

E.&.P.H.

(194,) Department.

27
SERIES.

G.O. NO. MS 1650 EDUCATION.

Dated 20th May 1949.

[Despatch Abstract.]

Madras Record Officer- Sri. B. Mahabaleshwar Rao Clerk- Petition to His
Excellency the Governor- 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.



From

B. Mahabaleshwar Rao,
Officiating Lower Division Clerk,
Madras Record Office,
Chittoor.

To

His Excellency the Governor of Madras

Through

The Curator,
Madras Record Office,
Chittoor.

and

The Secretary to Government,
Education and P.N. Department,
Fort St. George.

Dated 15th November 1948

May it please Your Excellency,

The humble petition of Sri B. Mahabaleshwar Rao,
Officiating Lower Division Clerk, Madras Record Office,
Chittoor, humbly sheweth:

That being highly aggrieved, dejected and frustrated
by the order the Government Memo No. 75281-48-G3-1, Education,
dated 28th October 1948, Your humble petitioner begs to
request His Excellency to consider the question of his
transfer from Madras Record Office, Chittoor, to South Kanara,
the native district of your humble petitioner ~~to~~ into any
one of the Government Departments under Clause (c) of
Sub-rule (a) of Rule 22, of the Madras Ministerial Service
Rules, after considering the history of your humble
petitioner's case, and the tribulations to which your humble
petitioner is a victim to in Chittoor.

please see pp 13

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2. That the circumstances that have impelled your humble petitioner to pour out his anguish to his Excellency are as follows:-

That when your humble petitioner was on leave in South Kanara recently, he was given to understand that a large number of temporary clerks were working under rule 9(a)(i) of the General Rules for Provincial and Subordinate Services in every department in South Kanara, especially in the Revenue department and that it was fairly easy to get into any one of the offices in that District. So, seized with a desire to get a transfer to your humble petitioner's native district as a way out of his sufferings in Chittoor, your humble petitioner submitted three petitions on 2-9-1948 to (1) The Collector of South Kanara (2) The District Forest Officer, South Kanara and (3) The Commercial Tax Officer, South Kanara, through the Curator requesting these appointing authorities to agree to your humble petitioner's transfer under the said rule of the Madras Ministerial Service Rules. Your humble petitioner also sent advance copies of these petitions to the appointing authorities. In the petition of the Collector, Your humble petitioner also requested him to appoint your humble petitioner temporarily in any of the clerical posts created in connection with the administration of Food Control, Textile Control and Firka Development Departments. To these petitions quick came the reply of the Curator. The Curator in his order No.2059 A/48-1 dated 14-9-1948 refused to forward your humble petitioner's applications stating that there were no public grounds for your humble petitioner's transfer and that your humble petitioner was not surplus to requirements, even though

there was some response from the appointing authorities in South Kanara. The Collector of South Kanara returned the advance copy of your humble petitioner's ^{application} to him for presentation through the Curator and stated that the petition would be considered on merits if received through the proper channel. The District Forest Officer, South Kanara, is stated to have agreed to appoint your humble petitioner in a long leave vacancy. Against the above order of the Curator, your humble petitioner submitted a petition to the Government, in the Education and P.H. Department on 24-9-1948 requesting the Government to cancel the order of the Curator and ^{to} transfer your humble petitioner to South Kanara or at least forward the said petitions to the concerned officers in South Kanara. The Government have passed the order petitioned against on your humble petitioner's said petitions to Government.

3. That your humble petitioner submits that the order of the Government is a cruel blow to him and has brought misery and despair and desolation to your humble petitioner's family and to those whose hearts beat for your humble petitioner in South Kanara. Your humble petitioner had been badly hurt by the Curator and he cried before the Government. Your humble petitioner begged for a loaf of bread but he received a piece of stone. Hence the necessity of your humble petitioner's appeal to His Excellency.

4. That your humble petitioner does not know the nature of the remarks offered by the Curator when he forwarded the petition of your humble petitioner to the Government, since the file is kept confidentially. But this much is certain. The Curator must have adopted a negative attitude towards your humble petitioner's transfer, and

please see pp 22-30

Do
pages 1-5-8
Memo 75281-1
281048

(A)

pp 13

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please see pp 15

" " 19 21

" " 21 22

" " 22

must have attempted to rebut the grounds advanced by your humble petitioner for a transfer. The Secretary to the Government in the Education and P.H. Department, who has passed the orders on the said petition, as can be seen from the Government Memo, must have been naturally influenced by these remarks of the Curator to pass such an order. It can be inferred from the order of the Government that your humble petitioner's case has not been fully considered by the Government in the Revenue or Public Service Department as per your humble petitioner's request or in consultation with the Madras Public Service Commission since the usual term "By order of His Excellency the Governor" is not found at the end of the memo. Your humble petitioner is also not sure whether the file relating to your humble petitioner's transfer was circulated to the Hon'ble Minister concerned. Your humble petitioner^{case} would have been considered in a different light if the file had been circulated to the Hon'ble Minister or had it been sent to the Public Service Department from where the rules relating to the entire field of public service ^{emanate} ~~emanate~~. So, your humble petitioner's case has not received due recognition at the hands of the Government. Be that as it may, your humble petitioner now submits his entire case to His Excellency, requesting His Excellency to consider your humble petitioner's hard case de novo in consultation with all the departments mentioned above.

5. That your humble petitioner has been working as a clerk in the Madras Record Office at Chittoor from 19-2-1944, to which office your humble petitioner was allotted by the Madras Public Service Commission. Your humble petitioner is an approved probationer in the

category of lower division clerks in the Madras Ministerial Service. Just before your humble petitioner joined this office, he was working as a clerk in the Revenue Department in South Kanara under Rule 9(a)(i) of the ^{General} ~~Government~~ Rules from 19-6-1943 to 16-2-1944. Ever since your humble petitioner began his life in Chittoor, your humble petitioner is not keeping good health. The climate of Chittoor is having a deleterious effect upon your humble petitioner's health. On several occasions your humble petitioner's health failed and your humble petitioner had to go home on leave again and again to recoup his health. Your humble petitioner also tried to get on with his family in Chittoor but his attempts were a failure. Your humble petitioner is unable to make both ends meet with the pay of a lower division clerk in Chittoor and has given up hopes of bringing his family to Chittoor hereafter. Consequent on your humble petitioner's undertaking journeys to and from home for reasons of health and also for family functions, your humble petitioner had to get money from home instead of sending remittances to home, so much so, your humble petitioner is a liability on his people on account of his living at Chittoor. What with the long distance that separates your humble petitioner from his people, with his constant ill-health, with financial break down, and with the inadequate salary ^{of Rs 70 (including D.A) p.m.} drawn at such a long distance from home, your humble petitioner is facing rack and ruin. Not a day passes without your humble petitioner being worried about his health and financial insufficiency. But, if your humble petitioner were to be in South Kanara with the same pay of a lower division clerk, your humble petitioner will not only be free from the stress and strain, worries and anxieties on the score of finance

