Closed.

Supdt.

Scott. II-27—58,004—27-10-47.

E. & P. H. (194 8) Department.

Ms. **SERIES.**

G.O. NO. Ms.3343 Education.

Dated 29 12 1948

[Despatch Abstract.]

ESTT. - District Board, Coimbatore - Board High School, Satyamangalam - Sri R. Sury narayana Iyer,- Headmaster - Orders enhancing punishment - Cancelled.

Back Papers.

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

Further Papers.

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

43

C.F. 32.

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

~~LOCAL ADMINISTRATION~~ DEPARTMENT.

*Received*______ *Registered*______

From (Name) F.W.A. Morris, Esq., O.B.E., I.C.S.,

(Designation) Collector and Special officer, District Board,

Post Box______, **(Station)** COIMBATORE.

Telegraphic Address______

1[illegible] AUG 1948

To

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

59388

Roc **No.** 16750/48/A1, ***dated*** 4-8- 19 48:

Sir,

Enclosures One

Spare Copies

Sub: Appeal Sri R.Suryanarayana Iyer, Headmaster, Board High School, Satyamangalam--against stoppage of increment ordered in G.O. No. 395 Ms., Edn., dated 1-3-48.

p23-24/(E)

In submitting herewith the appeal preferred by Sri R.Suryanarayana Iyer, against order D.Dis. 24609/46 dated 15-5-48 giving effect to G.O.Ms. No. 395, Edn., dated 1-3-48. I have to state as follows:.

p p23-24(c)/(E)

It is presumed that the orders of Government in G.O.No.Ms. 395 Edn., dated 1-3-48 are intended to be given retrospective effect from 3-10-46 the date of order of the Ex President, District Board, as this is only a modification of the previous order. The orders in D.Dis. 24609/46 dated 15-5-48 are based only on that presumtion.

p3ef

In the usual course, before anything was known about the revised scales of pay, the headmaster was granted an usual increment in the old scale of pay on 1-1-47 raising his pay from 140 to 150/- . As the revised scales of pay came into effect from 1-1-47, there is no case for any increment in the old scale of pay on 1-1-47. The headmaster proceeds on the basis of his pay on 1-1-47 in the old scale of pay after sanction of an increment on that date. For purposes of fixation of pay in the revised scales of pay, the pay in the existing scale on 31-12-46 alone is to be taken into account and not the pay on 1-1-47. The pay of the headmaster in the old scale on 31-12-46 was Rs.140/- and on 1-1-47 it was Rs.150/- with an increment sanctioned in the old scale. Hence his pay in the revised scale can be only the minimum of that scale viz. Rs.150/- **without** any advance increment. His service as headmaster in the old scale upto 3-10-46 is less than 8 years and hence he is not entitled to more than one advance increment if advance increment is permissible in this case. The benefit of one advance increment has also been given to him and his pay has been fixed at Rs.160/- from 1-1-47. Thus it will be seen that there is no reduction in his pay as complained by the headmaster.

Keshavaswami 6/8

FOR SPECIAL OFFICER. DIST. BOARD.

CVS/4.8

4/8

3

Encl. to this office Roc. No 16750/48/A1
dt 4.8.48

To

The Secretary to Govt.
E & PW Deptt.
Madras

JS

X-3

Proceedings of the Collector and Special officer, District board,
Coimbatore dated 15-5-48.
F.W.A.Morris, Esq., O.B.E., I.C.S., Collector and Special officer.

--

Sub: Establishment - Secondary Education - Sri.R.Surayanarayana Iyer, head master - Enhancement of punishment -

Read: 1) Proceedings D.Dis.No.17502/46 dated 5-10-46 of the President, District board, Coimbatore.
2) G.O.Ms.No.595 Edn., dated 1-5-1948. — F/23-24

ORDER D.DIS.NO.24609/46

A copy of G.O.Ms.No.595 Edn., dated 1-5-48 modifying the orders of punishment inflicted on Sri.R.Suryanarayana Iyer, head master, by the President, District Board in D.Dis.No.17502/46 dated 3-10-46 is communicated to Sri.R.Surayanarayana Iyer, head master, Bd.High school, Satyamangalam.

As a result of the revision of the punishment order by Government with retrospective effect Sri.R.Suryanarayana Iyer will not be eligible for any increment in the old and new scales of pay. An increment in the old scale of pay sanctioned to him in L.Dis.No.71/47 dated 22-1-47 is therefore cancelled.

With reference to G.O.No.607 Finance dated 9-8-47 the pay of Sri. R.Suryanarayana Iyer is fixed at Rs.160/- in the revised scale inclusive of one advance increment due to him for weightage of service with effect from 1-1-47.

R.C.
22.5.48

R. Subramanian 20/5

For Collector and Special officer.

To Sri.R.Suryanarayana Iyer, head master, Bd.High school, Saty.
Copy to Head masters, Bd.High schools, Saty and Mettupalayam.
Copy to SE1
Copy to Accountant, general section.
GK/19-5.
20/5

F.V.Press, Knu. QH-TE 66-D C.I

No. /48

Name ....

Estab

Subject:—

Reference:—

(a) Earned leave

(b) Unearned leav inclusive.

2. A fitness certificate

To

Copy to the Head M

Copy to the Dy. Ins

Copy to Bill Clerk

DISTRICT BOARD OFFICE
1 - JUN 1948
COIMBATORE

16750

From

Sri.R.Suriyanarayanayyar,
Headmaster,
Board High School,
Satyamangalam.

To

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

Through

The Special Officer,
District Board,
Coimbatore.

