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Supdt

Scott. II-27-58,004-27-10-47.

Education and Public Health

(194⁸) Department.

SERIES.

G.O. NO. 2805 Education

2805

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Dated 9th November 1948

[Despatch Abstract.]

Madras Record Office - Retrenchment - Custing of persons - Orders Passed.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
8-0.	1613.	Edn.	22.6.48.				

Further Papers.

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

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

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

No. 2247-A/47-11, dated 3rd July 1948.

Sir,

Sub:- Madras Record Office - Retrenchment - Ousting of persons.

Ref:- Government Memorandum No. 28230 G.3/48-3, Education, dated 21st June 1948.

I regret that the instructions issued in Government Memorandum No. 1174/47, Public (Services), dated 4th June 1947 escaped my notice and that therefore the procedure enunciated in the last sub-paragraph of paragraph 1 of G.O. No. 821, Public (Services), dated 15th March 1947 was not followed by me in discharging persons in this office in consequence of retrenchment.

2. In paragraph 2 of the Government Memorandum cited above, the Government have directed that the orders already issued by me relating to the termination of services of persons in accordance with the instructions issued in G.O. No. 3036, Public (Services), dated 29th December 1945 should be revised where necessary. The position is as explained below:

3. Sri T.V.S. Satyanarayana Moorthy, an approved probationer and an officiating lower division clerk, who is senior to three other lower division clerks, i.e., Sri T. Sarvarayudu, A. Subba Rao and T.S. Viswesana, was ousted from service with effect from 1st April 1948 and his discharge was considered as final. He was however appointed in the Revenue Department in Kurnool District on 23rd April 1948 and, at the request of the clerk, the Madras Public Service Commission has also permanently transferred him to that department. He is now continuing in that department. Hence, the orders already issued terminating his services once for all have to be revised in respect of the period from 1st April 1948 to 22nd April 1948 during which time he was not on duty anywhere in the public service. He may either be granted leave for this period or considered to have been on duty during this period.

4. The Service Rules have been examined in this connection, but the proper procedure to be followed in this case is not clear. Under F.R. 54, in cases of dismissal, removal or suspension from service, when a Government servant is reinstated on appeal, the revising or appellate authority may grant to him for the period of his absence from duty the full pay to which he would have been entitled had he continued to be on duty and any allowances of which he was in receipt prior to his dismissal, removal or suspension. The period of non-employment can be treated as duty and this will not cancel any officiating arrangements made during the period of the Government servant's absence from duty. Sri Satyanarayana Moorthy's case mentioned in paragraph 3 above is not a case of punishment and therefore it is not clear whether this rule can be applied in the present case. If however F.R. 54 can be considered applicable to this case, Sri T.V.S. Satyanarayana Moorthy has to be considered as having been on duty from 1st April 1948 to 22nd April 1948. He was, as already stated above, permanently transferred to the Revenue Department in the Kurnool District on and from 23rd April 1948.

5. Reference is also invited, in this connection, to Rule 24 of the General rules for Provincial and Subordinate Services under which, when a probationer is discharged and reinstated on appeal, the period from the date of discharge and the date of reinstatement may be treated as duty and pay and allowances drawn for the period with the previous sanction of the Government. This rule, however, does not state whether the officiating arrangements made during this period have to be cancelled or not. A reference is also invited to the note under rule 23 of the Madras Leave Rules under which the head of a department may grant leave to a probationer to cover the period of non-employment. This case, however, is not one of suspension or termination of probation and it is doubtful whether these rules may be applied in this case.

6. Sri T. Sarvarayudu, next to Sri T.V.S. Satyanarayana Moorthy in the order of juniority, was granted leave from 19th August 1947 to 16th January 1948 and his absence from 17th January 1948 has been treated as absence without leave. He has not rejoined duty since and he was also discharged finally with effect from 1st April 1948, but he would have continued to hold a post in this office on and after 1st April 1948 if Sri Satyanarayana Moorthy had been on leave from that date, or on duty under F.R. 54.

7. Sri A. Subba Rao, next in the order of juniority who was also discharged finally from 1st April 1948, was appointed by transfer to the Judicial Ministerial Service in West Godavari District on 19th June 1947. But since he would have continued to hold a post of lower division clerk in this office on 1st April 1948 and thereafter, he may be granted the protection provided under rule 8 of the General Rules for Provincial and Subordinate Services.

8. Sri T.S. Visvesan, an approved probationer in the category of typists who was transferred as a clerk on 2nd July 1944 and who is next below Sri A. Subba Rao mentioned above, continued to hold the post of an officiating lower division clerk on and from 1st April 1948. ~~He would have been reverted as a typist on 1st April 1948.~~ He would have been reverted as a typist on 1st April 1948 had not Sri Satyanarayana Moorthy been discharged and Sri C.P. Seshadri an officiating typist would have been ousted for want of a vacancy.

9. I beg to request therefore that I may kindly be informed of the proper procedure to be adopted by me in revising the orders of discharge already issued in those cases. I have also to point out in this connection that the concession granted to Sri C.P. Seshadri in Government Memorandum No. 36800 G.3/48-2 Education, dated 25th June 1948 cannot be enforced if the officiating arrangements made in the place of Sri T.V.S. Satyanarayana Moorthy are held to be irregular. I request the favour of early orders in this matter.