and health but the same pay will bring solace and security and comfort to one whole family. Your humble petitioner will be an asset to his people and shall be in good health, which was the case before your humble petitioner joined at Chittoor. Further, consequent on the mitigation of your humble petitioner's hardships, the transfer to South Kanara will be conducive to better and more satisfactory performance of your humble petitioner's duties. Your humble petitioner represented all his sufferings to the Government in his petition dated 24-9-1948 and in his petitions of 1944, 1947 and 1948 to the appointing authorities in South Kanara but to no purpose. Your humble petitioner submits that his circumstances are so miserable that, if his Excellency were to turn down his requests, your humble petitioner may have to leave the Service and pine away his life in despair with no future prospects at all. Having served the Government all these four years, and with no high academic qualifications, it will be well nigh impossible for your humble petitioner to enter fresh fields of life or secure new jobs. At the same time, ^{no} ~~so~~ useful purpose will be served by your humble petitioner remaining at Chittoor at the risk of his health and constant economic ~~in~~ security. Your humble petitioner is in a quandary.

6. That the Curator in his order dated 14-9-1948 stated that there were no public grounds for your humble petitioner's transfer. In view of your humble petitioner's real hardships mentioned in para 5, and in view of his interests lying 500 miles away, it really spells disaster to your humble petitioner to ^carry any longer in Chittoor. Even so, your humble petitioner is still carrying on hoping against hope that his Excellency will deliver the goods. These basic human needs of your humble petitioner do not

please see pp 22-30

" " 15-22, 31-32, 34-36

" " pp 22

merge themselves in the sphere of public grounds, what other reasons can be called public grounds? Your humble petitioner is not an automaton⁷ to carry on his duties in the face of heavy odds, and yet suffer and endure and keep quiet. It is the policy of the present Government to wipe out every tear from every^eeye. Hence Your humble petitioner comes out and places before the Government and his Excellency the trials and sorrows, the ailments and grievances, and the hard knocks of life which your humble petitioner had to ^denure while performing his duties at Chittoor. In South Kanara the whole picture of your humble petitioner's life will be different. In short, your humble petitioner will be in a happier frame of mind and ^{so} your humble petitioner ~~(hugs)~~ hugs the hope that the private grounds adduced above are a sufficient justification for your humble petitioner's transfer to a place of his liking. If the Government on the advice of his Excellency interfere in the redressal of your humble petitioner's grievances, such an act of mercy will surely be a vindication and affirmation of their policy.

7. That the Curator further states in his order that your humble petitioner is not surplus to requirements. He is not justified in putting forth such an argument. On the one hand, due to the retrenchment of certain posts, in this office, it is doubtful whether your humble petitioner shall get a permanent footing in this office. On the other hand, if all the clerks who are now working in outside offices and who have a lien in this office are reverted to this office, then your humble petitioner shall have no place at all. Again, the Curator is prepared to spare the service of senior men to other departments and at the same time the Curator states that your humble petitioner is not surplus to requirements. Recently one senior clerk has gone out of

the office as Assistant Inspector of Labour, another as Rationing Officer, and a third has gone to the Civil Supplies Department, Trichinopoly. Though these appointments are not made in consultation with the Service Commission, yet the Curator after refusing to forward your humble petitioner's applications to South Kanara (that too, when the District Forest Officer agreed to appoint your humble petitioner, and when your humble petitioner requested the Collector to appoint him temporarily at least in connection with the administration of Food Control etc.) forwarded the applications of some other clerks, by which the two individuals mentioned above were employed as Assistant Inspector of Labour and as Head Clerk in the Central Rationing Office, Trichinopoly, respectively. If the other applicants whose applications were forwarded by the Curator ^{also} succeed in getting appointments in outside offices, how can your humble petitioner become surplus to requirements? Such is the irony ~~of fate~~ of your humble petitioner's ^{position} ~~(petition)~~ in this office. But for the clerks who have recently gone out of the office and for those who are on leave, your humble petitioner would have been ousted by this time.

8. That in refusing to forward your humble petitioner's applications, the Curator does not consider the human issues involved in the case. He may be under the impression that your humble petitioner is sending needless petitions but your humble petitioner's hardships in Chittoor have driven him to the necessity of seeking a transfer by means of petitions, and thus escape out of this crucible of suffering. The Curator holds fast to a circular of the Madras Public Service Commission issued so long ago as 1943, in regard to the transfer of probationers and approved probationers from

one District to another. The circular has reference to the conditions which existed in the Ministerial Service in 1943. It has outlived its usefulness now. Since 1943 there has been a rapid expansion of the Services and other departments due to War and its after ^{math} ~~effects~~ and various other control measures, necessitating the employment of a large number of clerks in every department of the Government. On account of the dearth of candidates to man these services the communal rule referred to in the circular has not been strictly adhered to for the recruitment of clerks in the ministerial service. This is also evident from G.O.No.3036, Public Services, dated 29-12-1945, which begins by stating that there was a large over-recruitment of men to the Madras Ministerial Service, in 1942, 1943 and 1944 in excess of communal requirements, and the G.O. was issued to remedy this state of affairs. So, it is clear that first appointments to the Ministerial Service have not been made according to the communal turn in 1942, 1943 and 1944. That being so, the communal rule referred to in the circular cannot be put into practical application in transferring clerks like your humble petitioner from one District to another. Your humble petitioner was not selected in 1944 according to the communal turn. So, it is really hard for your humble petitioner if the Curator puts this veto of communal rule on the question of your humble petitioner's transfer. Further, the appointing authorities in South Kanara have not stated that your humble petitioner's appointment there will infringe the communal rule. Besides, there are any number of clerks working under Rule 9(a)(i) in the Revenue and other departments in South Kanara. Thus if your humble petitioner ^{is transferred now and his} ~~future~~ absorption in South Kanara is left to be decided in due course, such a course will not also infringe the communal rule. The

conditions of service are fluid now. The circular, in turn, is based on rule 22(c) of the Madras Ministerial Service Rules, and the Commission wants that the provisions of the rule should be satisfied before the question of transfer is ^{referred} ~~refused~~ to them. Your humble petitioner submits that these rules were framed in the Public Services Department long ago and the rules may require some modification now to suit the present conditions. In view of what your humble petitioner stated in this para, there may not be any difficulty in ^{relaxing} ~~relaxing~~ the rules in your humble petitioner's case, nor will it be difficult to address the Public Service Commission. Your humble petitioner humbly requests that these rules may be relaxed in his case after considering your humble petitioner's real hardships, and the hapless circumstances to which your humble petitioner has been reduced. It is the Public Services Department that can give a lead to the Madras Public Services Commission by framing all the rules in regard to the recruitments of clerks to the Public Service. When the Government are controlling every sphere of human activity with a view to improve the lot of the common man, there is no reason why the Government should not refuse to interfere in the matter of your humble petitioner's transfer, which serves equally to improve the lot of a loyal Government servant like your ^h humble petitioner. The administrative necessity referred to in the Commissioner's circular may be presumed to exist in this case as is done in the case of mutual transfers.