Sir,

I humbly beg to submit the following few lines for favour of your kind consideration and orders:--

In G.O.No.395 Ms.Edn. dated 1--3--1948 the Government directed that "the future increments of the headmaster (myself) be stopped for four years with cumulative effect". This G.O. was communicated to me with an order of the District Board Proceedings D.Dis.24609/46 dated 15--5--1948. In the second paragraph of these proceedings, it is stated that "as a result of the revision of the punishment order by Government with retrospective effect Sri.R.Suriynarayana Ayyar (myself) will not be eligible for any increment in the old and new scales of pay". I submit that this order is not only contradictory to the terms of the G.O but also opposed to all accepted canons of equity and statute. The reasons are briefly as follows:--

(a) (i) The Government have expressly ordered that the future increments only be stopped. Therefore it cannot have any application to increments that have already accrued. The term "future" in the G.O. can only refer to the increments that accrue on or after 1--3--1948, the date of the G.O.

(ii) In the proceedings of the District Board it is said that the headmaster is not eligible for any increment

M Note on this & put up copy from [illegible]

A.1

(F)

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either in the old or new scales of pay. In other words the headmaster is not eligible for any increment either in the past or in the future. The effect of such an order is that the headmaster's pay is limited to the initial stage only in the time scale of pay, a prohibition being enforced against all enhancement. If such had been the intention of the Government surely the order would have run like that and the expression of stoppage of increment would not have crept in at all.

(iii) Kind attention is solicited to the two adjectives "future" and "four" used in the G.O. In the absence of any express provision in the G.O. itself to the contrary the word "future" means "that after 1--3--1948 (the date of the G.O)" and the expression "four" means that the stoppage should be restricted to "four increments only that accrue after the date of the G.O." This is not only the commonsense and rational interpretation to the G.O. but also the interpretation supported by statutory rules.

(b) F.R. 24 lays down that increments accrue as a matter of course, unless they are withheld by the competent authority. C.S.R.151 lays down that increments accrue on the next day after expiry of the requisite period noted in the time scale. My initial pay in the revised time scale was fixed with effect from 1--1--1947. So an increment in the revised time scale fell due on 1--1--1948 and under C.S.R.151 it became part and parcel of my pay on 1--1--1948 itself. It is not necessary that it should actually have been drawn and disbursed. So an order of the competent authority stopping ~~thaix~~ this increment on 1--3--1948 would be meaningless in-as-much as it was not stoppage that was aimed at but cancellation of the increment accrued. In other words, it amounts to reduction of pay. Reduction of pay has not been the intention of the Government

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6 7

There is nothing in the G.O. express or implied to show that my present pay should be reduced.

p.3 note

The effect of the second paragraph of the District Board order in question is shown below in detail:--

Actuals of pay:--	Details as calculated and ordered by the District Board.
Appointed as H.M, on 1-1-39 in the time scale of -- 110-10/2--170.	Appointed as H.M. in the time scale of Rs.110-10/2-170 on 1-1-1939.
Pay on 1--1--1947 Rs.150/-- in this scale. Revision of pay on 1--1--47 in the scale of Rs.150-10-200. Initial pay therefore fixed at Rs.160/-- the next stage. Due weightage for the service of 8 years amounts to 2 increments of Rs.10/-- each. Hence revised pay on 1-1-47 should be fixed at Rs.180/-- One increment accrued on 1-1-48 raising pay to Rs.190/-- (F) The effect of G.O.No.Ms.395 Edn. d/1-3-48 is to deny the next increment for four years to come.	Pay on 1--1--47 should have been Rs.150/-- but taking into consideration the date of the President's order in D.Dis.17502/46 dated 3-10-1946 the increment that fell due on 1--1--1947 was cancelled. Pay on 3-10-46 namely, Rs.140/-- was taken to be my pay on 1--1--1947. Revised scale was given effect to by fixing my pay with effect from 1--1--47 at the initial stage of Rs.150/-- in the revised time scale. Weightage was not given for the full eight years' service by giving 2 increments but it was restricted to one increment only presumably on the ground that the period of service after 3-10-46 was not service eligible for advance increments. Thus my pay on 1--1--1947 was arrived at

at Rs.160/-- I became eligible for one increment on 1--1--1948 raising this pay to Rs.170/-- This has also been denied to me. I am told that I am not eligible for any increment at all.

From a perusal of the above details, it may become clear that there has been a total variation from the significance and intention of the G.O. the effect being that I am meted out a more severe punishment than is warranted in the G.O. Secondly, it may also become clear that the date 3-10-1946 has been taken as a crucial date to decide my case adversely. Why this particular date has been chosen is an unravelled mystery. On this date the District Board Preident passed an order admonishing me. There is nothing in the G.O. instructing that this date should be adhered to. It is not therefore clear how and where and why this date 3-10-1946 comes to function in the scheme of fixation of my pay and accrual of increments.

In these circumstances, I humbly pray that the proceedings of the District Board dated 15--5--1948 be cancelled and orders for fixing my pay at Rs.180/-- on 1-1--1947 and at Rs.190/-- on 1--1--1948 be issued with instructions for claiming and disbursing expeditiously the arrears that may become due.

p.3 ante

Satyamanagalam,
30th May,1948.

I beg to remain,
Sir,
Your most obedient servant,
R. Suryanarayanan
30.5.48
Headmaster.

Enclosure: Order D. Dis. No. 24609/46 d/15.5.48 of the Dt. Board (in original)

G3 124996

Governor's Sectt.

Endt.No.XNDis, dated 7th Aug.1948.

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9 AUG 1948

14 AUG 1948

Retransmitted to the Collector and Special Officer, Coimbatore for submission to the Secretary to Government, Education and Public Health Department, after signature, for being dealt with under the second sub para of para V(1) of the Instructions regarding the submission and receipt of petitions and other papers of the same class addressed to the Govt of Madras.

