

14. (1948.) Department.

MS. SERIES.

G.O. NO. 2518, Edu.

Dated 5.10.1948.

Closed
or

O.P.R.S.

M/2-186-Comp
A. 11

[Despatch Abstract.]

Provident Fund. Teachers Provident Fund Rules
Rule 10 (c) Amended.

Back Papers.

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

Further Papers.

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

C.F. 32 (a).

Education Department
 From (Name) Dr. S. H. U. Savor, M.A.,
 D. Sc., I. E. S.,
 Designation Director of Public
 Instruction,
 Station Madras.

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

Enclosures: R.O. C No. 1978-B2/47 dated 14th November 1947.

Sir,

ELEMENTARY EDUCATION--Cancellation of Teachers' Certificate
 of Sri M. A. Nityananda Mudaliar, Ex-teacher Manager.
 Reference:-Government Endorsement No. 4725-C1/47-1 & 2 Edn.
 dated 30.1.1947 and 13.6.1947 and my endorsement Rec.
 No. 1978-B2/47 dated 22.7.1947 and Govt. Memo. 4725-C1/47-4
 Edn., dated 7.11.1947.

 In continuation of my reference quoted above I have the
 honour to state that subsequently facts were brought to my notice and
 in the light of these further evidence I consider that the Teacher's
 certificate which was cancelled needs restoration and I am issuing
 orders accordingly. The teacher is not reverting back to the teaching
 profession but the restoration of his certificate is necessary as the
 payment of the Government contribution on his Provident Fund deposits
 is withheld on this score and I consider that he should not be
 deprived of this contribution.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

ks. 15-11.

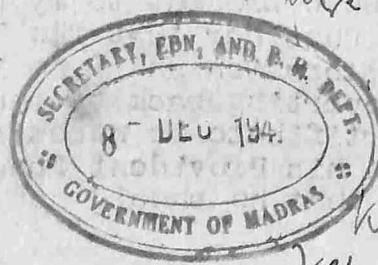
2

Est. B
C1

Submitted for perusal of the Director's
letter on p. 1 ante. In view of M. D. P. ante
the orders issued in the memo. at p. 49 & 50
will have to be modified. For orders whether
it may be done.

12/12/47
J. P. S.

12/12/47
J. P. S.



After this has been in
order of X/45 9
which is proper course for
the D.P. 9 if the proposed
decision was to have referred to the
D.P. 9 for approval before the previous order
was modified. The way to do so.
In the face of
the order of X/34, when the order at
X/45 were issued we must have
known in advance that the order was
referred to the M. D. P. 1 ante are. D.P. 9
may be asked to send a further report.

TSA
7.12.47
S. J. (Cm.)

(M)

3

Please see the orders on p. 2
ante. A draft memo. to the S. P. J.
is submitted.

11.12.47
11/12/47

15/12/47

12/12/47

(X) E.P.H. Deptt.

Memo No. 91588 C1/47- 1 Edn. dated 15/11/47

Sub: Cancellation of teachers' certificate of Sri M.A. Nityananda Mudaliar, Teacher-Manager - Payment of Govt. contribution towards Provident Fund.

Ref: From the D.P.I. No. 1978 D2/47 dated 14-11-1947.

In view of the Govt's orders in Memo No. 4725 C1, d/7-11-47 the proper course for D.P.I. if he proposed reconsideration was to have reported to Govt. the full details regarding the fresh facts brought to his notice and obtained previous approval before the orders were modified.

Orders in the Memo referred to above ~~was~~ issued with reference to the following statements in the letter of D.P.I. No. 231 J/47 d/15-5-47.

" He quitted service as a result of the cancellation of his teachers' certificate, The irregularities committed by the subscriber which led to the cancellation of his T.S.L.C. to be brief ~~where~~ ^{was} tampering of acquittance registers, forging signatures in the acquittance registers and submission of false returns to the department with a view to earning more

M'up 34
A (X)

grants than he was actually entitled to etc., The case of the teacher was therefore considered under Rule 10(c) (i) of the Teachers' Provident Fund Rules and he was considered to have been dismissed from service."

The Director is requested to report in detail what the fresh facts referred to in his letter are which made him restore the teachers' certificate.

To
The D.P.I.

C.F. 32.

In reply, please quote number, date and short title.

Education DEPARTMENT.

