted on 1.11.47 itself so as to be in accordance with the time limit prescribed by the rules relating to the submission of appeal.

R. Subramanyam
26.11.47
Formerly
School Assistant,
Govt. Training School,
Villupuram.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.C. No.10085 C6/47 dated 9th Jan. 1948.

Sub: Appeal - Sri R. Subramanyam, Ex-Deputy Inspector of schools, Appeal against the orders of the Director dismissing him from service.

Ref: From Sri R. Subramanyam, Ex-Deputy Inspector of schools, dated 1-11-47 and 26-11-47.

Submitted to Government.

2. I recommend that the appeal may be rejected.

3. The connected records of the case as per annexure are enclosed.

for Director of Public Instruction.

To the Secretary to Government, Edn., & Public Health Department.

R.C. 12/1.

Encl: Sent by separate bundle.

"Jai Hind"

Salem.
30th Nov. 1947.

Confidential.

Dear Mr.Chettiar,

The matter herein enclosed deserves very careful and sympathetic consideration. I have known the gentleman for many years and I am inclined to think that there is miscarriage of justice in regard to this matter.

I am sure you will render justice and help a large family involved in this.

You need not write to me any reply regarding this

With kind regards,

Yours sincerely,

(P.Varadarajulu Naidu)

To
Sri.T.S.Avinasilingam Chettiar
Minister for Education, Government of Madras.
Madras.

Brief history of the case of Sri R. Subramanyam, Formerly Senior Deputy Inspector of Schools, Hosur, and then L.T.Assistant, Government Training School, Villupuram.

--oOo--

Sri R. Subramanyam B.A.,B.Ed.,(the accused Officer) entered service first as Assistant, Government Training School--Tirupati, in July 1933. Completing probation satisfactorily - at every stage, earning increments due then and there, securing confirmation at every grade smoothly and getting regular promotions on record of efficiency, he happened to be at Hosur as Senior Deputy Inspector of Schools, Hosur, from May 1944.

2. While at Hosur, after a stay of about 1½ years there were 2 anonymous petions against him to the Distrcit Educational Officer, Salem, on the strength of which the Officer got him transferred to Vizag in November 1945, held an investigation, obtained statements in his absence, and sent up the matter to - the Director of Public Instruction, Madras, who then referred it to the Special Officer for Departmental Enquiries without any - explanation from the accused officer in the matter.

3. Considering this a case primarily of corruption, the - Special Officer framed 4 charges, 3 of corruption and the remaining I with items relating to diary of 1944 and 45. While working as L.T.Assistant in the Government Training School, Villupuram in September 1946, the accused was called upon to submit his explanation at such a distance of time; and he did.

4. In February 1947 there was an open enquiry at Salem by the Special Officer. All the witnesses summoned were for 'giving evidence relating to charges of corruption.' The accused was definitely found not guilty of any charge of corruption as ALSO SOME ITEMS OF DIARY; and so was acquitted of the very prima facie question of the case ie., corruption besides some items of diary.

5. Yet, pronouncing that there was falsification of diary, the extreme of the graded forms of punishments ie., dismissal was recommended by the Special Officer; and this was duly carried out by the Director of Public Instruction with effect from 7-9-47.

6. It is significant, in this connection, to note that his (accused) superiors systematically reviewed his uniform efficiency all these years of service from 1933, there having been no occasion for any adverse communication at all to him at any time. Even when the present case cropped up, the Special Officer and the Director of Public Instruction considered the allegations light enough to allow the accused to be on duty tillthe very end without any suspension pending enquiry or final discharge.

7. Taking, therefore, into account his long service declared satisfactory every half-year, uniform efficiency evident from the promotions he had, weight of the allegations (neither serious enough to warrant suspension nor proved beyond doubt by evidence at the open enquiry), the crushing dismissal is far out of proportion in view of the graded punishments ranging from warning, censure, postponement of increment etc.

8. He therefore preferred an appeal on 1-11-47 to the Hon' Minister for Education for a sympathetic consideration and restoration.

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8. He therefore preferred an appeal on 1-11-47 to the Hon'ble Minister for Education for a sympathetic consideration and restoration.

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Edn. & L.A. Deptt (A)

Confidential. Copy Both enclosures, all sealed

Letter Ref No. 88285/47-2-A-Edn., dated 26.2.48.

To

The Secretary, M.P.S.C. (with enclosures)

Sir,

Sub:- Appeal against dismissal from service — Sri R. Subramanyam, Ex-Deputy Inspr. of Schools (Senior) ~~and School Assistant~~.

I am directed to forward herewith in original an appeal from Sri R. Subramanyam, Ex-Senior Deputy Inspr. of Schools ~~and School Assistant~~, against the order of the D.P.I., dismissing him from service, together with all the connected records noted in the annexure, and to request you to obtain and forward to Govt. the views of the Commission on the appeal.

pp 1-28 cf

Kept in Section

(P.T.O. for Annexure) 26/2/48.

36

Annexure

[H.E. pp 31-33 CF]

Ex 3/12/46

Annexure.

3

1. Charge.
2. Statements (Two).
3. Depositions of P.Ws. 1 to 30.
4. Statement of the accused officer.
5. Depositions of D.Ws. 1 to 8.
6. Exhibits A to LL2 and I.
7. Personal file of Sri R. Subramaniam ~~xxxxxxxxxxxxxxx~~.
8. Preliminary enquiry records. Pages 1 to 5, 13, 35, 37, 43 to 47, 49, 51, 57, 63-74, 83 to 89, 93 to 97, 113 to 122.
9. Milk attendance register - Chembarasanapalli.
10. Inspection book of the Board school, Kundukotta and the acquittance roll of the school.
11. Letter from S. Lakshmanan, V.P. school, Belur to the Deputy Inspector of schools, Hosur.
12. Register of attendance and fees - Settimanapalli.
13. Postage account - Pachapanetti school.
14. Register of admissions -do-
15. Register of attendance and fees - Pachapanetti school.
16. -do- -do-
17. -do- -do-
18. Inspection book - Chembarasanapalli.
19. Remarks of the annual inspection - V.P. school, Belur.
20. Sister's register - Chembarasanapalli V.P. school.
21. Acquittance register -do-
22. Register of admissions, Chembarasanapalli.
23. Register showing the no. of pupils of schoolage, Chembarasanapalli.
24. Acquittance roll, Chembarasanapalli.
25. Inspection book of B.H. Elementary school, Denkanikottah.
26. Statement of S. Lakshmanan, teacher dated 12-11-1946.
27. Inspection book, village Panchayat school, Belur.
28. Files relating to H.S. Subbarama Sastri in the office of the Deputy Inspector of schools, Hosur, pages 1 to 74.
29. File re: recognition - temporary grant - board boys' school, Zuzuvadi, pages 1 to 34.
30. File - opening of a new board elementary school, Zuzuvadi - pages 1 to 24.
31. Fort St. George Gazette showing the suspension of Subbarama Sastri.
32. Return of visits - September 1945 - Deputy Inspector, Hosur.
33. Attendance register, Board boys' school, Anniyalam.
34. Director's office file - Current file - pages 295-314. Note fi
R.c. 1008 C4/46 -do- " 317-318.
-do- " 337-370.
-do- " 371-376.
-do- " 381-383.