60722

(B. O. of H.E.the Governor)

7/8/48
Private Secretary
to H.E.the Governor.

N.Dis 24996/48

Submitted

T. C. Kumaraswami
11.8.48
For Special Officer Dt. Board
Coimbatore

Dt 11/8/48 To The Secretary to Govt.
Edn & P.H. Dept
Madras

14/8/48

10

19

N.Dis. 17220/48

Submitted

Collector & Special Officer
Dt. Board
Coimbatore

22/6

23/6

To

The Private Secretary to
His Excellency the Governor of
Madras.

DISTRICT BOARD OFFICE
5 JUN 1948
COIMBATORE

DISTRICT BOARD OFFICE
9 AUG 1948

17220

8

From

Sri.R.Suriyanarayan, B,A.,L.T.,
Head-Master,
Board High School,
Satyamangalam.

To

His Excellency the Governor of Madras,

Through

The Special Officer,
District Board,
Coimbatore.

By Regd. Post
5/6/48

Note [illegible] soon put
6/6

2/7/6

May It Please Your Excellency,

The Memorialist humbly begs to submit the following few lines in appeal against the orders contained in G.O.Ms.No.395, Edn., dated 1--3--1948.

Ⓕ

2. The facts of the case are in brief the following:--

The Memorialist is the Head-Master of a District Board High School with a service of over 9 years as Head-Master and ~~24~~ 27 years' experience as a District Board teacher. In his R.O.C.No.17502/46 dated 19--7--46, the President, District Board, Coimbatore framed a charge against the Memorialist that he was guilty of grave misconduct and had proved himself quite unreliable and unfit to be **continued** as Headmaster of a High Dchool and directed him to show cause why he should not be removed from the headmaster's post. The subject matter of this charge was the admission of a girl pupil in ~~March~~ April,1945 and the alleged suspicious conduct of the ~~memoriliast~~ memorialist in regard to the question papers of the examination held in ~~March~~ April,1945. The memorialist submitted his explanation and after enquiries the President, District Board, Coimbatore in his final orders in D.Dis.17502/46 dated 3--10--1946 considered that having regard to the long service of the headmaster it was not necessary to pursue the matter at that stage any further and that the ends of justice would be met by giving him a warning and admonishing him to be careful in future. The matter was thus decided on merits. But somehow this matter has been taken up by the Government and they have been pleased to enhance the punishment to stoppage of future increments for four years with cumulative effect. The memorialist submits that this punishment has not been based on proper enquiry and after due consideration of the evidence and that it is very harsh and more deterrent than the circumstances of the case would admit.

3. The Grounds of appeal are given below:--

(A). Statutory grounds:--

(i) The enquiry was completed and a final decision was arrived at by the President, District Board, Coimbatore. The decision ended in a warning to the memorialist. The memorialist did not think it fit or necessary to prefer an appeal against this order as it was only a rebuke and a word of caution from his employer. But now the closed matter was somehow taken up by the higher authorities and the Government have thought it fit to punish him very severely. The memorialist as the deliquent has every right to know and be informed at whose instance the matter was reopened. Under Section 15 of the Civil Services Classification, Control and Appeal Rules every servant paid from the funds of the Crown has the right to be informed of the punishment held out to him and the nature of the charges alleged against him. In no part of these proceedings was a punishment of stoppage of increments held out to him.

(ii) The matter decided on merits was reopened and the deliquent was punished. Either fresh charges holding out the intended punishment should have been framed and enquiries conducted or an enquiry de novo on lines suggested by the revising authority been ordered. Neither of these two courses was followed. A deterrent punishment was awarded on records and evidence already adduced and thought fit to merit nothing more than a rebuke. The procedure thus adopted herein is inequitable and unjust.

(iii) The evidentiary value of the various statements has not been commented on by the Government or by the President, District Board. All the statements were recorded in the absence of the Memorialist. As the deliquent, the memorialist has the prerogative not only to hear the evidence of the prosecution witnesses but also to cross-examine them. No such opportunity was ever afforded to the memorialist. In the absence of such an opportunity, the memorialist submits that the statements cannot be accepted in evidence.

(iv) According to the instructions in the Civil Services Classification, Control and Appeal Rules, enquiries in disciplinary cases should be conducted on quasi-judicial lines. Evidence may be taken on oath even. The memorialist submits that if he had been informed of the intention on the part of the Government to enhance the punishment awarded to him by the President, District Board, as required by Section 15 of the Civil Services Classification, Control and Appeal Rules, he would surely have put up all the witnesses on their oath and cross-examined them. The absence of such timely information has miscarried justice and punished the innocent.

(V) 23-24

(v) The G.O. does not state why and how a deterrent punishment was called for, and how far the ends of justice were not met by the order of admonition. Nor has there been any judicious finding given after proper sifting and consideration of the evidence let in. The consistency, relevancy and veracity of the various statements have not been examined. The memorialist herein begs to submit that the pupil was admitted at the fag end of the school year on the strength of a T.C.⊗ granted by a Head-master (the proper authority) after collection of all fees due and after obtaining a written statement from the parent of the pupil. The formalities were all observed and there was nothing queer or irregular in this admission. These points were worth proper consideration and they show that the admission was genuine and carried nothing extraordinary about it.

⊗ transfer certificate

(B) Fresh facts:-- Besides the above, the Memorialist submits that there has been material suppression offacts also, as detailed below:

(i) Much is made about the admission of the girl student. She would not have been admitted but for her production of a T.C. The head-master who granted the T.C. should have had valid reasons for granting the T.C. No attempt was made to ascertain what those reasons were. Thus one would like to argue that the Head-master who issued the T.C. was as much culpable of the irregularity, if any, as the head-master who admitted the girl pupil.

