close
17/Dec/13

Scott. II-27—53,004—27-10-47.

E.P.H. (1948) Department.

Ms SERIES.

41

G.O. NO. 675 Edn.

Dated 25-3-48

[Despatch Abstract.]

Appeal - Sri C.N. Bhema Rao, clerk, Govt. Arts college, Coimbatore - Appeal against dismissal - Orders passed.

Back Papers.

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

Further Papers.

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

- 1 - A

Madras
19th June '47.

2

ASST. SECRETARY TO GOVERNMENT
8 JUN 1947
EDUCATION AND PUBLIC HEALTH DEPT.

From
C, N. Bheema Rao,
No. 10, Egmore High Road, Egmore. Madras.

To
The Secretary ~~of~~ to Government,
Education & Public Health Department,
Fort St. George;
Madras.

Through
The Director of Public Instruction, Madras.

Sir,

SuB; Appeal petition agaist the orders of the Director of Public Instruction in his No. Rc.7563-C6/46 dated 6-4-1947 dismissing Sri C. N. Bheema Rao, Clerk, Government Arts College, Coimbatore from service.

pages 109-112 of (K)

Ref: Proceedings of the Director of Publis Instruction, Madras, No.Rc.7563-c6/46 dated 6-4-1947.

51699 ibid infra

The appellant was a librarian in the Government Arts College and had put in about 17 years of service. He was also the Vice-President of the Government Arts College Co-operative Society - the Principal of the College being its President. In his No.Roc.106/45 dated 12-9-45, the Principal, Government College, Coimbatore framed certain set of charges against(him) the appellant and the appellant's explanation thereon was submitted on 24-9-45. But while the appellant was under suspension the principal caused certain other complaints to be made against him for framing further charges against him. Then the matter ~~was matter~~ was taken up by the District Educational Officer, Coimbatore who in his memorandum No.11(26) A/46 dated 14-6-46 nearly eight months after the appealents suspension framed final charges against him. The appellant's explanation was submitted to these charges also. A formal enquiry was held by the D. E. O Coimbatore who forwarded his finding to the D. P. I, Madras for disposal.

Not found in records

x ibid

pp55-57 (K)

p61 (K) (P)

pp109-112 (K)

(Y)

(copy on pp 11-12 infra)

In his proceedings No.7563 -C6/46 dated 6-4-47 the Director of Public Instruction found the appellant guilty of four out of nine charges framed against him and ordered that the appellant be dismissed from the Civil Service of the Crown with effect from the date of receipt of the order against the appellant. These orders were received by the appellant on 21-4-1947 and the appeal now preferred is within time

Though the appellate authority in respect of the members of the Madras Ministerial Service in the Government Colleges is the Director of Public Instruction, the

the appeal is made to the higher authority viz., the Secretary to the Government of Madras, - Education and Public Health Department, with reference to Rule 20(b) of the Civil Services (Classcification, Control and appeal Rules)

The appeallant begs leave to point out that the charges taken as proved by the Director of Public Instruction are not based on facts and are not also sustainable. The Director has not given specific reasons for taking each of the charges as proved except in a very general way that the appeallant has been grossly neglegent in his work as well as in his handling of Public or quasi-public funds. The following facts in respect of each of the charges taken as proved will show that none of these charges can stand :-

CHARGE I : (1) That the appeallant misappropriated the sale proceeds of 59 books on Analitical Geometry and Calculus amounting to Rs.97-6-0 for over five months from February to 12-9-1945.

A2 +p. 55b (K)

(ii) That the appeallant misappropriated a sum of Rs.20-10-0 being the trade commission allowed by Sri S. Narayanan for the 59 books referred to.

At the request of the lecturer of the college, the appeallant indented on Sri S. Narayanan 75 copies of the Analytical Geometry and Calculus for distribution to students. The consignments of 75 books were received towards the end of January 1945 and 59 copies were distributed to the students. The cost of the books was recovered from the students as and when they paid. Further, the appeallant went on leave for 15 days from 2-2-1945, soon after the books were distributed to students. Summer recess followed soon after the appeallant returned from leave. During the vacation the appeallant was transferred from the post of the Librarian to the post of a clerk which disabled him to meet the students and recover the cost of the books. Soon after the reopening of the College, the Head Clerk was transferred from the Coimbatore College from 8-7-1945 and the appeallant was doing the entire work of the College, which was particularly heavy during begining months, in all the colleges. In these circumstances it had not been possible for the appeallant to collect the money from the students immediately and send it to Mr. Narayanan.

page 1-2 of A2

The first demand for the amount was made by Mr. S. Narayanan in April 1945 and a reply was sent to him immediately that the money will be sent shortly

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page 7 of A2 · page 11 ibid · page 14 ibid

shortly. Again in July Mr. Narayanan wrote to the Principal enquired about the amount. In his memo dated 10-7-1945, the Principal enquired the appeallant about the amount. It was then explained to the Principal by the appeallant that the amounts were not fully collected from the students and that it would be sent to Mr. S. Narayanan as soon as the entire amount was collected. On the basis of this oral explanation, the principal sent a reply to Mr. S. Narayanan on 17 10-7-45 saying that the transaction regarding the indent for the books in question was a private one and that the amount may be got from the appeallant as soon as the moneys are collected from the students. The cost of the books was actually paid to Mr. S.Narayanan in September 1945.

Vide A for page 23 ibid

As already pointed out by the Principal, the transaction was a purely a private one. The indent was made in the interests of the students at the request of one of the lecturers of the College and hence there was no need to bring this transaction on the accounts of the Society as alleged. It was usual for such private transactions to be entered into with the knowledge of the principal. The principal had himself given instructions in respect of similar other transactions and had said that such transactions need not be brought into the accounts of the society.

If it is contented that such a private transaction for profit is against the Government servants' conduct Rules, the appeallant begs to point out that no profit was got in the transactions as alleged in Charge I (ii) The books were sold to the students deducting the trade commission, from the cost price, allowed by Sri S. Narayanan. The statement signed by some of the students that the books were purchased at the price which included the trade commission is not correct. The appeallant was not given proper oppertunity to contest the bonafides of the signatories nor was a signatories examined or cross examined at the enquiry. Not all t who have purchased the books has signed the statement and it has verified whether all the signatories have purchased the books.

p. 55a (K) · +p27 (A2)

There was no intention at all to misuse the amount collected students and due to Mr. Narayanan. When the appeallant handed o of the Vice-president of the Society early in March 1945 (8-3-'45 asked by the principal (President) to deposit Rs.150/- pending ex of the account s of the Society by the Co-operative Department which the appellant did. This shows that the appellant was not in need of money, and that he could not have utilized the amount, if collected from the students for other purposes. It will, therefore be seen that the transaction was done as purely private one in the interests of the students withour any profit and that the delay in the payment of the amount due to Mr. S. Narayanan was due to circumstances beyond the c ontrol of the appellant

CHARGE I : (3) That the appeallant misappropriated Rs.10/- received from Sri V.B. Krishnamoney, Demonstrator in Chemistry towards fees payahle with application for appointment as Demonstrator.

A3

Sri S. Venkatanarayana Iyer, Head Clerk of the College had deposed at the enquiry that the practice in such cases was that the party alone to remit the money into the treasury and produce the chalan. The Prosecution has not produced any record to show that the amount was paid to the appellant by the demonstrator, except the belated complaint made by him. If he had paid the amount to the appellant, as alleged, he should have immediately demanded the chalan and if this is not forthcoming should have made a complaint then and there. It is incredible and strange that a complaint of this sort should crop up several months after the alleged date of payment of the amount and at a time when the appeallant was placed under suspension. Even at the enquiry the bonafide of the complaint was not proved. The complainant did not turn up at the enquiry and he was not examined. If the Demonstrator had been examined at the enquiry, the appellant would have elicited certain information which will clearly show that the charge was baseless. It is unfair to base a conclusion of misappropriation on a flincy and belated complaint which was not proved at the enquiry. This akin to Charge I - (6) which the Director has said in his findings as not proved.

CHARGE I (4) : That the appeallant misappropriated a sum of Rs.123-3-0 being the amount payable to M/s. Oochai Goder & Sons, Book seller and paper - merchants, Coimbatore being the balance due to them for purchases made on behalf of the Government Arts College Cooperative Society during 1944.

The firm was keeping silent over the transaction for more than a year. The complaint by the firm was only in reply to an enquiry made by the principal. The complaint was in fact prompted by the principal himself

In the enquiry the entire records relating to the transactions in questi was not produced. Only the account book in which the items in question carried over, was produced at the enquiry. It is not known on whose acc the one single entry was made in the book produced and the original book was not produced to show on whose accounts the entries were made in the orginal books maintained by by the company. It will therefore, be seen that conclusions were arrived in respect of this charge was on in-complete records.

CHARGE I (5) : That the appeallant misappropriated Rs.20/- till 11-9- collected as Hostel dues from Sri D. Purushothaman.

A5

The appellant had never been in charge of Hostel accounts and had no connection with hostel affairs. On the orders of the principal the appella once collected the hostel dues due from D.Purushotham and paid the amount t the principal then & there. The fact that the appellant paid the amount to the Principal , Rs.20/- on 11-9-45 under threat of Police action does not prove the guilt. Everybody is afraid of the Police activities and the appellant paid the amount to avoid any action by the Police thinking that the matter might be explained later. So to take the payment under thret as a proof of misappropriation is unfair and cannot be sustained.

✓ CHARGE III : That appellant used his position as Vice-president of the Cooperative Society for unauthorised purposes.

A8

The appellant regrets to point out that the purchases in question were made by him under the instructions from the Principal himself. Some of the articles were required for the Principal's personal use and he did not want to pay more than the price of the articles. As overhead charges etc. will have to be paid to the sale price of these articles/ /if brought on to the accounts of the Society, the appelant was asked by the principal to treat the transactions as private ones. This was done to benefi himself. Other articles like Coffee seeds, firewood, sugar etc., require by the principal for his private use were also obtained by the appellant in similar ways. The principal had been using the appeallant as a tool to get his things done either in the name of the society or otherwise d the appellant being a junior clerk was rather afraid of disobeying h immediate superior in his instructions withour being aware of the co equesce The very intention of the principal to put the appellant, an ordina clerk, as Vice-president of the Society while there are learned lecturers d profess professors in the college was to use the appelant to serve his own need: Being only a clerk the appellant was not in a position to resist the actions of the principal. It will therefore, be seen that these charges were only an after thought of the Principal to spoil me.

