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Rdu (1948) Department.

Ms SERIES.

G.O. NO. 760 Rdu

(9)

Dated 2.4.68.

[Despatch Abstract.]

Memorial to H. B. the Governor - Sri N. Sundaravajan
Ex-head clerk, Rdu. Dept. Request for Compassionate
pension on grounds - Rejected.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	3582	Peels (Ser)	12 ¹² ₄₇				
Go	2053	(Confid) Boln	24 ⁹ ₄				
Go	838	(Confid) Boln	18 ⁴ ₄₆				

Further Papers.

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

439, Gopuram Street,
Ranganayakupet,
Nellore, 16-12-1947.



His Excellency
The Governor of Madras,
Madras.

Through

The Director of Public Instruction,

Madras

Honoured Sir,

Sub: The humble Memorial of Sri N.Sundara-
rajan, formerly Head Clerk, Office of
the District Educational Officer,
Coimbatore & Nilgiris.

Please permit me to place before you the following lines for your patient perusal.

2. I was serving as Head Clerk, Office of the District Educational Officer, Coimbatore and Nilgiris in the year 1944. Due to misunderstandings between myself and the District Educational Officer, he reported against me to the Director of Public Instruction on some false allegations and the Director ordered an enquiry into the matter. The Special Officer, Departmental Enquiries conducted the enquiry and contrary to all principles of justice and fair-play framed certain charges against me for temporary misappropriation of Public Funds though there was no such reference in the reports made by the District Educational Officer, against me and recommended my dismissal from Public Service on the sole ground that I admitted my guilt. In fact, I never admitted my guilt nor were there any circumstances to show that I was guilty at all. The only statement made by me with reference to the charges was that there was delay in remitting the amounts due to circumstances mentioned in my explanation and not any other thing. The Special Officer seems to have been impressed most unjustly that this was an admission of the charges of misappropriation. In spite of my elaborate statement explaining to him and the Director and the Government, the circumstances of the whole case, neither the Special Officer, nor the Service Commission and the Government, seem to have considered this aspect of the matter. As a matter of fact, no satisfactory witness or evidence were placed before the Special Officer to enable him to arrive at the conclusions, but in spite of all lacuna in the evidence he held me guilty and recommended my dismissal outright. The fact that I made allegations against the District Educational Officer seems to have weighed much with the Special Officer and also the Director and Government, and no officer took the pains to study my statements in detail and come to a correct and unbiassed conclusion.

3. I submit I can only bring to your honour's notice that it is my misfortune to have been placed in such a position. I have been serving the Educational Department for over 25 years and there was no occasion for the officers for any remark about my work or otherwise. In assessing the nature of punishment on these trivial charges, the Special Officer had not the kindness to show justice tempered with mercy on me and my dependants but considered

- 2 -

"Dismissal from Service" which punishment may be considered as serious an execution of power as the penal sentence of a court of justice and recommended it. In making such a serious recommendation, the Special Officer has deprived the innocent family dependant on me of their very existence in life, in these hard days. The Special Officer seems to have not considered the long service I have put in, nor the hard position I will be placed in, but recommended "Dismissal" and the Director of Public Instruction and the Government approved of it. Is it justice to consider these trivial charges against me so serious as those framed on a person who commits a murder and who is liable for execution? Even those on whose behalf orders of execution are passed by courts, are let off by the Government as a gesture on the 15th August, 1947, the day on which India attained Independence. Cannot some such concession shown to me and I be pardoned from these charges taking into consideration the long service of over 25 years I have put in?

4. I submit after 25 years of my service when I was expecting to retire on pension, it is but most unjust and cruel to have dismissed me from service on an unjust and unproved charge and leave me to my fate to get on in these hard days with a big family, contrary to the provisions of G.O.No.3947 Public Service, dated 24-12-1943 prescribing retirement as a penalty on officers who have put in less than 25 years service.

5. I am now fast 50 years and am not in a position physically to undertake any new job to maintain myself and my family. I am also an invalid with an attack of paralysis and I am unable to go about to make out a living.