(ii) The performance of the girl pupil during the examination has been the subject of much comment and animadversion. It may be stated here that the staff of the

Bhavani High School had previous acquaintance with the girl pupil and her attainments and somehow looked at her performance with positive prejudice. But for their previous acquaintance there would have been nothing for comment in her answer papers, adverse or eulogistic. An unbiassed valuation of the anwer papers without reference to past performances or acquaintance is the aim of holding the common examination.

(iii) A careful perusal of the statement of the girl pupil before the enquiring officer would show that the Head Master of the Bhavani High School might have had a motive in bringing her to disgrace and to shame whereas the Memorialist has had no motive at all. It is a surprising thing to note that the so-called incredible performance of a girl pupil has been ascribed to the undue interest of the Head Master (the memorialist) in her. The ~~casual~~ Causal connection between the two has never been established; as a matter of fact it has not been attempted to be proved even. If a girl performs well in an examination, the head-master has nothing to say about it. Pupils who do not do well in ~~one~~ one examination show incredible improvement in a subsequent examination. Such surprises are not rare.

(iv) Another strange circumstance is the report of the head-master, Bhavani High School commenting on the performance of the girl pupil to the President, District Board. Ordinarily, one would request the head-master of the concerned school to take cognizance of the fact with a view to investigate as to what had gone wrong. Or, at least, a copy of the report to the President, District Board, would have been sent to him for information and necessary action. This is a material point to show that the H.M. of the Bhavani High School had a strong prejudice against the pupil and tried to entangle the Memorialist, **also**.

(v) A regards the custody of the question papers, the memorialist submits that there is no specific prohibition anywhere in the rules against keeping, examination question papers in the Head-Master's residence for safe custody, On the otherhand, there is a definite instruction for **the guidance** of Superintendents in the S.S.L.C.Public Examination that the question papers should be placed in a safe or strong box preferably at the residence of the custodians. In the absence of any specific provision to the contrary, what is applicable to S.S.L.C. question papers is applicable "Mutatis mutandis" to other papers also.

4.6.49

(C) Status and experience of the Memorialist:--

(i) The Memorialist **has** put in 27 years of service in the District Board and has been Head-Master from 1939. During this long period of service of over 2 decades and a half, he has not given room till now for any charge-sheet. His xxxxxxx personal file may reveal that his work and conduct have been good and satisfactory throughout and that his whole career has been clean and unblemished till now.

(ii) A notable feature about this matter is the dilatory nature of its proceedings. The girl pupil, as he has - already been stated above, was admitted on the 4th April, 1945. Charges were framed by the President, District Board, in July, 1946 after the expiry of 15 months. The orders of the President, District Board, were received in October, 1946 after three months. The G.O. awarding enhanced

F

punishment was received after 17 months. The delay in these proceedings is affecting the Memorialist adversely, especially in the fag end of his service.

4. In conclusion the Memorialist humbly begs that the entire records may kindly be perused and respectfully prays that His Excellency may be graciously pleased to order immediate cancellation of the orders in G.O.Ms.No.395, Edn. dated Ⓕ 1--3--1948 thereby rendering justice to a poor but loyal and faithful servant of this Province.

I beg to remain,
Your Excellency,
Your most humble servant,

R. Suryanarayanan
4.6.48
Head-Master.

Enclosures:--

G.O.Ms.No.395, Education, dated 1--3--48. p25 infra

Advance copy submitted to His Excellency to save delay.

Government of Madras.
Education and Public Health Department.
G.O.Ms.No.395 Edn.dated 1st March,1948.

ABSTRACT.

ESTABLISHMENT - District board, Coimbatore - Sri A. Suryanarayana ayyar,/~~Exxx~~, Ex Head master - Bd.High school, Erode - Enhancement of punishment - Orders passed - .

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

READ:

From the Inspector of Municipal councils and Local Boards, L.Dis. No.41516/46 dated 23-12-46.
From the Director of Public Instruction, Rc.No.85.E/47 dated 2-8-47.

VS
2.5.48

ORDER:

In his proceedings Rc.No.17502/46 dated 19-7-46, the Ex-president, District board, Coimbatore, framed the following charges against Sri. A.Suryanarayana Ayyar, head master, Bd.High school, Erode:-

(1) that he admitted a girl pupil by name Seethalakshmi who took her transfer certificate from the Board High school, Bhavani at the fag end of the school year, an action which is a PRIMA FACIE irregular,

(2) that he did not keep the bundles of question papers relating to the annual examination safely locked and sealed in the school and did not open and distribute them in the presence of the superintendents before issuing thenumber required by each, and

(3) that the answer papers in English and Mathematics of the girl pupil were suspicious.

2. The President held that there was no ostensible justification for admitting the pupil at the end of the school year and that the action of the head master in havingkept the question papers in his house for purposes of safety was objectionable, and he did not consider it necessary to go into the question of the suspicious nature of the answer papers of the girl pupil; he gave a warning to the head master. The Deputy Inspector of Municipal councils and Local Boards, Coimbatore, has pointed out that in the circumstances of the case, the punishment is too lenient and the Director of Public Instruction also holds the same view.

3. The Government have considered the whole matter and have come to the conclusion that the punishment awarded is too lenient and deserves to be enhanced to meet the ends of justice. They therefore direct that the future increments of the head master be stopped for four years with cumulative effect.

(By order of His Excellency the Governor)

Sd.M.V.Subramanian,
Secretary to Government.