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Details of exhibits mentioned against item No.6 in the annexure.

Prosecution exhibits.

34

A/	Minutes book of teachers' association, Royakottah.
A.1/	Entry showing the minutes of the meetingon 16-6-1945.
A.2/	Statement of P.W.1, K.S. Mahadevan to the D.E.O.
A.3/	Copy of minutes sent to D.I. and recorded by him.
B. /12-11-45	Statement of Meenakshisundaram to the D.E.O. (P.W.2).
C. /	Mortgage deed - Registration copy by Srimathi Mahalakshmi Ammal.
D. /12-11-45	Statement of M. Srinivasan, P.W.4
E. / -do-	Statement of K.R. Naziruddin, P.W.5.
F. /5-10-45	Statement of S. Krishnamurthi, P.W. 6.
F.1/28-7-45	Resignation letter of Krishnamurthi to the President, Bommathattanur.
G./2-8-45	Memo. from D.I. to the President, Panchayat Board, Bommathathanur
G.1/27-8-45	Memo. from Dy. Inspector to the President, Pachappanetti.
G.2/4-9-45	Letter from the President, Bommathathanur to the D.I.
G.3/5-10-45	Statement by the D.I. to the D.E.O.
G.4/5-10-45	-do- -do-
G.5/	Register of attendance and fees, Patchappanetti.
G.6/	Inspection book of V.P. school, Pachappanetti.
H./5-10-45	Statement of P.W.7 Chinnamaria Gownden.
J./	Journal of the D.I. for 1945.
J.1/	-do- 1944.
K./	Office copy of the Diary of the D.I. from January 1945 to Septr. 1946.
K.1/	Diary and T.A. bills of the D.I. for 1945.
K.2/	-do- 1944.
L./15-11-45	Statement of Ranganatha Rao, P.W.9 to the D.E.O.
L.1/10-11-45	-do- -do-
M./15-11-45	Statement of C.S. Ramaswamy Ayyangar, P.W.10.
M./15-11-45	-do- Sadhan, P.W.11.
O./15-11-45	-do- Muniachari, P.W.13.
P./7-11-45	-do- S. Lakshmanan, P.W.14.
P.1/14-11-45	-do- -do-
Q./9-11-45	-do- P.W.15 (Chennappa) and others.
R./1-7-45	Petition from R. Viswanathan to the D.I.
R.1/27-8-45	Letter (o.c.) from D.I. to D.E.O., Salem.

p.t.o.

S./9-11-45	Statement of P.W.18, Venkatappa and others.
T./9-11-45	-do- P.W.21, Thippa Reddi.
U./ -do-	-do- Guru Rao, P.W.22.
W./ -do-	-do- S. Nagarajan, P.W.23.
Y./11-11-45	-do- N.V. Venkatramanappa, P.W.25.
Z./16-11-45	-do- Hiruthayaram Singh, p.w.26.
AA./ -do-	-do- Venkatramanappa, P.W.27.
BB./ -do-	-do- Thimmarayappa, P.W.28.
CC./15-11-45	-do- K.S. Ramaswami Ayyangar, P.W.29.
DD./19-6-45	Petition by 'Poor' teacher to the D.E.O.
DD.1/15-9-45	-do- 'Well-wisher' to the D.E.O.
EE./	Inspection book - Chembarasanapalli school.
FF./	Register of attendance and fees, V.P. school, Belur.
FF.1/	-do- -do- -do-
FF.2/	Register of admissions and withdrawals 1945-46 - V.P. school, Belur.
GG./13-6-44	Proceedings from the Inspector of Municipal councils and Local boards, Madras to the D.I.
GG.1/22-3-44	Copy of letter from the D.E.O. Salem to the President, P.B. Denkanikottah to the D.I.
GG.2/2-8-44	Return of visits to the D.I. sent to the D.E.O. for July 1944.
HH./	Register of attendance and fees of Panchayat school, Belur.
HH.1/	Inspection book of Panchayat board school, Belur.
JJ./28-7-45	Memo. of D.I. Hosur to the villagers of Begaipalli through the V.M. re: opening of a new school at Begaipalli.
JJ.1/26-8-45	-do- -do- reminder to J.J.
JJ.2/7-8-45	Office copy of the report of the D.I. to the D.E.O., Salem.
KK./21-5-45	Memo. from District Board, Salem to the D.I. re: opening of a school at Mukkondapalli.
KK.1/7-8-45	Office copy of reply from D.I. to the D.E.O., Salem regarding the starting of a school at Mukkondapalli.
LL./12-9-1945	Casual leave application from the D.I. to the D.E.O.
LL.1/	Service cover addressed to the Clerk, D.I's office, Hosur from D.I.
LL.2/	Casual leave application from the D.I. to the D.E.O.

DEFENCE EXHIBITS.

I. Minutes book produced by D.W.6.

CONFIDENTIAL. TEL: "PUBSERCOM"

From
Sri C. Krishnaswami Chetty,
Secretary, Public Service Commn.,
Madras-8.

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

16272

No.1231-C/48-1, dated 2-3-1948.

Sir,

Appeal - Sri R.Subramanyam, Ex-Deputy Inspector of Schools - Dismissal - Your letter No.88288/47-2-A, Education, dated 26-2-1948.

--

I am to say that pages 387-440 of the current file of the office of the Director of Public Instruction vide item 34 of the Annexure to the letter cited, have not been received and to request that they may kindly be sent at an early date.

Your obedient servant,

SECRETARY.

ckn.2-3-1948.

42

36

Ed PH Dept.

43

Confdl.

Memo No 88288 A-3 Edn.d. 5.3.48.

Appeal - Sri R. Sukavanamayam, Ex. Deputy Inspector of Schools. Dismissal.

Ref:- Letter from the D.P.I, No 10085-C4/47 d 9.1.48

The D.P.I is Requested to send urgently pages 387-440 of the Current file of his office referred to in item 34 of the Annexture to the letter cited, as they have not been received along with the enclosures to the above letter. cld

To the D.P.I

C/c

5.3.48.

Confidential.

37

From

Sri D.S. Reddi, M.A.(Oxon.)
Director of Public Instruction, M a d r a s.

To

The Secretary to Government,
Education and Public Health Department.

R.C. No.10085 C2/47 dated 8-3-1948.

S i r,

Sub: Appeal - Sri R. Subramanyam, Ex-Deputy Inspector of schools - Dismissal.

With reference to the Government Memo No.88288 A.3 Edn., dated 5-3-48, I have the honour to state that pages 387-440 of the current file of this office have already been submitted along with the other enclosures and they are not available in this office.

for Director of Public Instruction.

E484Dep

Confdl.

Letter/Ref 88288 A-4 Rdd. 13.3.48

To

The Secretary, H.P.S.C. 38

Sir,

Appeal - Sri R. Selvamanickam, Ex-Deputy Inspector of Schools - Dismissal.

