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# (1949) Department.

Mc. SERIES.

Proceedings: ~~G.O. No.~~ — 7 1728 Edn

Dated 26 — 5 — 45

(31)

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[Despatch Abstract.]

Translators' Department — Kannada Sectn

Sri. K. P. Jageshchandra Hegde, Junior Asst.

Appeal against orders of Punishment — Allowed.

## Back Papers.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
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## Further Papers.

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Madras.
12.9.48.

(1) (2)

GOVERNMENT SENIOR TRANSLATOR'S OFFICE
C. No. 364/48.
14 SEP 1948
MADRAS

From
K. Jagadeshchandra Hegde. B.A.
Junior Assistant in the
Office of the Kannada Translator to Govt.
Govt. Translators Department.
Madras.

GOVERNMENT SENIOR TRANSLATOR'S OFFICE
C. No. 2019
15 SEP 1948
MADRAS
15.9.48

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

Through:
The Kannada Translator to Govt. Madras
And.
The Senior Translator to Govt. Madras.

Sir,

Translators' Department – Proceedings No. 1337/48-1D/28.6.48 of the Off. Sr. Tr. to Govt. Madras – Injustice done to K.P.J. Hegde, B.A. Junior Assistant, represented and appeal petition submitted.

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I most humbly and respectfully beg to submit the following appeal for the kind and sympathetic consideration of the benign Government:-

As I was not keeping good health and as I was advised by my Doctor to take rest immediately, lest there should be complications, I applied for earned leave on 24.4.48 for 34 days supported by a medical certificate and left the city with the permission of the Kannada Translator to Govt. and joined duty on 31.5.48 forenoon supported by a fit certificate. On 1.6.48 at about 4 P.M. when I had already worked for two days, I received a memo which was dated 31.5.48. But was actually signed by the then officiating Senior Translator to Govt. on 1.6.48, saying that my action in having rejoined duty on 31.5.48 was invalid. Subsequently my initials in the attendance register were also scored out. When I represented to the Kannada

Translator that the Offg. Senior Translator to Govt was preventing me from marking my attendance in the Senior Office attendance register, the Kan. Translator was kind enough to open a separate attendance register for the Kannada section and reported the matter to Government for approval. On 15.6.48 charges were framed against me (vide Sr. Tr. Memo. No. 1188/48-2 of 15th June 1948) and with reference to these charges I submitted my explanation* on 21.6.48. But I received another memo. from the Offg. Sr. Tr. to Govt on 30.6.48 (vide Sr. Tr. Memo. No. 1337/48-1 of 28th June 1948) saying that the explanation was unsatisfactory and that the charges were found by him to be proved. As I felt from that memo. that the Offg. Sr. Tr. to Govt was prejudiced against me I submitted a report to him on 2.7.48 informing him that as he was very much prejudiced against me, I could not get justice at his hands and requesting him therefore not to pass final order in the matter but to keep the papers pending till the permanent Sr. Tr. to Govt returned to duty on 16.7.48. I had also stated therein that I wanted to make a personal representation in the matter to the permanent Sr. Tr. to Govt. I also submitted another Note to Offg. Sr. Tr. to Govt requesting him to grant me permission to represent my grievances personally to the Secretary to Govt in the matter; but permission was refused, as the Offg. Sr. Tr. to Govt was keenly bent on punishing me somehow or other. By way of punishment, my next increment was ordered to be postponed by 3 months#. After the return of the permanent Sr. Tr. to Govt., I represented to him my grievances in the matter on 29.7.48; but no order have been passed by him thereon upto till now. In addition to what I have stated in my detailed explanation already submitted to the Offg. Sr. Tr. to Govt, I beg

* Enc. (A). pp 9-10 infra

+ Enc (B) pp 11-13 infra

≠ Enc (C). pp 14-17 infra

Enc (F),

x. A memo. (No. 1615/48-2 of 3.9.48) has since been received from the permanent Sr. Tr. to Govt. which makes me feel that he is convinced of the injustice done to me and in which he regrets his inability to undo the wrong done to me.

# Enc (D). pp 18-19 infra

X Enc (E) pp 20-21 infra

to represent the following by way of clarification of some of the points referred to therein :-

Charge(1) :- It is alleged that I was using the office phone very often and for long intervals extending to about 15-20 minutes. In the first place whenever I used the office phone, I used to pay the usual charges for each call and secondly the register maintained in the Senior Officer for entering the unofficial calls will prove that the allegation is altogether baseless and incorrect. I sent a phone message on 21.4.48 and another on 24.4.48. The allegation in charge (1) was with regard to my phone call on 24.4.48. Altogether I used the office phone only twice during the period when the Offg. Sr. Tr. to Govt was in charge. The register maintained in the Sr. Office will prove this. Moreover telephone exchange does not allow anybody to use the phone for more than 3 minutes and the Offg. Sr. Tr to Govt says he had seen me using the phone frequently and he had also seen me talking in the phone for 15-20 minutes on each occasion. On the very face of it this statement is an exaggeration and is altogether unfounded. I was neither rude nor discourteous to the Offg. Sr. Tr. to Govt as alleged by him. The Offg. Sr. Tr's admission that he had permitted me to use the phone on that day itself proves that I was not discourteous to him. For if I had been discourteous to him he would not have permitted me to use the phone.

how?

Charges (3) and (4) :- My Madras address which has already been noted in the Sr. Office was also my leave address and I had made necessary arrangements to see that all communications sent to my Madras address were redirected to the place or places where I was staying during the leave period. ~~In other cases~~ On a memo. asking me to appear before the D.M.O. South Kanara is said to have been sent by ordinary post, to some other address

and I never ~~but I did not~~ received this memo. and I do not know what became of it and I cannot be held responsible for its non-receipt by me. In such cases the usual practice in the Office is to send the communications by registered post acknowledgement due but in the present case it was sent by the Sr. Office by ordinary post and I understand that the Offg. Sr. Tr. to Govt. subsequently called for the explanation of the Senior Office clerk for his failure to send the aforesaid communication to me by registered post. It would then be clear that if there is any fault in this case, it is with the Senior Office clerk and not with me.

Charge(s). — It is said that permission to rejoin duty would be refused to me in Memo. No. 1188/48-1 of 31.5.48 till I produced a fit certificate from the D.M.O. South Kanara, but I received this memo. of 31.5.48 only on 1.6.48 at 4 P.M. and I had already rejoined duty on the forenoon of 31.5.48 and so I could not produce the fit certificate from the D.M.O. Manjalore. I had signed the attendance register on the 31st May 1948 and also on the 1st June 48 as I was on duty but when I signed it on the 2nd May 48 also, I was neither under suspension nor on leave and if there was any intention of preventing me from working in the Office, the then Offg. Sr. Tr. to Govt. should have immediately issued order suspending me from 31.5.48 and until further orders But the allegation "he attempted to sign the attendance register every day subsequently for some days in defiance of the above orders" is altogether baseless, because the Senior Office attendance register itself shows that I did not mark my attendance in that register after 2.6.48, in that the Offg. Sr. Tr. to Govt. had drawn a red ink line against my name till the 15th June 1948 i.e. the date on which he had to hand over charge to the permanent Sr. Tr. to Govt and that is why a separate attendance register was opened by the Kannada Translator to Govt. for the Kannada

my initials were scored out by the Offg. Sr. Tr. to Govt. But he could not prevent me from initialling it, because

Section in anticipation of the Government's approval.

Charge (6).- It is said that the Offg. Sr. Tr. to Govt. had seen me many times loitering in the Senior Office, prying into Sr. Office files etc and a notice had been issued for this purpose and had also been shown to me. This is a very serious charge against me, though it is really altogether untrue and is only the outcome of his prejudice against me, because, I respectfully beg to submit that prior to my going on leave, I had served only for 8 days during the regime of the Offg. Sr. Tr. to Govt. and I had gone on leave from 24-4-48 but the notice referred to above was dated 26-4-48, and so the Offg. Sr. Tr's statement that the notice had been shown to me cannot be true.

Charge (7).- In this connection, I only submit that the charge, as it relates to the period long before the appointment of the Telugu Translator to Govt. as officiating Sr. Tr. to Govt., amounts to saying that the action of the permanent Senior Translator to Govt. in having granted me leave from 15.12.47 to 23.12.47 is irregular and shows clearly that the Offg. Sr. Tr. to Govt. was highly prejudiced against me and wanted to punish me somehow or other. Otherwise he was not justified in questioning the action taken by the permanent Sr. Tr. to Govt. long before the Telugu Sr. Tr. to Govt. took charge as Offg. Sr. Tr. to Govt. The Offg. Sr. Tr. to Govt. perhaps realised, rather too late, that the permanent Sr. Tr. to Govt. might be dissatisfied with himself his orders were to be questioned and that is why, he must have dropped this charge or else he would have certainly used his usual phrase "The explanation is unsatisfactory and so the charge is proved," in this case also.