(True copy)

20/5

For Collector and Special officer,
District board,
Coimbatore.

sgk/20-5.

N. Dis 1722 0/48

PRIVATE SECRETARY TO H.E.
9 AUG 1948
MADRAS

Submitted

The memorialist has referred to the Civil Services classification and Control and Appeal Rules in his defence. The rules referred to by him have no application to Officers and Servants of Local Boards. The rules relating to appointment and punishment of offic and Servants of Local Board prescribed in G O No 3648 L S G. d/18. 8. 36 as subsequently amended are alone applicable in this case. The Govt. have taken power under these rules (Rule 9 (3) to call for the records relating to an enquiry or punishment and to pass such orders as they deem fit. It is in exercise of these powers, that Government have reviewed the punishment inflicted by the ex Presiden

And, as stated in Rule 9(4), orders of Govt have been given effect to.

Krishnaswami
4/8

For Special Officer, Dt Board
Coimbatore

3/7

To

The Private Secretary to His Excellency
the Governor of Madras.
Fort.St.George, MADRAS.

17 29

GOVERNMENT OF MADRAS.
Education and Public Health Department.
Endorsement No.59388/48/G3/1 Education dated 24-8-48.

Sub: Appeal Sri R. Suryanarayana Iyer, Head Master Board High School, Satyamangalam against stoppage of increment ordered in G.O.No.895 Ms.Edn. dated 1-3-48.

Referred to the Director of Public Instruction for remarks at an early date.

M.V. Subramanian,
Secretary to Government.

To the Director of Public Instruction (with enclosure in original to be returned with reply)

Forwarded/By order

N V Srinivasan
Superintendent.

RCB/

C. No. 2038-91/48
18 AUG 1948
MADRAS

E&P.H
93

18 91.

C.59388/48

8/8
D 24/8

Sub. Appeal Sri. R. Suryanarayana Iyer, Head Master, Bd High School, Satyamangalam against Stoppage of increment ordered in G.O. No 895. Ms. Edn. d. 1.3.48.

Endt. No. 59388/48/93-1 Edn. d. 24/8/4

Referred to the Director of Public Instruction for remarks at an early date.

24/8/48

To. The D.P.I.
(Originals to be returned with reply)
(pp1-28 cf)

23/8/48

30/8/48

24.8.48

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION MADRAS.

Rc.2038 G1/48 dated 15-10-1948.

20 OCT 1948

77325

Sub: District Board, Coimbatore - Secondary Schools - Sri R. Suryanarayana Iyer, Headmaster, appeal against stoppage of increment and against implementation of the orders of the Government in fixing his pay.

p 31

Ref: Government Endorsement No.59388/48/G3-1 Edn., dated 24-8-48.

Resubmitted.

pages 9-10 4-7 (F)

p 11-23 ef -

2. In view of what has already been explained to Government - vide Director's endorsement Rc.85 G1/47 dated 2-8-47 the appeal petition of the Headmaster dated 4-6-1948 for cancellation of the orders passed by Government is recommended for rejection.

pages 5-8 ante

(F)

3. With regard to his other petition dated 30-5-1948 requesting to implement the orders in G.O.Ms.No.395 Edn., dated 1-3-48 without giving retrospective effect, it is for clarification whether it was the intention of the Government that only his future increments accruing after the date of their G.O. should be stopped, or whether the orders should be given effect from an earlier date, the date of first punishment. If the former is correct, the appellant will have his pay fixed as follows and the action of the Special Officer in having implemented the G.O. with retrospective effect may not be in order.

p 3 ante

M

weightage - p 55 infra

(i) On 1-1-47 Rs.150/- plus Rs.20/- two advance increments.

(ii) On 1-1-48 Rs.180/-

(iii) again on 1-1-53 Rs.190/- only.

1-1-49
1-1-50
1-1-51
52

In this connection it is also pointed out that the appellant will retire from service on 31-12-55 and the punishment awarded by Government would have been fully meted out by that time even if the increments are to be stopped from the latte date. As the intention of Government was not made clear in their order, I solicit their orders as to how the G.O. should be implemented.

(X)

To the Secretary to Government,
Education & P.H-Department,
Madras.

for Director of Public Instruction.

KHR.17-10.

Copy of letter Roc.No.16750/48/A1 dated 17-9-1948 of the Special Officer, District Board, Coimbatore to the Director of Public Instruction, Madras.

Ref: Your letter No.2038/G1/48 dated 11-9-1948.

Sri R.Suryanarayana Iyer will be completing his 55th year on 31-12-1955.

(True Copy)

for Director of Public Instruction.

KCR 18/x

Secy.,.E.& P.H.

may be examined & the
This file ~~may be~~ put up.

ISA

M GB

37

SECRETARY, EDN. AND P.H. DEPT.
1 NOV
GOVERNMENT OF MADRAS

H.M. Edn.

Satyamangalam,
8th November, 1948.

GOVT. OF MADRAS

From

R.Suriyanarayanan,
Head-Master,
Board High School,
Satyamangalam.

2

84000

To

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

Same as pages 11-23 ante

ASST. SECRETARY
12 NOV 1948

Through

The Special Officer,
District Board,
Coimbatore.

May it please Your Honour,

The memorialist humbly begs to submit the following few lines for sympathetic reconsideration of the orders contained in G.O.No. Ms.No.395--Education, dated 1--3--1948 and for issue of favourable orders. This is in continuation of the memorialist's humble petition dated 3--6--1948 to His Excellency The Governor of Madras.