With reference to your letter No 1231C/48-1 dated 2.3.48 I am directed to say that all the records subsidiary to the D.P.I were forwarded to you as enclosures to the Govt. letter No 88288A-2 Rdd. dated 26.2.48. The D.P.I also in his letter No 1008/C2/48 dated 8.3.48 reports that pages 387 to 440 of the Current file of his office were forwarded to Govt. along with other enclosures and that they are not available in his office. In the circumstances, I am to request that a few days time may kindly be made for the records in the bundle of enclosures forwarded to you with the Govt. letter cited above.

12.3.48

13/3/48

J.O.S.

Post copy of telephonic Message from the Secretary, Madras Public Service Commission, to the Director of Public Instructions, Madras.

ASST. SECRETARY TO GOVERNMENT
15 MAR 1948
EDUCATION AND PUBLIC HEALTH DEPT.

19622

Sub:- Appeal-Deputy Inspectors of Schools- Your endorsement No. 10085-C.6/47, dated 9-1-48 to the Secretary to the Government of Madras, Education & Public Health, department.

In the list of records forwarded to the Commission by the Government reference has been made to the Director's office Current file pages 387 to 440. These pages are not found in the records sent, In the appeal forwarded with the endorsement cited the pages marked have been rubbed of and a continuous number from 1 to 28 has been given.

Please say whether pages 387 to 440 of your office current file relate to the appeal preferred by the ex.Deputy Inspector and to the endorsement of the Headmaster of the Government training school, Villupuram.

A reply before this evening is requested.

/True copy/

G. m. Amburse
Superintendent,
Madras Public Service Commission

Copy to the Secretary to Government, Education & Public Health, department with reference to his letter No.88288, A.4, Edu, dated 13-3-48.

E&PH (A).

No action is necessary on this. The file may be kept till the final reply from the Commission is received.

C/S Received
19.3.48
17/3/48

From

Sri D.S. Reddi, M.A.(Oxon.)
Director of Public Instruction, M a d r a s.

To

21473

The Secretary,
Madras Public Service Commission.

R.C. No.10085 C2/47 dated 16th March 1948.

S i r,

Sub: Appeal - Sri R. Subramanian, Ex-Deputy Inspector of schools, Hosur Range - Appeal against the Director's orders dismissing him from service.
Ref: Your T.M. dated 15th March 1 9 4 8.

The pages 387 to 440 of this office current file referred to in the annexure to my endorsement R.C.No.10085 C6/47 dated 9-1-48 relate to the appeal preferred by Sri R. Subramanian, Ex-Deputy Inspector of schools and to the endorsement of the Headmaster, of the Government Training School, Villupuram.

for Director of Public Instruction.

Copy submitted to the Secretary to Government, Edn., & Public Health Department, with reference to their Memo No.88288 A.3 Edn., dated 5-3-48 and in continuation of this office letter R.C.No.10085 C2/47 dated 8-3-48.

E1&H(B)

- Please see the reply from the D.P.I on
p1&4 and to the M.P.Sc. No action is
necessary on this. May kindly see the
Commissions remarks are received in this
Dept.

CR
20.3.48

ORK
22/3/48

CONFIDENTIAL TEL"PUBSERCOM."

A1

From
Sri C. Krishnaswami Chetty,
Secretary, Public Service
Commission, Madras-8.

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

DEPUTY SECRETARY TO GOVERNMENT
24 MAR 1948

No.1231-C /48-2, dated 23-3-48.

Sir,

Appeal- Sri R. Subramanyam, Ex-Deputy Inspector of Schools- Dismissal- Your letter No.88288-A.4.Edn, dated 13-3-48.

22172

I am to invite attention to the letter No.10085/C.2 47, dated 16-3-48 (copy sent to you) from the Director of Public Instruction and to say that the appeal preferred by Sri R. Subramanian and the endorsement of the Headmaster, Government Training School, Villupuram, which relate to pages 387 to 440 of the Current file of the office of the Director of Public Instruction, have been received.

Your obedient servant,

SECRETARY.

Encl- Nil

js 23/3/48.

p5 and

E1&H.

No action is necessary on this. May kindly see the general remarks of the M.P.Sc. who reviewed

ORK 25/3/48

24.3.48

Confidential Tel: Pubsercom.

From
Sri C.Krishnaswami Chetty,
Secretary, Public Service
Commission, Madras-8.

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

No.1231-C/48-4, dated 5-5-1948.

S i r,

Appeal - Sri R.Subramanyam, Ex-Deputy Inspector of Schools (Senior scale) - Dismissal - Your letter No.88288/47-2-A-Edn., dated 26-2-48.

****

I am to say that the Commission agrees with the Special Officer that charges II, III and IV have not been proved.

2. As regards Charge I, which contains eight allegations, the Commission's views are as follows:

Allegation 1:- The appellant admits that he was at Hosur at about 1 p.m. on 16-6-45 to act as an identifying witness to his future second wife at the Sub-Registrar's office, Hosur. But his diary for that date does not mention this journey.

The appellant says that he left Gummanur on that date after breakfast to Hosur via Royakota (a distance of 26 miles) and that after attending the Sub-Registrar's office at about 1 p.m. he rushed back to Royakota (22 miles) to attend the Teachers' Association meeting and do war propaganda there between 2p.m. to 2-30 p.m. and then left Royakota to Hosur (22 miles again) at 3 p.m. reaching back Hosur at 6-30 p.m. If he is to be believed, he thus travelled 70 miles on that day, in very hot weather, mostly on cycle. Even a man with a fast car would have found it difficult to keep so many engagements at such distances on a single day. In the Commission's opinion, his defence, is unacceptable. The Commission holds that on the appellant's own admission and on the probabilities of the case, the charge that he wrote a false diary is proved, quite apart from the evidence about which the Commission agrees with the Special Officer.

Allegation 2.- In the light of Exhibit G-4 and the appellant's own admissions therein, the entries in the diary are clearly false. The Commission must reject his plea that he wrote Exhibit G-4 in an atmosphere of "intellectual and emotional coercion". The charge is proved.

Allegation 3.- The entries in the diary are--

(i) Inspection of the School at Gummanur on 15-6-45 - 2 p.m. to 6-30 p.m.

(ii) Parents' Association and War Propaganda - 8-30 p.m. to 9-45 p.m.

As regards (i) P.Ws. 5 and 8 have given different versions. While P.W.5 says that the appellant inspected the school in the forenoon and left it at about noon, and did not come to the school in the afternoon between 2-30 to 5-30 p.m., P.W.8, his assistant, says that the appellant inspected both in the forenoon (between 11 and 12 noon) and again in the afternoon (between 2-30 and 4 p.m.). The Commission would therefore not press this part of the allegation, especially as it is accepted that the appellant was at Gummanur and also inspected the school on 15-6-45.

As regards (ii), the Commission would accept the evidence of P.Ws.5 and 8 that the appellant halted at Gummanur on the night of 15-6-45. As regards the work done, P.Ws.5 and 8 and D.W.4 say that the appellant was talking (may be about the school) with some villagers in the house of D.W.4. It is probably an exaggeration to call this talk as either Parents' Association meeting or War Propaganda work. There appears to have been no Parents' Association at Gummanur. However, as, according to the evidence of P.Ws.5 and 8, some villagers did meet the appellant at D.W.4's house and as ideas about what constitutes a meeting may differ, the Commission considers that the benefit of the doubt may be given to the appellant in respect of this part of the charge.

