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Sectt. II-27-60,004-17-11-49.

E. & F.H.

(1949) Department.

MS

SERIES.

G.O. NO.

MS.1522, EDUCATION.

Dated

THE 13th May 1949.

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MS 1-2
p 154 copy for A

(12)

[Despatch Abstract.]

TEACHERS' PROVIDENT FUND - Re-admission of teachers after closure of their first provident fund accounts - 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.

EDUCATION DEPARTMENT.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS.



THE SECRETARY TO GOVERNMENT,
EDUCATION & PUBLIC HEALTH DEPARTMENT.

R.C.NO. 229-J/48 dated 11--12--1948.

94810

Sir,

SUBJECT: TEACHERS' PROVIDENT FUND - Readmission
of teachers.

One Sri P.R. Swaminathan was working as a teacher in the Muthialpet High School, Madras and was subscribing to the Teachers' Provident Fund. He left the school and joined the Municipal High School, Cuddalore. His Teachers' Provident account was closed and the entire amount in the Pass Book was transferred to the Municipal Provident Fund accounts as per rule 6(g) of Teachers' Provident Fund rules. The Accountant-General also issued a Government contribution bill for Rs.174-3-0 payable by adjustment was not made. In the meantime the teacher left Municipal Service and joined the R.C. Town High School (Branch) Annamalai Nagar. The Commissioner Municipal Council, Cuddalore also closed his Municipal Provident Fund accounts and an amount of Rs.629-2-0 was paid to the teacher by cheque.

2. The teacher, on his joining the R.C. Town High School, again applied for admission to Teachers' Provident Fund and the District Educational Officer, South Arcot taking a lenient view of the matter, admitted the teacher again to Teachers' Provident Fund. When the District Educational Officer addressed the Accountant-General to pass the Government contribution bill on behalf of the teacher, the Accountant-General reports that there is no provision in the Teachers' Provident Fund Rules to reopen an account which has been finally closed, as Government contribution always takes the form of a Single lump sum payment at the time a subscriber retires or for other accepted reasons, withdraws his deposit. Further the Accountant-General adds that since no amendment to the Teachers' Provident Fund rules permitting the opening of a finally closed account has been issued and no payment of Government contribution each time a subscriber retires or quits the fund is contemplated in the rules, the readmission of a teacher to the Teachers' Provident Fund after his account has been once closed, is not in order. A copy of the Accountant-General's letter is enclosed.

3. It was further suggested to the Accountant-General that the payment of Government contribution already sanctioned may be postponed to the date of the teacher quitting the teaching profession for good. But he has replied that the teacher may be debarred from subscribing to the Fund for a second time and that the Government contribution may be paid even now.

4. The Government have passed orders on a similar case in their Memorandum No. 22621-C/40 dated 29-6-40 that a Teachers' Provident Fund subscriber who is re-employed after he has resigned his post once at whatever stage of his service the resignation took place, should be treated as a new subscriber to the Fund. In the light of the above Government Memorandum, I see no objection to admitting teachers to Teachers' Provident Fund a second time and allowing them the attendant benefits of the scheme. The view held by the Accountant-General does not seem to be (PTO)

be acceptable. As however, the Accountant-General insists that specific orders of Government clarifying the position is necessary, I request that Government may be pleased to issue orders that teachers need not be debarred from subscribing to the Teachers' Provident Fund a second time and be allowed the attendant benefits of the scheme although their Teachers Provident Fund accounts have been once closed, with benefits of Government contribution.

5. In accordance with the rule that Government contribution should always take the form a single lump sum payment the amount of Government contribution in the present case, already sanctioned, need not be paid to the subscriber but may be credited to the Teachers' Provident Fund account newly opened.

Yours faithfully,

K. S. K. K. K.

for DIRECTOR OF PUBLIC INSTRUCTION.

Ram.15/12.

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Copy of Accountant-General's No. T.9. Sc.II.445 dated 3rd September 1948.

There is no provision in the T.P.F. Rules to re-open an account which has been finally closed, as Government contribution always takes the form of a single lump sum payment at the time a subscriber retires or for other accepted reasons, withdraws & his deposit. (Vide Rule 4(b) of the T.P.F. Rules). Since no amendment to the T.P.F. Rules permitting the opening of a finally closed account has been issued and no payment of Government contribution each time a subscriber retires or quits the fund is contemplated in the rules, the readmission of a teacher to & the T.P.F. after his account has been once closed, does not seem to be in order.

In the case under consideration as already stated, the Government contribution may be paid to the teacher, if he is debarred from subscribing to the T.P.F. a second time. If any further doubt is felt about the matter it is suggested that specific orders of Government may please be obtained clarifying the position as already pointed out in this office letter T.9.Edn.IV.846 dated 17-12-1947.