9. That your humble petitioner submits that this is not the first time that he is attempting for a transfer to South Kanara. Your humble petitioner availed himself of all the remedies provided by rules and orders applicable

to the question of his transfer. In June and August 1944 your humble petitioner applied to the Collector of South Kanara for a transfer. Your humble petitioner's application of August 1944 was forwarded by the Curator to the Collector of South Kanara but the Collector stated that your humble petitioner was not required there. Again in 1947, when your humble petitioner was on leave in South Kanara in a run down state of health, your humble petitioner applied on 18-7-1947 to the Collector of that District for a transfer. The Curator refused to forward your humble petitioner's application while the Collector passed orders on the copy of the said petition stating that there were no sufficient grounds to consider your humble petitioner's request. Your humble petitioner ^{has} put in applications for a transfer this year also, the details of which are given in para 2.

10. That, finally, to summarise what your humble petitioner has stated in the foregoing paragraphs, your humble petitioner's real hardships are chiefly financial insufficiency and constant ill-health in Chittoor. Your humble petitioner is not able to make both ends meet. The Curator has refused to forward your humble petitioner's applications to the appointing authorities in South Kanara for a transfer under Clause (c) of Sub Rule (a) of Rule 22, of the Madras Ministerial Service Rules. The Government have declined to interfere in the matter. The Collector of South Kanara has stated that your humble petitioner's petition for a transfer will be considered on merits if received through the proper channel. The District Forest Officer, South Kanara, is stated to have written to the Curator agreeing to appoint your humble petitioner. There

of vacancies in South Kanara department

in which 9(a)(i) candidates are working without any rules.

The question of communal rule and administrative necessity will not be violated if what your humble

petitioner has submitted in paras 7 and 8 above are *please see pp 7, 8-10*

given due consideration. Your humble petitioner is

prepared to accept a temporary transfer, leaving the

question of permanent absorption to a future date.

With all these facts of your humble petitioner's case

before His Excellency, your humble petitioner humbly

requests ^{that} he may be transferred to South Kanara to

Revenue or any other department under Clause (c) of

Sub-rule (a) of Rule 22 of the Madras Ministerial

Service Rules in consultation with the Public Service

Department and the Madras Public Service Commission in

the light of your humble petitioner's hardships mentioned *pp 5-6*

in para 5 above, *or by relaxation of the said m.m. Rules as an exceptional case.*

Your humble petitioner pledges his loyalty

to the Government.

His Excellency's most obedient

servant,

B. Mahabaleswar Rao

Enclosures 9 (pages 13-37).

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Enclosure 1 *(a)*
GOVERNMENT OF MADRAS.
Education & Public Health Department.
Memorandum No. 75281-48-G3-1. Edn. dated 28th October, 1948.

Sub:- Establishment - Madras Record Office - Transfer of services
of clerk to other offices - application -

Ref:- From Sri B. Mahabaleswar Rao, Petition dated 24-9-48.
" the Curator, Madras Record Office Endorsement No. 2326-A/48-
-1, dated 5-10-1948.

The Government decline to interfere in the matter.

M. V. Subramanian,
Secretary to Government.

To
Sri B. Mahabaleswar Rao,
Officiating Lower Division Clerk (on leave)
Madras Record Office, Chittoor,
c/o The Branch Post Master, Kukkundoor, Karkal Tq., S.K.
through the Curator, Madras Record Office,
The Curator, Madras Record Office,

BR.

6.11.48
Encl. no. 2326 A/48-2 of 6-11-48

Communicated to Sri B. Mahabaleswar Rao.

6.11.48
Sri B. Mahabaleswar Rao

True copy
ASST. CURATOR
-11-1948.

6.11.48
6-11-48

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Enclosure 2(a)

Copy of petition submitted by me to the Collector of South Kanara, Mangalore on 2-9-48 through the Curator, Madras Record Office, Chittoor.

Sir,

Being given to understand that a good number of temporary clerks are working under Rule 9(a)1 of the General Rules in this District from several years, and I being a native of this District and also being an approved probationer in the category of Lower Division clerks in the Madras Ministerial Service, beg to submit this application requesting that I may be appointed as a lower division clerk in one of these vacancies in the place of 9(a)1 candidate and that you will be pleased to agree to my transfer to the Revenue Department in South Kanara District under Rule 22(c) of the Madras Ministerial Service Rules, after considering my hardships as set out below:-

2. I have been working in the Madras Record Office, Chittoor, as a Lower Division clerk, from the last 4 years having joined that office in February 1944. My sufferings in Chittoor which necessitate my transfer are chiefly financial worries, the unsuitability of the climate of Chittoor and at this juncture the immediate reason is that of being ousted from that office due to the retrenchment already

3. Financially, since I am living at a long distance from home, I am not able to make both ends meet with the pay of a lower division clerk at Chittoor. I am also not in a position to set up my family in Chittoor. I have to come to my native place at least once a year either for reasons of health or for important family functions towards which I have to spend a considerable sum of money. To meet the expenses of a long travel to and from Chittoor and at the same time to maintain my family there in Chittoor are beyond my means. Hence I have to face very often financial breakdown. On the other hand I will bring solace and security and happiness to my home if I work in South Kanara with the same pay.

4. The climate of Chittoor also does not agree with my health and my health was affected more than once with the result that I had to come home again and again to recoup my health.

5. Apart from the above hardships which cause me a great deal of unhappiness at Chittoor, another factor that has now emerged is that I am likely to be ousted in the near future from the Madras Record office due to the retrenchment of certain posts in that office. Thus the chances of my permanent absorption in that office have become too remote.

6. In this connection I beg to submit

that 2 applications were submitted previously by me to the Collector in June 1944 and in July 1947 for a transfer to this District, but the previous Collectors refused to take me. I now humbly request that at least on this occasion the Collector will be obliged to agree to my transfer to this District in the Revenue Department after considering the difficult circumstances under which I have been labouring in Chittoor ever since 1944.

7. I also beg to invite your attention to a G.O. of 1943 wherein the Government have stated that administrative necessity may be presumed to exist in the case of mutual transfers of persons undergoing hardships by living at long distances from home. Though it is not possible for me to get a mutual transfer, I submit that the provisions of the said G.O. may be equally applied in my case.

8. I further submit that I have already worked in the Revenue Department in this District in Karkala Taluk Office for 8 months in 1943-44 under Rule 9(a)1 of the General Rules, just before I joined at Chittoor to my present appointment. So I have acquired sufficient knowledge and interest in the work of the Revenue Department.

9. In view of what I have stated in para 6 above, if the Collector is pleased

in the first instance and agree to my transfer, the Curator may also give his consent.