Allegation 4.- In view of the evidence of P.W.9 at the regular enquiry, the Commission takes the view that this charge cannot stand. It may be that he gave a different version at the preliminary enquiry held by the District Educational Officer. But that evidence cannot be used against the delinquent, as it was not recorded in his presence. P.W.9 has stated that his previous version was given under coercion. His contradictory versions only go to show that he is an unreliable witness. If his evidence is ignored on this ground there is no other evidence to prove that the delinquent did not visit Chembarasanapalli on 3-8-45. The evidence of P.Ws.10, 11 and 12 has no direct bearing on the charge. It only shows that on 4-8-45, i.e., the NEXT day, while at Sulagiri, the appellant sent for the records of Chembarasanapalli School and wrote something. It does not disprove the appellant's visit to that school on the PREVIOUS day. P.W.13 heard from P.W.9 that the appellant "had come to inspect the school and left". This supports P.W.9's version at the regular enquiry. The Commission holds that the charge has not been proved, although the circumstances are suspicious.

Allegation 5.- The Commission agrees with the Special Officer that this charge is not proved in view of the evidence of P.W.14 at the regular enquiry.

Allegation 6.- Exhibit GGI was communicated to the appellant. He knew that there was no Village Panchayat School in Belur. But he made entries as if he had visited the Village Panchayat School and his "Return of visits to Elementary Schools" for July 1944 shows that he had no "unaided" school in his jurisdiction. What he actually visited was, however, the unaided and unrecognised private school run by one Paulraj, from whom Exhibits HH and HH1 were recovered later.

The appellant's contention that he only stated in the diary that he "visited" Belur Panchayat School and not -- "inspected it" is mere quibble. His diaries for 29-7-44 and 25-8-44 contain entries under the heading "other inspections" and give the hours of inspection as well as the number of pupils on the rolls and the number present at the inspection of the PANCHAYAT SCHOOL (which was non-existent).

It may be that the appellant visited Belur on the dates in question with a view to taking steps to revive the Panchayat School as the entry "revival school" made against the date 29-7-44 in the diary shows. But that does not alter the fact that the entries in the diary purporting to have been made in respect of the Panchayat School which had been under closure, really related to a different school - an unaided unrecognised private school run by Paulraj. The appellant now admits that he visited the latter School and took steps to get it under the management of the Panchayat Board and that pending recognition, he "provisionally" referred to it as the Panchayat School. On his own admission, therefore, the entries in the diary are false and the charge is proved.

Allegation 7.- This allegation is based merely on suspicion, opinions, inferences and presumptions of the District Educational Officer and not on direct evidence as to

to matters of fact. There are doubtless certain suspicious circumstances attending the alleged visits. But the evidence of the residents of the villages visited cannot be ignored altogether.

P.W. 15 who was the President of the Panchayat Board has stated that the appellant visited Begaipalle twice in 1945 at the request of the villagers in connection with the opening of a school. The date of one of these visits is fixed by the evidence of D.W.5 (who was also present) as 1-8-45. D.W.5 who was the Karnam of the village from 1-8-45 and who came to the village on that day to take charge from the suspended Karnam, saw the appellant in the village on that day along with P.W.15. The Commission sees no reason to reject the evidence of D.W.5 and to act upon the inconclusive evidence of P.Ws.16 and 17. P.W.18 saw the appellant at Zuzuvadi once. P.Ws.19 and 20 did not see him there but had heard that he had come there. D.W.5 also speaks to having gone with the appellant to Zuzuvadi and Mookkandapalli on the particular date in question. It may be that the appellant's visits to these villages were unnecessary but it does not follow that the entries in the diary were false. The Commission holds that the charge has not been proved.

Allegation 8.- The Commission considers that the charge has been rightly dropped.

2. Thus the charge that the appellant fudged his diaries is, in the Commission's opinion, proved in three instances only. Charges of corruption have not been proved. For the proved instances of fudging entries in the diary, the punishment of dismissal imposed by the Director of Public Instruction is, in the Commission's opinion, too severe. In imposing that punishment, the Director of Public Instruction has taken into account the appellant's "sex adventures" and his previous record regarding which no charges were framed and which should not therefore have been taken into account. For fudging an important Village Account, a Deputy Tahsildar was punished with only a stoppage of increment without cumulative effect - VIDE correspondence resting with the Revenue Department letter No.6256-G/47, dated 10-3-48. The Commission considers that in the present case the ends of justice will be met by reducing the appellant to the post of a lower division clerk in the Education Department. It advises that the Director's order be modified accordingly, the appellant's starting pay in the lower division clerk's scale being fixed at a suitable stage with reference to his present pay in the Deputy Inspector's scale (about which the Commission has no information).

3. Most of the exhibits relating to this case are in a language other than English and they have not been translated into English. I am to invite attention to the instructions issued in G.O.No.3294, Public (Services), dated 15-11-44 and to say that such records should have been translated into English and a copy of the translation should have been attached at the proper places.

4. The records as per list enclosed are returned.

Your obedient servant,

Secretary.

pmr.5/5/48.

List of records.

44

1. A p p e a l.

2. C h a r g e.
2-A. Statements (two)
3. Depositions of PWs. 1to 30.

4. Statement of the accused officer.

5. Depositions of D.Ws. 1 to 8.

6. Exhibits A to LL2 and I.

7. Personal file of Sri P.Subramaniam.

8. Preliminary enquiry records. Pages 1 to 5, 13, 35, 37, 43 to 47, 49, 51, 57, 63-74, 83-89, 93-97, 113-122.

9. Milk attendance register - Chembarasanapalli.

10. Inspection book of the Board School, Kundukotta and the acquittance roll of the school.

11. Letter from S.Lakshmanan, V.P.School, Belur to the Deputy Inspector of Schools, Hosur.

12. Register of attendance and fees - Settimanapalli.

13. Postage account - Pachapanetti school.

14. Register of admission do.

15. Register of attendance and fees - Pachapanetti school.

16. do. do.

17. do. do.

18. Inspection book - Chembarasanapalli

19. Remarks of the annual inspection - V.P. school, Belur.

20. Sister's register - Chembarasanapalli V.P.School.

21. Acquittance register do.

22. Register of admissions, Chembarasanapalli

23. " showing the number of pupils of school age, Chembarasanapalli.

24. Acquittance roll, Chembarasanapalli.

25. Inspection book of B.H.Elementary school, Denkanikottah.

26. Statement of S.Lakshmanan, teacher dated 12-11-46.

27. Inspection book, village Panchayat school, Belur.

28. Files relating to H.S.Subbarama Sastri in the office of the Deputy Inspector of Schools, Hosur, page 1-74.

29. File re: recognition - temporary grant - Board boys' school, Zuzuvadi pages 1-34.

30. File - Opening of a new board elementary school, Zuzuvadi pages 1-24.

31. Fort St.George Gazette showing the suspension of Subbarama Sastri.

32. Return of visits - September 1945 - Deputy Inspector, Hosu

33. Attendance register, Board Boys' School, Anniyalam.

34. Director's office file - current file - pages 295-314

35. Director's office file - current file pages 317-318.

36. do. 337-370

37. do. 371-376
(note file pages 7-22).

38. do. 381-383.