Charge (8). — It is alleged that the leave which was on medical certificate was received and

managed, tantamounts to a serious reflection on the entire medical profession. This again proves that the Offg. Sr. Tr. to Govt. was highly prejudiced against me.

(A) Though I had applied for only 34 days' earned leave on medical certificate from 26.4.48; I have been granted 56 days' earned leave (~~without medical certificate~~) (34 days with m.c and 22 days without m.c in continuation of 34 days' leave) and 15 days ~~earned~~ unearned leave with ~~full~~ pay from 21.6.48 to 5.7.48. I submit that I had actually applied for only 34 days' earned leave on m.c. and after the expiry of this period, I had rejoined duty on the forenoon of 31.5.48. and I was actually working since then in the office of the Kannada Translator to Govt. Such being the case, I fail ~~to understand~~ understand under what rule, the Offg. Sr. Tr. to Govt can treat the period during which I was on ~~leave~~ duty as 'leave period'. I had not applied for any extra-ordinary leave. Moreover, though the Offg. Sr. Tr. to Govt. treated the period from 31.5.48 to 5.7.48 (during which period I was on duty in kannada section) as being the period of earned leave and unearned leave on full pay, I was paid leave salary (for the duty period) at the rate of full average pay for 56 days and half pay for 15 days. Though in the note the Offg. Sr. Tr. to Govt. had stated that he had granted me unearned leave for 15 days on full pay, in the acquittance roll, it has been stated that I was on leave on private affairs — during those 15 days. This sort of arbitrary orders, which are opposed to all rules on the subject have altogether upset me and I pray that justice may be done to me.

In conclusion, I humbly pray, that on a kind consideration of the above and also my detailed explanation separately submitted to

Offg. Sr. Tr. to grot. the benign Govt. may be graciously pleased to see that I am granted earned leave only for 34 days (i.e. from 26.4.48 to 30.5.48) and my action in having rejoined duty on the forenoon of 31.5.48 is approved and that the Offg. Sr. Tr's orders treating my duty period as leave period and postponing my next increment which accrues on 8.7.48 by 3 months are cancelled and to justice is done to me. I also pray that the half pay due to me for the 15 days (i.e. from 21.6.48 to 5.7.48) may be kindly ordered to be disbursed to me as early as possible.

Yours most faithfully,
K.P. Jagadeesan

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N. Dis C. No. 364/48-1.

Submitted through the Senior Translator to Government, for favour of orders.

2. The case to which this appeal petition relates is a very simple one. The facts of this case are briefly these, namely:

On the forenoon of 24-4-48, the petitioner, who is the Junior Assistant of this office, applied for 'earned' leave on average pay for 34 days with effect from 26-4-48 (Monday), on account of his illness and produced a medical certificate obtained from the Doctor who had been treating him; and again, on medical advice, he wanted to have a change of climate and applied for permission to avail himself of the leave in anticipation of orders and to leave the station on Saturday night (i.e., by the night train on 24-4-48). Immediately on receipt of the application, i.e., on the forenoon of 24-4-48, the undersigned forwarded the application to the then officiating Senior Translator to Government, and as no orders were received thereon

till evening that day, and as the petitioner wanted to leave the station immediately on doctor's advice, the undersigned permitted him to avail himself of the leave and to leave the station that night. On the forenoon of 31-5-48 the petitioner rejoined duty and produced a medical certificate in support of his fitness to rejoin duty; and ever since he has been attending to his duties in this Office and his work and conduct have been quite satisfactory.

3. In his proceedings No. 1337/48-3, dated 6-7-48 the then officiating Senior Translator to Government, however, ordered that the action of the petitioner in having rejoined duty on the F.N. of 31-5-48 was not valid, and that, therefore, he (Officiating Senior Translator) had granted him earned leave on full pay for 56 days (i.e., from 26-4-48 to 20-6-48) and unearned leave on full pay for 15 days (i.e. from 21-6-48 to 5-7-48) and that he (petitioner) would be considered to have rejoined duty only on 6-7-48.

4. The undersigned is not aware of any rules which permit the Senior Translator to Government either to extend the leave period of a government servant suo motu, particularly in the absence of a leave application for the extension of the leave or to treat the duty period ~~xxxxxxx~~ of a government servant (i.e. the period in which a government servant had actually worked in the office, under another officer) as the period of earned leave and unearned leave (both on full pay). Nor is the undersigned aware of any rule empowering the head of an office to prevent a government servant from rejoining duty after his leave period is over, even though a medical certificate of fitness is produced by that Government servant, while rejoining duty after the expiry of the leave period.

5. In these circumstances, the undersigned feels that an injustice has really been done to the petitioner in this case and that the order appealed against is altogether irregular. Hence the undersigned begs to recommend that this appeal may be allowed and the grievances of the petitioner may be redressed.

Madras,
14-9-1948.

Kannada Translator to Government.
4.9.48.

(A)

Confidential.

Office of the Senior Translator to Government, Madras.

MEMORANDUM No.1188/48-2, dated 15th June 1948.

Sri K.P.Jageshchandra Hegde, Officiating Junior Assistant in the Office of the Kannada Translator to Government, is asked to answer before 4 P.M. on Monday the 21st June 1948 the following charges which are hereby framed against him:-

(1) That when he saw the undersigned on the 24th April 1948 in connection with the permission he sought to speak in the phone he was rude and ~~x~~ discourteous in his replies to the undersigned;

(2) that he never told the undersigned when he saw him that day (24-4-48) that he was proceeding on leave supported by M.C. the same evening, having attended office fully prepared to proceed on such leave;

(3) That he disobeyed the orders of the undersigned issued to him in this Office Memo.No.950/48-2, dated 30-4-48 asking him to appear before the D.M.O. South Kanara, Mangalore, on the 6th May 1948 for the latter's report as to the veracity of the medical certificate he had produced from his medical practitioner at Madras as he was suspected to be malingering and the period of leave that would be required by him to recover from the illness if he was really suffering from any illness and that he disobeyed the reminder issued to him on 30-4-48 asking him to report whether he had appeared before the D.M.O. as directed in the original Memo.No.950/48-2, dated 28-4-48 issued to him;

(4) That when he was sent for on 31-5-48 to see the undersigned at 1-30 P.M. in regard to his joining duty without producing the required valid certificate from the D.M.O. South Kanara, as directed in this office Memorandum referred to above, he did not see the undersigned at that time or at any time subsequently and thereby again disobeyed the specific orders of the undersigned;

(5) that when he was not permitted in this Office Memo.No. 1188/48-1, dated 31-5-48 to rejoin duty on the expiry of the leave for not producing the required Medical Certificate, he signed the Attendance Register on 1-6-48 and attempted to sign the same on 2-6-48 and the following days and thereby disobeyed the orders of the undersigned;

(6) that he had been found unnecessarily remaining for sometime off and on almost every day in the Administrative Section of this Department without having any work therein with the ostensible object of prying into the files kept on the tables of the Establishment the aforesaid behaviour on his part having necessitated the issue of a notice by the undersigned that members of the Establishment should not unnecessarily linger in the Administrative Section and pry into files kept on the tables therein;

(7) that he had actively participated in the general strike of the M.C.Os of this Office who struck work between 15 the December up to 21st December 1947 but applied for leave feigning illness, supported by Medical Certificate for the period from 15-12-47 up to 23-12-47 with permission to avail the X'mas and New Year Holidays

and

and that, though on the day of the strike i.e., on 15-12-47 and up to 17-12-47 he was in a responsible position as Acting Assistant Kannada Translator, he did not apply for leave on 15-12-47, the day on which he absented himself or on any subsequent day till so late as 20-12-47 in order to escape the consequences that might result by contravening Section 8(1) of the Madras Maintenance of Public Order Act, 1947 as a Government servant as notified in G.O.No.S.1443-16/47, Public (General), dated 3-12-47, published in the Extra-ordinary issue of the Fort St.George Gazette dated 4-12-47.

(8) that he is generally closely working with the Kannada Translator to Government to disobey the orders of the undersigned and disrespect him otherwise and hinder the progress of the work of the Kannada Section and that of the Administrative work of the undersigned.

The Junior Assistant is asked to show cause why his next increment should not be stopped on the above charges being proved true;

If the Junior Assistant does not submit his explanation to the above charges by the due date, it will be considered that he has no explanation to offer and orders will be passed accordingly.

(Sd) K.Suryanarayana,
Senior Translator to Government.

To Sri K.P.Jagoshchandra Hegde, Junior Assistant(Kannada),
through the Kannada Translator to Government.

(True copy)
K.P.Jagoshchandra Hegde
12/9/48

(B)

Madras,
21-6-48.