10. Lastly I beg to submit that I am the son of a poor Shambhogue. If I am transferred to this District I will contribute not a little to the happiness of my home and my health will not be affected. More than this I shall be free from economic worries. I fervently pray that you will be so good as to agree to my transfer to the Revenue Department in South Kanara as a Lower Division Clerk. Pending the consideration of the question of my transfer I also pray that I may be appointed as a Firka Supply officer (equal to the cadre of L.D.C.s), in any of the Taluks or in any other vacancy in connection with the administration of Food Controls or Firka Development scheme or Textile Control.

(True copy)

Sd. B. Mahababshwar Rao

copy directly to the Collector of South Kanara, Mangalore.

Bd
(5/11/48)

Enclosure 2 (b)

Copy of the petition dt 2-9-48 submitted by the petitioner to the District Forest Officer, South Kanara, Mangalore, through the Curator, Madras Record Office, Chittoor.

Sir,

Being given to understand that a good number of temporary clerks are working under Rule 9(a) of the General Rules in this District from several years, and I being a native of this District and also being an approved probationer in the category of Lower Division clerks in the Madras Ministerial Service, beg to submit this application requesting that I may be appointed as a lower division clerk in one of these vacancies in the place of 9(a) candidates and that you will be pleased to agree to my transfer to the Forest Department in South Kanara District under Rule 22(c) of the Madras Ministerial Service Rules, after considering my hardships as set out below:-

2. I have been working in the Madras Record Office, Chittoor, as a Lower Division Clerk, from the last 4 years having joined that office in February 1944. My sufferings in Chittoor which necessitate my transfer are chiefly financial worries, the unsuitability of the climate of Chittoor and at this juncture the immediate reason is that of being

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retrenchment already carried out in that office.

3. Financially, since I am living at a long distance from home, I am not able to make both ends meet with the pay of a Lower Division clerk at Chittoor. I am also not in a position to set up my family in Chittoor. I have to come to my native place at least once a year either for reasons of health or for important family functions towards which I have to spend a considerable sum of money. To meet the expenses of a long travel and to and from Chittoor and at the same time to maintain my family here in Chittoor are beyond my means. Hence I have to face very often financial breakdown. On the other hand I will bring solace and security and happiness to my home if I work in South Kanara with the same pay.

4. The climate of Chittoor also does not agree with my health and my health was affected more than once with the result that I had to come home again and again to recoup my health.

5. Apart from the above hardships which cause me a great deal of unhappiness at Chittoor, another factor that has now emerged is that I am likely to be ousted in the near future from the Madras Record Office due to the retrenchment of certain posts in that office. Thus the chances of my permanent absorption in that office have become too remote.

I also beg to draw your attention to a G.O. of 1943 wherein the Govt. have stated that administrative necessity may be presumed to exist in the case of mutual transfers of persons undergoing hardships by living at long distances from home. I thought it is not possible for me to get a mutual transfer, I submit that the provisions of the said G.O. may equally apply in my case.

7. Lastly I beg to submit that I am the son of a poor Shanbhogue. If I am transferred to this District I will contribute not a little to the happiness of my home and my health will not be affected. More than this I shall be free from economic worries. I fervently pray that you will be so good as to agree to my transfer to the Forest Dept in South Kanara as a Lower Division clerk.

Sd. B. Mahababhus
Rao.

(True copy)

10/5/48

Copy directly to the
District Forest Officer,
South Kanara,
Mangalore.

Enclosure 2(c)

To The Commercial Tax Officer, South
Kanara, Mangalore - petition dt 2-9-48 was
an exact copy of the petition^{dt 2-9-48} submitted to

District Forest Officer, South Kanara,
(14/9-48).

enclosure 3

No. 2059A/48-1

Madras Record
Office, Chittoor
14-9-48.

Sub: Mahabaleshwar Rao, Ser B - Offg.
D.C., Madras Record Office - Application
for transfer to South Kanara Dt.

Read: Applications dated 2-9-1948
from Ser B. Mahabaleshwar Rao addressed
(1) to the Collector of South Kanara (2)
District Forest Officer, South Kanara and
(3) the Commercial Tax officer, South Kanara.

Ser B. Mahabaleshwar Rao is informed
that, as he is not surplus to the requirements
of this office and as there are no public
grounds for transferring him to any other
office in the district of South Kanara, his
applications cannot be forwarded to the
offices to whom they are addressed.

(Sd) B. S. Baliga
Curator
14-9-48.

To Ser B. Mahabaleshwar Rao
c/o The Branch Post master,
Kukkunduru Post,
Karkala (South Kanara)
(True copy)

Copy of the petition dt 24-9-48 from Ser B.
Mahabaleshwar Rao, Offg L.D.C. (on leave) MAO Chittoor
c/o The Branch Post master, Kukkunduru, Karkala, S.K.
To the Secretary to Govt, Edn. & PH Dept, FSG through
The Curator, Madras Record Office, Chittoor.

Sir,

Being highly dissatisfied with the order
of the Curator No. 2059A/48-1 dt 14-9-48 (copy enclosed),
I beg to submit this petition to the Govt, against
that order for the redressal of my grievances. The
Curator has refused to forward three applications
(copies enclosed) addressed by me to the Collector
of South Kanara, District Forest Officer, South Kanara,
and Commercial Tax Officer South Kanara for a
permanent transfer to that District. I now request
the Govt. through this petition to forward the said
three petitions to the respective appointing
authorities in South Kanara or if possible to
order my transfer to South Kanara. The
circumstances of my case are as follows:-

2. On 2-9-48 I submitted 3 applications
addressed to (1) the Collector of South Kanara
(2) District Forest Officer, South Kanara (3) The
Commercial Tax Officer, South Kanara to the
Curator for favour of forwarding them. In
these petitions I requested the appointing
authorities of South Kanara to agree to my
transfer to that Dt. under rule 22(c) of the
Madras Ministerial Service Rules. I also submit

advance copies of these petitions to the respective appointing authorities. The Collector of South Kanara returned the advance copy of the petition to me for presentation through the Curator, stating that the application would be considered on merits if received through the proper channel. I have also sent the copy of that petition containing the Collector's remarks to the Curator.

3. I beg to state that I was allotted to the Madras Record Office by the Madras Public Service Commission and joined regular service in that office at Bhilloor on 19-2-1944, and am now an approved probationer in the category of lower Dn. clerks in the Madras Ministerial Service. Just before I joined the Record Office I was working as a temporary clerk under rule 9(a)1 in Taluk Office, Karkal, S.K. I now seek a transfer to South Kanara for the third time under rule 22(c) of the Madras Ministerial Service Rules. The Rule states "Notwithstanding anything contained in rules 12 to 21 a probationer or an approved probationer may in special cases and on grounds of administrative necessity be transferred with the mutual consent of the appointing authorities concerned - (c) permanently from an office in one district to an office in another district. - Provided that a transfer under clause (c) shall be made only with the consent of the Commission."