CHARGE IV : That the appellant was grossly negletful of his dutie

Eight instances were cited as proof of neglet of duty. Four of the instances refer to the Appellant's work as Librarian of the College and the other four as the Vice-president of the Cooperative Society. As far as the work relating to the ~~work~~ Librarian of the College is concerned, t appellant begs to submit that apart from the reported loss~~s~~ of certain bo from the Library the cost of which has been recovered, there had been no evidence to show in the 17 years of service that the appellant was neglet of duty. It is strange that one should be charged with neglet of duty on flimcy instances all of a sudden after 17 years of good service.

A9

As regards the instances of neglet of duty as far as the Cooperativ Society is concerned, these should not form part of the charge in an offic proceedings. The Audit report of the Deputy Registrar refere~~s~~ to the work of the Society and not particularly that of the work of the Vice-president. As no charge of misappropriation by the appellant is infolved in the instar cited in support of this charge, the Principal as president of the Society responsible for the defective working of the Society. As President of the Society with previous experience as President of Other Cooperative Societie the Principal should have known ~~xx~~- the proceedure and rectified the defect if any, ~~that-a~~ the appellant being the first Vice-president of the newly started Society. The inclusion of these instances in the charge is not onl out of place but reflects largely on the work of the Principal as President of the Society.

CHARGE IX : That the appellant did not send reply telegram prepaid to Mattai Koddu Paralil - the draft reply prepaid telegram being approved by the Principal on 22-6-45.

It was stated that Sri Venkatanarayana Iyer was called as a Procecut witness and he was examined in the enquiry. The appellant begs to point ou that he was not called in and examined as witness. The telegram referred to for the reservation of the seat was received on 18-6-45 long after the admis ions were closed. The orders of the principal to send a reply were made on 22-6-45. But it was considered unnecessary to send a reply to the effect tha

that there was no seat at that distance of time especially as no reminders or post copy were received from the party. It is usual to withhold replies where no seats are available and no chalan to the effect of having remitted Rs.3/- being the fee to accompany the application before considering for the - admission into the Junior Inter, was received from the party and it looks strange that the appellant should be ~~be~~ found fault with after 8 months of its receipt- a thing which was usually done in the course of ordinary work.

PROCEEDURE.

W

The appellant begs to point out that the proceedure laid down in G. O. No.1112 Public (Services) Department dated 7-6-1939 as subsequently amended for the disposal of disceplinary cases has not been followed in the disposal of this case. The following instances will clearly show that a farce of an enquiry was gone through with a prejudised mind which led to the findings and altemately the appellant's dismissal :

(1) According to Paragraph 4 of G. O. No1112 Public (Services) dated 7-6-1939, it is of the greatest importance that the proceedings should be so conducted as not to give rise to any feeling in the mind of the person charged that the enquiry was not conducted in an impartial and detached frame of mind. The Principal procecution in this case viz., the Principal and the person who conducted the enquiry viz., the D.E.O., Coimbatore are related to each other. The appellant even then requested that the enquiry shlod not be conducted by the District Educational Officer, Coimbatore but the request was not granted. The D. E. O has forced himself to arrive at the conclusions which he did under the influence of his relative, the Principal and found the appellant guilty of the charges. So it will be seen that the enquiry officer had not an impartial and detached frame of mind while conducting the enquiry.

W

(2) According to paragraph 6(a) of the G. O. No.1112 Public (services) dated 7-6-39 as amended by G. O. No.404 Public (Services) dated 2-2-1940 documentary evidencxs produced at the enquiry should be properly oved as in Court :-

The statement in support of charge I (ii) signed by the s dents to the effect that the books were purchased at Rs.2/- each was not p oved at the enquiry. None of the students were called in as witnesses and cr e examined.

natures cannot be accepted unless they are roved to to be Genuine.

(Y) (A2) And regarding Charge I (i), the findings of the Enqiry Officer had not been based of the letters of Mr. Mantharam dated 19-1-45 and the letter dated 17-7-'45 to S. Narayanan and copy to S. N. Beemarao, because neither the principal nor the lecturer, Mr. Mantharam were examined which would ~~xx~~ have protected the appellant's case in a manner to to squash the entire charge.

Again as already pointed out the complete records of M/s. Oochaai Gowder were not produced and verified in support of Charge I (iv)

(3) Proper evidence was not let in to prove the case and the appellant was denied the oppertunity of cross examining the witnesses which would have been produced by the procecution to prove the guilt. The Principal, the Chief Procecution witness was not called in for examination As a matter of fact, he was not even in town. His esamination and cross examination at the enquiry would have elicited information which would have shown the bona fide of the appellant's transactions and how he was mearly a tool in the hands if the principal especially in respect of the charges I (i), I (iv), I (v), Charge III, and IV. None of the signatories to the statement signed by the students in support of Charge I (ii) were examined to sustantiate the documentary evidence. Sri V.B. Krishnamony, the Demonstrator in chemistry, was not examined at the enquiry to sustantiate Charge I (iii). This and other irregularities, the appellant submits will vitiate the entire proceedings.

In an enquiry of the afore said nature, framing a long list of 9 charges, without calling or producing any witness by the procecution, and ~~taking~~ coming to the conclusions of the charges having been proved on the meare statements got behind the appellant's back is against the procedure and adds the interest the Enquiry Officer had with the officer the Principal, the procecuting officer.

(H) (4) According to G. O. No. 2861 Public (Services) dated 12-12-41 a clause should be added to the charge sheet requiring the person charged to show cause why the appellant should not be dismissed or removed from the service or as the case may be, reduced in rank whatever it is at all possible that such serious penalties may ulimately imposed. This was not done when the charges were framed by the D.E.O. and this kept the appellant in absolute darkness as to the gravity of the pusnishment that will be inflited. Otherwise, the appellant would have let in defence witnessws which would have protected the interests of the appellant and the whole proceedings would fall to the ground.

(Y) (W) (5) The findings of the enquiry officer is entirely misleading. According to paragraph 7 of G. O. No1112 Public(sevices)/7-7-39, where the officer holding the enquiry is not competent to award a penalty, his duty ends with the recording of his findings on his charges. The summing up of the findings made by the D.E.O. at the end is out of - place and misleading.

(6) The appellant has been suspended pending enquiry and it was very necessary according to the terms of the G. O. of 1939 that there ~~x~~ should be no delay in completing the proceedings. The Principal framed a set of 5 charges on 12-9-45 and the appellan's explanation was submitted on 24-9-45 and No enquiry was conducted by the principal but thought to get some more statements behind ~~his~~ the appellant's back, meterial for framing more charges., till November 1945. The final charges of the D.E.O. were framed nearly after 8 months after the appellant was placed under sdspension and it took another year to conduct the enquiry and come to a decision. A perusal of the original records will show that much of the dilatoriness might have been avoided which has largely prejudiced the appellant's case

(7) The appellant was asked to send his explanation to the findings of the D.E. O., through the principal. It was done so, but the orders of the D.P.I. were issued in his findings No.7563 C6/dated 6-4-47 before the receipt of the remarks of the principal on the strength of the copy of the explanation sent to the D. P. I. direct by the appellant.

(8) Lastly, the appellant points out according to rule 15(b)(i) of the Classification, Control and Appeal Rules, the appellent was not given sufficient oppertunity to defend himself having been denied of the records though specifically asked for the same in his letters dated 20-6-46 & 11-7-46 he has requested for them to answere the charges of the D.E.O., with these irregularitis, the findings will be of inadequte evidence and wrong proeedure.

10

It will therefore, be seen that either on the facts of the case or on proceedure the above orders passed by the Director of Public Instruction in his Proceedings No.R.C.7563-C6/ dated 6-4-'47 can stand. The Finding of the Direcotr of Public - Instruction is that "A dispassionate examination of the whole case against the accused clerk clearly disclosed that he has been grossly negligent in his work as well as in his hadling of public or quasi-public funds". The Director of Public - Instruction has not found the appellant guilty of any grave charges line misappropriation of funds, ~~fla~~ falscification of accounts involving any moral turptitude. The appellants humbly points out that it is rather unfortunate that for few involuntary neglets done in course of pressure of work one with a good record of seventeen years of services should be ordered to be dismiesed from service. ~~Thse~~ Besides the appellant has a large family to support and he cannot find anyother suitable employment at this stage of his life. In the circustances, the appellant prays that the orders of the Director of Public Instruction referred to above may be set a side and the appellant reinstated in service for which act of kindness the appellant be ever grateful

H 109-112

(4)

I beg to remain,
Sir,
Your most obedient servant,
C N Bheema Rao

Encl: D.P.I's Orders No 7563/C6/46 Dt 6-4-47.

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11 11 7

(True copy of the Proceedings of the Director of Public Instruction Madras R. C. No.7563 C6/46 dated 6-4-'47)

SUBJECT : INQUIRY - Sri C. N. Bheema Rao, Clerk, Government Arts College, Coimbatore now under suspension - Dismissed from service - orders passed.

READ :- 1) From the District Educational Officer, Coimbatore, R.C 11 (11) A/46, dated 21-10-46

2) The Director's Proceedings R.C.7563-C6/46, dated 11-12-46.

3) From Sri C. N. Bheema Rao, dated 15-12-1947.