I therefore humbly appeal to your gracious mercy to kindly reconsider my case in the light of my statements and submissions and at least grant me a compassionate pension and gratuity which you think fit to make both ends meet.

For which act, I shall ever remain grateful.

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

M. Sundararajan

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OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.C.NO.1749-J/47 dated 5---1---1948.

Petition

dated 16-12-47 from Sri M. Sundararajan, late Head Clerk,
Dt. Edl. Officer's office addressed to the Secretary to Government, Madras.

Submitted.

2. The request of the petitioner is not maintainable as he was dismissed from service. Attention is drawn to this connection to G.O.No.2053-Edn dated 24-9-47 and G.O. No.3532 Public (Service), Department dated 12-12-47.

for Director of Public Instruction

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

RVR 7/1/-

M. 7/1

Memorandum 99945 A-1 Edward. 9-2-48 H
Memorial to H.E. the Governor - Sri N. Sundara Rajan
late Head clerk, D.E. of office, Coimbatore and
the Nilgiris.
End of the D.P. 9 No 1749 J/47 of S-1-48.

The D.P.D is requested to send the personal file of the memorialist at an early date.

To The T.D.P.

7:2.48

11/2/18

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84.8.P. Subd. 1-A 24 PPP

Memorandum to H.E. for Government

Subd. 1-A 24 PPP

Memorandum to H.E. for Government

Subd. 1-A 24 PPP

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Subd. 1-A 24 PPP

Memorandum to H.E. for Government

C.F. 32 (a).

From (Name) Sri D.S.Reddi, M.A(Oxon)
Designation Director of Public Instruction.
Station MADRAS.

Department

Received.....Registered.....

To
The Secretary to Government,
Education & Public Health Department,
Fort St. George,
M A D R A S.

Enclosures:

No. Rc. 556206/46. dated 20--2--1948. 194 .

Sir,

Sub: Memorial to the Excellency the Governor -
Sri N. Sandara Rajan, late Head Clerk -
District Educational Officer's Office,
Coimbatore and the Nilgiris.
Ref: Government Memorandum No. 99945 .A1. Education,
dated 9--2--1948.



28 FEB 1948

enclosed as desired.

Gr.20.2.

The personal file of Sri N. Sandara Rajan is

For Director of Public Instruction.

9370
23/2/48

EdPH Dept -

6.

Memorial to H.E. the Governor - Sri N. Sundaravajan,
ex. head clerk Bdu Dept - Request for Compassionate
pension or gratuity - Rejected.

Ref. - Endt of the D.P. J, No 1749 J/47 d 5.1.48.

Order/118 760. Bdu d. 2 4. 48

The D.P. J is requested to inform
Sri N. Sundaravajan late head clerk, Bdu Dept
that H.E. the Governor has rejected his
Memorial. declines to interfere

Cy/o on his behalf

31.3.48

1/3 31/3/48 DM 1/4/48

C. no 1791 A/48
p3CP

To The D.P. J
(with encl.)
personal file at 9
S/c.

C.No. 1791A/48 From the D.P.G No 1749J/47 d 5.1.1946

P3CP

Memorial to H.E. the Governor, Sri N. Sundararajan, former Head clerk in the Edu. Dept. Request for Compassionate pension or gratuity.

pp1-2CP

The D.P.G has forwarded a memorial addressed to H.E. the Governor, from Sri N. Sundararajan who was formerly the Head clerk of the office of the D.E.O., Coimbatore and the Nilgiris. In connection with certain irregularities committed by Sri Sundararajan while he was the Head clerk in the office of the D.E.O., Coimbatore and the Nilgiris, the Special Officer for Departmental Enquiries framed three charges of temporary misappropriation of public money and falsification of accounts against him and after conducting an enquiry in accordance with the prescribed procedure the Special Officer held the charges proved against the accused officer. On the recommendations of the Special Officer, the D.P.G dismissed him from service from 25.1.47.

pp37-38CP

(M)

pp1-3CP

para 9 and 3CP

pp44CP

pp53CP

pp57-58CP

pp1-2CP

pp2CP

2. Soon after his dismissal the Sri Sundararajan submitted an appeal to Govt against the orders of the D.P.G dismissing him from service, requesting that he might be reinstated in service or at least be permitted to retire from service considering his long service of more than 25 years. The appeal was referred to the H.P.S.C for remarks. The Commission was of opinion that the penalty of dismissal imposed on him was proper and it advised that the appeal be dismissed. The Govt accepted the Commission's advice and rejected his appeal.

