

E + P H (B) (1948)

closed
was

Go. Ms. no. 1160 Education,

Dated 18.4.1948.

Despatch Abstract.

Establishment - Municipal High

School, Mayuram - Sri. N. Kalyanasankararam

Ayyar - Invalidated Secondary Grade Teachers -

Petition against leave orders - Rejected.

From

N. Kalayanasundaram & Co.,
Retired teacher C.M.H.S. Mayavaram)

Kadalangudi
Thirumaniar Koil Post

Madurai

To The Hon'ble Minister,
for Education

57587 Government of Madras
Madras

Sir,

I was a secondary grade assistant in the
Municipal High School, Mayavaram and I have been
invalidated out of service on medical grounds. I
claimed special leave under supplementary rule
25 C of the fundamental leave rules and my
claim was rejected.

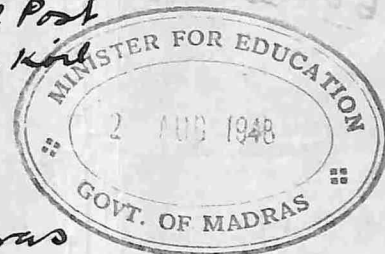
Against this order of rejection I submitted on
9.7.1947 an appeal to the Director of Public Instruction
Madras through the Municipal Commissioner, Mayavaram.
I patiently waited for nearly 9 months and I got no
reply. Again on 29.3.48 I submitted the same
appeal to the Director of Public Instruction direct
and I have received no reply till to-day.

Under these circumstances I earnestly request
you to interfere on behalf of an invalidated
servant and see that undue delay is avoided and
the appeal is disposed of as early as possible.

Kadalangudi

31.7.1948

Yours faithfully
N. Kalayanasundaram





E + PH (B1) Department.

57587-B1/48-1 E.D. 9/8/48

Referred to the Commissioner, Mayavaram
Municipality for remarks through the Director
of Public Instruction.

(By order)



Asst. Secy. to Government.

V. Ramaswami
S. 8/8/48

The Commissioner,
Mayavaram Municipality,
Through the Chairman,
Municipal Council.



B3-471-4748/47-3

From
N. Kalyanasundaram Ayyar,
Retired Assistant (M.H.S. Mayavaram),
Kadalangudi, Thirumeniar Koil Post,
(Via) Vaitheeswaran Koil.

To

The Director of Public Instruction,
Madras.

Through

The Municipal Commissioner,
Mayavaram.

Sir,

Subject: -Invalidation - leave salary - Appeal.

I have been a Secondary Grade Assistant in the
Municipal High School, Mayavaram and I entered service in
the above school in July 1917. In my long service of -
nearly three decades I was for the first time on sick leave
for 5 months from 23-3-46 to 23-8-46.

Then I applied for extension of the leave. I was
asked to appear before the Assistant Surgeon, Government
Hospital, Mayavaram. The Doctor after examination did not
advise me to go back to work. Nor did he definitely de-
clare me unfit for further service. In such circumstances
I should have been granted sick leave even without a formal -
medical certificate up to 23-3-47 as per subsidiary rule --
25 (a) of the fundamental rules.

I was not allowed to avail myself of the sick leave
due to me. But I was asked by an order dated 10-9-46 to -
appear before the District Medical Officer, Tanjore to find
if I would be fit for any further service.

By an order dated 13-12-46 I was invalidated out of
service with effect from 11-11-46 on which date the ---

6
2

District Medical Officer examined me. In that order I was told that the treatment of the period between -- 23-8-46 and 11-11-46 would be decided later on.

By another order dated 21-3-47 the period between 23-8-46 and 11-11-46 was treated as leave on half average pay though leave on full average pay was available to me.

On 21-12-46 I requested the Municipal Commissioner Mayavaram to grant me as per subsidiary rule 25.(c) of the Fundamental Rules special leave for 6 months from 11-11-46 the date of invalidation. A perusal of my leave account will show that I have taken a very small quantity of leave and there is a great deal of leave to my credit. The -- medical report will show that the break-down of my health is not due to any intemperate habits of mine. Yet the leave applied for was refused as per order dated 14-6-47.

I request you therefore to call for the connected papers from the Municipal Commissioner, Mayavaram and do me, an invalidated servant, justice by ordering that (1) the -- period between 23-8-46 and 11-11-46 be treated as leave on full average pay as I am eligible for the same (2) special leave be granted to me for 6 months from 11-11-46 the date of invalidation.

I beg to remain,
Sir,

Your most obedient servant,

Kadalangudi,
9--7--47.

Mayavaram

4746/47

Resubmitted through the Director of Public Instruction, Madras.