In connection with the offences of mis-appropriation of quasi-public moneys, receipt of illicit gratification and gross neglet of duty and disobedience of orders alleged to have been committed by Sri C.N. Beema Rao while he was a clerk of the Government College, Coimbatore, the Coimbatore District Educational Officer framed, under orders of the Director, nine charges against him, conducted an oral enquiry in accordance with the prescribed proceedure and submitted a report together with his finding on each of the charges. A copy of the report of the enquiry submitted by the Enquiry Officer was duly furnished to Sri C.N. Beema Rao and he was given a reasonable oppertunity to show cause against the issue of an order imposing on him the statutory penalty namely dismissal from the Civil Cervice of the Crown. He was directed to submit his representation within 15 days from the date of the issue of Proceedings R.C.7563 C6/46, dated 11-12-1946. He did not do so, but took time and submitted of it on 17-2-1947.

The Director while agreeing in general with the finding of the Enquiry Officer considers that all the charges against Sri C.N Bheema Rao, have been proved, except the following:-

Charge I Item (6). "K.Mahadevan a student is reported to have given Rs.10/- to Sri C.N. Beema Rao for being remitted into the treasury in the University Account towards exemption fee for permitting him to take French as II Language. This amount was not remitted."

CHARGE II. " That he took illegal gratification of Rs.21/- from certain students besides Re.1/- from V. Ramalingam which was obtained for supplying them with Clerkes Tables at the September Examination"

CHARGE V. " That he after his suspension entered the Government College building and took away a bundle of ~~books~~ articles and papers withour proper authority."

CHARGE VI. " That he attempted to receive illegal gratification from the Lily Rose Foot Ball Club for obtaining permission for the use of the College Grounds"

CHARGE VII. " That he is habitually indebted."

-2-

CHARGE VIII "His conduct and character have been

ALLEGATION:- He obsconded between 7-9-1945 and 11-9-1945 with the public money to the extent of about Rs.200/- and did not return until he was informed that the matter would be placed in the hands of the Police".

With the possible exception of charge VIII all the other charges are true even if some of them as specified above have been dropped for purely technical reasons. A dispassionate examination of the whole case against the accused clerk, clearly disclosed that he has been grossly negligent in his work as well as in his handling of public or quasi-public funds.

In the light of the representation of the accused, the Director has given his most careful consideration to the nature of penalty which may appropriately be imposed on Sri C.N. Beema Rao and has come to the comslution that in view of what has been observed above he is unfit to be continued any longer in Public Service. He(the Director) therefore orders that Sri C,N. Bheema Rao be dismissed from the Civial Service of the Crown with effect from the date on which the accused receives these orders.

Sd. D. S. Reddi,
For Director Of Public Instruction.

To
Sri C.N. Bheema Rao,
Clerk, Government College, Coimbatore(under suspension)

Through:

The Principal, Gove nment College, Coimbatore.

Copy to do do do
Copy to Divisional Inspector of Schools, Coimbatore.
Copy to the District EducationalOfficer, do
Accountant General, Madras.
,, 'C' section(3 copies)
,,

E.D.14(A)

Pl. see the Appeal petition from plante. This is only an advance copy sent to Govt direct. The orgl. sent thro the proper channel may be awaited.
This may be lodged.

7/7/47

ES
1-7-47

5/7/47

From
Sri D.S. Reddi, M.A.(Oxon)., M.B.E.,
Director of Public Instruction, Madras.

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

R.C. No.7563 C6/46 dated 26-7-47.

Sir,

Sub: Appeal - Sri C.N. Bheema Rao, Ex-clerk,
Government Arts College, Coimbatore.

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pp1-10 anl-

EDUCATION AND PUBLIC HEALTH DEPT.
SECRETARY TO GOVERNMENT
JUL 1947
61226A

I have the honour to submit herewith the appeal dated 19-6-1947 received from Sri C.N. Bheema Rao, Ex-clerk, Government Arts College, Coimbatore and to state as follows:-

In connection with certain irregularities alleged to have been committed by Sri C.N. Bheema Rao (the appellant) in his capacity both as clerk, Government Arts College, Coimbatore and as Vice-President, Government Arts College, Co-operative Society, Coimbatore, the District Educational Officer, Coimbatore and the Nilgiris was requested to frame suitable charges against him, conduct an inquiry in accordance with the prescribed procedure and submit a report. The reason for not allowing the Principal to conduct this enquiry was that the appellant expressed his intention of citing the Principal as a witness to be examined for defence though actually he did not do this in the end. I may also point out in this connection that it was reported that the Special Officer for Departmental Enquiries, Fort St. George to whom this case was in the first instance, referred by the Principal, Government Arts College, Coimbatore, under the terms of G.O. No.3389 Public Services dated 25-11-1944, declined to take up this enquiry.

pp1-2 (K)

not put up

2. The District Educational Officer framed nine charges on the 14th June 1946, conducted an oral inquiry on the 9-10-46, at his own office and submitted a report together with his findings on each charge on 21-10-46. A copy of this enquiry report was ~~only~~ duly communicated to the appellant through the Principal of the college and he was called upon to submit a representation against the issue of an order inflicting on him the proposed penalty of his dismissal from the service. The appellant submitted his representation. After a careful consideration of the case, I ordered that the appellant be dismissed from service. The orders were accordingly issued in the proceedings 7563 C6/46 dated 6-4-1947. Against these orders, the present appeal is preferred to Government.

(P)

(K) 55-57

(Y)

K/177-78

pp109-112 (K)

pp 11-12 anl-

K/89-107

3. I recommend that in view of the fact that the appellant has ~~xxxxxxxx~~ adduced no fresh evidence to rebut the charges proved, the appeal may be rejected.

4. The records of the enquiry in original as per annexure are enclosed.

below

28/7

for Director of Public Instruction.

R.C. 26/7.

26/7

p.t.o.

14

Annexure.

Tied in tape & kept below

1. D.P.I's office current file including the appeal R.C.No.7563 C6/46	pages 1-136
(ii) -do- Notes	pages 1-20.
2. The Enquiry Officer's findings	" 1-10.
3. Depositions taken at the oral enquiry	" 1-24.
4. Defence statements of the accused officer	" 1-12.
5. Exhibits - 1 to 3.	
6. Other records:-	
Charge I (items 1 and 2)	" 1-30.
-do- (item 3)	" 1-14.
-do- (item 4)	" 1-14.
-do- (item 5)	" 1-2.
-do- (item 6)	" 1-2.
Charge II	" 1-4.
-do- III	" 1-4.
-do- IV	" 1-36.
-do- V	" 1-38
-do- VI	" 1-8.
-do- VII	" 1-6.
-do- VIII	" 1-4.
-do- IX	" 1-4.
7. Miscellaneous records	" 1-108.

Tied in tape & kept below.

In covers

8. Personal file of witness

VRR 28/7

for Director of Public Instruction.

Called for.

15

Edn and P.H. Dept

P.c. to go

10378 7/11

T. cll. No. 61226 A-2/47 A Edn. d. 6.11.47

9

From.
The Asst. Secy to Govt. Edn & P.H. Dept

✓ To the Dy D.P.I.

Dispd 10/11

Appeal – Sri G.N. Bheema Rao, ex-clerk Govt. Arts College, Coimbatore – Ref D.P.I.'s letter No. 7563 C6/46 d/ 26.9.47.

Please send the personal file of the clerk urgently.

6/11/47.

6/11/47

Copied

Letter No. 61226A-3/47 A Edn d. 7-11-47. Edn and P.H. Dept 16

Ref

To

The Secy, M.P.S.C.

(with encls) — pp1-14 c.f. etc.

10

Despatched.
10/11/47.

Sir,

Appeal against dismissal from service
Sri C.N. Bheema Rao, ex-clerk, Govt Arts
College, Coimbatore

—

pp1-12 cf

I am directed to forward herewith in original an appeal from Sri C.N. Bheema Rao, ex-clerk, Govt Arts College, Coimbatore, against the order of the D.P.I dismissing him from service together with the papers noted in the annexure, and to request that the M.P.S.C will be so good as to offer its views on the appeal.

6/11/47.

6/11/47 7/11/47.

Annexure

(Here enter A on page 14 cf)

17

R.C.No.7563 -C6/47.

Office of the
Director of Public Instruction,
Madras, dated 28-11-47.

From

Dr. S.R.U. Savoor, M.A., D.Sc.(Lond), I.E.S.,
Director of Public Instruction, Madras.

11

ASST. SECRETARY TO GOVERNMENT
2 - DEC 1947
EDUCATION AND PUBLIC HEALTH DEPT.

To

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

Sir,

94786

Sub:- Appeal Sri C.N.Bheema Rao, Ex Clerk, Govt. Arts College, Coimbatore,.

- - -

Ref:- Your P.C. of the T.M. dated 6-11-47. p15 ante

- - -

The Personal file of Sri C.N.Bheema Rao, Ex-clerk, Govt. Arts College, Coimbatore is enclosed, as desired.

Kept below, attached to the file at (K)

for Director of Public Instruction.

pkr.29/11

1/12/47

18

E.P.A (A)

Letter No. 61226A-4/47 A Edn. dated 8-12-47.

(Entd)

To

The Secy., M.P.S.C. (with enclosure)

Despd
AB
8/12

12

Sir,

Sub: Appeal against dismissal from service - Sri C.N. Bhema Rao, ex-clerk, Govt. Arts College, Coimbatore.

In continuation of my letter No. 61226A-3/47 A Edn. d. 7-11-47 on the above subject, I am to forward herewith the personal file ~~of Sri C. N. Bhema Rao~~ of the appellant.

p.160-f.

Attached to the file at (K)

Y. O. S.

5-12-47

5/12/47

6/12/47

E.P.H.(A)

Letter No. 61226A-5/47 A Edn dated 3-2-48.

To

The Secry., M.P.S.C.

Sir,

Sub: Appeal against dismissal from service - Sri C.N. Bheema Rao, ex-clerk, Govt. Arts college, Coimbatore.

Ref: My letter No. 61226A-3/47 A Edn. d. 7-11-47. and Letter No. 61226A-4/47 A Edn. d. 8-12-47.

I am to request you to state when ~~your~~ a reply may be expected.

3/2

p16 c.f.
p18 c.f.

29-1-48
28/1/48
2/2/48

CONFIDENTIAL.