E. & P. H. (Fl)

SUB:- APPEAL - Sri R.Subramanyam - Deputy Inspector of Schools - Dismissal from service - Orders passed.

***

REF:- From Sri R.Subramanyam, dated 1--11--1947.
From the D.P.I., No.10085 C6/47, dated 9--1--1948.
From the Secretary, M.P.S.C., No.1231 C/48-4, dated 5--5--1948.

***

ORDER (MS) NO. 1710 EDN., DATED 7-7-48

In his proceedings No.10085 C6/47, dated 26--8--1947 the D.P.I. ordered the dismissal from service of Sri R. Subramanyam, Deputy Inspector of Schools (Senior Scale), for grave misconduct. Sri Subramanyam appealed to Govt. against the orders of the Director. The Govt. consulted the M.P.S.C. The Commission has held that the charge that the appellant fudged his diaries is proved in three instances only, and that charges of corruption against him have not been proved. It considers that the punishment of dismissal for the proved instances of fudging entries in the diary is too severe and that the ends of justice will be met by reducing the appellant to the post of L.D.Clerk in the Education Department. The Govt. accept the recommendation of the Commission and direct that the punishment of dismissal awarded by the D.P.I. be modified into one of reduction from the post of Deputy Inspector of Schools to that of a L.D. clerk in the Edn. Department. The pay of Sri Subramanyam as Lower Division Clerk should be fixed at Rs.80 in the scale of Rs.45-3-60-2-90. The period of absence from duty from the date of dismissal of R.Subramanyam to the date of his joining duty as clerk should be treated as such leave as is he is eligible for under the rules.

2. The D.P.I. is requested to communicate this order to Sri R.Subramanyam, together with relevant extracts from the Commission's letter (copy enclosed).

3. Sri R.Subramanyam is referred to the D.P.I. for orders on his appeal.

To
The D.P.I. (with a copy of Commn.'s letter)
The A. G. thr' Fin.
The Secy., M.P.S.C.
Sri R.Subramanyam,
No.1 Sagoji Panditar's St.
Melakavery, Kumbakonam (para 3 only)

62

1 Bundle of Records Concerning

ENCLOSURE TO DIRECTOR'S OFFICE LETTER NO.R.C.10085 C6/47
DATED 9-1-1948 REGARDING APPEAL - SRI R. SUBRAMANYAM,
EX-DEPUTY INSPECTOR OF SCHOOLS.

83 x 6

1 Bdle of Records Concerning
ENCLOSURE TO DIRECTOR'S OFFICE LETTER NO.R.C.10085 C6/47
DATED 9-1-1948 REGARDING APPEAL - SRI R. SUBRAMANYAM,
EX-DEPUTY INSPECTOR OF SCHOOLS.

Dpy One bundle Sealed to D.P.I. --- 10/7/48

1 Bdle of Records Concerning 1710 Rdr. dated 7.7.48.

47

CNo. 5300/A/48 from Sri R. Subrahmanyam, B.A., B.Ed., (Ex Senior Dy. Inspr. of Schools, Hosur & Ex-School Asst., G.T.S., Villupuram), Kumbakonam, Appeal Petition, dated 1.11.1947.

Endt. of the D.P.I., Re. No. 10085 E6/47, dated 9.1.1948.

Appeal - Subrahmanyam, Sri R - Ex-Deputy Inspr. of Schools - Dismissal from service - Appeal against

Sri R. Subrahmanyam was a Deputy Inspr. of Schools in the Hosur Range of Salem Dt. In June and September 1945, the D.E.O., Salem, received certain petitions alleging corruption, immorality and making false entries in diaries against the Dy. Inspr. Thereupon, the D.E.O. went to the Dy. Inspr's. range for inspection and made some enquiries as a result of which he got the Dy. Inspr. transferred as School Assistant, Govt. Training School, Villupuram. The D.E.O. thereafter continued his enquiries, examined witnesses etc. and sent a report to the D.P.I. The Director on perusal of the report came to the conclusion that a prima facie case for inflicting punishment extending upto dismissal from service was had been made out against the Dy. Inspr. and sent the papers to the Spl. Officer for Departl. Enquiries for enquiry.

2. The S.O. framed four charges against the Dy. Inspr. All the formalities were gone through - preliminary written statement of defence obtained, oral enquiry held etc. as a result of which the S.O. held the last three charges as not and one of the allegations (Allegation 5) under Charge I as not proved and dropped Allegation 8 under Charge I. He held Allegations 1 to 4, 6 and 7 under Charge I as proved and, recommending that the Dy Inspr. be removed from service, sent his report to the D.P.I. The Dir. communicated a copy of the report of the S.O. to the accused and got his further statement of defence. On considering all the records so obtained, the Dir. in his proceedings dated 26/8/47 ordered the dismissal of the Dy. Inspr. from service with effect from the date on which the order was communicated to him. The Dy. Inspr. who was then

6C

D.O.

working as School Assistant, G.T.S., Villupuram, was relieved on 6.9.47 A.N. Now, within 2 months of the above date, the Ex-Dy. Inspr. and School Assistant has subd. an appeal petition to the H.M.(Edn.) wherein he has elaborately analysed the findings of the Spl. Officer and on each of the allegations held to have been proved by the latter. The D.P.I. recommends that the appeal may be rejected.

But before passing orders on the appeal, it is necessary, under M.P.S.S. Regulation 20(1)(a), to refer the appeal to the Commission and obtain its views on it. A draft letter to the Commn is accly. subd. below for approval.

24/8/48 S

[Issued as Letter No 88288 A/47-2 Rdv. dt 26.8.48]

C. no. 95161 A/47 From Sri P. Varadarajulu Naidu Salem dt 30.11.47
C. no. 34741 A/48 From the Secretary M.P.S.C. No 1231 C/48 dt 5.5.48

Please see the remarks of the M.P.S.C. on pp 55-57 C/F to this Dept's letter on p 31 C/F. In view of the reasons stated in paras 2-3 on pp 55-57 C/F the Commission considers that the punishment of dismissal imposed by the Director on the appellant is too severe and for the reasons stated at X on p 57 C/F it does not think that the order of dismissal may be modified into it considers that the ends of justice will be met by reducing the appellant to the post of a lower division clerk in the Rdvs Dept. It therefore advises that the D.P.I's orders of dismissal may be modified accordingly and the pay of the appellant in the post of L.D. clerk may be fixed at a suitable stage viz. that his present pay in the Dy. Inspectors Scale. It is submitted that according to the establishment list of non-gazetted officers in the Rdvs Dept as corrected upto 1.1.47, the appellant was getting a pay of Rs 80 in the scale of ~~80-10-130-2-150~~ Rs 70-10/2-130. This scale of pay has been revised as Rs 85-5-125-2-175. For orders as to when the advice of the Commission may be accepted and if so whether the starting pay of the appellant in the post of L.D. clerk may be fixed at Rs 80 p.m. in the scale of Rs 45-3-60-2-90. This is in accordance with the recommendation of the Commission at M on p 57 C/F. The file may be sent to Pub.(Ser) and Finance for remarks.