4. The grounds advanced by the curator in the order petitioned against for

refusing to forward my applications for transfer are the tears and sufferings that are eating at the vitals of my life in Bhilloor. The personal grounds set forth in my petitions (copies enclosed) for a transfer are natural human afflictions likely to be experienced by any individual living at long distances from home, and which I had to experience in full at the risk of my health.

5. My hardships are chiefly financial worries and physical sufferings. Financially, with the pay of a lower Dn. clerk at Bhilloor I am unable to make both ends meet. I have to come home at frequent intervals either for reasons of health or to attend inevitable family functions that are taking place in a big family to which I belong. The expense of such long journeys coupled with the amount required to maintain myself and my family at Bhilloor are enough to drain my financial resources which is by no means great since my present pay including D.A. is only Rs 70-0-0 per month. At the same time I cannot cut myself adrift from my near relatives and live in isolation as I am now doing at Bhilloor. If the Govt. condescend to picture the life of a clerk living 500 miles away from home drawing Rs 70 p.m. with the concomitant physical and emotional strain, what I now submit will convince them as to the sincerity of my intentions. My sufferings are real and not imaginary. Added to the economic insecurity that is constantly haunting me at Bhilloor, physically

a climate of health. I have had hard and long legs
health. I have had hard and long legs to go on
Chittoor but my attempts were a failure
bringing me much physical suffering and
consequently I had to go on leave too often to
recoup my health. But if I work in South
Kanara with the same pay as I am now drawing
I shall be free from financial worries and
my health will improve rapidly. My native
place will certainly be conducive to my
healthy growth. I can devote all my energies
to work and to work alone, free from all
worries both financial and physical.

6. So I submit that I am an unhappy
individual at Chittoor and now seek a way
out of my ailments and grievances at the
hands of the Government having failed to
secure the same from the Curator. I am not
expecting from the Govt. any pecuniary aid or
any promotions. My only request is that
I may be transferred to South Kanara Dist.
on account of my real hardships. I place
my cards on the table of the Govt. just because
the present Government are keenly alive to
human sufferings and are trying to raise
the happiness and economic well-being of every
family. Hence I submit that my case may
be considered at least out of humanitarian
grounds apart from other considerations which
I am placing before the Govt. The Rule 22(c)
of the Madras Ministerial Service Rules quoted
para 3 above states that one may be
moved in special cases and on grounds

considered as
hardships. As regards
necessity, the Govt. have stated in a
that administrative necessity may be put
to exist in the case of mutual transfers.
it is not possible for me to get a mutual
transfer I submit that the provisions of the
may be equally applied to me.

7. The Curator has, perhaps, based
order petitioned against on the strength of
Circular of 1943 issued by the Madras Public
Service Commission to all the appointing
authorities. The Circular refers to the state
things existing in the Ministerial Service in 1943
and previous years. It has no reference to the
present conditions existing in 1948 in the
Ministerial Service. The conditions of life have
also changed beyond recognition since 1943.
There is a new Govt. with a new objective and
a new outlook is pervading the administration.
As such the circular issued by the Madras
Public Service Commission in 1943 on the question
of transfers may be considered in the light
of the present day conditions and in consonance
with the present policy and objective of the
Government. Further I now find it ^{difficult} to seek
fresh fields and pastures anew after having
served the Govt. all these 4 years at Chittoor
though it might be under difficulties.

Chittoor
Climate of Chittoor
Health
Chittoor

8. In this connection I beg to submit that I applied to the Collector of South Kanara for a transfer both in 1944 and 1947. The Curator was kind enough to forward my application of August 1944 to the Collector of Kanara recommending my transfer but the Collector refused to take me. (Copy of the Collector's order enclosed). Again in 1947 when I found, after living long in Chittoor, that I had become a physical wreck I again applied for a transfer to the Collector (copy of the application to the Collector is enclosed). The Curator refused to forward my application. (Copy of order enclosed). The Collector also passed orders on the copy of my application sent to him in advance stating that there were no sufficient grounds to consider my transfer. (Copy of the Collector's order enclosed). But the Collector has stated this year that the petition will be considered on merits. I understand that there are a large number of clerks working under Rule 9(a) in the Revenue Department in South Kanara as well as in other departments. This was not the case in 1943 when the Circular of the Service Commission mentioned in para 7 above was issued. Besides I know for certain that several clerks (some of whom I know) who were working in the offices

have been working in the
Collectorate since the reorganisation
by the Collector in 1944 and 1947.

9. To seek a temporary relief from my physical sufferings I requested the Curator once in 1944 and again in 1947 to transfer me to the Madras branch of the office, but the Curator turned down my requests. (Copies of the Curator's orders enclosed).

10. Though the Curator states in his order petitioned against that I am not surplus to requirements, I have still fears that I may not be permanently absorbed in the Record Office due to the retrenchment of certain posts in that office. Even so, since my ailments and grievances are too much for me to bear my transfer to South Kanara is a necessity for me.

11. Finally I beg to submit that the facts of physical sufferings and financial difficulties narrated in the foregoing paragraphs may be considered as factors converging on the sphere of public grounds. I humbly pray that the Govt. may be pleased to consider the circumstances of my case sympathetically and on humanitarian grounds and request that (1) either the Govt. may request the Curator to forward the

Climate of Bhilloor is not healthy
(2) The Govt. themselves may forward
the applications to the appointing authorities
South Kanara recommending them to
be transferred under rule 22(c) of
the Madras Ministerial Service Rules or

(3) I also humbly pray that since it is
possible for the Govt. to relax any rules how-
ever rigid they may be, the Govt. may
themselves pass orders on my case and order
my transfer to South Kanara Dist. into Revenue
or any other dept. after consulting the Public
Service or Revenue Dept. and the Madras
Public Service Commission.

(4) I also humbly request that I may
be transferred to the Fiska Dist. work in
S. Kanara after consulting the Fiska Dist.
Department since I am intensely interested
in that work as a villager.

Sd. B. Mahabaleshwar
24/9/44.

(True copy)

Collector of S. Kanara

To

The Secretary,
Public Service Commission,
Madras

Through

The Curator,
Madras Record Office
Bhilloor

and

The Collector of
South Kanara.

Dated 16.8.1944
Karkala.

Give,

I beg to submit that I selected
for appointment as clerk in the Madras
Ministerial Service in the Madras Record Office
Bhilloor in Commission's Memorandum No.
H201 E-4/44 a 9-2-44 and I joined duty
in the above office on 19-2-1944. I beg to
state that my brief spell of service in this
office has been subjected to breaks. The
obvious reasons are that the food and climate
of Bhilloor tell upon my health and the
of meals prepared in this place is having
deleterious effect upon my health. Being
bachelor and since Bhilloor is far
from my native district of South
no relative or any servant is with
me to Bhilloor and live with me. I
I am often falling ill and I cannot

Chittoor
once again I am on leave for
from 4-7-44 to 3-9-44 for reasons of
health.