F

2. The facts of the case are in brief the following:---

The memorialist is the Head-Master of a District Board High School with a service of over nine years as Head-Master and twenty seven years' experience as a District Board teacher. In his R.O.C. No.17502/46 dated 19--7--1946, the President, District Board, Coimbatore framed a charge against the memorialist that he was guilty of grave misconduct and had proved himself quite unreliable and unfit to be continued as

Head-Master of a high school and directed him to show cause why he should not be removed from the Head-Master's post. The subject matter of this charge was the admission of a girl pupil in March, 1945 and the alleged suspicious conduct of the memorialist in regard to the question papers of the school Annual examination held in March 1945. The memorialist submitted his explanation and after enquiries the President, District Board, Coimbatore in his final orders in D.Dis.No.17502/46 dated 3--10--1946 considered that having regard to the long service of the Head-Master it was not necessary to pursue the matter at that stage any further and thatthe ends of justice would be met by giving him a warning and admonishing him to be careful in future. The matter was thus decided by the President. But somehow this matter has been taken up by the Government and they have been pleased to enhance the punishment to stoppage of future increments for four years with cumulative effect. The memorialist submits that the findings of the President have not been based on proper enquiry and sifting of the evidence and that the punishment meted out by the Government is harsh, unjust and unmerited and is not warranted by the circumstances of the case.

3. The grounds for reconsideration are given below:-

A. Statutory Grounds:--

(i) The enquiry was completed and a final decision was arrived at by the President, District Board, Coimbatore. The decision ended in a warning to the memorialist. The memorialist did not think it fit or necessary to prefer an appeal against this order as it was only a rebuke and a word of caution from his employer. But now the closed matter was somehow taken up by the higher authorities and the Government have thought it fit to punish him very severely. The memorialist as the delinquent has every right to know and be informed at whose instance the matter was reopened. Under section 15 of the Civil Services Classification, Control and Appeal rules every servant paid from the funds of the Crown has the right to be informed of the punishment held out to him and the nature of the charges alleged against him. In no part of these proceedings was a punishment of stoppage of increments held out to him.

(ii) The matter decided by the President was reopened and the delinquent was punished. Either fresh charges holding out the intended punishment should have been framed and enquiries conducted or an enquiry de novo on lines suggested by the revising authority been ordered. Neither of these two courses was followed. A deterrent punishment was awarded on records and evidence already adduced and thought fit to merit nothing more than a rebuke. The procedure thus adopted herein is inequitable and unjust.

(iii) The evidentiary value of the various statements has not been commented on by the Government or by the President, District Board. All the statements were recorded in the absence of the memorialist. As the delinquent, the memorialist has the prerogative not only to hear the evidence of the prosecution witnesses but also to cross-examine them. No such opportunity was ever afforded to the memorialist. In the absence of such an opportunity, the memorialist submits that the statements cannot be accepted in evidence.

(iv) According to the instructions in the Civil Services Classification, Control and Appeal Rules, enquiries in disciplinary cases should be conducted on quasi-judicial lines. Evidence may be taken on oath even. The memorialist submits that if he had been informed of the intention on the part of the Government to enhance the punishment awarded to him by the President, District Board, as required by Section 15 ofthe Civil Services Classification, Control and Appeal Rules, ~~the President, District Board as required~~ he would surely have put up all the witnesses on their oath and cross-examined them. The absence of such timely information has miscarried justice and punished the - innocent.

(v) The G.O. does not state why and how a deterrent punishment was called for, and how far the ends of justice were not met by the order of admonition. Nor has there been any judicious finding given after proper sifting and consideration of the evidence let in. The consistency, relevancy and veracity of the various statements have not been examined. The memorialist herein begs to submit that the pupil was admitted at the fag end of the school year on the strength of a Transfer Certificate granted by a Head-Master (the proper authority) after collection of all fees due and after obtaining a written statement from the parent of the pupil. The formalities were all observed and there was nothing queer or irregular in this admission. These points were worth proper consideration and they show that the admission was genuine and carried nothing extraordinary about it.

B. Fresh facts:-- Besides the above, the memorialist submits that there has been material suppression of - facts also, as detailed below:--

(i) Much is made about the admission of the girl pupil. She would not have been admitted but for her production of a Trasnfer Certificate. The Head Master who granted the Transfer Certificate should have had valid reasons for granting the Transfer Certificate. No attempt was made to ascertain what those reasons were. Thus one would like to argue that the Head Master who issued the Transfer Certificate was as much culpable of the irregularity, if any, as the Head Master who admitted the girl pupil.

(ii) The performance of the girl pupil during the examination has been the subject of much comment and animadversion. It may be stated here that the staff of the Bhavani High School had previous acquaintance with the girl pupil and her attainments and somehow looked at her performance with positive prejudice. But for their previous acquaintance there would have been - nothing for comment in her answer papers, adverse or eulogistic. An unbiassed valuation of the answer papers without reference to past performances or - acquaintance is the aim of holding the common examination.

(iii) A careful perusal of the statement of the girl pupil before the enquiring officer would show that the Head-Master of the Bhavani High School might have had a motive in bringing her to disgrace and to shame whereas the memorialist has had no motive at all. It is a surprising thing to note that the so-called incredible performance of a girl pupil has been ascribed to the undue interest of the Head-Master (the memorialist) in her. The ~~casual~~ Causal connection between the two has never been established; as a matter of fact it has not been attempted to be proved even. If a girl performs well in an examination, the Head-Master has nothing to say about it. Pupils who do not do well in one examination show incredible improvement in a subsequent examination. Such surprises are not rare.

(iv) Another strange circumstance is the report of the Head-Master, Bhavani High School commenting on the performance of the girl pupil to the President, District Board. Ordinarily, one would request the Head Master of the concerned school to take cognizance of the fact with a view to investigate as to what had gone wrong. Or, atleast, a copy of the report to the President, District Board would have been sent to him, for information and necessary action. This is a material point to show that the Head Master of the Bhavani High School had a strong prejudice against the pupil and tried to entangle the memorialist also.