6.6.48

6/6/48

11/6/48 S

It is a pity that in matters of regular service (G.I.20 of E) the findings may be accepted. In the matter of withdrawal of punishment imposed by the D.P.I. may also be accepted.

14/6/48

Pub.(Ser.) A

Pub(Ser-A) U.O. 2123/48

Public (Ser) Dept.

The letter of the M.P.S.C. at pp. 55-57 C/F and notes from XX on p. 2 ante. only need be perused. 'A' above may be agreed to if this dept. The file may be passed on to Fin.

15/6/48 15/6/48

17.6.48

12/6

Finance (Con)

It is submitted that Finance also may agree to A above.

23.6.48

Fin 00 45041

E&PH Dept.

Please see the orders of Govt. Pole (Secy) and Fein on p3 ante. A draft order is submitted for approval. Pw orders as to calculation of H.R (2 qtrs).

28.6.48

28/6/48

21/6/48

Hd (Exn)

TSA

6.7.48

SECRETARY, EDN. AND P.H. DEPT. 6 JUL 1948 GOVERNMENT OF MADRAS

From The Director of Public Instruction, M a d r a s.

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

R.O.C. No.10085 C2/47 dated 16th Septr. 1948.

S i r,

Sub: Appeal - Sri R. Subramaniam, Ex-Deputy Inspector of schools - Re-instatement in service.
Ref: G.O. No.1710 Education dated 7th July 1948.

With reference to the orders in the G.O. referred to above, Sri R. Subramanian was posted as Clerk in the Government Training School, Tanjore. But he requests that he may be permitted to join the post during the first week of October 1948, in view of the fact that he is employed as a School Assistant from 12th January 1948 in the Sabha High School, Saraswathipuram, Mavahvaram Post, Cuddapah and that he is not in a position to get immediate relief from the school. I am enclosing a copy of his letter dated 23-8-48 to the District Edl. Officer, Tanjore. In the circumstances stated above, I am permitting him to join duty as clerk in the Government Training School, Tanjore during the first week of October 1948 in anticipation of sanction of the Government.

2. I request that the Government may be pleased to approve of my action.

for Director of Public Instruction.

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copy of the letter dated 23-8-48 from Sri R. Subramanian, B.A., B.Ed., Assistant, the Sabha High School, Saraswathipuram, Mavahvaram Post, Cuddapah to the District Edl. Officer, Tanjore.

Sub: Sri R. Subramanian, Ex-Deputy Inspector of schools - Orders of posting to the Govt. Training school, Tanjore.
Ref: R.O.C.No.591 A/48 dated 16-8-48 of the Dist. Edl. Officer, Tanjore.

In acknowledging the receipt of the above cited order of posting on 20-8-48, I beg to submit that I have been in service in the above institution as L.T. assistant from 12-1-48 as such the Management feels a need for the notice of a reasonable period for my relief. Thus I am not in a position to get immediate relief. I therefore beg to request you to be so kind as to permit me to join the post ordered during the first week of October 1948.

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for Director of Public Instruction.

Ex P.H. (A)

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Cms. 69236/Ad

Appeal - Sri R. Subramaniam, Ex. Dy Inspecting Servts - Re-instatement in service - Director's action - Approved

G.O. No: 1710 Edn dt 7.7.48.

From the D.P.I. letter no. 10085 C2/48 dt 16.9.48

Memo no. 69236 A/Ad1 Edn dated 21.9.48

The Govt approve the action of the D.P.I. in having permitted Sri R. Subramaniam to join duty as stated in the first week of October 1948 in anticipation of sanction of Govt.

To The D.P.I. Madras

Madras 18/9/48 18/9/48

20/9/48

Add to (J) after circle 20/9/48

Post Copy of Telephonic message dated 12th Novr. 1948.

From

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

To

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

ASST. SECRETARY TO GOVT. 18 NOV 1948 SECRETARIAT MADRAS

85748

SRI R. SUBRAMANIAN, Ex-Deputy Inspector of Schools--
Reinstatement in service.

In their Memo.No.69236-A1/48-1 Edn., dated 21.9.1948 the Government approved the action of the Director in having permitted Sri R. Subramanian to join duty as clerk in the first week of October 1948. Sri R.Subramanian has not yet joined duty as clerk. He now requests time till about the 15th November 1948 to join duty. I request to be informed whether his request can be complied with.

For Director of Public Instruction.

ks.15xi.

16/XI

U.O.

T.M. [illegible] dt 24/11/68 E.H.H.(A)

From The Asst Secy to Govt
E.H.H. Deptt
To The Dy D.P.S.

Sub: Sri R Subramanian, Ex Dy Nursing Sister
Reinstatement in Service

Ref: Director M.C. Hqrs. No 12/11/68

Pharmacy urgently Whether
Sri Subramanian has joined duty.

Issued
23/11/68

P.C. to Dr

Desk
Asst
23/11/68

MMS
19/11/68

23/11/68

Asst
22/11/68

C.F. 304.

OFFICE OF THE

Date ..... 194 .

87221 Hours ..... Minutes .....

TELEPHONIC MESSAGE.