TEL: "PUBSERCOM"

14 21

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

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

SECRETARY, EDN. AND P. H. DEPT.
16 FEB 1948
11017A

No.7180-C/47-1, dated 11-2-1948.

Appeal - Sri C.N. Bheema Rao, ex-clerk, Government Arts College, Coimbatore - Dismissal from service - Your letter No.61226-A.3/47-A., Education, dated 7-11-1947.

page 6 ante

--

I am to say that in the opinion of the Commission there was no statutory irregularity in the procedure followed before the appellant, Sri C.N. Bheema Rao was dismissed from service.

The Commission's views in regard to the charges framed against him are as follows.--

CHARGE I.

page 55 of (K)
p. 18 of (P)
p. 10 of (M)
p. 2 of (A2)

Item (1): The appellant's plea that the transaction was a private one between himself and the author of the book is unacceptable. Such a plea is contradicted by his own version in his first written statement that due to want of sufficient funds for the purchase of articles for the College ~~or~~ Co-operative Stores, the amounts realised by the sale of one item had to be utilised for the purchase of some other item and that this caused the delay in the payment of the money due in respect of the former item. It was as the Vice-President of the College Co-operative ~~Societies~~ Stores that he placed the order for the book and when he received the copies in January 1946, he failed to bring the transaction to the accounts of the Stores and kept no record of the sales. When he relinquished charge as Vice-President in March 1945 he failed to hand over to his successor the value of the sold copies and the balance of the copies which remained unsold. The Commission holds that he temporarily misappropriated money belonging to the Co-operative Stores.

pages 55 of (K)
p. 27 of (A2)

Item (2): The appellant's conduct in connection with item 1 of charge I leads to a strong suspicion that his motive for no bringing the transaction to the accounts of the Co-operative Stores w to appropriate for himself the trade commission allowed by the suppli er. Unfortunately however the signed statement of 41 students who were alleged to have purchased copies of the book at Rs.2/- per copy, was not properly "proved". None of those students was examined at the enquiry and the appellant was given no opportunity to cross-examine them. Their statement cannot therefore be admitted as evidence agains the appellant. There is no other evidence to show that copies were sold at Rs.2/- each. In the circumstances, the charge cannot be taken as proved.

pages 55 & 56 of (K)
page 1 of (A3)
" " " (A6)

Items 3 & 6: V.S. Krishnamani and K.Mahadevan were not examined at the enquiry and the appellant was given no opppportunity to cross-examine them. Their "unproved" letters cannot be used as evidence against the appellant. The Director of Public Instruction has rightly held item (6) as not proved. Item (3) also stands on the same footing and cannot be held as proved.

pages 147-150 of (K)
p. 55 of (K)
(A4)

Item 4: The Commission agrees with the findings of the Enquiring Officer and the Director of Public Instruction that this item (which is similar to item 1) is proved.

page 1 of (Y)
page 149 of (K)

pto.--

E.P.H. (A)

~~Sub: Schools and colleges - Refugee students from Pakistan - Award of scholarships.~~

~~c no. 586 From the G. of I. No. RR-~~5~~(1) dated 23.12.47.~~

~~Please see the letter from the G. of I., Ministry of Relief and Rehabilitation on p.c.f.~~

~~2. In response to a communication from the G. of I. sometime back, the D.P.I. issued a circular to the effect that every facility may be afforded to ~~stude~~ refugee students from Pakistan seeking admission into the Schools in this Province. It is however not known whether any refugee students have actually been admitted.~~

~~3. It is also not known whether any refugee students from Pakistan have been admitted into Arts colleges in this Province.~~

~~4. As regards Engg. colleges, though originally the G. of I. ~~reques~~ asked for~~

p.56 of (K) + the papers at (A5) p.30 of

Item 5: The appellant admitted that he collected Rs.20/- from Purushotam (in December 1944), and has not chosen to prove that he paid the money to the Principal. When the Principal demanded the money in September 1945, he paid it. His plea that he did so under threat of Police action is unconvincing. The Commission holds that he temporarily misappropriated money belonging to a private mess.

p.56 of (P)

page 56 of (K) & papers at (A7)

CHARGE II.

of (K)

This charge has been rightly dropped by the Director as not proved.

page 150

page 56 of (K) of the papers at (A8)

AP1011

CHARGE III.

It is clear that the appellant purchased the articles on behalf of the College Co-operative Stores and did not bring them to the accounts of the Stores. He has given contradictory versions about this transaction. The Commission holds that the charge is proved.

page 10 of (M)
+ pages 56 of (P)

page 56 of (K) + the papers at (A9)

CHARGE IV.

Item 1: This charge was not pressed by the Enquiring Officer. The Commission agrees with his findings.

p.30 of (Y)

Item 2: The Headmaster, Government College High School, Coimbatore, has certified that there was no grave irregularity or misappropriation. The Enquiring Officer has absolved the appellant of this item of charge. The Commission agrees with his findings.

p.11 of (A9)

p.50 of (Y)

Item 3: The Director of Public Instruction has already recovered the cost of the missing books from the appellant. The Commission considers that this item of charge may be dropped.

p.50 of (Y)

Items 4 to 7: These relate to the defective maintenance of the Co-operative Stores accounts. The appellant was only an honorary Vice-President of the Co-operative Stores. His work in that capacity which did not form part of his ordinary official duties as a Government servant, cannot, in the Commission's opinion, properly form the subject of disciplinary action under the Madras Civil Services (Classification, Control and Appeal) Rules. The President of the Stores must also share the blame for the defects. The Commission considers that these items may be dropped.

ibid

Item 8: The Enquiring Officer has rightly dropped this charge.

ibid

CHARGES V TO VIII.

These charges have been rightly held as not proved.

pages 151-152 of (K)

CHARGE IX.

In the Commission's opinion this is a small clerical error which may be overlooked.

p.152 of (K)

2. The proved charges relate mainly to the appellant's work as the Vice-President of the College Co-operative Stores which office he owed presumably to the general body of the

members

members of the Stores. He held it in an honorary capacity. As observed by the Director of Public Instruction, he seems to have been entrusted with such work without proper supervision. When he relinquished charge as Vice-President of the Co-operative Stores, he was asked to make a deposit of Rs.150 which he did and any loss to the Stores owing to his negligence or misconduct was recoverable from that deposit. The moneys misappropriated did not relate to Government account. The records as well as his personal file show that the appellant was "a jack of all trades" (and presumably "master of none") and was used for various odd jobs by the Principal (who was the President of the College Co-operative Stores) and others. If in such circumstances he abused his position as Vice-President of the Stores, the blame lies as much on the President and the Board of Directors of the Stores as on him. The Commission does not feel that the appellant deserves to be dismissed from service for what he did in an honorary capacity. At the same time, his general conduct as revealed by the charges shows that he should not be retained in service. The Commission advises that the order of dismissal be modified into one of compulsory retirement from service.

3. The records as per list enclosed are returned.

Your obedient servant,

Secretary.

2a

ckn.13-2-1948.

LIST.

1. Director of Public Instruction's office current file including the appeal R.C.No.7563-C.6/46
(ii) -do-
-do- Notes .. pages 1-136.
2. The Enquiring Officer's findings .. " 1-20.
3. Depositions taken at the oral enquiry .. " 1-10.
4. Defence statements of the accused officer .. " 1-~~40~~.
5. Exhibits - 1 to 3. .. " 1-12.
6. Other records.--
Charge I (items 1 & 2)
Do. (item 3) .. " 1-30.
Do. (item 4) .. " 1-14.
Do. (item 5) .. " 1-14.
Do. (item 6) .. " 1-2.
.. " 1-2.
Charge II.
" III. .. " 1-4.
" IV. .. " 1-4.
" V. .. " 1-36.
" VI. .. " 1-38.
" VII. .. " 1-8.
" VIII. .. " 1-6.
" IX. .. " 1-4.
.. " 1-4.
7. Miscellaneous records.
8. Personal file of the clerk. .. " 1-108.
9. Appeal .... pages 1-14.

P.O

E&P.H.(A) Deptt.

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16 E.P.H.(A)

66 (a) 30/3

Sub: Appeal – Sri. C.N. Bheema Rao, clerk, Govt. Arts College, Coimbatore – Appeal against dismissal – Orders passed.

p1-10 c.f. From Sri C.N. Bheema Rao, dated 19.6.47.

p13-16 & 17 c.f. c.no.61226 A etc. From the D.P.I. No.7563 Cb/ab dated 26.7.47 and 28.11.47.

p21-23 c.f. c.no.11019 A From the Secry., M.P.S.C., No.7180-C/47-1 d. 11.2.48.

G.O.No.Ms. 675 Edn. dated 25-3-48.

A copy of the letter from the Secry., M.P.S.C. read above is communicated to the D.P.I.

2. The Govt. accept the advice of the Commission that the order of dismissal in respect of the appellant should be modified into one of compulsory retirement from service. The D.P.I. is requested to issue orders accordingly.

3. The ~~encls~~ records sent with the D.P.I.'s letters read above are returned herewith.

ask in section before sending to D.R.

Dpd with encls

To ~~the~~ D.P.I. (with encls.) by R.P.

" ~~Secy,~~ M.P.S.C.

2 S/c.

22.3.48 22/3/48

22/3/48

26

Sub: Appeal - Sri C.N. Bheema Rao, clerk, Govt.
Arts College, Coimbatore - Appeal against
orders passed.

Ref: Sri C.N. Bheema Rao's [illegible] dated 19-6-47.
From the D.P.I. No. 7563 C2/46 dated 21-7-47
From the Secy, M.P.S.C. No. 7188-C/47-1 dt 8-11-47
G.O. Ms. No. 675 Edn. dated 25-3-48.

[illegible] the letter from the Secy, M.P.S.C. [illegible] communicated to the D.P.I.

2. In G.O. [illegible] the advice of the Commission that the order of dismissal in respect of the appellant should be modified into one of compulsory retirement from service. The D.P.I. [illegible] [illegible] [illegible] to the minutes read [illegible] with the D.P.I.'s letter read above [illegible] submitted.