(v) As regards the custody of the question papers, the memorialist submits that there is no specific prohibition anywhere in the rules against keeping examination question papers in the Head-Master's residence for safe custody. On the other hand, there is a definite instruction for the guidance of superintendents in the S.S.L.C. Public Examination that the question papers should be placed in a safe or strong box preferably at the residence of the custodians. In the absence of any specific provision to the contrary, what is applicable to S.S.L.C. question papers is applicable "mutatis mutandis" to other papers as well.

C. Status and experience of the memorialist:---

(i) The memorialist has put in 27 years of service in the District Board and has been Head Master from 1939. During this long period of service of over 2 decades and a half, he has not given room till now for any charge sheet. His personal file may reveal that his work and conduct have been good and satisfactory throughout and that his whole career has been clean and unblemished till now.

(ii) A notable future about this matter is the dilatory nature of its proceedings. The girl pupil, as has already been stated above, was admitted on the 4th April, 1945. Charges were framed by the President, District Board, Coimbatore in July, 1946 after the expiry of 15 months. The orders of the President, District Board were received in October, 1946 after three months. The G.O. awarding enhanced punishment was received after 17 months. The delay in these proceedings is affecting the memorialist adversely, especially in the fag end of his service.

4. In conclusion the memorialist humbly begs that the entire records may kindly be perused andrespectfully prays that his Honour may be graciously pleased to order immediate cancellation of the orders in G.O. Ms. No.395, Edn. dated 1--3--1948 thereby rendering justice to a poor but loyal and faithful servant of this Province.

F

I beg to remain,
Your Honour,
Your most humble servant,
R. Suryanarayanan
8.11.48
Headmaster.

Enclosures:--

~~G.O.Ms.No.395, Education dated 1--3--1948~~
Advance copy submitted to his Honour to save delay.

Estt. A (93)

59388/48

p.c.f.

From the S.O. Coimbatore No. 16750-48 -A1- dt. 4.8.48

p. 33 c.f.

~~From the~~ D.P.I. No. Rc 2038-G1-48 dated the 15.10.48

Sectt. Memo 59388/G3/48-2. Edn. d. 16/11/48

16/11

Establishment – Coimbatore Dt. Bd. – Sri R. Suryanarayana Iyer, Head Master – ~~Stoppage of~~ increment –

p.c.f.

The Special Officer, in his letter cited has stated that the Head Master's service "in the old scale upto 3.10.1946" is less than 8 years and hence he is not entitled to more than one advance increment in the revised scales, for purpose of the fixation of

54

2

of his pay in this scale on the 1st January 1947. The Director in his endt. cited has suggested that the Head Master will be eligible to two advance increments. The Director is requested to verify the service particulars of the Head Master and state ~~whether he will be eligible~~ which is the correct position, that is, what his service in the old scale for Headmasters was on 31.12.46 [illegible] and how many advance increments he will be eligible for on 1.1.47.

p 33 y

12.11.48

To
The D.P.I.

15/11/48

Note

After a reply is received to this Refce a note will be submitted for orders. Vide Dm's minute on p. 37. cf

12/11/48

15/11/48

55

G3

30

C.F. 32.

Department | Received | Registered

From (Name)

Designation The Director of Public Instruction,
Station MADRAS

To

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

Enclosures:

No. Rc.2038G1/48 dated 29/11/48 194 .

Sir,

Sub:--District Board, Coimbatore--Secondary Schools--Sri B. Suryanarayana Iyer--Head Master, Board High School, Satyamangalam--appeal against stoppage of increment and against the implementation of the Govt. Orders by the District Board.

p 53-54 ante

Dept. Secretary to Government
8 DEC 1948
Education & Public Health Dept.

90434

Ref:--Govt. Memorandum No.59388G3/48 dated 16/11/48 (Education)

Since Sri R. Suryanarayana Ayyar started service as Head Master on 1-1-39 in the scale of Rs.110-10/2-170 he we would have put in eight years of service in Head Master's cadre on 31-12-46 and thus would be entitled to two advance increments in the revised scales in the usual course.

p 1 ante

2. But the Special Officer's contention that the individual's service falls short of eight years on 3-10-46 and that consequently he is not eligible for more than one advance increment may not be held to be correct if the presumption that the intention of the Government in issuing the G.O.No.395 Edn. dated 1-3-48 was perhaps to stop his future increments accruing on and after 1-1-49 only and not to give retrospective effect from 3/10/46 the original date of the punishment inflicted on him. Ⓕ

33 infra

3. It was only in the above circumstances I solicited the favour of clarification as to the implementation of G.O. under reference in my endorsement Rc.2038G1/48 dated 15/10/48. Ⓕ

Yours faithfully,

For Director of Public Instruction

Clb.1/12/48

3/1/XII

Revised Draft 3

E&P.H
G3

59388 / G3 / 48

Establishment. Dt. Board. Coimbatore. Board High School. Satyamangalam. Sri. R. Suryanarayana Iyer. headmaster. Orders enchancing punishment. Cancelled.

—

Ⓕ — Read again G.O. 395 Edn. d. 1.3.48.

p5. 23 cf — From Sri. R. Suryanarayana Iyer. d. 30.5.48 & 4.6.48.

p1 cf — From the S.O. Dt. Bd. Coimbatore Roc. 16750/48 A1. d. 4.6.48.

p33 & 55 cf — From the D.P.I., Rc. 2038 G1/48. d. 15.10.48 & 29.11.48.