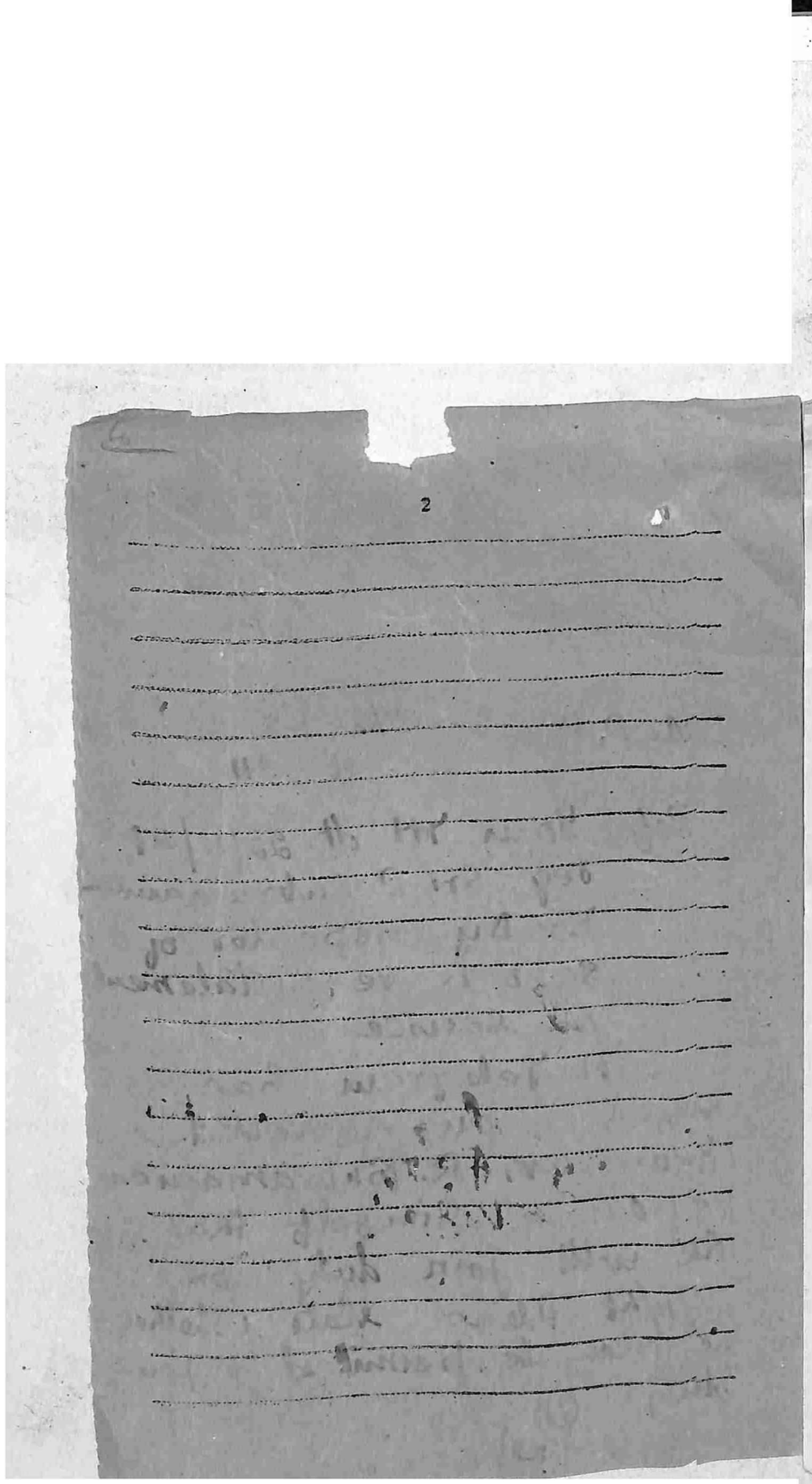
From	To
The D.P.I	The A.S. Erode

Ref. Your TM dt. 22/11/48 reg. Sri R. Subramaniam Ex Dy. Inspector of schools re-instatement in service.

A Telegram has since been received from Sri R. Subramaniam reporting himself that he will join duty on 22/11/48. Please state whether he may be permitted to join duty.

PD 23/11/48

(Please write on both sides.)



Post Copy of Telephone Message dated 23-11-48.

From

The Director of Public Instruction, Madras.

To

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

ASST. SECRETARY TO GOVT.
20 NOV 1948
EDUCATION AND PUBLIC HEALTH

58123

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Ref:- Your Telephone Message dated 22-11-48 regarding Sri. R. Subramaniam, Ex.Deputy Inspector of Schools- Reinstatement in Services.

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A telegram has since been received from Sri.R.Subramaniam reporting himself for duty on 22-11-48. Please state whether he may be permitted to join duty.

For Director of Public Instruction.

MDS
24/11

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27/11

55 9 Edn and P.H.B.

T. ll by post-No 8574/48A Edn Dt 26/11/48

From

The Secy to Govt, Edn and P.H. Dept.

To The D.P.I.

Your t.m No 23.11.48 regarding re-instatement of ex-Deputy Inspectress Sri R. Subramanian

Sri Subramanian may be permitted as clerk. to join duty. He should be informed that no extension of time will be granted.

Sent 29/11

23/11/48

DM 26/11/48

C.F. 304.

OFFICE OF THE

Date 194 .

Hours Minutes

TELEPHONIC MESSAGE.

From	To
The D P I	The AS. E&PH.

Ref ~~Ref~~ Your TOL. 22/11/48 reg. Sri R. Subramaniam Ex. Dy Insptr of Schools re-enstatement in service.

A Telegram has since been received from Sri R. Subramaniam reporting Rimself for duty on 22/11/48 Please state whether he may be permitted to join duty

Please write on both sides.

C.958 A/48 13-12-48

Re 10085-C2/46. 24023

Government Training School
for Masters,
TANJORE, Dated 17 Dec., 1948.

INSPECTOR OF SCHOOLS DIVISION
20 DEC 1948
C.869.A/48
SCHOOLS DIVISION

From

Sri R. Subramanyam, B.A.,B.Ed.,
Formerly Senior Deputy Inspector of Schools
And Now
Clerk, Government Training School for Masters,
TANJORE.

To

The Hon'ble Minister for Education,
Government of Madras,
Fort St. George,
MADRAS.

Through

The Director of Public Instruction,
MADRAS.

The Proper Channel.

Honoured Sir,

SUBJECT: Madras Educational Subordinate Service - Disciplinary action of reduction - Representation for re-consideration.

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1. On my appeal to the Government against the orders of the Director of Public Instruction, Madras, dismissing me from service, the Government was pleased, on the advice of the Public Services Commission to modify the punishment of dismissal into one of reduction from the cadre of Senior Deputy Inspector of Schools (Scale: Rs.85 - 5 - 125 - 10 - 175 - 10 - 245) to that of a Lower Division Clerk (Scale: Rs.45 - 3 - 60 - 2 - 90) in the Education Department. The orders of Government (b) was communicated to me in Proceedings R.O.C.10085-C 2/47 dated 27-7-48 of the Director of Public Instruction, Madras which reached me in the first week of August, 1948. Orders of the District Educational Officer, Tanjore posting me to the Government Training School, Tanjore were received by me on 20-8-48. A representation for reconsideration in the sense of this petition was intended to be submitted by me then. But I deferred doing so for reasons which delayed my reporting for duty as Lower Division Clerk as ordered by the Director of Public Instruction, Madras. Subsequent to filing of my appeal against the orders of dismissal and when the appeal was pending with the Government I sought and obtained the permission of the Director of Public Instruction, Madras for my seeking employment

(a) Letter d. 1231-C/48 d. 5-5-48 of the Secretary, Madras Public Services Commission.

(b) G.O. No. 1780 Edn. dtd. 7-7-48.

employment elsewhere. Accordingly, I accepted service as L.T. Assistant in the S.P.B.V.P. Sabha High School, Upparavapalle, Cuddapah District, from 12th Jan., 1948. At the time I received the orders of Government on my appeal, there was difficulty in getting immediate relief from the school service which eventually occurred on 20th Nov., 1948. Thereupon, I reported myself for duty on 22-11-48 at Tanjore. For want of orders contained in R.o@10085-c2/47 dated 2.12.48 of the Director of Public Instruction, Madras received only on 7th Dec., 1948, I ~~was permitted to~~ could join only on 8-12-48 as Lower Division Clerk, Government Training School for Men, Tanjore, where I am now serving in the said capacity. Having, therefore, suffered the punishment by starting to serve as and serving as Lower Division Clerk, I feel I may submit the deferred representation for reconsideration now.

2. I cannot now and do not question either the findings and recommendations of the Public Services Commission or the decision of the Government thereon. My object is to respectfully point out that the punishment of reduction is in its operation degrading rather in excess of the requirements of the case; and, if I refer briefly to the merits of the case, it is only to emphasise that aspect and not in a spirit of contumacy of the Government Order.

3. The Public Services Commission gave a finding that only 3 items of Charge I which related to the preparation of incorrect diary, were proved. Those instances are Allegations 1, 2 and 6 of Charge I only.

4. So far as Allegation 6 was concerned, the Public Services Commission itself was pleased to concede that

> "my visit to the concerned village (Beloor) may be true on the dates in question".