To the Senior Translator to Government, Madras.
Through the Kannada Translator to Government, Madras.

Sir,

Reference: Senior Translator's Office Memo.No.1188/48-2, dated 15-6-48.

I beg to submit as follows:-

1. Neither I was rude nor was I discourteous in my replies to the Senior Translator to Government on 24-4-48. As a matter of fact I was as humble in my request for permission to use the phone as a subordinate like me should be and I still feel that it was my humble tone that secured me the required permission that day for using the office phone to send a private message, though I had to pay one anna as usual.

2. Since the application was already submitted to Senior Translator to Government I was sure that the Senior Translator to Government had come to know about it and that I would be informed if he had any objection to my leaving the station that night. Hence I did not tell him about it personally.

3. As already represented by me in my explanation submitted on 2-6-48 I did not receive either the Memo directing me to appear before the D.M.O.South Kanara or the reminder. Otherwise I would have certainly appeared before him, in obedience to Senior Translator's orders.

4. I never meant to disobey the orders of the Senior Translator to Government. I was detained by the Kannada Translator to Government in connection with the revision of an urgent proof and I never knew that I was required to see the Senior Translator the next day. Otherwise I would have surely seen him.

5. I joined office on the forenoon of 31-5-48 producing a fitness certificate from the doctor from whom I had produced the Medical Certificate which was attached to my leave application. The Memo declaring my action in having rejoined duty on 31-5-48(forenoon) as invalid, was dated 31-5-48 but it was actually signed by the Senior Translator to Government on 1-6-48 and it was received by me on 1-6-48 at about 4 P.M. On 2-6-48 I came to the Senior Office and signed the Attendance Register, as usual, because I did not clearly understand the above order of the Senior Translator. But because my initials in Attendance Register were scored out by Senior Translator, I stopped initially that Attendance Register thereafter. It would thus be seen that I had disobeyed the Senior Translator's orders. I however express my regret for having initialled the Attendance Register on 2-6-48.

6. I beg to submit that I never went to the Administrative Section nor was there any necessity for me to try to pry into the files of the Senior section. Besides, I am sure that the Senior Office clerk will never allow anybody to pry into

into the Senior office files and he is sure to report if anybody tries to do so and if he has reported at any time, I would have been asked to explain my action. If at all, I was found in the Senior Office at any time, it should have been to help the Senior Office Typist who found it difficult sometimes to read this office English manuscripts and who had sent for me to help him in reading the manuscripts (English drafts). It is a news to me that my behaviour at any time had necessiated the issue of any notice, and I have not been informed of such thing up till now.

7. I was ill and applied for leave as soon as I was able to get a Medical Certificate and I am sure the Kannada Translator to Government recommended the leave and the then Senior Translator to Government sanctioned it only after satisfying themselves about my bonafide regarding the leave application.

8. I submit, that I have not done anything to my knowledge either to disobey the orders of the Senior Translator to Government to disrespect him in any way. In fact I was probably the first man in this department who had gone to him to express my happiness on his elevation to the post of Senior Translator to Government and to congratulate him and express my respects to him on that account. Moreover to my knowledge I have not done anything to hinder the progress of the work either in the Kannada Section or in the Senior Section.

In this connection, I beg to submit that I am required to serve two masters - one the Kannada Translator to Government who is the sectional head and the other Senior Translator to Government who is the Administrative head - and I find it very difficult to serve them both, particularly because these two masters disagree between themselves. For instance the Memo asking my explanation is received by me through the Kannada Translator to Government and how can I be responsible for not communicated to me? Similarly how can I be responsible for charge (4) when I was detained by the Kannada Translator to Government? Hence I request that my relations with the Kannada Translator to Government and the Senior Translator to Government may please be defined so that I may safeguard my interests in future.

I again submit that I never intended to disobey the orders of the Senior Translator to Government or to show any discourteous to him. If I am given clear instructions by the Senior Translator to Government as to how I should behave in this office in future, I beg to give the assurance that I shall implicitly obey him and act according to his instructions, even though I would be forced to disobey thereby the instructions if any of the Kannada Translator to Government, because I am now convinced that even if the Kannada Translator wants to take any action against me, he cannot do so without the cooperation



and permission of the Senior Translator to Government.

I pray, therefore, that the Senior Translator to Government, may be graciously pleased to exonerate me from all these charges and to kindly sanction my earned leave and to kindly approx approve of my action in having rejoined duty on 31-5-48 (forenoon).

For which act of kindness and justice, I shall, in duty bound, be ever grateful to the Senior Translator to Government.

The most obedient servant of the
Senior Translator to Government.

(Sd) K.P. Jagoshchandra Hegde

Junior Asistant, Kannada Section.

(True copy)
K.P. Jagoshchandra Hegde
12/9/48

(c)

Confidential.

Office of the Senior Translator to Government, Madras.

Memorandum No.1337/48-1, dated 28th June 1948.

Subject: Translators' Department - Establishment - Sri K.P. Jageshchandra Hegede, Approved Probationer in the Office of the Kannada Translator to Government - Statement on the charge framed against him - Notice issued to him for a personal hearing on the findings made on the charges and and the proposed stoppage of his next increment.

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pp 11-13 ante

pp 9-10 ante

The explanation furnished by Sri K.P.Jageshchandra Hegde, Junior Assistant in the office of the Kannada Translator to Government to the charges framed against him in this Office Memo. No.1188/48-2, dated 15-6-48 have been considered by the Senior Translator to Government, and, as a result, the following findings have been recorded and are herewith communicated to Sri K.P. Jageshchandra Hegde.

Charge No (1). Sri K.P.Jageshchandra Hegde, Junior Assistant (Kannada) sent to the undersigned a chit on 24-4-48 for permission to speak on the office phone. This was not the first time he ever sought such permission. Very frequent had been his use of the phone and so the undersigned was obliged to send for him that day and tell him that the office phone should not be used by members of the office Establishment for private calls, except on rare and emergent occasions. On account of the frequency of his ~~xx~~ calls and also the time that he used to take in speaking on the 'phone, extending sometimes to 15 to 20 minutes, on each occasion, thereby disturbing the staff in the Administrative Section of the Senior Translator's ~~xx~~ Office, the undersigned found it necessary to put a stop to this kind of wastage of time on the part of the Junior Assistant to the detriment of his work, and also to that of the staff of the Administrative Section. The Junior Assistant was put out at the advice given by the undersigned and became enraged and began to talk in a rude and discourteous manner. The Senior Translator ~~xx~~ was obliged to send him away. The Senior Translator permitted him even at the commencement of the interview to speak in the phone for that day. His explanation is unsatisfactory and the charge is proved.

Charge No.(2). The Junior Assistant saw the Senior Translator to Government in connection with a telephone call at about 11-30 A.M.on 24-4-48. He had come prepared evidently with his Medical Certificate to proceed on leave that day; but he never told the Senior Translator that he was intending to go on leave from that day afternoon. Whether or not, his leave application was forwarded to the Senior Translator before or after he had seen the Senior Translator (the undersigned being the sanctioning authority), it was his duty to tell the Senior Translator about ~~xx~~ his ~~proceddxx~~ proceeding on leave. Actually, his leave application was received in this Office just before 5 P.M. that day. His explanation to this charge shows that he had evidently anticipated that the undersigned would object to his proceedding on leave, especially because the Section

after

after a long time, had just then had the full complement of the staff and the work was in heavy arrears. His explanation on this charge is unsatisfactory and the charge is therefore proved.

Charges Nos.(3) and (4): The Junior Assistant did not in the first place furnish his leave address in his leave application, as he ought to have done, but the Kannada Translator, on the return to him of the Junior Assistant's application to furnish the Junior Assistant's leave address, furnished it as "K.P.J.Hegde, Gerukatte P.O.Mulki, South Kanara" on 26-4-48. Since the Junior Assistant was suspected to be malingering, he was directed in this office Memo.No.950/48-2, dated 28-4-48 to appear before the D.M.O.South Kanara, Mangalore, and the above Memo was sent to his leave address as furnished above. The Junior Assistant in the explanation, dated 2-6-48 to this charge has stated that he was not at 'Gerukatte, Mulki P.O. except for a day' but that he had been moving to different places. That was how he was getting his "anaemia and general debility" treated, and that was how he was taking rest to recoup his health as advised by his doctor. Whatever his mode of treatment was, he ought to have made arrangments to get his tappals to the place where he was. He did not also furnish change of his address to this office, so that any communication from this office might reach him without difficulty. When the requisition sent to the D.M.O.South Kanara was received by him (the D.M.O.) it is quite unlikely that this Office communication issued to the Junior Assistant in this Office Memorandum No.980/48-2, dated 28-4-48 requiring him to appear before the D.M.O. South Kanara and the reminder thereto issued in Memo.No. 980/48-3, dated 18-5-48 did not reach him. Even if he had not given instructions to redirect his tappals either to the Postal authorities or to his people at Gerukatte, the Junior Assistant should have ascertained at that address before returning to duty on the expiry of leave, whether there were any letters for him. He was a public servant on leave and could have expected some communication or other from the Office at any time or at least orders on his leave application. If the communications sent to him were not redirected to him for want of adequate directions given to the postal authorities or to private individuals, it must be considered to have been due to his own fault. If, however, he had obtained the above-mentioned communications he might have straightway come to the sanctioning authority and told him how he could not get the communications in time to see the D.M.O.South Kanara. The reason for the failure of the Junior Assistant in not having seen the undersigned at 1-30 P.M.on 31-5-48 when he was sent for, is thus evident. He was at that time taking his food. Immediately after finishing