Thus I am subjected to great hardships
and so I humbly request that I
may be transferred to the Revenue Department
in South Kanara District where I can discharge
my duties with great ardour and my difficulties
will be very much mitigated as I can have
homely food here.

I have got previous experience in the
Revenue Department since I worked in the
Sub Office, Karkal as clerk under rule 9(a) 1
months continuously from 19-6-43 to 16-2-44
appointed in South Kanara Collector's D. Dis
1001-43 or 16-6-43) and my health did not suffer
during this period. The concurrence of the
Commission to continue my services beyond 3
months was obtained in Commission's letter
306-C4-43-2 or 14-9-43 to the Collector of

South Kanara. My father has a large
to maintain and I have got five more
to get married and if I am transferred
I can be of use to my
a variety of ways. It seems that
working in the D.S.P.'s Office, Mantapur
I am being transferred to the Collector's
without any mutual transfer

9612/41
of the Collector
posted to Rev. Dept.
expiry of my leave on grounds of
family necessity.

Ed. B. Mahabaleshwar
Copy to the Secretary, Public
Service Commission, Madras.
Copy to the Collector, of South Kanara,
Mangalore.
(True copy)

B⁶
15/11/44
Enclosure 6
Copy of letter No. L. Dis 10024-44 dated
14th September 1944 from the Collector of South
Kanara, Mangalore to the Curator, Madras
Record Office, Chittoor.

Sub: Mahabaleshwar Rao Sri B - Officiating
L.D.C., Madras Record Office - Transfer to
South Kanara District - petition - Rejected
Sri B. Mahabaleshwar Rao is not regis-
tered here.

Encl- 1471A/44.
Madras Record Office
Chittoor, 18-9-44
Copy communication to Sri B. Mahabaleshwar
Rao officiating L.D. Clerk, Madras Record
Office (on leave) for information.

(Sd) B.S. Baliga
Curator
19-9-44
To Sri B. Mahabaleshwar Rao
offg L.D.C., M.O. (on leave)
S/O Sri B. Shankararayan Rao
Channarayana, Kerkundur village
P.O. South Kanara II.

Chittoor
climatic conditions
health
Chittoor
green mairagh
Chittoor

Sir,
Under rule 22(c) of the Madras
Ministerial Service Rules I beg to submit
this application through the proper channel
for a permanent transfer as a lower division
clerk in the Revenue Department of South
Kanara Dt., from the Madras Record Office. I
am an approved probationer in the category
of lower division clerks in office and have
been in a service of nearly 3 years. The date
of my first appointment in this office was on
2-1944. The reasons which have impelled
me to get back to my native place are
economic, physical and intellectual.

From the economic point of view all
my pay is spent in maintaining myself
and the little amount that is saved is spent
while going to my native place. Thus it is
not possible for me to put by any amount
for the rainy day, much less to support my
family. Even the upper division post that
I got during the last month is short-lived
and I have to be hanging on people who go
leave. There are remote chances of my
getting a permanent upper division post in
this office and so economic insecurity will be
haunting me at every step of my official
life in this office. It is impossible to make
ends meet with the pay of a lower division

Chittoor has wrecked my
been progressive deterioration in my
during the last 3 years. Eventually I have
work in Madras City but the cost of living
in metropolitan cities like Madras is far
much for persons of my standard who
inhabitants lie 500 miles away.

Intellectually my growth has been
so rapid in Chittoor as it was in my native
place where I was made. I am a lover of
intellectual life and I had succeeded in
leading an intellectual life in my native
place but in Chittoor the energy of my mind
diminishes and I find it difficult to lead
life of my desire and become unhappy.
After suffering personally in this far off
place I have come to realize that my output
of work will certainly be greater in my
native district and I will turn out a
potential clerk.

Finally I beg to submit that if I
am transferred to South Kanara, I will
be in happier circumstances and will
be able to do my work with great zeal and
enthusiasm and a happier frame of mind.
I have got previous experience in
Revenue aspect of administration that
I worked in Taluk Office, Karkal for 8 months
in 1943-44 under rule 9(a). I have

Ch...
climatic...
health...
South Kanara Dt. as a lower division
in the Revenue Dept.

Sd. B. Mahabaleshwar
Rao

The Collector of South Kanara,
Mangalore.

(2) The Secretary, Madras Public
Service Commission, Madras 8.

Enclosure 8

Madras Record
Office, Chittoor
29-7-1947.

1508A/47.

Memorandum.

Ref: Petition dated 18th July 1947 from
Sri B. Mahabaleshwar Rao.

Sri B. Mahabaleshwar Rao is
informed that his petition referred to
above cannot be forwarded to the Collector
of South Kanara.

He is also informed that the Auditor
expresses with great displeasure the line of
conduct pursued by him ever since he
was appointed in this office. He is warned
to behave better in future.

(Sd) B. S. Baliga
Auditor
29-7-47.

Sri B. Mahabaleshwar Rao
C/o B. Shankararayan Rao
Kukkundur Post,
Karkala, South Kanara Dt.

(True copy)

L.D. 9612/47.

Proceedings of the Collector,
dated 26-7-47.

J. F. Saunders, Esq., MBE., J.C.S.

Mahabaleshwar Rao Sri B - officiating upper
division clerk (on leave) Madras Record Office,
Chittoor - Petition for a transfer to the
Revenue Department in South Kanara Dt -
Orders passed.

Reas: Petition of 18-7-47 of Sri B. Mahabaleshwar
Rao S/o Sri B. Shankararayan Rao,
Shambhoger, Kukkundur, Karkala.

The Collector ^{does} ~~does~~ not find sufficient
ground to consider the petitioner's
request.

The petition is rejected.

(By Order)

(Sd) * * *
Huzur Shrivastava.

To
The individual
copy to the Auditor, Madras Record Office
Chittoor Post, Chittoor Dt.
Copy to A2.
(True copy)

15/11/47.

it.No.2775-A/48

Forwarded. The petitioner has complied with the procedure laid down in G.O.No. 1306, Public (Services), dated 7th August 1935.

2. The reasons why the petitioner's applications for a transfer to the South Kanara District could not be forwarded have been explained by me in my Endorsement No. 2326-A/48-1 dated 5th October 1948 disposed of by Government Memorandum No. 75281-48-G3-1, Edn., dated 28th October 1948. Attention is also kindly invited to Government Memorandum No. 10670 G.3/48-1 dated 14th April 1948 in which the Government passed orders upon a petition addressed to the Government by the petitioner's father and my Endorsement No. 1956-A/48-2 dated 30th September 1948 with which I forwarded an appeal preferred by the petitioner against my order imposing a penalty of stoppage of promotion upon him for bringing outside pressure to bear upon the Government for obtaining a transfer to South Kanara.