Received Registered

From (Name) Sri D. S. Reddi, M.A. (Oxon.),
(Designation) Director of Public Instruction,
Post Box (STATION) Madras.
Telegraphic Address 'Instruction'.



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

NO. No. 1978-B2/ dated 19th Jan. 1948.
Sir, 47.

* Cancellation of teacher's certificate of Sri M.A. Nityananda Mudaliar--teacher-manager-- Payment of Government contribution towards Provident Fund.

Reference: Government Memorandum No. 91588-C1/ 47-1 Education, dated 15.12.1947.

The position with regard to the restoration of the certificate is explained below:

2. Sri M.A. Nityananda Mudaliar was found guilty of certain serious irregularities while he was teacher manager of an aided school and the punishment proposed was the suspension of his certificate for a specific period. It is unnecessary at this stage to go into details to ascertain if the punishment then proposed was adequate or not. The fact remains that the only punishment ordered was the suspension of his certificate. Later on the suspension was converted into cancellation and the reason for this was that the teacher did not produce his certificate, when called upon to do so. Since the certificate was not available for making the necessary entries and since it was suspected that the teacher was deliberately withholding the certificate the cancellation of the certificate was ordered. It is the usual procedure followed where certificates were not produced. At a later stage the teacher was able to produce evidence to prove that he was unable to submit the certificate to the Department as the certificate was not in his possession at the time. There is evidence to show that it was with an Insurance Company. This evidence should have been accepted, but for some reason the local officers did not report the matter to the Director and did not take any steps to have the original orders modified; so much so that the certificate remained cancelled and because the certificate remained cancelled the teacher was unable to get the benefit of his Provident Fund contributions.

P.T.O.

3 The rules on the subject of Provident Fund are defective in one way. There is no provision for withholding the contribution from a teacher-manager. In the case of a teacher who is dismissed from ~~xxx~~ the service of an institution, it is open to the management or the Department to refuse the management's or Government's contribution, but in the case of a teacher-manager, there is no question of dismissal. The subordinate officers, however, thought that since the teacher's certificate was cancelled, he might be considered to have been dismissed from service. The question is who dismisses? This interpretation is obviously not correct. Still it seems not proper to sanction the Government contribution where a Teacher's certificate remained cancelled.

★ On going through all the relevant facts I find that the cancellation of the certificate is the only ground on which the Provident Fund contribution has been withheld and when satisfactory evidence was produced to prove that the teacher was unable to produce the certificate as he was not in possession of it, the original orders of cancellation were modified to one of suspension as it was originally intended to be. When this was done the teacher becomes eligible for the Provident Fund.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

ks. 21.1

Teacher
cancel
20/13
11/7-80P

Schools - Aided Elementary School - Sri. M.A. Nityananda Mudaliar, Teacher Manager - Cancellation of cont. and with-holding of Govt. contribution to P.F. - Papers recorded.

From the D.P.S. Room. 1948-B2/1 d. 14-11-57
From the D.P.S. Room. " d. 19-1-58.
revised order 915880/47-3 Edn. dated 12.3.58.
Recorded.

21. The Govt. have no objection to the action of the D.P.S. in having modified the order cancelling the T.S.H.C. of Sri. M. A. Nityananda Mudaliar into one of suspending the certificate.

To the D.P.S. 13/2/58

9/12/58.
11/3/58

[Faint, mostly illegible handwritten text in a table format, possibly containing names and dates.]

*35
22/3/57*

33, Book 151

p 17 of Rules Book

do

p 3 of Rules

U.O. NOTE: No. 91588 c. 1/11-3 & d. 20-3-58

Teachers Certificate - Teacher managers - Cancellation of and withholding of P.F. contribution.

With regard to the difficulty pointed out by the D.P.I. in para 3 of his letter No. 1978-B2/47, dated 19-1-48, the position according to rules is as follows:-

Aided Elementary School teachers are liable: (1) to have their certificates suspended or cancelled under rule 154 of the M.E.R.; and

(2) to be declared as unfit for employment as teacher or teacher-manager or correspondent of any recognised school, under rule 14 of the rules relating to elementary schools.