Yours faithfully,

M. V. Mahalingam
CURATOR.
3-7-1948.

BR.

3/7/48

C. no : 49640/48/93

Sub: M.R.O. - Retrenchment. Ousting of persons.

From the Curator, M.R.O., Chittoor,
No : 2247 - A/47-11 413-7-48.

Memo : 49640/48-93 Dated 30/8/48

The Curator is requested to state whether any gratuity was paid to Sri T.V.S. Satyanarayana Moorthy. Consequent on his final discharge from the M.R.O., with reference to G.O : 3035-Sub (Sv) dated 29th December '45.

He is also requested to state whether any disciplinary action was taken against Sri T. Sarvarayudu for his wilful absence without leave from 17-1-48.

M. V. Mahalingam
Curator

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

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

No. 2247-A/47-12, dated 4th September 1948.

7 SEP 1948

Sir,

Sub:- Madras Record Office - Retrenchment - Custing of persons.

Ref:- Government Memorandum No. 49640/48-2 G3. Edn., dated 30th August 1948.

(A)
No gratuity was paid to Sri T.V.S. Satyanarayanamoorthy consequent on his final discharge from this office, with reference to G.O. No. 3035, Public (Services), dated 29th December 1945. The question of paying him any gratuity was not considered because, just before he was discharged, he had applied to the Collector of Kurnool, through the office, for a transfer to the Revenue Department in that district and the result of that application was not known till 26th April 1948 when the intimation of the clerk's appointment in the Taluk Office at Nandikotkur was received in this office. Besides, there was some doubt about the correctness of the procedure followed by this office in discharging individuals consequent on retrenchment and the matter had been referred for the orders of the Government. (Please see letter No. 2247-A/47-10 dated 14th April 1948). The orders were issued in Government Memorandum No. 28230 G3/48-3 Edn., dated 21st June 1948 and a further reference has thereupon been made to the Government in my letter No. 2247-A/47-11 dated 3rd July 1948 soliciting instructions as to how the orders of the Government are to be carried out in revising the arrangements already made. As, according to the instructions issued in the Government Memorandum, Sri T.V.S. Satyanarayanamoorthy had a place in this office on 1st April 1948 and thereafter till the date of his appointment in the Taluk Office at Nandikotkur, his discharge cannot be regarded as final and the question of paying him any gratuity no longer arises.

2. In regard to Sri T. Sarvarayudu, no disciplinary action was taken against him for his absence without leave from 17th January 1948 in view of the circumstances explained below. He had been granted extraordinary leave up to 16th January 1948 and he had been informed that no further extension of leave would be granted to him under any circumstances. Nevertheless, he again applied (on 7th January 1948) for an extension of extraordinary leave for 3 months on private affairs. As the reasons adduced by him were unconvincing he was informed (on 16th January 1948) that his absence from 17th January 1948 would be treated as absence without leave. On 28th January 1948 he again wrote to me

praying

201-2 CN. 49640 from the Curator, M.R.O. No. 2247-A/47-11 d. 3.7.48
Sub. M.R.O. - Retrenchment - consisting of
persons.

p7 cf (W)

para 2 on 7 cf (W)

pp1-2 cf (C)

pp1-2 cf (C)

pp1-2 cf (N)

Wide Memo. 474/47-6
Pub (Ser) 44-6-47, X in
p4 cf (9)
G.O. 2719 Pub (Ser) p77 (M)
1.9.47

p1 cf

pp39-40 of
G.O. 1154

In giving effect to the orders in G.O. 440 Edn
d. 4.3.48 retrenching certain posts in the M.R.O.
the Curator discharged ^{with effect from 1.4.48} one ^{in the category of} Mr. J. V. S. Satyanarayana
Moorthy, an approved probationer ~~in an official~~ lower
division clerk in his office. Thereupon Mr. Satyanarayana
submitted a petition to Govt. requesting ^{his} restoration
to the clerk's post in ^{the} M.R.O. office. On an examination
of the case it was found that though the Curator had
~~been asked to make~~ told that reversion and owing of pension
consequent on the orders of retrenchment should be
made in ^{the} order of juniority, he had followed the procedure
laid down in G.O. 3036, Pub (Ser) d. 29.12.45 according to which
the normal procedure will not apply to those selected in
1942, 1943 and 1944 in excess of communal requirement.
The ~~para~~ orders in G.O. 3036, Pub (Ser) ~~had~~ been superseded
by the last sub-para of para 1 of G.O. 821, Pub (Ser)
d. 15.3.47. This fact was brought to the notice of the
Curator and he was asked to advise, where necessary,
the ^{passed by him} orders relating to termination of services of the
staff. ~~passed by him~~
2. The Curator now reports that Mr. Satyanarayana
Moorthy who was discharged by him on 1.4.48,
was appointed in the Rev. Dept. in Kurnool Dt on 23.4.48
and permanently ~~also~~ transferred to that Dept. by the
M.P.S. Commission at his (clerk's) request that his
orders terminating the clerk's service have therefore
to be revised in respect of the period from 1.4.48 to 22.4.48.
He requests instructions whether the clerk may be
granted leave for this period or considered to have
been on duty during the period. Under F.R. 54 in cases
of dismissal, removal or suspension, when a Govt. servant
is reinstated on appeal the period of non-employment