3. He has now submitted a memorial to H.E. the Governor praying that, in view of the reasons stated in para 5 of his memorial, he might at least be granted a Compassionate pension.

on gratuity.

The following note is submitted with reference to the instructions in appendix III at page 55 of the Business Rules and Secretariat Instructions:-

- (1) The memorial to H.E. has been submitted through the Head of the Dept viz. the D.P.I.
- (2) The memorialist has availed himself of the remedies provided by the Rules or orders applicable to his case.
- (3) The memorial has been submitted within the prescribed period.
- (4) No previous petition from the memorialist has been disposed of by H.E. the Governor.

The file may be circulated to the P.S.G. for obtaining H.E.'s orders under Secretariat Instruction 109.

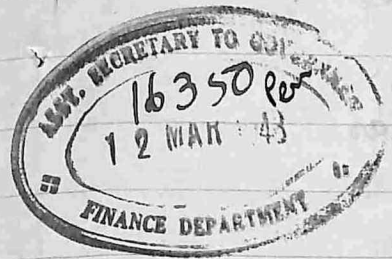
28.2.48. P.S.G. H.E. would like the case to be kindly examined in the Sect. & circulated to him through the A.M. is concerned for their advice.

Mr. 3/3/48 E.P.H.

The request of the memorialist is that he may be granted at least a compassionate pension or gratuity. His request is, as stated by the D.P.I., inadmissible, unless the order of dismissal against the petitioner is rescinded and changed to one like compulsory retirement. For this latter course of action there is no proper justification. The case of the memorialist was fully gone into by the Govt. in consultation with the M.P.S.C. which considered all the charges against the memorialist as proved and recommended the punishment of "dismissal" inflicted on him as proper. In the circumstances, the request of the memorialist cannot,

cannot, it seems, be complied with. For orders. 2. Finance may see before circulation.

12.3.48
99945A-2
look for



The notes on pp. 1-3 above may be perused. The grant of compassionate allowance is governed by Article 353 C.S.R. under this Article compassionate allowances may be granted to dismissed officers when they are deserving of special consideration. Such an allowance should not exceed two thirds of the pension which should have been admissible to him if he had retired on medical certificate. The compassionate allowance is not usually given to persons dismissed from service for offences involving moral turpitude; where the offences do not involve moral turpitude, the grant of compassionate allowance is generally favourably considered by Government with due regard to the recommendation of the Head of the Dept and the following factors, viz. the length of service rendered, the age of the Government servant, the pecuniary circumstances under which he is placed and the number of dependents on him. ~~Before~~ If it is decided by the Government that the compassionate allowance should be given in this case, the D.P.I. will have to be asked to submit proposals through the Accountant General for the grant of compassionate allowance for the petitioner under Art 353 C.S.R. The case may be circulated to H.E. (Fin) also.

15.3.48 Finance Dept are opposed to the grant of Compassionate allowance to public servants dismissed

4 C. no 999/45

for misappropriation, including falsification of records.

15/3/48

E-PH
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For G.O. 16350 Pen-1
15.3.48

The file may now be closed for orders.

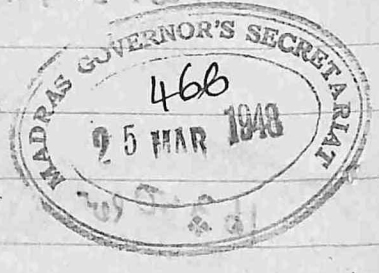
16/3/48

17/3/48

18A

21.3.48

23.3



A draft order is submitted.

31.3.48

31/4/48

31/3/48