3. Only the following paragraphs of the memorial call for brief remarks:

p3 ante
Paragraph 3: The statements contained in this are typical of the language used by the petitioner in the numerous petitions and appeals submitted by him in the course of an officiating service of less than five years. This and the other paragraphs of the memorial will show that he is in the habit of exaggerating everything.

p3-4 ante
Paragraph 4: To question the procedure adopted by the Secretariat in dealing with his appeal, is outside his province and is a piece of impertinence. He is not the person to say whether the file ~~the file~~ should have been referred to the Public Department or the Madras Public Service Commission or whether it should have been circulated to the Hon'ble Minister. By questioning the procedure adopted by the Department he is casting a reflection not only upon the action of the Secretary to Government, Education and Public Health Department, but also upon the Government.

pages 4-7 ante
Paragraphs 5 and 6: The arguments advanced by the petitioner for a transfer to his native district can be advanced by everybody. There are two other clerks from the South Kanara district who were recruited at about the same time as the petitioner was recruited. They have never raised any of the objections raised by the petitioner till now. Nor have they pressed for a transfer to South Kanara. By saying that his interests lie 500 miles away the petitioner shows his lack of interest in this office. I may point out here that he was allotted to this office by the Madras Public Service Commission and that I had no choice in the matter. Again,

his

...appears to be
According to him private grounds are public

Paragraph 7: That there is no surplus hand in the posts of lower division clerks, one of which is held by the petitioner, is proved by the fact that even now there is a lower division clerk who has been appointed under the emergency provisions for want of candidates allotted by the Commission. The cases of the three individuals referred to by the petitioner are different. One of them had practically been on other duty for more than five years and, on account of his previous experience as a Rationing Officer, he was appointed by the Board of Revenue as a Special Officer for preparation enquiries at Tiruchirapalli. He had therefore to be relieved by this office. The second case is that of an upper division clerk. There is no dearth of upper division clerks in this office. The third case is one in which the individual was about to be reverted as a typist. His services could therefore be spared. If the petitioner is likely to be ousted at any time and if he applies for a transfer at that time I shall surely recommend his case to the Madras Public Service Commission. But as the rules stand as at present I am precluded from forwarding his applications.

Paragraph 8: The statements made in this paragraph involve wide issues which are entirely beyond the petitioner's province.

Paragraph 9: In this paragraph he is belittling the real facts. I invite attention to my endorsements and the Government memoranda referred to in paragraph 2 above, which show the real facts.

4. The personal file of the petitioner is now with the Government having been sent to them with my Endorsement No. 1956-A/48-2 dated 30th September 1948.

M. Mahalingam
CURATOR.
1-11-1948.

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

BR.

Read again
Mem. No. 75201-48-93-182 D. 2

From Sri B. Mahabaleshwar
clerk, M.R.O. Chittoor, Petn. dated 1/11/48
From the Curator, M.R.O.
No. 2775-A-4-48-dated 30.11.48

Order 1650 Edu. d/20.5.49
Ms.

The Curator's attention is invited to the remarks in his endt. cited above on the petn. from Sri B. Mahabaleshwar. The Curator has observed in Reg. to the clerk's Request for transfer to the South Kanara district. There are no public grounds such transfer. His attention is invited Rule 22 (b) of the Madras Ministerial Service Rules under which public grounds can be presumed to exist in the case of mutual transfers. He is informed that in view of this provision while it is open to him to agree or not to agree to the transfer there is no objection to the clerk's applications to the Board of Revenue in the South Kanara being forwarded for consideration, in order

*Summarizing
note on
page 89*

District
 Chittoor
 Climate of Chittoor
 health
 The petitioner is referred to the Curator for orders on
 in the light of these orders -
 2. The petitioner is referred to the Curator for orders on
 in the light of these orders -
 17.549
 To The Curator M.R.O.
 " Petitioner
 para 2
 of order only
 S.C. for
 8.7.

CRO 90077
 48.

Sub: PETITION TO HIS EXCELLENCY the GOVERNOR of MADRAS - Sri Mahabaleshwar Rao, Lower Division Clerk, M.R.O. - Transfer of Service to other offices - Request.

pages 1-12 y.

Ref: From Sri B. Mahabaleshwar Rao, Clerk, M.R.O., Chittoor, Petn. dated 15-11-1948.
 From the Curator, M.R.O., Endt. No.2775-A-48, dated 30-11-1948.

pages 38-40 y.

p.12 y.

Sri B. MAHABALESHWAR RAO, a lower division clerk in the Madras Record Office, Chittoor, has addressed a petition to His Excellency the Governor requesting that he may be transferred to the Revenue or any other department of Government in the South Kanara district, if necessary, after a relaxation of the Madras Ministerial Service Rules. The petitioner has availed himself of the ^{remedies provided under the} rules and orders applicable to his case. The petition has been submitted within the time allowed and relates to a matter which has not already been disposed of by H. E.

para 5 on p.4 y.

2. The petitioner was allotted to the Madras Record Office, Chittoor, by the Madras Public Service Commission in 1944, and has been working at that office from 19th February 1944. He is stated to be an approved probationer in the category of lower division clerks in the Madras Ministerial Service. His complaint is that ever since he began service at Chittoor, he has not been keeping good health, and that on several occasions he has had to take leave and go home to recoup his health.

para 5 on p.4 y.
 4-6 y.

pointed out that in view of his low salary he is unable to make both ends meet and could not live with his family at Chittoor, but that if he were to be on the same pay in South Kanara, he would be free from worries about his health and finances. In these circumstances he submitted through the Curator three applications on 2-9-1948, to the Collector of South Kanara, District Forest Officer, South Kanara and Commercial Tax Officer, South Kanara, for transfer to the South Kanara district under rule 22(c) of the Madras Ministerial Service Rules. The Curator, however, declined to forward these applications to the

para 2, p.2 y.

authorities to whom they were addressed. The reasons for this action of the Curator, as will be seen from the order dated 14th Sept. 1948, were that the petitioner was not sufficiently ill to require transfer.

Copy on p.22 y.

and that there were no public grounds for transferring the clerk to any other office in the district of South Kanara.

In a representation dated the 24th Sept. 1948, addressed to the Secretary to Government, Education and Public Health Department, the petitioner submitted that his "physical sufferings and financial difficulties" at Chittoor might be considered as "factors converging on the sphere of public grounds" and prayed that the Government might either ask the Curator to forward the three applications to the respective appointing authorities, and might themselves forward the applications recommending to the authorities to agree to his transfer. After considering the petitioner's representation and the remarks of the Curator thereon, a reply was sent to the petitioner from this Department in Memo. No. 75281-48-G3-1 Edn., dated 28th Oct. 1948, to the effect that the Government declined to interfere in the matter. The petition to His Excellency the Governor in the c.f. is now for a reconsideration of the orders of the Curator and of this Department. The petition is a verbose and lengthy one. Besides reiterating the grievances ~~concerning~~ ^{concerning} his health, financial insufficiency" the petitioner points out in the present petition that the orders of this Department must have been passed on the basis of the Curator's remarks and that it could be inferred that his case had not been fully considered by the Government in the Revenue or Public (Services) Department or in consultation with the Public Service Commission, or after a circulation of the file to the Hon'ble Minister concerned. The petitioner also remarks about the absence

of the expression "By order of His Excellency the Governor" at the end of Memo.