It, therefore, does not question the solid actuality of visit, but turns to consider the nature of entry in the diary. They take the view that the object of the visit was for taking steps to revive the closed V.P. School and not for visiting a functioning school as indicated by the entry in my diary. I beg to submit in this connection that, in the case of visits

to

to new and revived schools pending recognition the departmental practice is to note the visits to such schools in Column I of the 'Return of Visits' and reckon them as such because they are going to be recognised from the date of revival, start or date of presence of a qualified teacher. In the present case, the school under Paul Raj was visited in the hope of getting it recognised, subject to the scrutiny of his certificates. But the school could not continue to be considered for recognition as he was detected later to be unqualified. (Please vide my two Special Reports to the District Educational Officer, Salem on the Subject);and from the date another qualified teacher was secured, recognition was obtained. Thus, the technical aspect of the entry arose, the fact of having visited it, all the same, remaining true.

5. As regards Allegation 1 of Charge I, the Public Services Commission acted completely on an inferrential reasoning about the possibility of swift transport without making necessary allowance that some of the Prosecution Witnesses (not to speak of the Defence Witnesses) examined in support of the allegation, gave evidence probablising my presence in the visited village on the date in question. Allegation 3 which has been dropped as false confirms the defence to a great extent, viz., that I was in the vicinity of Royakota on that date. Thus this allegation did not merit such a severe notice.

6. Regarding the finding in respect of Allegation 2, I submit that the main prosecution evidence itself disclosed points in support of my visit to the village and inspection of the school. The very documentary defence evidence record said to have been handed over by P.W. 9 to the District Educational Officer, Salem on the day of the preliminary investigation, was not forthcoming in support of defence at the regular enquiry in spite of pointed reference to it by P.W. 9 during cross-examination; and my admission which forms the nucleus of the finding against me does not contra-

dict

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contradict the fact of a visit, but may, at the most, be taken to refer to the superficiality of work turned out.

7. Assuming, however, that some punishment is called for, I respectfully submit that one of the several other alternatives would have been appropriate. I might have been deprived of executive work and retained as School Assistant in the tutorial branch which involves no diary work wherefrom discharge of my duties may be watched and judged on a reformative (if it be deemed so) basis sympathetically. As it is the punishment is multiple in that it

(i) reduces my pay drawn;
(ii) shifts the reduced pay of Rs.80/- from a scale carrying a maximum of Rs.245/- to a scale carrying the maximum of Rs.90/-;
(iii) totally degrades my status from the rank of an executive officer to that of a Lower Division Clerk without considering my fitness for a non-diary officer, i.e., school assistant in tutorial line, as I happen to be a trained graduate or a higher status even in ministerial branch, and
(iv) has not allowed how, after living down and suffering the punishment, I may expect reinstatement to my former appointment or other appointments in the manner of promotion.

8. I, Therefore, humbly pray for modification of the order of Government with due consideration to the above-mentioned submissions in consonance with

(i) the Public Services Commission's reference to the punishment of the stoppage of only one increment without cumulative effect in the case of a Deputy Tahsildar for an offence in financial matter, i.e., fudging an improvement village account (correspondence resting with the Revenue Department's letter No.6256-G/47 dated 10.3.48, and

(ii) punishment imposed on some Deputy Inspectors, Seniors and Juniors, some of whom were diverted to tutorial line and some kept on in the same post (executive) reducing pay by a stage or two in the scale and promoted to higher cadre in course of time.

9. I beg to invite reference to and consideration of the undermentioned details about my previous work:

As a Secondary Grade Assistant, in which capacity I was entertained in the Department of Education in July, 1933, on a record of good work, my probationary period was completed satisfactorily, my increments sanctioned, confirmation ordered and promoted as Junior Deputy Inspector

of

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of Schools. In that cadre, for the same reason, satisfactory completion of probation, sanctioning of increments, confirmation and promotion as School Assistant and Senior Deputy Inspector of Schools, were all allowed. In the cadre of School Assistant and Senior Deputy Inspector of Schools my probation was satisfactorily completed and increment sanctioned till the very date of discharge on 6-9-47 on dismissal. None of these would have been possible had there been even one adverse report about me. The fact that nothing adverse was communicated to me at any time previously for my guidance or rectification is a sure indication that there was no bad record about me.

10. In fact, in 1945, when a suitable Senior Deputy Inspector for the Nilgiris Range was to be proposed, the Divisional Inspector of Schools, Coimbatore Range enquired me early in 1945 in a D.O. if I would be willing to be posted to the Nilgiris in the case of my choice. It is obviously implied that my work had been found satisfactory and consequently was thought suitable for that station by the Divisional Inspector himself. I may also refer to the fact that the well-known publicist, Dr. P1 Varadarajalu Naidu, wrote to me a letter late in 1944 when he heard of the likelihood of my transfer to some other division, in which the following occur:

> "I am fully aware of the missionery spirit with which you are serving the educational needs of the backward people of Hosur taluk. I appreciate the valuable service you have rendered to the orphans in the Hindu Gurukulam at Hosur. <u>I am sure your kind services will be placed on record in the Government"</u>

11. I, therefore, beg to submit that these items of good and efficient work together with the fact that my work as School Assistant 18-11-45 onwards in the Government Training Schoolsat Vizagapatam and Villupuram for nearly two years preceding the order of dismissal, i.e., 6th September

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September, 1947, may more than off-set the alleged lapses taken proved against me in the order of punishment.

I beg to remain,
Honoured Sir,
Your most obedient Servant,

R. Subramanyam
11.12.48.

(Clerk, Government Training School
for Masters, Tanjore)

ST. SECRETARY TO GOVERN
28 FEB
TION AND PU

15085

RC 402/48.
11-12-48

12/12/48

Submitted to the District Educational officer, Tanjore and recommended for favourable consideration.

11-12-48

Headmaster,
Government Secondary Training School
for Masters, Tanjore.

Roc.No.958-A/48. Office of the Dt.Edl.Officer, Tanjore dated 13-12-48.

Ref: Re.No.402/48 dated 11-12-48 of the Headmaster, Government Training School, Tanjore submitting representation for reconsideration of the orders of Government reducing him as a Lower Division Clerk.

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Submitted to the Divisional Inspector of schools, Madura.

16/12

District Educational Officer, Tanjore.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.O.C. No.10085 C2/46 dated 24th February 1949.

Sub: Petition from Sri R. Subramaniam, formerly Deputy Inspector of schools for modfication of the orders passed by Government reducing his status as clerk.
Ref: Petition dated 11-12-48 from Sri R. Subramaniam, Tanjore.

S u b m i t t e d.

2. Attention is invited to G.O. No.1710 Education dated 7-7-1948.

for Director of Public Instruction.

To the Secretary to Government, Edn. & Public Health Department.

(B)

15035A/49

EP&HA)

Sri R. Subramaniyam, clerk, Govt Trg School for Masters, Tanjore reconsideration of orders.

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Petition from Sri R. Subramaniyam Dt 11.12.48
from the DPI in 10085 C2/46 Dt 24.2.49

Memo No 15035A/49-1 Edn & P.H. 7.3.49

The DPI is requested to inform the petitioner that the previous orders in the matter will not be modified.

7-MAR 1949
GOVERNMENT OF MADRAS

6.3.49