If action is taken against any teacher (as distinct from teacher-manager) under the rules such action will result in his removal or dismissal from service by the management, for in case of default, the D.P.I. can take action against the management under rule 14 A of the rules relating to elementary schools. Cases of teachers who are removed or dismissed from service in this manner, can be dealt with under rule 10(c) of the rules relating to the provident fund of teachers. But in the case of teacher-managers there is no question of their being removed or dismissed from service, when action is taken against them under rule 154 of the M.E.R. and rule 14 of the rules relating to elementary schools, for they themselves constitute the managements. Strictly speaking the case of teachers-managers cannot be brought under rule 10(c) of the rules relating to the Provident Fund of teachers.

2. It has been suggested that rule 10(c) should

amplified as to bring teacher-managers also within its scope. The D.P.I. may be requested to offer his remarks on the suggestion and send a draft amendment to rule 10.

CTD
17/3/48

SM
19/3/48

W
19/3/48

D.E.O.
24/3/48



p 8 of PM
33721

p 8 of PM

p 33 of PM

p 18 of PM

CTD
17/5/48

U.O. REPLY NO. 231 J/47 dated 6th May 1948.

Sub: Teachers' Certificate - Teacher managers - cancellation of and withholding of Provident fund contribution.

Ref: U.O. No. 91588 Cl/47-3, Edn., dated 20-3-48

Submitted.

2. I agree with the suggestion made in the U.O. note that Rule 10 (c) of the T.P.F. Rules should be amplified so as to bring teacher-managers also within its scope.

3. I suggest that the following note may be added to Rule 10 (c):

Note:- Teacher-managers whose certificates have been cancelled under Rule 154 M.E.R. or who have been declared as unfit for employment as teachers or teacher-managers under rule 14 of the rules relating to Elementary schools shall be deemed to have been removed from service within the meaning of this rule. The D.E.O. or the Inspectress need not consult the management ~~or the Inspectress~~ in such cases in regard to withholding of deposits of the employers and the Government contribution.

b
D.P.I.

To

The Secretary to Government,
Education & P.H. Department.

[Faint, mostly illegible text from the reverse side of the paper, appearing as bleed-through.]

Ed. H. C.
15

To R T.M.
D.P.S. d. 2.7.48 (9)

P.C. 1570
102
6/7
Issue
5/7/48
P.C. 1570
9/7/48

Please send very urgently
for the use of officers in this Dept.
4 corrected copies of the rules
relating to the Provident Fund for
teachers in non-pensionable service.

Cs
29/6/48
29/6/48
29/6/48

29/6/48

only Please see the note of
Legal at pp 2-3 of below. The copy
per up in the file is not up to date.
An up-to-date copy may first be
obtained.
29/6/48

17

Provident Fund - Teachers' Provident Fund Rules - Rule 10(c) - Amended.
From the D.P.S. No. 2313/PT, d. 6-5-48
Order 2518 Edn dated 5.10.48

The following amendment to the rules relating to the Provident Fund for teachers in non-pensionable service will be published in the F. S. G. Gazette:-

relating to the Provident Fund for teachers in non-pensionable service

Amendment.

In rule 10(c) of the said rules, the following ^{Note} shall be added, namely:-

Muli. Teacher-managers whose certificates have been cancelled under rule 15A of the ^{Madras Educational Rules} or who have been ~~deed~~ declared as unfit for employment as teachers,

p13 of
26/5/48

c of p13 of
740 1748 Edn
D. 6-5-48

p. 8 of 151

the word 'and' occurring at the end of clause (b) shall be omitted and

p 33 of 151

within the meaning of this rule. The District Educational Officer, I. E. O. for the Inspector, need not consult the management in such cases in regard to withholding of deposits of the employees and the ^{Government} contribution."

to
The D.P.S.
The A.G.
The S.G.P. (for
publication of
notification)
in the JSE
Gazette
(355)

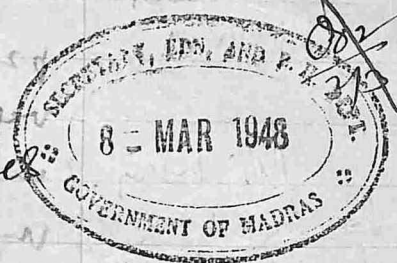
Please see the orders at p 2 ef, the memo at pp 5-6 ef and the D-1.86 report at pp 7-8 ef. In the circumstances stated in the report, the orders in the memo. at x/49 ef may be cancelled.

may be cancelled. As regards the difficulty pointed out by the D.P.S. in para 3 of the report at pp 7-8 CF, the position is this: Aided Elementary School teachers are liable to have their Certificates cancelled, suspended or cancelled under rule 154 of the M.E.R., and