24/11/48

2
can be treated as duty and this will not cancel the officiating arrangements made during the clerk's absence from duty. Under rule 24 of the Genl. rules for Prob. and Sub. services when a probationer is discharged and reinstated on appeal, the intervening period may be treated as duty. Under ~~rule~~ the note under rule 23 of the Madras Leave Rules the head of a dept may grant leave to a probationer to ~~the~~ cover the period of non employment. ^{In the present case} there does not seem to be any objection to treating the period as duty and allowing the officiating arrangements to stand. Pub (Ser) and Fin. may be requested to advise ~~whether any order is required~~ on this point and whether the orders ~~of the Govt~~ passed by the Curator in respect of Sri Satyanarayana Moorthy's juniors referred to in paras 6, 7 and 8 on p.2 of needs revision.

CSO
23/7/48

26-7-48

Public (Ser)
Finance

no: 49640/48-1/3
27/7/48

Public (Services) Department.

'A' above: The case of each individual is noted on below.

(1) Sri T.V.S. Satyanarayana Moorthy: Sri T.S. Visvesan, an officiating clerk, who is junior to Sri Moorthy, was continued in the post of a L.D. clerk in the M.R.O. beyond 1-4-48. The discharge of Sri Moorthy (an approved probationer) from the M.R.O. on 1-4-48 was not ^{therefor} in accordance with the last sub-para of para 1 of G.O.No. 821, Public (Services), dated 15-3-47 and was ^{hence} ~~therefore~~ irregular. In the circumstances stated in para 3 of the Curator's letter at p.1 c.f., the orders already issued terminating his services once for all, may be cancelled and he may be granted leave for the period from 1-4-48 to 22-4-48, as he was not on duty during that period. It does not seem that any of the rules mentioned in paras 4 and 5 of the Curator's letter



A

(N) / p.1

N

W-1-2 of

3.
will apply to him. It is presumed that gratuity was not paid to him consequent on his final discharge from the M.R.O., with reference to G.O.No.3035, Public (Services), dated 29th December 1945.

(2) Sri T. Sarvarayudu: He was absent without leave from 17-1-48 and has not reported for duty so far. It is however stated that he would have continued to hold the post of a L.D. clerk on and from 1-4-48, if Sri Satyanarayana Moorthy had been on leave. If the suggestion at 'N' on p.2 ante is accepted, the orders discharging him finally with reference to G.O.No.3036, Public (Services), dated 29-12-45 may be set aside. It is not clear whether any disciplinary action was taken against ^{him} for his wilful absence without leave from 17-1-48. If not, necessary action may now be taken and his case dealt with on merits.

(3) Sri A. Subba Rao: In the circumstances stated in para 7 at p.2 c.f., the orders discharging him from the M.R.O. may be modified, and he may be given the necessary protection under general rule 8.

(4) Sri T.S. Visvesan and Sri C.P. Seshadri: In the circumstances stated in paras 8 and 9 at p.2 c.f., no action seems called for in respect of these persons. The officiating arrangements already made in the place of Sri T.V.S. Satyanarayana Moorthy may be allowed to stand, as he was permanently transferred to the Revenue department.

After orders are passed on the above note, the file may be passed on to Finance.

CSO
18 AUG 1948
61657
2679/48-1
11.8.48
Fin. wo 77455-
CSR-1
17.8.48

Finance (C.S.R.)
This dept. may agree to the suggestion of Pub (Ser) at N on p.2 above.
17/8 E-PH.

4
EXP H(93).

Please see the note of the Public and Finance Depts at pp. 2-3 ante. 'N' on p2 ante may be agreed to in this Dept. The presumption at 'S' on p3 ante may be verified by a reference to the Curator, MRO, Chittoor. In the case of Sri. T. Saravayudu, it is not known whether any disciplinary action was taken against him for his int'l absence without leave from 12-1-48. This may also be got clarified.

Subject to which a draft memo to the Curator is submitted for approval.

MA
23/8/48
26/8/48

[Issues as memo: 49640/48.283/30848]

From the Curator MRO No 2247-A4,
-12 D, 4.5.48

Pages 5-6 of

The case relates to the irregularity committed by the Curator MRO, in giving effect to the order of reattachment passed by Govt. in G.O. No. 440 Etn dated the 4.3.48. Orders have to be issued in accordance with the Public (Ser) Dept's note on pages 2-3 ante, which have been agreed to by Finance. Doubts raised by that Dept. have not been clarified. (Vide Curator's letter on pages 5-6 cf.) -
2. A draft order is

W/P. 7/4

8
Submitted for approval in accordance with the order of Pub (Ser) -

MA
5.11.48

6-11-48

S. W. S. S. S.

amount of lower level settlement
- (at) - point - in - time

840-11-2