The order of refusal of leave is in order against which there is no right of appeal under the rules. However, with reference to the contention raised by this, retired teacher in his so-called appeal petition the matter was referred to the audit department, which held that the petitioner was not eligible for the leave applied for and that the rule quoted by him would not apply to him. The matter was also personally discussed with the District Inspector, and the conclusion was reached that this petitioner's request could not be granted. He was informed of it in this office Endorsement No. 4746/47 dated 17--8--48.

p.t.o.

-2-
A copy of the appeal petition referred to by the petitioner in para 2 of his petition is herewith submitted.

8/10/48

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

Through the Director of Public Instruction, Madras.

I beg to remain.

Office of the Director of Public Instruction, M a d r a s.

R.C.No. 2270-G1/48 dated 31st March 1949.

8 APR 1949

Municipal Council, Mayuram--N.Kalyanasundaram Iyer, Retired Secondary Grade Assistant--Appeal against leave orders.
Reference:--Endorsement 57587-B1/48-1 Education dated 9.8.1948.

Resubmitted.

2. In view of the remarks offered by the Examiner, Local Fund Accounts in his letter L.F.1084 dated 22.3.1949(copy enclosed) the appeal needs no consideration and may be rejected.

3. The Municipal Office files D.Dis.5799/46, 2805/47 and 2366/46 and the service book - one volume of the individual are enclosed herewith.

For Director of Public Instruction.

To the Secretary to the Government of Madras,
Education and Public Health Department,
Fort St. George, Madras.
ks.4-4.

Copy of letter L.F.No.1084 dated 22.3.1949 of the Examiner of Local Fund Accounts, Madras to the Director of Public Instruction, Madras.

Subject:--Appeal--Municipal Council--Sri N.Kalyanasundaram Ayyar--Retired Secondary Grade Assistant--Appeal against leave order.
Refce.:--Proceedings Roc.No.2270-G-1-48 dated 6.1.1949 from the Director of Public Instruction, Madras.

As regards the first request of the petitioner contained in the last paragraph of the appeal, the reply already furnished to the Commissioner in this office L.F.1493 dated 17.3.1947 (Vide page 43 of the Municipal office file D.Dis.No.5799/46 dated 9.4.47 does not seem to require any modification, as it was definitely known that the teacher would not be fit to rejoin duty(vide letter L.Dis.49 dated 7.9.1946 of the Civil Assistant Surgeon, Government Hospital, Mayuram at page 7 of the Municipal Office file D.Dis.No.5799/46 dated 9.4.47.

With regard to the second request contained in the last paragraph of the appeal, the teacher is not entitled to any leave beyond the date of invalidation as the subsidiary rule 25(c) under Fundamental Rule 74(a) (Section V of annexure II-part I) relied upon by him does not apply to his case. (Vide this office reply L.F. 297 dated 28.5.1947) at page 9 of the Municipal Office File D.Dis. No.2805/47 dated 23.6.1947.

The following enclosures received with the proceedings quoted above are returned herewith.

*Enclosures:-

Three original files of the Mayuram Municipal office.

D.Dis.No.5799/46 dated 9.4.47

2805/47 dated 23.6.1947

2366/47 dated 5.7.48.

Service Book of the teacher(one volume) and Two appeals of the retired teacher with the Commissioner's endorsement No.4746/47 dated 27.9.1948.

EDUCATION AND PUBLIC HEALTH DEPARTMENT (BI)

ESTABLISHMENT - Municipal High School, Mayuram -
Sri N. Kalyanasundaram Iyer - ^{Invalidated} Retired Secondary Grade
Teacher - ~~App~~ Petition against leave orders - Rejected.

From Sri N. Kalyanasundaram Iyer, dated 9-7-47 and
31-7-1948.

From the D.P.I. & R.C.No.2270-G1/48 dated 31-3-1949.

ORDER MS.NO. 1160 EDUCATION, dated 18.4.1949.

The Government see no justification to comply
with the request of Sri N. Kalyanasundaram Iyer, Retired
Secondary Grade Teacher, Municipal High School, Mayuram,
contained in his ^{behin} letters cited above. ~~The petitions~~
~~are therefore rejected.~~

2. The Commissioner, Mayuram Municipality is
is requested to inform the the teacher accordingly.

Note.

To
The Commr., Mayuram
Mpty, thro' the CMC
Copy to the D.P.I.
Copy to the Exr. of
LFA.

(18) ... -2- ...
NOTE:- The correspondence in the current file on pages
1-7 c.f. may be perused. The draft on page 1 ante follows
the recommendation of the D.P.I. and the Exr. of Local
Fund Accounts on page 7 c.f.

Handwritten notes and signatures in the left margin.

Handwritten date: 12/14/49

The Government has no jurisdiction to ...
with the ...
Secretary of the ...
contained in his letter ...
one ...
The Commission ...
is ...

Handwritten notes at the bottom of the left page.

Large handwritten number 7 on the right page.