Sd. x x x x
Asst.Accounts Officer.

/True copy/

K. S. K. K. K.

for Director of Public Instruction.

2/5/12

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C. 94810/48

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24.12.48
From Re D.P.I. No. RC-229-J-48-87 11.12.48.

Memo No. 94810 43/48-1 Edn dt 19-1-49.

Teachers' Provident Fund
Readmission of teachers

Ex. Re. vms d
on 28/2/49

The Director's attention is invited to para 1 of his letter cited above. Requested to state whether the teacher referred to is asked for the closure of his P. & Account when he left the service of the Cuddalore Municipality.

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Municipal Council. He is also requested to state whether the amount of the Govt. contribution authorised for payment by the A.S. has been paid to the teacher as has been done by the Commissioner of the Cuddalore Mty.

10.1.49

To The D.P.9

2. The Director is further requested

to forward a copy of Govt. Memo No. 22621-40 dated 29-6-40 together with a copy of the connected correspondence and to report whether the amounts contributed by the subscriber and the contributions of the management and the Govt. were credited to the teacher's accounts when it was opened again or whether they were given to him on the closure of the first account.

18/1/49

To The D.P.9

21/1

EDUCATION DEPARTMENT

From The Director of Public Instruction, MADRAS
To The Secretary to Government, Education and Public Health Dept., Madras.

Roc.No.229J/48 dated 7th March '49



Sub: Teachers Provident fund--Readmission of Teacher Sri P.R. Swaminathan--South Arcot District.

Ref:--Govt. Memo No.94810G3-48-1- Edn. dated 19-1-49 pp3-4cf

With reference to paragraph 1 of the Govt. Memorandum it is reported (1) that the teacher requested the Commissioner, Cuddalore Municipality to transfer his Provident Fund Account to R.C. Town High School (which he joined after he left the service of the M.C.) but that the Commissioner declined to comply with the request for transfer as Rule 21 of the Municipal P.F. Rules did not permit such a transfer. A copy of the Commissioner's letter received in this connection is submitted.

and (2) that the amount of Govt. contribution authorised for payment by the Accountant General has not been paid to the teacher.

2. Regarding para 2 of the Government Memorandum, a copy of Govt. Memorandum No.22621C/40 dated 29-6-40 together with a copy of the connected Correspondence is submitted herewith. In regard to the query raised by Government it is reported that the amount contributed by the subscriber and the Management were credited to the account of the Cuddalore municipality on the closure of his final account.

Yours faithfully,

For Director of Public Instruction

Clb.9-3-49

Copy of the letter from the Commissioner, Cuddalore Municipality
to the D.P.I.

Sri P.R. Swaminathan, M.A., L.T. Ex-Teacher of the
Ml. High School, Cuddalore, resigned his appointment in this
Municipality and accepted appointment at R.C.T. High School Branch
Annamalainagar, Chidambaram without the knowledge and consent of
this Ml. Cl. As he did not take up service in the Annamalainagar
School with the consent of the Ml.Cl., and as he resigned his
appointment of his own accord, his case does not fall within the
purview of Rule 21 of the Provident Fund Rules applicable to
Municipal servants. In accordance with Rule 22 of the P.F. Rules
his P.F. Account was closed in this Municipality and the amount at
his credit paid to him. In the above circumstances the action of the
Ml.Cl. in being closed his account disbursed the account to him
direct is in order and in accordance with the Ml. P.F. Rules.

Sd.....
Commissioner.

/True copy/

K. S. Srinivasan

For Director of Public Instruction

Clb.9-3-49

9.5.49

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Copy of the letter from the Government, dated 29-6-40, is being forwarded to the Director of Public Instruction, Madras, for his information and necessary action.

Yours faithfully,
 Commissioner.

True copy

10-7-40

For Director of Public Instruction

6 9

Education and Public Health Dept.,

Memorandum No.22621-C40 dated 29-6-40

Sub:--Provident Fund--Teachers in non-pensionable service
 Readmission of Sri A. Muthukesava Ayyangar.

The Director of Public Instruction is informed that a subscriber to the Teachers Provident Fund who is re-employed after he has resigned his post once, at whatever stage of his service the resignation took place, should be treated as a new subscriber to the Fund. The allusion in paragraph 3 of G.O. No.77 Edn., dated 18th January 27, to a subscriber resigning his post before the end of the sixth year had special reference to the case of the particular subscriber with regard to whom the question was then raised.

R.V. Krishna Ayyar
 Secretary to Government.

True copy/

R. V. Krishna Ayyar

For Director of Public Instruction

C1b.9-3-49

g.z.w.