his food, he could have seen the Senior Translator, instead of taking shelter under his Translator who had countermanded the orders of the Senior Translator. He was aware that he was not permitted by his Translator to see the undersigned throughout the whole day of the 31st May 1948, and also was aware that the Senior Translator's direction was not obeyed, and, therefore, it was his duty to see the Senior Translator immediately he could do so, especially when the Senior Translator had remarked that the Junior Assistant did not see him at least the next day (i.e., on 1-6-48). He had admitted in his explanation, dated 4-6-48 to this Office Memo.No.1187/48-1, dated 3-6-48 by his silence to the first charge that he wilfully disobeyed in not seeing the Senior Translator soon after his food at 1-30 P.M. His explanation that the Senior Translator did not ask him to see him the next day is also unsatisfactory, because when the Senior Translator had expressed his wish that the Junior Assistant should see him in person at least the next day, the Junior Assistant should have understood thereby that the Senior Translator still desired that the Junior Assistant should see him. His explanation on charges No.(3) and (4) is quite unsatisfactory and the charges are proved.

Charge No.(5): The Senior Translator issued orders to the Junior Assistant through his Translator, in this Office Memo.No. 1188/48-1, dated 31-5-48 refusing permission to him to rejoin duty on 31-5-48 till he produced a certificate from the D.M.O.South Kanara. The Junior Assistant defied these orders and signed the Attendance Register on 2-6-48 as admitted by him in his written explanation dated 21-6-48 by which time, he confessed as having received the above orders. He attempted to sign the Attendance Register every day subsequently for some days in defiance of the above orders and had to be prevented from doing so by the Office Staff of the Administrative Section. His explanation that he did not understand the orders clearly is a lame excuse. So it is proved conclusively that the Junior Assistant flagrantly defied the orders of the undersigned. His explanation is therefore, thoroughly unsatisfactory. The charge is proved.

Charge No.(6): The undersigned had seen the Junior Assistant many times personally loitering in the Administrative Section of this Department without having any business therein. It was also noticed on many occasions that the Junior Assistant was prying into the files kept on the tables of the Administrative Section without anybody's permission. The Junior Assistant's coming into the Administrative Section to help the Typist, to read manuscripts to the Typist or to transact any official business, is not included in this charge. The Junior Assistant's behaviours necessitated the issue of stringent orders by means of a Notice hung up in the Office that members of the Office Staff should not without permission handle files kept on the tables in the Administrative Section or use the Type-writer and the Telephone without permission. The Junior Assistant was informed by this Office staff of the issue

of

of the Notice as ordered by the undersigned. It was also shown to him. The explanation of the Junior Assistant on the charge is unsatisfactory. The charge is proved.

Charge No.(7): The Junior Assistant absented himself fromx 15-12-47 up to 22-12-47 (both days inclusive) at the time when the members of the staff of this Department struck work on account of the General Strike of the N.G.Os for 7 days from 15-12-47. The Junior Assistant stayed away ~~for~~ for a further period evidently with a view to show that he was not involved in the strike and sent his leave application supported by a Medical Certificate only on 29-12-47 for Earned Leave to cover the entire period, so that he might escape the penalties imposed by Government on the strikers. His name was included among the strikers in the Office records. But as orders granting him leave for the period had already been passed, the charge is dropped.

Charge No.(8): As is seen from the explanation of the Junior Assistant on charges Nos.(2) to (5) and his behaviour, the undersigned is forced to come to the conclusion that the whole leave affair was conceived and managed by both the Kannada Translator to Government and the Junior Assistant with a view to throw the work of the Kannada Section into arrears and to find excuse for the non-submission of the Returns due to this Office, and to do all that was necessary to impede the administrative work of the Senior Translator's Office, by wilful disobedience to orders, disrespectful behaviour, and defiance, in general. The Junior Assistant's explanation on this charge is unsatisfactory. The charge is proved.

As it is proposed to impose the penalty of stoppage of the next increment of Sri K.P.Jageshchandra Hegde, Junior Assistant in the grade of Rs.70-2-100, under Rule 8 (iii) of the Madras Civil Services (Classification, Control and Appeal) Rules, and as the undersigned finds from the written explanation submitted by the Junior Assistant that all the charges except Charge No.(7) have been proved and the findings having been communicated in these proceedings, Sri K.P.Jageshchandra Hegde, Junior Assistant in the Office of the Kannada Translator to Government, is hereby asked to state whether he desires an oral enquiry or to be heard in person. Under Rule 15(b) (i) of the Madras Civil Services (Classification, Control and Appeal) Rules he is entitled to have any witness on his behalf called and cross-examine such witness at the oral enquiry if he desires to do so, which, if necessary, will be held at 3 P.M. on the 2nd July 1948. If the Junior Assistant does not desire an oral enquiry and wants to be heard in person, he may communicate his desire to that effect to the Senior Translator to Government before 12 noon on the 2nd July 1948 and appear before him at 3 P.M. the same day to be so heard in person.

(True copy) (Sd) K.Suryanarayana,
Senior Translator to Government.

K.P. Jageshchandra Hegde 1/7/48

(D)

Special.

Office of the Senior Translator to Government, Madras.

Proceedings of the Senior Translator to Government, Madras.

No.1337/48-3, dated 6th July 1948.

Subject: Translators' Department - Establishment - Sri K.P. Jageshchandra Hegde, Approved Probationer in the post of Junior Assistant in the Office of the Kannada Translator to Government - Final Orders on the charges framed against him - Issued.

- - - - - Read the following:-

(1) This Office Memo.No.1187/48-1, dated 3-6-48 and his Explanation thereto dated 4-6-48 forwarded with the Kannada Translator's Endorsement No.N.Dis.239/48-1, dated 4-6-48;

(2) This Office Memorandum No.1188/48-2, dated 15-6-48;

(3) Explanation of Sri K.P.Jageshchandra Hegde, dated 21-6-48 to the above Memorandum sent with Endorsement No C.256-A/48-1, dated 21-6-48 of the Kannada Translator to Government;

(4) This Office Memorandum No.1337/48-1, dated 28-6-48;

(5) Letter, dated 2-7-48 from Sri K.P.Jageshchandra Hegde, sent with Endorsement No.C.219/48-1, dated 2-7-48 of the Kannada Translator to Government.

(6) This Office Memorandum No.1337/48-2, dated 2-7-48;

(7) Letter dated 5-7-48 of Sri K.P.Jageshchandra Hegde, submitted with Endorsement C.No.279/48-1, dated 5-7-48 of the Kannada Translator to Government.

- - - -

Sri K.P.Jageshchandra Hegde, approved Probationer in the post of Junior Assistant in the office of the Kannada Translator to Government on whom charges were framed in this office Memo.No. 1188/48-2, dated 15-6-48, refused to avail himself of the reasonable opportunity given to him to answer those charges further, either by presenting himself for an oral enquiry or to be heard in person. Both these courses were afforded to him in this Office Memorandum No.1337/48-2, dated 2-7-48. But he has been persistently showing a defiant attitude instead of obeying the directions of this Office. This by itself indicates that the Junior Assistant has shown an attitude which is not only insubordinate but subversive of discipline His final letter dated 5-7-48 submitted through the Kannada Translator to Government supports the above view. The charges are fully proved against him and he should be dealt with severely on each of the several charges framed against him. But as he is at the threshhold of his career in this Department, the undersigned considers that a deterrent punishment though called for, may not be imposed and it would serve the purpose if a lighter punishment is meted out to him. It is expected that the Junior Assistant would conduct himself properly in future and eschew undesirable tendencies such as those stated above and do his best to work with an unflinching spirit of loyalty and devotion to duty.

2. The Senior Translator to Government has given

carefully into all the charges framed against the Junior Assistant and is convinced, as a result, that all the charges except Charge No.(7) have been proved conclusively against him and that under Rule 8(iii) of the Madras Civil Services (Classification, Control and Appeal) Rules, hereby orders that the next increment of Sri K.P. Jageshchandra Hegde, Junior Assistant, Office of the Kannada Translator to Government in the scale of pay Rs.70-2-100 which would accrue to him ~~xhxxk~~ shall be stopped for a period of three months from 15th January 1949. This order of stoppage of increment shall not have the effect of postponing the future increments in the post of Junior Assistant.