2) To be declared as unfit for employment as teacher or teacher-manager, correspondent of any recognized school, under 11 of the rules relating to elementary schools. If action as indicated above is taken against any teacher as different from teacher-manager, such action will result in his removal or dismissal from service, by the management, for in case of default, the D.P.F. can take action against the management under rule 11 of the rules relating to elementary schools. Cases of teachers who are removed or dismissed from service in this manner can be dealt with under rule 10 (c) of the rules relating to the provident fund of teachers. But in the case of teacher-manager, there is no question of their being removed or dismissed from service, when action is taken against them under rule 15 of the R.E.R. and rule 11 of the rules relating to elementary schools, for they themselves constitute the management. Strictly speaking the case of teacher

Managers cannot be brought under rule 10(c) of the rules relating to the provision of funds of teachers. Perhaps rule 10(c) may be amplified to make the intention more clear for orders.

CS 2/1/48
JSM 11/3/48
M. (Cm.)



With reference to para 1 above and the orders in circulation, the draft below is for approval. After issue, separate action will be taken as regards para 2 above. The papers at 'x' will be added to this file.

CS 9/2/48
JSM 11/3/48
Further action

CS 11/3/48
JSM 11/3/48
The draft u.o. below is for approval.

CS 11/3/48
JSM 11/3/48
From the D.P.G. u.o. no. 2313/P d. 6-5-48. The draft order below is for approval. Legal may see for revoking.

CS 11/3/48
JSM 11/3/48
LEGAL DEPT.
The alterations indicated in red ink on the draft may be made.

After the words "or the Inspectress" in the draft the words "in the case of girls' schools" may be inserted. It may also be pointed out that existing rule 10 (c) does not require the Inspectress to consult the management before withholding the contributions. E & P.H may consider whether the rule may not be suitably amended to make



the above point clear.

Legal u.o. 6769/48-1
14/6/48

(with a copy of the pamphlet)



The D.P.G. has not replied to the t.m. at p. 15. But in view of the orders in Geo. 717 & 2. dated 2.4.48 amalgamating the Boys and Girls' Ranges, the draft put up below may be issued after deleting the words "or the Inspectress in the case of girls' schools" occurring therein.

CS 30/9/48

CS 4/10/48

6769

[illegible]

22/10/00

Copy of Telephone Message dated 5-11-1964

From
The Director of Public Instruction, Madras.

✻✻✻✻✻✻✻✻

Sub:- Teachers' Provident Fund - Rule 10 (c) - Amendment.

Kshani

MDS
8/11



2

T.M. by post, No. 83619/48/-1-C, -Edu., dated 15.11.48 (9)

From the Secy. to Govt. Do the D.P.I. - *Am and BVE*

Refr:- your letter C. of T.M. of 5/11/48, re: Amendment to rule 10(c) of Teachers' Provident Fund Rules in G.O. No. 2518, Edu., dated 5.10.1948

Please send urgently a copy of the Rules as amended up to date, for reference

and return.

Am and BVE

Am 15/11/48

3

C.F. 32 (a). Education Department

Received _____ Registered _____

From (Name) The Director of Public Instruction Madras

To The Secretary to Government Education and Public Health Department

Designation _____

Station _____

Enclosures: No. RC No. 1206 J/48 dated 23-11-1948



Sir,

Ref: Government Telephonic Message by post No. 83619/-1C1 dated 15-11-48-

A copy of Teacher Provident Fund rules with amendments upto date is submitted with. It may be returned when done with.

Yours faithfully

K. Sankaranarayanan

For Director of Public Instruction

MSR 24/11

83619/48

Am 24/11

4

Sp. 20
of file
written

W. H. H. 17/12

E & A H

Telegraphic Message of 16-12-48.

(Pc. to 80)

Sept 12. E.
Law.
22/12

From the Asst. Secy. to Govt
E & A H Sept

To the S.D. (with the book at (B) returned).

Your TM dated 5-11-48 & letter
No. 1206 T/48 d. 23-11-48

issued

Teachers' Provident Fund -
Rule 10 (e) - Amendment.

~~16/12/48~~

The amendment was based
on the rules corrected up to 20th March
1944 - The particular amendment
may be treated as cancelled
as the word ^{and} does not occur in
the rules corrected up to Mar 1947.

not
16/12/48

16