From
Sri D.S. Reddi, M.A.(Oxon.)
Director of Public Instruction, Madras.

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

R.C. No.7563 C2/46 dated 16th April 1948.

A

27/17

ASST. SECRETARY TO GOVERNMENT
20 APR 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

Sub: APPEAL - Sri C.N. Bheema Rao, clerk, Government Arts College, Coimbatore - Appeal against dismissal - Revision of orders.

28846 (A)

Ref: G.O.Ms.No.675 Edn., dated 25th March 1948..

In the G.O. cited, Government have stated that my order, dismissing the appellant from service, should be modified into one of compulsory retirement from service. The appellant was under suspension from 8th September 1945 to 21st April 1947, the date on which the appellant had received my order of dismissal which was passed on 6th April 1947. I request you to be good enough to let me know whether there is any objection to my passing modified orders, compulsorily retiring the appellant from service with effect from 8th September 1945. In the event, the subsistence allowance drawn by the appellant during the period of suspension, may be recovered from the pension due to him, as required by Article 300(4)(b) of the Madras Financial Code, Volume I..

1798 the Book put up

19/4

for Director of Public Instruction.

R.C. 19/4.

29 ~~9~~

18

288 w6/48

Edn and P.H. Dept

Telephonic Message by Post

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

Appeal - Sri C.N. Bhema Rao,
clerk, Govt Arts College,
Coimbatore.

Ref D.P.I's letter No: 7563 C2/46
d/ 16.4.48.

—

Please say what is the monthly rate of pension Sri Bhema Rao will get if he is compulsorily retired ~~allowed to retire~~ from 8.9.45. Please also say what is the rate of Subsistence allowance paid to him during the period of suspension.

30/4/48

30/4/48

37 Dw
1/5

D.P.I

D.P.I Low Lo: Dy

~~4~~ 30

28946/48 D 5

1931

ASST. SECRETARY TO GOVERNMENT
26 MAY 1948
38867A
EDUCATION AND PUBLIC HEALTH DEPT.

25/5/48

From

Sri D.S. Reddi, M.A.(Oxon.)
Director of Public Instruction, Madras.

To

Asst.
The/Secretary to Government,
Education and Public Health Department.

R.C. No.7563 C2/46 dated 21-5-1948.

Sir,

Sub: Appeal - Sri C.N. Bheema Rao, Clerk, Government Arts College, Coimbatore.
Ref: Your T.M. (by post) dated 30th April 1948. p 3 ant.

The matter is under correspondence with the Principal, Govt. Arts College, Coimbatore. I shall submit my reply as soon as necessary particulars are received from him.

for Director of Public Instruction.

E.P.H.(A)

The D.P.I. may be reminded next on 25.6.48.

25.5.48

25/5/48

26/5/48

32

A

20 33

ASST. SECRETARY TO GOVERNMENT, EDUCATION AND PUBLIC HEALTH DEPT.
2 JUN 1948

40561

From

Sri D.S. Reddi, M.A.(Oxon.)
Director of Public Instruction, Madras.

To

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

R.C. 7563 C2/46 dated 28th May 1948.

Sir,

Sub: Appeal - Sri C.N. Bheema Rao, Clerk, Government Arts College, Coimbatore.
Ref: Government's T.M. (By post) dated 30-4-1948.

I submit herewith the letter R.C.No.73 C/48 dated 21st May 1948 of the Principal, Government College, Coimbatore, with its enclosures which will furnish the information called for in the T.M. cited.

for Director of Public Instruction.

R.C. 29/5.

R.C.No.73-c/48, Dated 21-5-1948. C2

Government Arts College,
Coimbatore. D/21-5-1948.

From

Sri. A. Ramanatha Pillai, M.A.,L.T.,
Principal, Govt. College,
Coimbatore.

To

The Director of Public Instruction,
MADRAS.

Rc 4563 C2/46

Sir,

Sub: APPEAL - Sri. C. N. BHEEMA RAO, Ex-Clerk, Government Arts College, Coimbatore.

Ref: Proceedings R.C. No. 7563-C2/46, dated 17th May, 1948.

The monthly rate of pension which Sri. C. N. Bheema Rao will get if he is compulsorily retired from service is Rs. 13-4-0 as will be found from the statement attached. The rate of subsistance allowance paid to him during the period of suspension was Rs.20/- plus Dearness Allowance of Rs.4-8-0.

Encl: 2.

A R Pillai
Principal,
Govt. College, Coimbatore.

svr/21-5.

13-4-0
24-8-0

21/5

GOVERNMENT ARTS COLLEGE, COIMBATORE.

STATEMENT OF AVERAGE EMOLUMENTS OF SRI C N BHIMA RAO, EX- CLERK, GOVT. COLLEGE COIMBATORE.

-:ooo:-

Length of service		Period Years.	Rate in Rupees of monthly pay.	Amount	Remarks.
From	To				
		y- M- D.		Rs. A. P.	
8-9-42	30-9-42	0- 0-23.	52/-	39-13- 0.	
1-10-42	31-8-43	0-11- 0.	52/-	572- 0- 0.	
1- 9-43	6-9-43	0- 0- 6.	52/-	10- 6- 0.	
7- 9-43	30-9-43	0- 0-24.	53/-	42- 6- 0.	
1-10-43	31-8-44	0-11- 0.	53/-	583- 0- 0.	
1- 9-44	6-9-44	0- 0- 6.	53/-	10-10- 0.	
7- 9-44	30-9-44	0- 0-24.	54/-	43- 3- 0.	
1-10-44	31-8-45	0-11- 0.	54/-	594- 0- 0.	
1- 9-45	7-9-45	0- 0- 7.	54/-	12-10- 0.	
Total		3- 0- 0.		1908- 0- 0.	

Average Monthly Pay: Rs.1908 ÷ 36 : Rs.53/-

Proposed Pension: Rs.53 X 15/60 : Rs.13-4-0. (Rupees Thirteen and annas Four only).

Principal,
Govt. College, Coimbatore.

Coimbatore.
D/21-5-48.
svr/21-5.

Sd 21/5

MEMORANDUM OF SERVICE AND LEAVE.

Name: Sri. C.N.Bhima Rao.
Designation: Ex-Librarian,
Govt.College, Coimbatore.

Date of birth by Christian Era... | 1-5-1907.

Establishment and Head-Quarters,	Appointments Substantive, Acting or Temp.	Pay. Rs.	Acting Allowance Rs.	Date of beginning.	Date of ending.	Period reckoned as service. Y.M.D.	Period not reckoned as service. Y.M.D.
Govt. College, Coimbatore.	II Clerk Acting	35/-	-	2-7-29	31-8-29		0-1-29
-do-	Librarian Ag.	35/-	-	7-9-29	10-7-30		0-10- 4.
	-do-Permt.	35/-	-	11-7-30	6-9-31	1-1-26	
	-do-	36½/-	-	7-9-31	6-9-32	1-0- 0.	
	-do-	38/-	-	7-9-32	6-9-33	1-0- 0.	
	-do-	39½/-	-	7-9-33	6-9-34	1-0- 0.	
	-do-	41/-	-	7-9-34	30-3-35	0-6-24.	
In transit.......		41/-	-	31-3-35	---	0-0- 1.	
Under Training in the ~~D.P.I.office~~ certificate course in Librarianship		41/-	--	1-4-35	29-6-35	0-2-29.	
Intransit..........		41/-		30-6-35	4-7-35	0-0- 5.	
Govt. College, Coimbatore	Librarian.	41/-		5-7-35	6-9-35	0-2- 2.	
	Permanent	42½/-	-	7-9-35	6-9-36	1-0- 0.	
	-do-	44/-	-	7-9-36	6-9-37	1-0- 0.	
	-do-	45½/-	-	7-9-37	6-9-38	1-0- 0.	
	-do-	47/-	-	7-9-38	6-9-39	1-0- 0.	
	-do-	48½/-	-	7-9-39	6-9-40	1-0-0.	
	-do-	50/-	-	7-9-40	6-9-41	1-0- 0.	
	-do-	51/-	-	7-9-41	6-9-42	1-0- 0.	
	-do-	52/-	-	7-9-42	6-9-43	1-0- 0.	
	-do-	53/-	-	7-9-43	6-9-44	1-0- 0.	
	-do-	54/-	-	7-9-44	1-2-45	0-4-25.	
L.A.P. ---	... ...	54/-	-	2-2-45	16-2-45	0-0-15.	
Govt. College,	Librarian.	54/-	-	17-2-45	7-9-45	0-6-21.	
Under Suspension.........		20/-	--	8-9-45	20-4-47		~~1-8-14.~~ 1·7·13
Dismissed from service on21-4-47.							

Total Qualifying service for pension: 15-1-28 2·7·16

Verified with the Incumbent's Service Register.

A R Pillai
Principal,
Govt. College, Coimbatore.

Coimbatore.
D/21-5-48.
svr/21-5.

28846/48

T.M (by post) d/ 22/7/48 (EDOTHGO)

From The A.S., EDPH

To The Dy DPI.

58
23/7 P.C.Opo 23/7/48

Sub Appeal – Sri C.N. Bhuma Rao Clerk, Govt. ~~Coll~~ Arts College Coimbatore. Appeal against dismissal – Revision of orders

—

pp1+9cf Ref Director's letters No. 7563 Cr 146 d 16.4.48 + 28.5.48

—.

Fr. note on p 3 NF

Under Article 300(4)(b) in the M.F.C. Vol I, recovery ~~of subsistence allowance excess~~ from pension can be effected only when the pensioner gives his written consent for such a recovery. Please ascertain ~~was~~ from Sri C.N. Bhuma Rao and report to the Govt.

2 9.2

whether he is willing to give a written consent for recovery of the from his pension, the excess amount of subsistence allowance drawn by him; if so, to forward a copy of such undertaking to the Govt.

~~Re. to go~~

ES
20-7-48

21/7/48

22/7/48

---

43 ~~19~~ / E.P.H.(A)

Memo. No. 28846-2/48 A Edn dated 28-9-48.