Copy of the letter Rc.No.230E/40 dated 27-5-40 from the D.P.I. to the Secretary to Govt., Edn. & Public Health Dept.,

One Sri A. Muthukesava Ayyangar, formerly an Asst. in the High School at Pattamadai was a subscriber to the P.F. for teachers in on-pensionable service. After subscribing to the P.F. for over 15 years he had resigned his appt. in 1938 and applied for the closure of his P.F. account. Thereupon the Dt. Edl. Officer, Tinnevely and Anjengo had sanctioned the closure of his P.F. account and the amount was finally paid to him

2. The subscriber now states that from the time he resigned his post till December 1939 (i.e.) a period of 1½ years he tried for a place in several other avocations in life but to no purpose. He, therefore, states that he was forced through necessity to become a teacher. The Dt. Edl. Officer, Tinnevely and Anjengo to whom these papers were referred for his remarks, states that under G.O.No.77 Ms. Law Education, dated 18th January '27 only such teachers as have resigned their posts before the end of the sixth year from the date of their admission to the fund can be readmitted; but that the teacher in question resigned his post after more than 15 years' service and that therefore G.O.No.77 Law Education, dated 18th January 1927 cannot be applied to him.

3. I request to be informed whether with reference to the words "before the end of the sixth year from the commencement of his admission to the scheme" occurring in G.O.No.77 Ms. Law Edn. dated 18-1-27, it is the intention of Govt. that a teacher who has resigned his appt. after 15 year's service after giving a declaration to the effect that he has left the teaching profession for good may be readmitted to the scheme if he again takes up the teaching profession. I may state in this connection that employment is so uncertain and insecure that a teacher may be forgiven if he gives a declaration that he intends to retire from the teaching profession when he sees no prospect of securing a job. After all the provident fund scheme is introduced for the benefit of teachers and to debar them from employment altogether would not only deprive them of their livelihood but prevent many qualified teachers from re-entering a profession where their services are badly needed. If however, they re-enter the teaching profession their admission to the P.F. is obligatory under rule 2(a) of the P.F. rules for teachers in non-pensionable service if their pay exceeds Rs.20/- p.m.

(Sd.).....
For Director of Public Instruction

/True copy/

Handwritten signature

For Director of Public Instruction

Clb.10-3-49

R.O.C.No.229 J/48

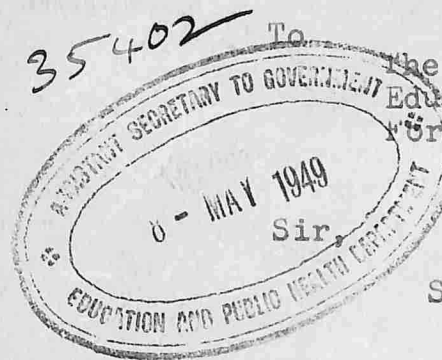
Office of the
Director of Public Instruction
Madras, dated, 5th May 1949.

From

The Director of Public Instruction,
Madras.

To

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



Subject:- T.P.F. -- Readmission of teachers -- Sri
P.R.Swaminathan -- South Arcot District.

Reference:- This office Roc.No.229 J/48 dated 7-3-49.

I request to be informed whether the Government have
passed orders on the above subject, and if so a copy of the
order may please be communicated.

Yours faithfully

K. S. S. S. S.

For Director of Public Instruction

SJ/6/5.

20/5
21/5

Teachers' Provident Fund - Re-
mission of Teachers ~~after~~ after
closure of their first Provident
Fund Accounts - order passed

14/5 p. 1/2
35 2 p. 5/4
13/5

From the D.P. J No. 229 J-
48 - Dated 2-3-49 11.12.1948
From the D.P. J No. 229 J-48
Dated 7.3.1949

Order 1522 Edu. of 13.5.49
Mr.

The Govt. agree with the
D.P. J that in the circumstances
stated by him in his letter cited
above, there is no objection to the
~~re-admission~~ for the ~~re~~ admission
to the benefit of the Teachers' Provi-
dent for the second time, of the
teachers whose Provident Fund
Accounts have been closed once.

2. The Director is requested
to instruct the D.E.O. to read-
mit Sri P.R. Swaminathan of
the R.C. Tam High School, Anna-
malainagar to the Teachers' Provi-
dent Fund. ~~The suggestion in para~~
5 of the Director's letter No 229 J-48
dated 11.12.48 may be followed,
~~in respect of the Govt. Contribution~~
~~payable in respect of the teachers~~
~~previous account.~~

The Govt. agree with

p 2 of B

10/5

To
The D.P. J
" A.S.
h/o S.C.S.
(oppr S.7)

11/5
9.5.49

that his Govt. contribution
already ~~paid~~ in this case need not
be paid to the teacher, but may be
credited to his account if he opened
again.

10/5/49

11/5

Office of the
Director of Public Instruction
Madras, dated, 5th May 1949.
From
The Director of Public Instruction,
Madras.