3. Orders having been now finally passed on the charges framed against him as stated in paragraph 2 of the above Proceedings, the undersigned now orders that from the date of this Order i.e., 6th July 1948, the period of earned leave applied for by him for 34 days from 26-4-48 and which was refused on certain grounds already stated in this Office Memorandum No.1188/48-1, dated 31-5-48 and his not ~~xixy~~ being permitted to rejoin duty with effect from 31-5-48 will be treated as follows:-

(1) Earned leave for 56 days from 26-4-48; and

(2) Unearned leave on full pay, for the period from 21-6-48 for 15 days, i.e., up to 5-7-48.

He is hereby permitted to rejoin duty on the fore-noon of 6-7-48.

(Sd) K.Suryanarayana,
Senior Translator to Government.

To
Sri K.P.Jageshchandra Hegde, Junior Assistant, through the Kannada Translator to Government.

Copy to the Kannada Translator to Government.

(True copy)
K.P. Jageshchandra Hegde
17/7/48

(E)

Madras,
29th July 1948.

To the Senior Translator to Government, Madras.

Through the Kannada Translator to Government, Madras.

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Sir,

Reference: Senior Office Memo.No.1337/48-3, dated 6th July 1948 postponing my increment by threex months.

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With reference to the Memo. cited above, I beg to submit that, as I was not keeping good heal**, I applied for earned leave supported by a medical certificate on 24-4-48 and left the city with the permission of the Kannada Translator to Government, Madras and rejoined duty on 31-5-48 supported by a fit certificate. Now, I humbly request you to kindly consider the following points and decide if the punishment imposed on me is just or whether it is not against all rules on the subject.

1. It is said that a Memo was sent to me to Mulki by ordinary post asking me to appear before the D.M.O. for a second medical opinion. I never informed the office or anybody that I would go to Mulki. On the other hand my address in the office was "199, Poonamallee High Road, Vepery, Madras" and I had made arrangements to get letters addressed to me at this address. Was it not the duty of the office to send such an important Memo (important at least to me) by registered post and to the address left by me at the office and hence it was the mistake of the office and not mine if it was sent by ordinary post and to some other address. Secondly I never thought that the Senior Translator to Government will object to my leave as it was earned leave on M.C. and not medical leave, and the Fundamental Rules require a second medical opinion only in connection with medical leave and not earned leave.

2. I joined duty on 31-5-48 forenoon and if there ~~xxx~~ was any objection to my joining duty, I should have been informed immediately. Instead the Memo. saying that my joining was not valid, though dated 31-5-48, was actually signed by the Senior Translator to Government on 1-6-48 and I received it at 4 P.M. that day. Hence these two days were spent on duty and how can this period be treated as leave. Besides when the Memo never suspended me and when I did not apply for any leave after 2-6-48, but as a matter of fact, I have been working in the Kannada Section with effect from the forenoon of 31-5-48 and have been marking my attendance in the Attendance Register of the Kannada Section because the officiating Senior Translator to Government did not permit me to mark my attendance ~~xx~~ in the Senior Office Register I cannot be granted unearned leave under any rules and I cannot be asked to earn that leave in future.

3. It is alleged that I frequently use the office phone and speak for 15 to 20 minutes (charge I in Memo.No.1337/48-1, dated 28-6-48). The register maintained in the office to enter the payment made for unofficial calls and the fact that according to rules the telephones exchange will not allow anybody to speak for more than 3 minutes are proofs against this charge against me.

4. As for charge 6th in the Memo.dated 28-6-48 I only submit that I have been working in this Department for more than 2½ years and no such charge was framed against me nor was I warned either by the Kannada Translator to Government or the permanent Senior Translator to Government for any such ~~xxxx~~ thing, because I am not accustomed to loitering about or prying into the files of Senior Office nor is there any need for me to do so. After the taking charge by the Officiating Senior Translator to Government I worked only for 8 days and how could he have seen me loitering many times within 8 days when no such remark was ever made against me by the permanent Senior Translator to Government during the last 2½ years. Besides, when a peon of Malayalam Section applied for leave without M.C. on 25-3-48 with effect from 30-3-48 and left on 25-3-48 for Negapatam (26th to 29th holidays) and a Junior Assistant of the Tamil section applied for leave without M.C.on 19-5-48 and was relieved the same evening and no objection was raised by the Officiating Senior Translator to Government, serious objection was taken by him to my proceeding on leave.

These things convinced me that any explanation given by me could easily said to be unsatisfactory and the charges said to be proved and I could be punished by the Officiating Senior Translator to Government ~~xx xxxxxxxxxxxxxx~~ and therefore, I requested the Officiating Senior Translator to Government to keep the papers pending till the permanent Senior Translator to Government rejoined duty or to permit to see the Secretary to Government, but my request was refused and I was punished.

I humbly request you, Sir, to go through the files and (1) sanction only 34 days leave applied for by me, (2) treat the rest of the period as duty (3) cancel the orders postponing my increment.

I submit that no pay has been drawn for me till now for the period from 25-4-48. I pray therefore, that you may be kindly pleased to issue necessary instructions to Senior Office and see that my arrears of pay and my leave allowance for the said 34 days (during which I was on leave) are paid to me.

Yours faithfully,

(Sd) K.P.Jageshchandra Hegde,
Junior Assistant (Kannada).

(True copy)
K.P. Jageshchandra Hegde
12/9/48

(F)

Office of the Senior Translator
to Government, Madras.

MEMORANDUM No. 1615/48-3, dated the 3rd September 1948.

Subject:- Establishment - Sri K.P. Jageshchandra Hegde, Junior Assistant (Kannada) - Postponement of his next increment by three months and grant of leave etc., -

Reference: His petition dated the 29th July 1948 forwarded with Endorsement No. N. Dis.C.310/48-1, dated the 29th July 1948 of the Kannada Translator to Government.

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With reference to his petition cited, Sri K.P. Jageshchandra Hegde, Junior Assistant in the Office of the Kannada Translator to Government, is informed that the permanent Senior Translator to Government is not competent to revise the orders passed by the Acting Senior Translator to Government in this Office Memorandum No. 1337/48-3, dated the 6th July 1948. The ex-acting Senior Translator to Government, to whom his petition was referred for remarks, has stated that he sees no reason to reconsider the orders already passed by him and that the expression 'Unearned leave on full pay' occurring in paragraph 3(2) of the Memorandum cited may be altered as "unearned leave on private affairs on half pay'. Sri K.P. Jageshchandra Hegde is therefore informed that the leave in question has accordingly been treated as such.

2. With reference to the concluding paragraph of his above petition, Sri K.P. Jageshchandra Hegde is informed that the leave salary due to him in respect of the period of leave granted to him in the Memorandum cited as subsequently modified has already been drawn and paid to him.

(Sd) N. Vinayakam Pillai.
7.9.48.
Senior Translator to Government

To

Sri K.P. Jageshchandra Hegde, Junior Assistant,
Through the Kannada Translator to Government.

(C O P Y)
K.P. Jageshchandra Hegde
12/9/48

CONFIDENTIAL.

Office of the Senior Translator to Government, Madras.

(17) 23

28/17.9.48

ENDORSEMENT No. 2019/48-1, dated 17th September 1948.

Subject: Establishment - Sri K.P.Jageshchandra Hege, Junior Assistant (Kannada) - Appeal dated 12-9-48 against certain orders.

C No. 562 A 17.9.48

Reference: Endorsement N.Dis.C.No.364/48-1, dated 14th September 1948 of the Kannada Translator to Government (22 pages).

- - - - - -

Referred to Sri K.Suryanarayana, Telugu and ex-Acting Senior Translator to Government, for remarks.

Senior Translator to Government.

To Sri K.Suryanarayana, Telugu and ex-Acting Senior Translator to Government.

C No. 562A/48-1 dt 28.10.48

Retransmitted to the Senior Translator to Govt. Kannada Translator's Endt N Dis C 239/48-1 dated 4.6.48 forwarding Sri Jageshchandra Hegde's Explanation to the Senior Translator's Memo No 1187/48-1 dated 3.6.48, which was returned to the Kannada Translator to Govt on 4.6.48 for supplying the year in the date below his signature has not yet been returned by the Kan Translator. It is a material record to state the case fully in connection with the present appeal. So, this appeal may be returned to the Kan. Translator to Govt for submission with the above record.

K.Suryanarayana
25.10.48
Telugu Translator to Govt (on leave)
Ex-Acting Senior Translator to Govt.

25.10.48 4.15 P.M.