Sub: Appeal- Sri C.N. Bheema Rao, clerk, Govt. Arts College, Coimbatore - Appeal against dismissal - Revision of orders.

Ref: T.M. by Post dated 22-7-48.

The D.P.I. is requested to expedite his reply to the T.M. read above.

To the D.P.I.

27.9.48

28/9/48

60 / 28/9

P.15-16 cf.

5/10

Memo. No. 28846-2/48 dated 28-9-48

Sub: Appeal Sri C.N. Bheema Rao, Ex-clerk Govt. Arts College, Coimbatore - Against dismissal. Review of [illegible]

Ref: T.M. by Post dated 22-7-48

The D.P.I. is requested to expedite his reply to T.M. read above.

A

45

26

From

The Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

76524

R.C. No.7563 C2/46 dated 15th Octr. 1948.

Sir,

Sub: Appeal - Sri C.N. Bheema Rao, Ex-clerk, Govt. Arts College, Coimbatore - Against dismissal.
Ref: Government Edn. & P.H. Dept. Memo No.28846-2/48 dated 28-9-48.

p15 ante

The Ex-clerk has not ~~expedited~~ submitted the written consent called for in the Government Telephone Message (by post) dated 22-7-48 in spite of three reminders already made to the clerk in this connection. In the last reference made on 5-10-48, he was informed that the written statement should reach this office definitely before 18-10-48 and that the matter would be reported to Government, if not received by that time.

for Director of Public Instruction.

ASST. SECRETARY TO GOVERNMENT
28 OCT 1948
EDUCATION AND PUBLIC HEALTH DEPT.

19631

From

The Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

R.O.C. No.7563 C2/46 dated 26th Octr. 1948.

Sir,

Sub: Appeal - Sri C.N. Bheema Rao, Ex-clerk, Government Arts College, Coimbatore - against dismissal.
Ref: Government Memo No.28846-2/48-A Edn., dated 28-9-48.

In continuation of this office letter R.O.C.No.7563 C2/46 dated 15-10-48, I submit that this office reference dated 5-10-48 which was sent by registered post to the address last furnished by the clerk (viz., No.10 Egmore High Road, Madras) has since been returned by the postal authorities with the remarks 'refused'.

for Director of Public Instruction.

2894 6/48A

21. China Reddi Street
Egmore.

The Secretary to Government,
Education and Public Health,

E.P.H.(A)
The original sent thro. the D.P.I. may be awaited.

Through
The Director of Public Instructions,
M a d r a s.

5-11-48

Through
The Principal,
Government College, Coimbatore.

6/11/48

ASST. SECRETARY TO GOVERNMENT
29 OCT 1948
EDUCATION AND PUBLIC HEALTH DEPT.

Sir,

1 Government Endorsement T.M. by Post dated 22-7-'48 Communicated with the Director's Poceedings No.7563 C2/46 dated 13th Septr. 1948.
2 Principals R.C.243/45 dated 16-9-'48

80216

28

I beg to submit that I have not received the original orders of Government said to have been communicated to me by the Principal except the order ~~Passed~~ referred to above.

It is not known from the endorsement communicated now what is the intention of the Government and what
orders have been passed on my appeal to Government. On many occasions
I have been prevented from enjoying the vacation in the interest of -
Public Service and this fact may be verified from the Service Register.
Consequently, eventhough I belong to Vacation Department, there is much
leave to my credit. And if I remember right, I have not taken on the -
whole more than 15 days leave during my entire period of service of 17 years. My
appeal will show that there are sufficient grounds for my being reinstated
in Government Service. If, however, the benign Government differ from this
view, I have to and cannot but abide by the decision of Government. All
the same I would request the period of absence from the date of my sus-
pension pending enquiry to the date of my dismissal may be treated as such
leave as I am entitled for and that any recovery which may be found -
necessary may be weived in the special circumstances of my case. My
circumstances do not permit to forego any amount that may be legitamately
due to me by way of Pension. I have been already punished to the highest
degree and subjected to the untold miseries, losing my eldest daughter
for want of proper care due to non-payment of my legitamate allowance
according to Rules and leading a half starving life.

In this connection I beg to point out that it is strange to say
I had drawn excess amount, because I was not allowed to draw Full -
allowance, when Clerks getting their usual pay & Allowances found it very
difficult to make both ends meet, one can imagine how I could live and
maintain my family with the paltry amount of Rs.24/8 paid to me, (20/- + 4/8)

I do not want to repeat what I have already stated in my previous petitions but I once again appeal to the BENIGN GOVERNMENT to order that the period of my absence from duty may be trated as leave and that the amount alleged to have been drawn in excess may be weived, for which act of - kindness and mercy shown, myself and my family will ever be grateful.

I beg to remain,
Sir,
Yours faithfully,
C.N. Bheema Rao

18th Octr.'48
Copy to The Director of Public Instructions, Madras.
.. The Secretary to Govt. of Madras, Madras sent direct to save delay.
.. The Principal, Govt. College, Coimbatore.

24 / 50

51 E.P.H.(A)

Memo. No. 28846-3/48A Edn dated 29-12-48.

Sub: Appeal - Sri C. N. Bheemarao, clerk, Govt. Arts College, Coimbatore - Appeal against dismissal - Revision of orders.

C. no. 80216 Rf. on Sri C. N. Bheemarao, letter d. 18.10.48.

19/30/1

p 23 c f

The attention of the D.P.I. is invited to the letter of Sri C. N. Bheema Rao, d. 18.10.48 read above and he is requested to transmit the original of the letter sent through him with his remarks at an early date.

ibid

To the D.P.I.

27.12.48

BM 28/12/48

2836 31/12/48

A 27/30 53

CONFIDENTIAL.

From
The Director of Public Instruction, Madras.

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

R.O.C. No.7563 C2/46 dated 3rd January 1949.

DPI 4/1/49

0431

S i r,

Sub: Appeal - Sri C.N. Bheema Rao, Ex-clerk, Govt. Arts College, Coimbatore.
Ref: Petition dated 18-10-48 from Sri C.N. Bheema Rao addressed to the Secretary to Government, Education and Public Health Department.

p23 ante

The Principal, Government College, Coimbatore was requested to offer his remarks on the petition referred to above. In reply, the Principal reported that the petition was not received in his office. Thereupon, a copy of the petition, of which a copy was received in this office, was furnished to him. A copy of the Principal's letter R.C.No.243/45 dated 22-12-48 containing remarks on the same is herewith submitted. I, therefore, request early orders of Government on this office letter R.C.No.7563 C2/46 dated 16th April 1948.

below plante

P. M.

for Director of Public Instruction.

Copy of letter R.C.No.243/45 dated 22-12-48 from the Principal, Govt. College, Coimbatore to the Director of Public Instruction.

Ref: Proceedings R.C.No.7563 C2/46 dated 14-12-48 - Appeal of Sri C.N. Bheema Rao, ex-clerk of this college against dismissal - Remarks.

Z

In view of the long service of 16 years put in by Sri C.N. Bheema Rao under Government and his having to his credit, leave to the extent of 2 years, 3 months and 22 days on the date of his being placed under suspension, viz., 7-9-1945, and in consideration of the circumstances narrated in his appeal, it is recommended that his case may be considered leniently and he may be considered to have compulsorily retired from service from the date of his dismissal, viz., 21-4-1947.

P. M.

for Director of Public Instruction.

~~fees be levied from them. The connected file is being submitted separately. (If the Govt. of India's request is complied with, no change will be necessary in the estimates sent by the D.P.I. in so far as South and East African students are concerned.) Pending a decision in the matter, the D.P.I. may be asked to state whether all the South and East African students now studying in ~~admitted into~~ the Engg. colleges in this Province satisfy the condition laid down by this Govt. for waiver of capitation fees. (If this condition is satisfied also, no change will be necessary in the estimates already sent by the D.P.I.). It is also not clear whether the Govt. of India or the students themselves meet the expre. on their tuition fees. The Director may be asked to clarify. A draft memo is submitted for approval.~~

~~2. As regards Indonesian students admitted into the Engg. colleges in this Province, claims should be made against the Govt. of India for payment of tuition fees etc. in respect of these students. Therefore, the~~

-2-

52

~~28~~ 54

~~55~~

E.P.H.(A)

31

~~Ltr~~ Memo. No. 28846-5/48 A Edn dated 11-2-49.

96/11/2

Sub: Appeal - Sri C.N. Bheema Rao, clerk, Govt. Arts college, Coimbatore - Appeal against dismissal.

(A)

Read: G.O. No. 675 Edn. d. 25-3-48.

P1, 7 & 27 c f.

From the D.P.I. No. 7563 C2/46 d. 16-4-48, 28-5-48 and 3-1-49.

The D.P.I. is informed that he should modify his order dismissing Sri C.N. Bheema Rao, clerk, Govt. Arts college, Coimbatore into one of Compulsory retirement from 21-4-47 and not from 8-9-45. in which case no question of recovering ~~[illegible]~~ would arise

To the D.P.I.

S/C.

9.2.49

9/2/49.

Edn and P. H. Dept

pp 13-14 cf C. No. 51699 A. From the D. P. I. No. 75636/46 d/ 26. 7. 47.

32

Appeal – Sri C. N. Bheema Rao, ex-clerk, Govt Arts College, Coimbatore.

p 18 cf

Sri. C. N. Bheema Rao was a clerk in the Govt Arts College, Coimbatore. In connection with certain irregularities alleged to have been committed by him in his capacity both as clerk of the college and the vice-president of the College Co-operative Society an enquiry was conducted against him by the D.E.O, Coimbatore and the Nilgiris, at the instance of the D. P. I, the Special Officer having declined to take up the enquiry. The D. E. O ~~[illegible]~~ framed 9 charges against the clerk ~~[illegible]~~ conducted an oral enquiry and subd a report to the D. P. I. A copy of this enquiry report was communicated to the clerk and he was called upon to submit his representation against the issue of an order dismissing him from service. The clerk subd his representation. The Director held that almost all the charges against the clerk were true and accordingly dismissed the clerk from service.

p 109 7 (A)

p cf

Sri Bhama Rao has now (within 2 months) from the date on which he was informed of the order of dismissal preferred an appeal to Govt in the matter.

pp 7-10 cf

Sri Bheema Rao has stated that the procedure was not correctly followed. There is no substance in any of his contentions.