The Secretary to Government
Education and Public Instruction,
Madras, M. A. S. S.
Subject: - Resumption of benefits -
P.R. Swaminathan - South Arcot District.
Reference: - This office No. 229 J-48 dated 7-3-49.
I request to be informed whether the Government have
passed orders on the above subject, and if so a copy of the
order may please be communicated.

Yours faithfully,
For Director of Public Instruction

Sub: Teachers Provident Fund - Readmission of teachers
Memo No. 94870
From the D.P.I. R.C. No. 229 J/ut dated 11-12-48

1222 R/ at 13 242

The Govt. order in the letter dated 11-12-48 is in the nature of a direction to the Teachers' Provident Fund Committee to readmission of teachers who have been closed since the 1-1-48. The Committee is directed to readmission of teachers who have been closed since the 1-1-48. The Committee is directed to readmission of teachers who have been closed since the 1-1-48.

11/11/48
P.P. 2. p

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P.P. 2. p
P.P. 2. p

Sub: Teachers Provident Fund - Readmission of teachers
Memo No. 94870
From the D.P.I. R.C. No. 229 J/ut dated 11-12-48

94870
48

page 5 of

Subject :- Teachers' Provident Fund - Readmission of teachers after closure of Account.

Sri P.R. Swaminathan was a teacher in the Muthiaipet High School Madras. He was a subscriber to the Teachers' Provident Fund maintained under the Teachers' Provident Rules issued by Govt. as at (K) below. After some time the teacher left the service of the above school and joined the Municipal High School Cuddalore. The teacher's Provident Fund Account was transferred to the Cuddalore Municipal Account in accordance with rule 6(g) of the Teachers' P.F. Rules. It is stated that the Accountant Genl. issued a Govt. Contribution bill for Rs 174-3-0 payable by adjustment - (This amount was, however, drawn by the teacher). In the meantime the teacher left the service of the Cuddalore Municipality and joined the service of the R.C. Town High School (Branch) Annamalai Nagar. It is understood that the teacher asked for the transfer of his account to the R.C. Town High

top of 5 of (K)

para 1 of

para 1 on p 1 of

High School, but that the Municipal Commⁿ. declined to comply with the request and closed his accounts for the reason that there was no provision in the rules for such transfer - (The teacher did not ask for the closure of his accounts) He has applied for readmission to the fund and the D.E.O. is for readmitting him, but the A.G. has raised an objection to this on the ground that there is no provision in the rules for the reopening of an account which has been closed. The A.G. even suggests that the teacher may be debarred from subscribing to the fund for a second time and that the Govt. contribution may be paid to him even now - The D.E.O. suggests that the A.G.'s view is wrong & that there is no objection to admitting the teachers to the Teachers' Provident fund a second time.

2. In the circumstances of the case it is not clear why the accounts of the teacher were not transferred to the R.C. Town High School Accounts, when he took up employment there - This is permitted by rule 6 (f) and (g) - Rule 12 of the Rules requires the payment of the Govt. contribution on a subscriber quitting employment in circumstances which

para 1 on p 19

para 2 on p 19

para 3 on p 19

para 4 on p 19

para 5 on p 19

give a little to the Govt. contribution that is, when the teacher retires - ~~withdrawing his deposit~~ There was no question of withdrawal in this case, nor was withdrawal of deposit applied for - The teacher in fact requested that his accounts might be transferred - The Municipal Commⁿ. closed the teacher's account for the reason that he took up service elsewhere without the Council's consent. The Commⁿ's act does not seem to be correct. The reference to rule 21 of the Municipal P.F. Rules does not seem to be ~~correctly~~ relevant.

para 2 on p 19

p 5 of

p-138 of the Statutory Rules under the D.M. Act

The ruling given in the Govt. Memo 329-b-40 (1944) does not prevent the teacher from being readmitted to the benefits of the Provident Fund Scheme.

para 5 on p 24

In the circumstances there does not appear to be any objection to the readmission of the teacher. The amount of the Govt. contribution being ~~also~~ credited to the teacher's new account as suggested - Fin. may see, for remarks, if any -

15-4-45

22/4/49

5/25/64 Fin

Finance (Pen)

18/4/49
A.P.H. No. 94810/82/48-2
25/4/49

27507
26 APR 1949
SENIOR ASSISTANT SECRETARY, FINANCE DEPARTMENT

27509
29.4.49

32783
29.4.49
SECRETARY TO GOVERNMENT
PUBLIC RELATIONS

Est. H's note on pp. 1-3 above may be perused. This dept. also may concur with the views of Est. H. at A above.

29/4/49

Est. H.

(PTO)

ETP. 24 (92)

Notes on the previous paper -
A draft order is submitted for
approval.

9:5.48.

10/5/69

5 11/3

10/5/69

10/5/69

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