GOVERNMENT KANARESE TRANSLATOR'S OFFICE
17 NOV 1948

CONFIDENTIAL

Office of the Senior Translator to Govt.

Endorsements No. 2019/48-3, dated 10th November 1948.

11-11-48

Retransmitted to the Kannada Translator to Government for compliance.

Senior Translator to Government.

T.T.O.

2. His attention is, in this connection, invited to the Acting Senior Translator's Note No. 1187/48-3, dated 14th June 1948.

K. Vijay 10.11.48

Senior Translator to Government.

To The Kannada Translator to Government.

GOVERNMENT SENIOR TRANSLATOR'S OFFICE C. No. 2443 11 NOV 1948 MADRAS

C. No. 440/48-1 dtd 4/4/48

Retransmitted to Senior Translator to government with all the enclosures.

2. The paper referred to in the then Senior Translator's note C. No 502-A/48-1 dated 25-10-48 is an important document to prove that the said offg. Sr. Translator [illegible] was treating the undersigned with utter discourtesy, during his regime as offg. Sr. Tr to govt and so, it cannot be returned. However, as he wants to know what it contains before submitting his remarks on Mr. Hegde's appeal to Government, a true copy of the aforesaid document dtd 4-6-48 is herein enclosed, in order to enable him to submit his remarks in this case. As he had already perused the said paper, he can easily know that the copy sent herewith, duly authenticated under the signature of the undersigned is a true copy thereof.

11.11.48

Madras
Dtd 11-11-48

Kannada Translator to Government

11/11/48.

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Office of the Senior Translator to Government, Madras.

Confidential.

ENDORSEMENT No. 2019/48-3, dated 13-11-1948.

Retransmitted to Sri K. Suryanarayana, Telugu and

(contd. in page 3)

Madras
4/6/48

GOVERNMENT KANARESE TRANSLATOR'S OFFICE C. No. 11 NOV 1948 MADRAS

From
K. Jageshchandra Hegde, B.A.
Junior Asst (Kannada)

To
The Senior Translator to Govt. Madras.
Through
The Kannada Translator to Govt, Madras

Sir,

Ref: Sr. Tr. Memo. No 1187/48-1 dt/3.6.48.

I beg to state that in your memo No. 1187/48 dt 31.5.48 it was nowhere stated that I must see you on 1.6.48 morning if not immediately.

your obedient servant
Sd. K.P. Jageshchandra Hegde
4/6/48

N. Dis C. 239/48-1
Forwarded.

Sd. K.M. Shetti
4/6
Kannada Translator to Govt
4.6.48

Returned for the supplying of the year

Compared with the original and found Correct-
H. Lakshyaprana Rao (Actg Tr. Asst)

Sd. ICS
4.6.48.

Madras 11.11.48

(True Copy)
11-11-48.
Kannada Translator to Govt

Sd 4/11

(19) 26

and Ex- Acting Senior Translator to Government (on leave) with a copy of the document in question.

H. Venkatarama
Senior Translator to Government.

To

Sri K. Suryanarayana, Telugu and Ex-Senior Translator to Government (on leave), No.32, Sadullah Street, T. Nagar, Madras. (copy enclosed)

Retransmitted for favour of return of the appeal together with the connected file for my remarks.

K. Suryanarayana
20.11.48
Ex Acting Senior Translator
to Govt

CONFIDENTIAL

Office of the Senior Translator to Government, Madras.

Endorsement No. 2019/48-4, dated 27th November, 1948.

Retransmitted with the connected file (bearing Sr. C. Nos. 1187/48 and 1615/48 and containing 68 pages) desired.

H. Venkatarama
27.11.48
Senior Translator to Government.

To

Sri K. Suryanarayana, Telugu and Ex-Ag. Senior Translator to Government (on leave),
No. 32, Sadullah street, T. Nagar, Madras.

Dis No.62/49
22-3-1949.

Retransmitted.

The delay in the undersigned offering his remarks is due to his having been on leave for some time and subsequently to the pressure of work in the Office.

The Senior Translator to Government was the authority to sanction leave to the appellant. He could have taken permission of the Senior Translator before proceeding on leave instead of availing it in anticipation of sanction as he was available on the spot. He actually

actually saw the undersigned on the forenoon of 24-4-48 bud did not inform him about his proceeding on leave the same day. Nor did he see him before he joined duty on 31-5-48 ~~xxxxxx~~ on the expiry of his leave. His joining duty was subject to the approval of the Senior Translator to Government. The appellant did not care to see him even when sent for. The Junior Assistant was asked in Memorandum No.1187/48-1 dated 3-6-48 (copy enclosed) Page 34 to explain why he did not see the undersigned when sent for at 1.30 P.M. on 31-5-48 soon after he finished his meals (as he was taking his meals at the time he was sent for). He did not reply to this charge in his explanation at page 25 of the appeal. His silence therefore, should be construed as an admission of his wilful disobedience of the orders of the undersigned to see him. Subsequently he took shelter under his Translator who prevented him from seeing the undersigned on the plea of urgent work while no work was urgent to him and he would not send any urgent translations called for or supply the periodical returns of work for months together. This sort of behaviour on the part of the Kannada Translator necessitated the undersigned making a request to Government to permit him to frame charges against the Kannada Translator to Government which the Government were pleased to accord.

Encl:I

The Kannada Translator has admitted most of the charges and the matter is now under the consideration of the Govt. in separate file.

The appellant continued to defy the Senior Translator to Government by not seeing him even subsequently until the undersigned handed over charge of the post of the Senior Translator to Government. When the undersigned had passed orders not permitting the Junior Assistant from joining duty he continued to sign the attendance register. He received the Memorandum in question on the 1st June 1948, but he signed the attendance register on the 2nd June also and attempted to sign subsequently (but was prevented from doing so by the

Senior



Senior Translator's Office) in utter defiance of the orders. The Kannada Translator opened a separate attendance register for him throwing thereby a challenge to the higher controlling authority. The Junior Assistant pleads prejudice on the part of the Senior Translator to Government after the charges were proved against him, but does not substantiate his allegation. He requested the undersigned to keep the issues pending till the permanent Senior Translator to Government returned to duty, though the offences were committed during the tenure of office of the undersigned as Senior Translator to Government.

He was given an opportunity to defend himself by personally appearing before the undersigned and explaining the charges even by examining any witnesses as provided in the Madras Civil Services (Classification, Control and Appeal) Rules. But he did not avail of it and asked permission to see the Secretary to Government.

The Junior Assistant reads too much of meaning into Memorandum No. 1615/48-2, dated 3-9-48 rejecting his appeal made to the permanent Senior Translator to Government and says that "he (the permanent Senior Translator) was sorry for the injustice done to him and for his inability to undo the wrong done to him". A perusal of the Memo (page 22 of the appeal file) would show that the Junior Assistant is out to read a meaning which is not there to suit his purpose. The permanent Senior Trabslator also was too painfully aware of the vagaries of the appellant to evince such sympathy for him.

The Junior Assistant's defence of charges framed against him is examined hereunder:-

Charge 1. The Junior Assistant represented that he spoke on the 'phone only on two occasions between the taking charge of the Office of the Senior Translator to Government by the undersigned and the Junior Assistant's proceeding on leave. These were the officially recognised calls as he paid charges therefor as for private calls.

He

He made other calls also ostensibly meant on behalf of his Translator. Further he was answering calls from others twice or thrice a day. He could easily prevent this by asking his friends who were numerous not to disturb him while in office. Somehow whenever the undersigned passed that way he used to find him at the 'phone and notice him also speaking for a long time on each occasion as stated in the charge. 3 minutes may be the rule but the appellant is one of the transgressers of the rule. Other details ~~are~~ are fully dealt with in the charges.

Charges 3 and 4.

The appellant's contention that his Madras address in the Senior Translator's office should be treated aa his address on leave is untenable because in his leave application dated 24-4-48 there was no indication that it should be treated so. The undersigned therefore felt it necessary to refer the application back to his Translator. The appellant cannot, therefore, say that correspondence to him was not addressed to his Madras address. The city addresses of Officers and establishment are noted in the Senior Translator's office only to send them any urgent work or send for them in connection with such work while they are on duty. His leave address (Gerukatte, Mulki P.O.S.Kanara) was furnished by the Kannada Translator to Government on the return of the leave application to him for furnishing the leave address of the Junior Assistant, which he should have done on good authority. The Junior Assistant cannot take refuge under the fact that the letters ~~were~~ addressed to him from this Office were not sent by Registered Post; ~~and~~ as the two letters which were addressed to the D.M.O.,S.Kanara in this connection were received by the said Medical Officer. Two letters addressed to the Junior Assistant to his S.Kanara address must have been received by him also. His statement that

the



the undersigned had called for the explanation of the clerk concerned for failure to send the aforesaid communication by registered post is an unfounded statement. The appellant is evidently seeking subterfuges.