Before passing orders on the appeal it is necessary for Govt to consult the M.P.S.C. vide Commission's Regulation 20 (1)(a). A draft letter is subd.

p 107 BR 112

6/11/47.

6/11/47 S

7/11/47

2

[Letter No. 61226A-3/47-A, Edn., dated 7.11.1947]. page 16

C.No. 11019 A/48 from the Secy., M.P.S.C., No. 7180-C/47-1, d/11/2/48. pages 21-27

The M.P.S.C. has considered the case of the appellant and has held items (1), (4) and (5) of Charge I, and Charge II as proved. For the reasons stated in para 2 of its letter the Commission advises that the order of dismissal be modified into one of compulsory retirement from service. For orders whether this advice may be accepted. / Finance may see before Go.

pages 21-29

pages 29-33

gee 6/3/48

BM 11/3/48 S/

11/3/48

The Commission's advice may, I think, be accepted.

DP 11/3/48

Fin (Pen)

For orders whether Finance may agree with the Commission that the order of dismissal be modified as one of compulsory retirement in the present case.

E.P. H.u.o. 61226A-6/47-A dated 12.3.48

13.3.48

15.3.48

15/3

lex Pen

1635/Pen
12 MAR 1948
FINANCE DEPARTMENT

E-PH A

For orders as to circulation

BM 16/3/48 S/

17/3/48

Fin. u.o. 16351 Pen. 1 15.3.48

19809 A

0829 12/3

Hr. (Gr.)

ISA

21.3.48

22 MAR 1948
GOVERNMENT OF MADRAS

A draft order is submitted for approval.

22.3.48

22/3/48

BM 22/3/48

Not to issue

3 Edn. H/47

33

Memo. No.

Sub: Appeal - Sri C.N. Bheema Rao clerk, Govt Arts College, Coimbatore - Appeal against dismissal - Compulsory retirement from service.

Read again G.O. No 675 Edn d/ 25.3.48

C.No. 28846/48, From the DPI, No. 7563 en/46 d/ 16-4-48 & d/ 28-5-48

The DPI is informed that the Govt have no objection to his proposal that Sri C.N. Bheema Rao, ~~...~~ clerk, Govt Arts College, Coimbatore may be compulsorily retired from service with effect from 8-9-45 and that the subsistence allowance drawn by the clerk during the period of suspension may be recovered from the pension due to him as reqd by Article 300(b) ~~...~~ of the M.F.C. Vol I.

To
The DPI
A.G. thro Fin.
(with encl.)
Copy to Secy. MPSC
for information

ES 8/7/48

BM 8/7/48

(PTO)

~~2~~ 4

Pen

Note. Pl. see the letters from the DPI ~~and the~~ Govt. and its enclosures on pp 1 & 7-13 CF. ~~Though~~ The pension to which the appellant is eligible (Rs 13-6-0) falls short of the subsistence allowance ~~he~~ (Rs 24-8-0) he had drawn during the period of suspension but the DPI proposes to recover the balance from the pension, he is to be paid hereafter. There seems to be no objection to agreeing to the DPI's proposal on p1 CF. The draft on p1 ~~CF~~ ante is for approval. Finance may see

p 9 CF

p 1 CF

BNP
6/7/48

Finance

CJ
8/7/48

Edn u.o. 28846 A/48-1
6/7/48

ADDITIONAL DEPUTY SECRETARY
Rec
16 JUL 1948
50127
FINANCE DEPARTMENT

Removed

(H)

Fin (Pen)

Please see the draft memo and the note on pp1-2 above. In ~~an~~ a similar case it has been decided that the entire amount of

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34 5 3

subsistence allowance already paid in such cases should be recovered in suitable instalments from the monthly pension. Under Art 300(4)(b) in the M.F.C. Vol I, recovery can be effected from pension only when the pensioner gives his written consent for such a recovery. Otherwise steps should be taken to write off the loss to Govt because in such cases it may not be worth while and there may not be sufficient ground for proceeding against him in a court of law. In the present case it is presumed that the pensioner will be willing to give a written consent for recovery of the amount from his pension. If however this does not materialise, the question of reducing his pension may be considered. The fact that he was placed under suspension and was compulsorily retired as a punitive

place A
on p6NF/ (H)

Removed

'A'

'B'

6

A

measure would in itself justify holding that the Government servants' service had not been wholly satisfactory and making a permanent reduction in his pension under Art 470 (b) C.S.R. With these remarks the case may be returned to E & P.H.

15.7.48

15.7.48

16/7

B

ASST. SECRETARY TO GOVERNMENT
17 JUL 1948
EDUCATION AND PUBLIC HEALTH DEPT.

E-PH (A)

53807

Pl. see the notes of Fin. from p 2 ante. The DPI may be asked to confirm the presumption at A on p 3 ante. If the pensioner is not willing to give a written Consent the proposal at B on pp 3-4 ante may be examined further.

A draft T.M is submitted for approval.

22/7/48

20-7-48

20/7/48

[Issued as T.M. by Post dated 22-7-48] p 15-16 c.f

5

A Pen

357

p 27 cf

From the D.P.I. No.7563-C2/46, dated 3-1-1949.

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p 1 cf

Sri Bheema Rao was under suspension from 8-9-45 to 21-4-47. The D.P.I. dismissed him from service with effect from the date on which Bheema Rao received the Director's proceedings in the matter. Bheema

-do-

Rao received the proceedings on 21-4-47. The Service

pp 23 & 25 of (A)

Commission's advice which the Govt. accepted was that the order of dismissal be modified into one of compulsory retirement. The Commn. did not specify any date. The date of compulsory retirement has therefore to be taken as 21-4-47.

p 1 cf

The D.P.I. enquires whether there is any objection to his passing modified orders retiring ~~Sri~~ Bheema Rao from 8-9-45. He points out that in this case the difference between the subsistence allowance and the pension (subsistence allowance Rs.24-8-0 - pension Rs.13-4-0 or Rs.11-4-0 per month) will have to be recovered from ~~Sri~~ Bheema Rao for the period of suspension.

In another case it has been ~~carried~~ held that subsistence allowance paid in such cases need not be

A

recovered. The Director may be informed that the date of retirement of ~~Sri~~ Bheema Rao may be 21-4-47 - in which case no question of recovery would arise.

Finance may see again.

2/2/49

3/2

E.P.H. u.o. 2884-6-4/48A dated 3.2.49

ASSISTANT SECRETARY TO GOVERNMENT
6826 P
4 - FEB 1949
FINANCE DEPARTMENT

Fin (Pen)

(Previous Fin note on pp 3-4 above)

The further note of E & P.H may be perused. Finance may agree with the proposal of E & P.H at A above.

4.2.49

4.2.49

5/2

ASST. SECRETARY TO GOVERNMENT
8820
1 - FEB 1949
EDUCATION AND PUBLIC HEALTH

Thro Fin (CSR)

4/2/49

Fin u.o. 6826 Pen-I 5.2.49

9.2.49

9/2/49

E-PH (A)

A draft ~~order~~ memo is submitted for approval.

10/2/49

36

ASSISTANT SECRETARY
1 MAY 1951
EDUCATION DEPARTMENT

SECRETARY
1 MAY 1951
16328
EDUCATION DEPARTMENT

CONFIDENTIAL

Education Department.

From

The Director of Public Instruction,
Madras.

To

The Secretary to Government,
Education Department, Madras.

Rc.No.7563 C2/C7/46 dated 30th April 1951

Sir,

Sub:--Establishment--Sri C.N.Bhima Rao--Ex-Clerk--Government Arts College, Coimbatore--Compulsorily retired from service--Drawal of pension.

(V)/25 cf

Ref:--G.O.Ms.No.675 Education dated 25-3-1948 and
(ii) Government Memorandum No.28846-5/48-A Education dated 11-2-49.

(V)/55 cf.

*****

(V)/25 cf

(V)/55 cf.

nt recd

I invite your kind attention to the G.O.Ms.No.675 Education dated 25-3-48 in which the dismissal from service of Sri C.N. Bhima-Rao, Ex-Clerk, Government Arts College, Coimbatore was directed to be modified into one of compulsory retirement and to the Government Memorandum No.28846 -5/48 A Education dated 11-2-49 in which such compulsory retirement was directed to be given effect to from 21-4-47 instead of from 8-9-1945. Orders were accordingly issued in the Director's Proceedings Rc.No.7563 C2/46 dated 19-2-49 giving effect to the orders of compulsory retirement of Sri C.N.Bhima Rao from 21-4-47. But the Accountant-General has now raised the objection that under the modified orders issued in the Director's Proceedings Rc.No. 7563 C2/46 dated 19-2-49 Sri C.N.Bhima Rao is not entitled to any pension as his suspension from 8-9-45 to 20-4-47 was not immediately followed by re-instatement and that therefore his past service becomes forfeited under Article 420(C) of the C.S.Rs. (A copy of the extract of paragraph 43 of the Pension Report Memorandum of the Accountant-General is enclosed)

p2 infra

nt recd

2. In these circumstances, I request Government Orders whether the Director's Proceedings Rc.No.7563 C2/46 dated 19-2-49 may now be modified once again with a view to giving effect to the orders of his compulsory retirement from 8-9-45 instead of from 21-4-47 and in that case whether Government will waive the recovery of the subsistence allowance paid to Sri C.N.Bhima Rao from 8-9-45 to 20-4-47 as attempts to get a consent letter from him to recover the said amount from his pension failed to evoke any response from him on the previous occasion.

Yours faithfully,

For Director of Public Instruction.

P.T.O.

Govt. Arts College,
Coimbatore 7-4-51.