—

Order. Ms. No. 3343 Edn. d 29 12/48

The orders Contained in G.O. No. 395 Edn. d. ~~1.3.1948~~ 1st March 1948 are hereby Cancelled.

22/12/48

To.
The S.O. Dt. Bd. Coimbatore.
The D.P.I. ✓
Copy to the petitioner.

Ⓔ

S/c (2)

28/12

21/12/48

21.12.48

24/12

District-Board- Coimbatore - Secondary Schools
Sri. R. Suryanarayana Iyer, Headmaster -
appeal against stoppage of increments
& against implementation of the orders
of the Govt. in fixing his pay.

—

p5-9 cf & p11-23 cf — From Sri R. Suryanarayana Iyer d. 30.5.48 & 4.6
p1 cf — From the S.O. Dt. Board, Coimbatore
Roc. 16750/48/A1 d. 4.8.48.
p33 cf & 55 cf — From the D.P.I. Rc. 2038. G1/48. d. 15.10.48. and
d. 29.11.48.

—

p11-23 cf — In his representation Sri. R. Suryanarayana Iyer, Headmaster, Board High School, Satyamangalam has requested the Govt. to reconsider their orders

page 23-24 cf (F) — issued in G.O. 395 Edn. d. 1.3.48, stopping his future increments for four years with cumulative effect. The remarks of the

p1 cf & p33, 55 cf — S.O. Dt. Board, Coimbatore and the D.P.I may be perused. The petitioner's first request to reconsider orders of Govt. issued in G.O. 395 Edn d 1.3.48 may be rejected as no fresh reasons have been forwarded by him.

Dr H's n.v. My views on the merits of the case, as I have ... , are in f/3-4 N.F. They were not accepted by H's: (F)

p8 cf — His second request to give effect to the orders of Govt. from the date

(F) of issue of the G.O. needs consideration.
~~It is understood that the orders in~~
(F) — ~~G.O. 395 Edn. d. 1.3.48 should be given effect to from the date of its issue~~ The D.P.I

p33 cf & 55 cf — is ~~thus~~ of the view that the orders in G.O. No. 395 Edn. 1.3.48 ~~operations~~ should be given effect to

F/23-24 cf from ~~the~~ the date of its issue, and that the action of the S.O. Dt. Board, Coimbatore

P.T.O

59388/93/48

p 3 cf

Coimbatore, in giving effect to the order with retrospective effect as from 3.10.46, the date of his orders of punishment ~~[illegible]~~ is not correct. ~~Govt may agree~~ Further in view of what D.P.I has stated at 'X' in p 33 cf, Govt may agree that punishment would have been fully meted out ~~if~~ even if the order is given effect to from the date of its issue. The S.O. Dt. Board Coimbatore, may be told that his action in implementing it with retrospective effect is not in order, and that

~~The draft below is for approval.~~

~~For orders as to circulation.~~

with ref to M' on p 37 cf

The petitioner's pay should be fixed as at M on p 33 cf – The draft order below is for approval.

11/12/48.

This is referred to the orders and the question whether the appeal is to be rejected.

The file may be circulated to H.M. (Edn) with reference to his minute on p 37 cf.

13.12.48

15-12-48

H.M. (Edn)

I had a talk over the matter when I was in Coimbatore. We may set aside the punishments that we had metted out previously. Revised draft orders may be put up.

TSA

21-12-48.

E&P.H
G3

Please see H.M. (Edn's) minutes above. The revised draft below is for approval.

21.12.48

22/12/48

22.12.48.

H.M. (Edn)

TSA

24.12.48

21/12

O 24/12

O 32

24/12

Not to issue.

Edn & P.H. Dept.(G3)

C.59388

33

Establishment - District Board, Coimbatore - ~~Secondary Schools~~ Board High School, Satyamangalam - Sri R. Suryanarayana Iyer, Headmaster ~~-~~ appeal against stoppage of increments and against implementation of the orders of the Government - Orders passed.

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pages 23-24 of (F) Read again G.O. 395 Edn., dated 1-3-48.
pages 5-23 cf From Sri R. Suryanarayana Iyer, dated 30-5-48 and 4-6-48.
p 1 cf From the S.O., Dt. Bd., Coimbatore Roc.16750/48/A1 dt.4-6-4
pages 33 & 35 cf From the D.P.I., Rc. 2038 G1/48 dated 15-10-48 and 29-11-4

MEMORANDUM NO.

pages 11-23 cf

F/23-24 cf

The request of Sri R. Suryanarayana Iyer, Headmaster, Board High School, Satyamangalam for reconsideration of the orders of Govt. in G.O.395 Edn., dt. 1-3-48 will not be complied with.

2. The S.O., Dt.Bd., Coimbatore is informed that the orders contained in the G.O. referred to above ~~No. 395 Edn., dt. 1-3-48~~, stopping four future increments of the Headmaster with cumulative effect, should be given effect to from the date of the next increment accruing after the issue of the G.O. ~~the G.O.~~ The S.O. is requested to fix the Headmaster's pay as follows:-

P.T.O.

1--1--47 -- Rs.150 plus Rs 20 allowing ~~his~~ two advance increments for weightage in service from 1-1-39 to 31-12-46 as headmaster.

1--1--48 -- Rs. 180.

1--1--53 -- Rs. 190.

M on p33 & form 1 on p55 cf

3. The petitioner is referred to the S.O. for orders regarding the fixation of the petitioner's pay.

~~as a consequence of the orders of the Govt.~~

13.12.48

15-12-48

16/...

To The S.O., Dt.Bd.,
Coimbatore.
The D.P.I.
The Petitioner
(paras 1 &3 ~~of~~ only)