Charge 5.

The Junior Assistant says at the outset thus: "It is said that the permission to rejoin duty would be refused to me in Memo.1188/48-1 dated 31-5-48 till I produced a fit certificate from the D.M.O.,S. Kanara". This is an incorrect statement since this statement would give the idea that he was not actually prevented from joining duty while the Memo quoted reads thus:"He is hereby not permitted to rejoin duty on 31-5-48 forenoon without his producing a valid certificate of his fitness to duty from the D.M.O.South Kanara." It was to ascertain from the Junior Assistant as to why he did not appear before the D.M.O.as directed in this Office Memo that he was sent for on 31-5-48, the date on which he returned from leave; but he wilfully failed to appear before the undersigned because he was guilty of disobedience to the Orders of the Undersigned to appear before the D.M.O,South Kanara. The Junior Assistant could join duty only on the express permission of the undersigned, he being the appointing authority. Till then he should be considered to have not joined duty. He should have straight away come to the undersigned and reported himself to duty. He did not appear before him even when sent for. So, he was not permitted to join duty, till he produced a fit certificate from the D.M.O. as the fit certificate obtained from a Madras Doctor was not considered valid in the circumstances.

p.38 infra. Page 35 last para

Charge 6.

The undersigned asked the Senior Translator's Office to show particularly to the Junior Assistant the draft of the 'Notice' and that was shown to him before he proceeded on leave on 24-4-48. Almost every day both when the undersigned attended office and left it he found the Junior Assistant in the Senior Translator's Office either

typing

typing private letters without permission or looking into files left on the table of the Senior Translator's Office or making use of the 'Phone or simply loitering there.

Charge 7.

This charge referred to by the appellant was dropped in the original order framing the charges by the undersigned. The language employed by the Junior Assistant is most discourteous to a controlling Officer and deserves to be taken notice of.

Charge 8.

The Junior Assistant came to the undersigned subsequent yo his handing over charge of the Senior Translator's office with the request that the undersigned might revise the orders of punishment passed against him and confessed to him that he proceeded on leave to his native place only to fix up a bride for himself but that, when asked for leave, the Kannada Translator to Government asked him to produce a Medical Certificate in support of his leave, as otherwise he (Kannada Translator to Government) would be questioned for the arrears of work in his office. The undersigned may be permitted to go behind even this confession and submit that the Junior Assistant's going on leave, at a time when there was heavy arrears of work in the Office of the Kannada Translator to Government and just then the latter had the full complement of the staff of his Section, the Kannada Translator was actually refusing to do any work called for by the undersigned on the plea of want of staff, must have been the result of a pre-conceived plan. Evidently both the Junior Assistant and the Translator entered into a pact whereby the Junior Assistant should go on leave in order that the Kannada Translator might continue to refuse to send any translation called for by the undersigned or returns due to him on the plea of want of staff.

So the Medical Certificate came in so that the Junior

Assistant



Assistant might leave office without the Senior Translator being able to stop him from taking leave in the interests of office work. The Junior Assistant appeared before the undersigned that morning (24-4-48) the day on which he proceeded on leave xx in connection with permission for a telephone call but never told the undersigned (the leave sanctioning authority) that he was proceeding on leave that very day. The application for leave was not sent to the undersigned till about 5 on the evening of 24-4-48, by which time the Junior Assistnnt had actually left the office. The Kannada Translator incorrectly stated in his forwarding remarks on the appeal that the leave application was forwarded to the undersigned on the forenoon of 24-4-48. The Junior Assistant behaved in a most irresponsible manner in not communicating his address while on leave and also when he was moving xxxxx from place to place while ostensibly under medical treatment for a serious ailment viz: Anaemia and general debility which in his own words as stated in his leave application never brooked even a day's delay in undergoing treatment and he was advised by his doctor "to take complete rest and treatment".

Since the Junior Assistant was not permitted to rejoin duty till he produced a fitness certificate from the D.M.O. as ordered, his absence from duty from 31-5-48 up to the date on which final orders were passed framing charges against him and getting his explanation therefor, was treated as leave and he was granted the leave for which he was eligible, for he never produced the fitness certificate required of him. There was no occasion to keep him under suspension. The Junior Assistant's plea that he was signing the attendance register xxxxxxx separately opened by the Kannada Translator to Government from 31-5-48 and that therefore it should be treated as 'duty' against the orders issued by the undersigned not permitting him to join duty from 31-5-48 till he produced a fitness certificate from the D.M.O. constitutes an utter disregard for and a negation of the authority of the Senior Translator, the administrative head of the

Department.

Department.

The language employed by the Junior Assistant consistently in his explanation to the charges originally framed by the undersigned and also that employed by him in his present appeal is most discourteous and defiant in tone to a controlling officer of the status of the Senior Translator to Government.

Every one of the charges framed and proved against the Junior Assistant deserved a more serious punishment than has been awarded to him for his grave misconduct. A lighter punishment was awarded to him in the hope that he would reform himself betimes and with the intention that he should not suffer from any serious consequences of a more severe punishment.

K.Suryanarayana 22.3.49
Ex-Senior Translator to Government. (To Engw Transl. & Govt)

To the Senior Translator to Govt.

CONFIDENTIAL

Office of the Senior Translator to Government, Madras.

Endorsement No.2019/48-6, dated the 14th April 1949.

MP 26-33 above

Forwarded to the Secretary to Government, Education and Public Health Department, Madras, with the remarks of Sri K. Suryanarayana, Telugu and ex-Acting Senior Translator to Government, against whose orders the present appeal has been preferred by Sri K.P.Jageshchandra Hegde, Junior Assistant in the Office of the Kannada Translator to Government.

2. It may be mentioned in this connection that the present appeal which is dated 12/14th September 1948 was not preferred within two months after the 7th July 1948, the date on which the order appealed against was communicated to the appellant through his immediate superior, the Kannada Translator to Government, as required in Rule 25 of the Madras Civil Services (Classification, Control and Appeal) Rules, and that the appeal could have been couched in a more polite language.

K.Suryanarayana 15/4
Senior Translator to Government.

SECT. SECRETARIAT 29657 16 APR 1949 EDUCATION AND PUBLIC HEALTH DEPT.

To the Secretary to Government, Education and Public Health Department, Madras.



Office of the Senior Translator to Government, Madras.

Memo.No.1187/48-1, dated 3rd June 1948.

Sri K.P.Jageshchandra Hegde, Junior Assistamt, Kannada Section is asked to explain why he did not see the undersigned when sent for at 1-30 P.M. on 31-5-48 soon after he finished his meals (as he was taking his meals at the time he was sent for). If he was not permitted by his Translator to see me till 5 P.M. that day, he is asked to explain why he did not see me next morning.(1-6-48). The explanation should be submitted before 5 P.M. on 4-6-48.

(Sd) K.Suryanarayana 3-6-'48.
Senior Translator to Government.

Despatched @ 3-35 P.M. 3-6-48.

To

Sri K.P.Jageshchandra Hegde, Junior Assistant(Kannada),
thro' the Kannada Translator to Government.

(A true copy)

K.Suryanarayana 22.3.49
Ex-Senior Translator to Government.

35 (24)

Special. Office of the Senior Translator to Government, Madras.

Memorandum No.1188/48-1, dated 31st May 1948.

Subject: Establishment - Sri K.P.Jageshchandra Hedge, Officiating Junior Assistant in the Office of the Kannada Translator to Government - Medical requisition - Failure to appear before the District Medical Officer, South Kanara - Explanation called for.

Reference: (1) This Office Memoranda Nos. 950/48-2, dated 28-4-48 and 950/48-3mdated 18-5-48; (2) This Office letter No.950/48-1 dated 28-4-48 to the District Medical Officer, South Kanara, forwarding a requisition for medical examination of Sri K.P. Jageshchandra Hegde; (3) Report from the D.M.O. South Kanara Mangalore Roc.No.151/Mc/48, dated 24-5-48; and (4) Endorsement No.C.225/48-1, dated 31-5-48 of the Kannada Translator to Government.