Para 43 of the Pension Report Memorandum of the Accountant-General, Madras No.B-5-190-3/9 dated 24-7-50 addressed to the Principal, Government College, Coimbatore--Pension to Sri C.N. Bhima Rao.

******

As the suspension of the individual from 8-9-45 to 20-4-47 was not immediately followed by reinstatement, his past service is forfeited vide Art.420(c) C.S.R. Please state how a pension is proposed to be sanctioned to him. The order of dismissal from 21-4-47 is recorded in service book as modified into one of compulsory retirement and the date is noted as 21-7-47 instead of 21-4-47. This may be corrected and attested.

/True copy/

(Sd)x x x x x x
Principal, Govt. Arts College,
Coimbatore.

/True copy/

2/2

For Director of Public Instruction.

373

Edn
A

Confdl

~~Memo no~~ ~~Edn dated - 6-~~1951

Sub: Estt - Sri C.N. Bhima Rao - Ex clerk - Govt Arts College, Coimbatore - Compulsorily retired from Service - Drawal of pension

-

Read: From the DPI. Rc No 7563 C2/C7/46 dated 30-4-1951

p. 1-2 cf.

Memo no 16328 A/51-2 dated 7-6-51

The Director of Public Instruction is informed that ~~it is proposed~~ ~~to give effect to~~ the order of compulsory retirement of Sri C.N. Bhima Rao, Ex-clerk, Govt Arts College, Coimbatore may be given effect to from 8-9-45, but that his pension ~~will~~ may be ordered to take effect ~~have to be sanctioned~~ from 21-4-47, the date on which the Ex-clerk ceased to draw subsistence allowance. This will ~~to~~ obviate the necessity for the waiver of the recovery of the excess amount of subsistence allowance paid to him, but this also requires the consent of the Ex-clerk. Hence the Director is requested to obtain

p. 3 nf

[The DPI is to issue orders modifying his previous orders]

P.T.O.

4

-2-

a consent letter from the ex-clerk to the effect that he is willing to have his pension from 21-4-1947.
He may also be informed that if he does not give his consent, he will not ~~get~~ be eligible for any pension.

5/6/51 W3 6.6.51

7/6/51

76

Send in sealed cover
8.6.51

To
The D.P.I.

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38 Edn.(A)

Sub: Estt. - Sri C.N. Bhima Rao, ex-clerk, Govt. Arts college, Coimbatore - Compulsorily retired from service - Drawal of pension.

(V)/25 c.f. Read: G.O.Ms. No. 675. Edn. d. 25-3-48.
(V)/55 c.f. Memo. No. 28846-5/48A Edn. d. 11-2-49.
p1 c.f. from the D.P.I. No. 7563 C2/C7/46 d. 30-4-51.

In connection with certain
irregularities alleged to have been committed
by Sri C.N. Bhima Rao, ex-clerk, Govt. Arts college,
Coimbatore, and Vice-president of the college
vide paras 1 & 2 on (V)/13 c.f. cooperative Society, the D.P.I. passed orders
dismissing Sri Bhima Rao, after having an
enquiry conducted into the matter according
to the prescribed procedure. Sri Bhima Rao
(V)/1-10 c.f. appealed to the Govt. against the Director's
order dismissing him from service. The Govt.,
vide (V)/16 & 21-23 c.f. after consulting the M.P.S.C., directed that
the D.P.I.'s order of dismissal against
vide (V)/25 c.f. the appellant be modified into one of
compulsory retirement from service.
vide (V)/27 c.f. The Director then reported to the Govt.
in his letter d. 16-4-48 that Sri Bhima Rao
ibid was under suspension from 8-9-45
ibid to 21-4-47 and requested to be informed
ibid whether he might pass modified orders
compulsorily retiring the appellant from
service with effect from 8-9-45 and whether,
in that case, the subsistence allowance
drawn by the appellant during the period
ibid of suspension might be recovered from
the pension due to him as required by
Article 300 (4)(b) of the M.F.C., Vol. I. In the
T.M. at (V)/41-42 c.f., the Director was asked
vide (V)/41-42 c.f. to report whether Sri Bhima Rao was
willing to give a letter of consent for
the recovery of the subsistence allowance
drawn by him from his pension. The

P.T.O.

Director reported back that no reply could 8 (V)/45 & 47 c.f.
be got from Sri Bhima Rao to his ~~with~~ references
~~to the D~~ asking him whether he would give
a written letter of consent for the recovery
of the subsistence allowance drawn by him
from his pension. At this stage, Sri Bhima
Rao put in a petition× to the Govt. requesting × vide (V)/49 c.f.
that the period of his suspension might
be treated as leave to which he was entitled
and that the recovery of the subsistence
allowance drawn by him might be waived. ibid
The D.P.I. was then informed that the vide (V)/55 c.f.
order of dismissal against Sri Bhima Rao
~~was~~ should be modified into one of ibid
compulsory retirement from 21-4-47 and
not from 8-9-'45, in which case no
question of recovery would arise. In his ibid
letter at p1 c.f. the Director now reports that the
A.G. has stated that under the modified vide p1 & 2 c.f.
orders passed by him compulsorily retiring
Sri Bhima Rao from 21-4-47, Sri Bhima Rao
is not eligible ~~from~~ for any pension, as his ibid
suspension from 8-9-45 to 20-4-47 was not ibid
immediately followed by reinstatement and
that therefore his past services becomes ibid
forfeited under Article 420(c) of the C.S.R.S.
The Director now asks for orders of the para 2 on p1 c.f.
Govt. whether his order of compulsory
retirement against Sri Bhima Rao may ibid
be given effect to from 8-9-'45 instead
of from 21-4-47 and whether, in that
case, the ~~Govt.~~ recovery of the subsistence A ibid
allowance drawn by Sri Bhima Rao will
be waived, as attempts to get his consent
letter for such recovery failed to evoke ibid
any response from him on the previous
occassion. ~~In the circumstances reported,~~
~~it seems that the suggestions at A above~~

P.T.O.

Pen

As Sri Bhima Rao is not willing to give a written consent for recovery of the amount from his pension, and recovery can be effected only with his written consent, it may be possible to make a permanent reduction in his pension under Art 470 C.S.R. – vide the note on V/4-6 c.f. The monthly rate of pension that Sri Rao will get is Rs 13.4.0. The rate of subsistence allowance paid to him during the period of suspension from 8.9.45 to 20.4.47 was Rs 20 p.m. plus dearness allowance of Rs 4.8.0. The amount that is to be recovered is the difference, viz, Rs 11.4.0 p.m. or Rs 213.12.0 for the whole period. As the compulsory retirement on a small pension is itself a sufficient punishment, and as the amount to be recovered is small, this Dept may suggest that the recovery of the amount may be waived, that no reduction need be made in the pension and that the DPI's suggestion at 'A' on p 2 ante may be agreed to.

V/35 c.f.

Finance may see for remarks.

BM
31/5/51

S Finance

ADDITIONAL DEPUTY SECRETARY
31 MAY 1951
41182
FINANCE DEPARTMENT

103
4.5.51

Edn. u.o. 16328-A/51-1
d. 31-5-51
(in sealed cover)

3/5

Fin

Fin (Pen)

The notes from page 1 above may be perused. The order of compulsory retirement may be given effect to from 8-9-45, but his pension may be ordered to take effect from 21-4-47, the date on which he ceased to draw subsistence allowance.

4

A

This will obviate the necessity for the waiver of the recovery of the excess amount of subsistence allowance paid to him, but this will also require the consent of the pensioner. If the pensioner does not give such a consent*, his case need not perhaps be ~~reop~~ reopened. He will not then be eligible for any pension as stated by the Accountant General; but it will be due to his own ~~acts~~ attitude. With these remarks, the case may be returned to Edn.

X | * to have his pension w.e.f 21-4-47

The petitioner may be asked ~~for~~ his consent to 'X' above, with a warning that if he does not give his consent, he will not get any pension. This may induce him to give his consent

Edn

7/6/51

BOX

Edn

A

The suggestions of Finance at p 3-4 n.f. ante may ~~perhaps~~ be accepted. A draft memo to the DPI is submitted for approval. After issue, the pp may be filed with Ⓥ.

Fin. no.

4118 2 Pen-1
2.6.51

7/6/51

76

ASSISTANT SECRETARY
4 JUN 1951
21030
EDUCATION DEPARTMENT

40

A

Confidential.

Education Department.

Office of the
Director of Public Instruction,
Madras,

Rc.No.7563-C.2/C.7/46, dated 4-6-51.

From
The Director of Public Instruction,
Madras.

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

ASSISTANT SECRETARY
6 JUN 1951
EDUCATION DEPARTMENT

Sub:-- Establishment -- Sri C.N. Bhima Rao, Ex-Clerk, Govt. Arts College, Coimbatore -- Compulsorily retired from service -- Drawal of pension.

Ref:- My letter Rc. No.7563.C.2/C.7/46, dated 30-4-51

I invite your attention to my letter cited above and request you kindly to let me know when the orders of Govt. on the above subject may be expected.

for Director of Public Instruction.

Edn
G.

Order since issued.
Lodged.

OM. 16328/51
7.6.51

12/6/51

25th June '51

41

ASSISTANT SECRETARY
26 JUN 1951
24166
EDUCATION DEPARTMENT

To The Principal,
Government College, Coimbatore

Sub. - Letter of Consent
For pension

With reference to your Memo Rc, No. 243/45 dated 11-6-51, I write this to inform you ~~that~~ I had already requested you to kindly treat the period from 8-9-45 to 21-4-47 as on leave since I had to my credit, unavailed of leave for 2 years & more. In my 17 years of service I have not availed of any leave except for 15 days.

Therefore, in the usual course I do not feel inclined to give my consent but, however, as you point to Spear & say that ms pension won't be granted if I do not give my consent, I hereby give my consent in this letter.

Yours faithfully
C. Ashemukar

Edu(A) Dept
May be lodged and added to Memo 16328 A/51-2 d 7/6/51

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28/6/51

29/6/51

The Secretary to Govt of Madras