3. The Curator's comments on the petition will be found on pages 39-40 c.f. He has pointed out that the petitioner's statements are exaggerated and are typical of the language used by him in his numerous petitions and appeals in the course of an officiating service of 5 years, that the arguments advanced by him concerning his difficulties in Chittoor, could be addressed could be advanced by everybody and that there are two other clerks from the South Kanara district who have not raised any of the objections raised by the petitioner and have not asked for transfer to South Kanara.



276
28 JAN 1949
CHIEF SECRETARY
p4 y.
- vide A/35-36

③ Vide Sectt. Instruction
4 (1) & (3) - pages 12 & 13
2. B. No. 145-
Pp. 90-91,
BK. 112.

The Curator has stated that the transfer, cannot be deemed to be public grounds, but are only private grounds; that as the rules stand he is from forwarding the petitioner's applications and that if, at any time, the petitioner is likely to be ousted, and if he applies for a transfer then, he would recommend his case to the ^{Public} Service Commission.

4. As regards the petitioner's remarks concerning the Sectt. procedure in dealing with his petition dated 24-9-1948, he is right in his surmise that the case was not sent to Public (Services) Department and that it was not circulated. The points in his petition were clear and the remarks of Public (Services) were not necessary at that stage on any point. Nor was it necessary to trouble the Hon'ble Minister with a matter of this kind. (The Secretary, Education and Public Health Department is the head of the deptt. for the Madras Record Office and also the appellate authority in disciplinary matters concerning the petitioner.) ^{though the order in (A) was not passed by the Secy, in this capacity} With regard to omission of the words "By order of His Excellency the Governor" at the end of the Memorandum sent to the petitioner, it may be mentioned that these words are typed only in fair copies of Government Orders and not those of Memoranda.

5. Public (Services) may see the case for remarks on the points raised in the petition and also as to whether the circulation has to be made as instructed in their U.O. Note at 'B'.

PH. U.O. 2007703/48-1 Edn
22.1.49
(K)

"X" above: The attention of E. & P.H. may be invited to U.O. Note No. 2007703/48-1 Public (Services), dated 10-11-48 and they may be requested to indicate specifically the points or points on which the remarks of this department are required.

CNO: 249/49
5.2.49.
tho' Pub (Genl-B)
W.V. M' above.

Since the petition is addressed

I think that recently some M.L.A. or M.L.C. raised the question of appointing candidates in their native districts and we gave a reply setting out the position under the rules. Pl put up these papers.

There are no precedents for transferring probationers & approved probationers permanently from one Dt to another on personal grounds! I remember that in P.W.D. or some other dept a clerk succeeded in getting a transfer from the Ceded Dts for the reason that ever since he was appointed, he was not enjoying good health etc! Please put up these papers also. You can lay your hands on them easily.

"A" above:- The papers referred to are in G.O.Ms.No.135, Public (Services), dated 20-1-48 at (V). The reply given to the M.L.A. is at pp.17-18 of that G.O.

"B" above:- Submitted 'no'. [Attention, in this connection, invited to the Commission's circular of 1943 at pp.33-34 of Memo.No.75281-48-G.3-1, Education, dated 28-10-48 at (A).]

"C" above:- The papers referred to are in Memo.No.407, Public Works, dated 15-11-48 at (C). That case is one of temporary transfer of a permanent lower division clerk in the P.D. from Anantapur circle to Coimbatore circle.

It is true that in this case there are no public grounds for the departmental authority

viz. and transfer the petitioner from South Kanara, his native district. Refere is, however, solicited to the proviso to rule 22(b) of the Madras Ministerial Service Rules under which mutual transfers of approved probationers employed in different districts can be permitted if the persons concerned belong to the same community and if they agree to forego their seniority already acquired by them - please see ^{also} in this connection the second paragraph of our letter to Sri V.I. Muniswami Pillai on pp.17-18 of G.O.135, Public (Services), dated 20-1-48. For such mutual transfers ~~either~~ the concurrence of the Commission ^{and} the existence of "administrative necessity" ^{is required}. There ~~is~~ ^{is} will therefore, ^{be} nothing wrong in the Curator, M.R.O. simply forwarding the applications of the petitioner to the various appointing authorities in the South Kanara District and leaving it to those authorities to consider the applications, ^{in case} ~~if~~ any of their subordinates are ~~likewise~~ desirous of a transfer to the Chittoor District. Though the Curator, M.R.O. need not make any specific recommendation on behalf of the petitioner, he need not stand in the way of the latter exploring the possibility of getting a mutual transfer. If E. & P.H. agree, they may explain the position to the Curator and ask him to forward the applications from the petitioner to the authorities concerned ^{in the S. Kanara Dt} without making any recommendation.



Pulse (Ser) G.O. No. 278 / 49-1 d 15-2-49.

p. 193 -
ВКММ

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Public Gen, Dept

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14.3.49
16.3.49
The case relates to the petition of Sri. B. Mahabaleswar Rao, a Lower Division Clerk in the Record Office, Chittor, to H.E. the Governor requesting transfer to a Govt. Deptt. in his native district of South Kanara.

The petitioner, an approved petitioner in the category of lower division clerks, presented applications in September 1948 addressed to appointing authorities in South Kanara, for appointment to posts in that District.

The petitioner's case is that, ~~from since he started service~~ the climate of ~~the place~~ Chittor has affected him, making him fall sick frequently and putting him to unnecessary financial worries. The Curator, M.R.O., declined to forward the applications, as in his opinion the clerk was not surplus to requirements in the M.R.O. and as there were no public grounds for the transfer. The clerk requested Govt. for revision of the Curator's orders, but the Govt. declined to interfere. He has now submitted this petition to His Excellency.

Public (Ser) refer to Rule 22(b) Madras Ministerial Rules and observe that though the Curator cannot be forced to give his consent to the clerk's transfer, in this case, his attention may be drawn to this rule under which public grounds can be presumed in the case of mutual transfers and he may be asked to forward the applications, the Curator being left to agree or not to agree to the transfer.

Pub (Ser) U.O. IV
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orders.
29-3-49
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The suggestion of Public (Ser) accepted that the Curator be informed to take action under rule 22(b) which provides for mutual transfers.

H.M. (Edn.) 22.3.49
H.Pr. 12.3.49

A draft order is submitted for approval -

17.5.49

p-22 y

p-9 y

p-7 y

1P

This image shows a dark, heavily textured and damaged page, likely a flyleaf or endpaper from an old book. The paper is a deep charcoal or black color with a mottled, fibrous appearance. There are numerous small, light-colored spots and fibers visible throughout the material. Along the left edge, there are several small, irregular holes or tears, suggesting damage from insects or handling over time. The overall texture is rough and uneven, with some areas appearing slightly more worn than others. The page is set against a dark background, and the lighting highlights the texture and damage.