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Sri K.P.Jageshchandra Hegde, Officiating Junior Assistant (Kannada) who applied for earned leave for 34 days from 26-4-48 producing a Medical certificate from a Medical Practitioner at Madras was asked in this Office Memorandum No.950/48-2, dated 28-4-48 to appear before the D.M.O.South Kanara, Mangalore on 6-5-48 and a requisition was sent to him on 30-4-48 to his leave address in the South Kanara District at "Garukattee" Mulki P.O.South Kanara where he proceeded on leave. The D.M.O.South Kanara in his letter Roc.No. 151 /Mc/48, dated 24-5-48 reported that Sri K.P.Jageshchandra Hegde did not appear before him till 24-5-48 (the date of his letter). On 31-5-48 forenoon Sri K.P.Jageshchandra Hegde, has reported to duty producing a medical fitness certificate from a Medical Practitioner at Madras. This certificate cannot be held as valid in the circumstances stated. As he had failed to appear before the D.M.O.South Kanara, Mangalore on or after 6-5-48 as directed in this Office Memoranda Nos.950/48-2, dated 28-4-48, and 950/48-3 dated 18-5-48 sent to him at his leave address Viz: "Garukatte", Mulki P.O., South Kanara, it is apparent that he has failed to abide by the directions issued by this Office and is liable for disciplinary action. He is hereby asked to show cause not later than the 8th June '48 why disciplinary action should not be taken against him for failure to appear before the D.M.O.South Kanara for medical examination.

In the circumstances, the production of a medical fitness certificate other than a medical fitness certificate from the D.M.O, South Kanara who was requested to examine him and report ~~for~~ the period of medical leave that should be granted to him, is not valid and he is hereby not permitted to rejoin duty on 31-5-48 forenoon without his producing a valid certificate of fitness to duty from the D.M.O.South Kanara.

(Sd) K.Suryanarayana
Senior Translator to Govt 1-6-48.

Despatched at 2-45 p.M. on 1-6-48.

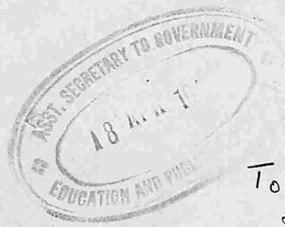
To Sri K.P.Jageshchandra Hegde, Offg. Junior Assistant, (Kannada)
Thro' the Kannada Translator to Government.

(A true copy).

K.Suryanarayana 22.3.'49
Ex-Senior Translator to Government.

Madras
16th April 49

From
K. P. Jagadishchandra Hegde.
Acting Additional Assistant Kannada Translator
Office of the Kannada Translator to Govt.
Madras.



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

28281

Through
(1) The Kannada Translator to Govt.
And
(2) The Senior Translator to Govt.

Sir,

Translators' Department - Establishment - K. P. Jagadishchandra Hegde (Petitioner) - Punishment - Appeal submitted on 14th Sept. 48 - Early orders prayed for.

Being highly aggrieved by the order* No. 1337/48-3 dated 6th July 1948, directing by way of punishment, that my next increment should be stopped for a period of three months from 15th January 1949, I submitted on 14th Sept 48 [that is about 7 (seven) months ago] an appeal to the Secretary to Government of Madras, Education and Public Health Department, through the Kannada Translator and the Senior Translator to Government, but I beg to submit that no orders have yet been passed thereon.

2. I pray, therefore, that the benign Secretary may be graciously pleased to redress my grievances and do justice to me, as early as possible.

Yours most faithfully,
(Sd). K. P. Jagadishchandra Hegde
Ag. Additional Asst Kannada Trans.
(Permanent Junior Assistant)

Madras
16th April 49

(A copy is being submitted to Government, please.)
Copy submitted to the Secretary to the Government of Madras, Education & Public Health Department, Fort St. George, Madras.
16.4.49

K. P. Jagadishchandra Hegde
Ag. Addl. Asst. Tr. 16.4.49
(Permanent Junior Assistant)

* Passed by Sri. K. Suryanarayana the then officiating Senior Translator to Government.

pp 1-7 ank

Duplicate of P.S. dated 39.

(26)

Madras
16th April 49

From

K. P. Jagesh Chandra Hegde.
Acting Additional Assistant Kannada Translator
Office of the Kannada Translator to Government.
Madras.

150/49.

16 APR 1949

To

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

Through

(1) The Kannada Translator to Govt.
And.
(2) The Senior Translator to Govt.

Sir,

Translators' Department – Establishment – K.P. Jagesh – Chandra Hegde (Petitioner) – Punishment – Appeal Submitted on 14th September 48 – Early orders prayed for.

Being highly aggrieved by the order® No. 1337/48-3 dated 6th July 1948, directing by way of punishment that my next increment should be stopped for a period of three months from 15th January 1949, I submitted on 14th Sept. 48 [that is about 7 (Seven) months ago] an appeal to the Secretary to Government of Madras, Education and Public Health, Department, through the Kannada Translator and the Senior Translator to Government, but I beg to submit that no orders have yet been passed thereon.

2. I pray, therefore, that the benign Secretary may be graciously pleased to redress my grievances and do justice to me, as early as possible.

Madras
16th April 49

Yours most faithfully,
K.P. Jagesh Chandra Hegde
Ag. Additional Asst Kannada Translator
(Permanent Junior Assistant).

® Passed by Sri. K. Suryanarayana the then officiating Senior Translator to Government.

Submission of advance Copies direct is contrary to the Rules.

(A copy is being submitted to Government, please.)

16.4.49

NDis: CNo. 150/49.

Submitted through the Senior Translator to Government Madras, in continuation of this office endorsement NDis CNo. 264/48-1 dated 14th September 1948.

Madras 2
16-4-49

Kannada Translator to Govt

P.T.O.

40

G2



CONFIDENTIAL.

Office of the Senior Translator
to Government, Madras.

Endorsement No.2019/48-7, dated the 17th April 1949.

29880

Forwarded to the Secretary to Government, Education and Public Health Department, Madras.

2. It is submitted that Sri K.P.Jageshchandra Hegde's appeal under reference was forwarded to Government with this Office Endorsement No.2019/48-6, dated the 14th April 1949, together with the remarks of Sri K.Suryanarayana, the then officiating Senior Translator to Government, against whose orders it had been preferred.

H. Srinivasa Rao

Senior Translator to Government.

To the Secretary to Government, Education and Public Health Department, Madras.

Translators' Dept. - Kannada Section - Appeal
Sri K.P. Jageshchandra Hegde, Junior Asst. against orders of punishment - Allowed.

Papers 1-7 of From Sri K.P. Jageshchandra Hegde Rptr
Dr 12.9.48 and 16.4.1949.

Asst 26/5 p 33 of From the S.T.G. End. No. 2019-48-6 dated 14.4.49.

p 40 of From the S.T.G. End. No. 2019-48-7 dated 17.4.49.

Proceedings: G.O.Ms. 1728 Edn. dated 26.5.49

papers 1-7 of After a perusal of the appeal preferred by Sri K.P. Jageshchandra Hegde, Junior Assistant, Translators' Dept. and a careful consideration of the points raised

Raised in the several charges framed against him, I am of opinion that the punishment imposed on him in the Senior Translator's Proceedings No 1337-48-3 dated 6th July 1948 was not justified. I hereby allow the Junior Assistant's Appeal —

2. The Senior Translator is informed that as the Junior Assistant joined duty on the 31st May 1948, on return from leave, the orders already passed on the Junior Asst's application dated 24th April 1948 for leave with m.c should now be modified, allowing him the leave for the period actually applied for —

DM 25/5/49

Lh 24549

pages 18-19 cf.

p 133 of Madras Secretariat Manual Vol I — Bk Roll 2 —

pages 18-19 cf.

p 1 cf

Just on p 33 y

pages 20-21 cf

p 19 y

p 22 y

pages 9-10. y

p 9 y

p 9 y

p 9 y

p 9 y

(28) E.& P.H.(G2).

C.No. 29657/49. TRANSLATORS DEPARTMENT - Appeal - Sri K.P. Jageshchandra Hegde, Junior Asst.(Kannada) against the orders of the S.T.G.

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From Sri K.P. Jageshchandra Hegde, appeal petition dt.12-9-48.
From the S.T.G., Endt. No. 2019/48-6, d/14-4-49.
From -do- 2019/48-7, d/17-4-49.

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This is an appeal from Sri K.P. Jageshchandra Hegde, Junior Asst. in the Translator's Dept. against the orders of the Senior Translator to Govt., No. 1337-48-3, dated the 6th July 1948, stopping the appellant's increment for a period of 3 months from the 15th Jany. 1949. The Secy. to Govt., E.& P.H. Dept. is the appellate authority in this case.

2. The proceedings of the Senior Translator are dated 6th July 1948 and were apparently served on the appellant at least on the 8th. The appeal is dated 12-9-48. As it has been preferred a few days after 2 months elapsed after the date of the orders (6-7-48), the S.T.G. states that the appeal is time-barred. It may be stated, however, that the appellant submitted a petition to the Senior Translator on the 29th July requesting a reconsideration of his orders of punishment. The Senior Translator's reply to this petition (p. 22 c.f.) is dated 3-9-48. In view of this subsequent representation and reply, there seems to be no objection to treating the appeal as having been in time, and dealing with it on merits. This point is for orders.

3. The incident arose out of the appellant's application for leave for 34 days with m.c. in April 1948 and his conduct in having left the place without the orders of the S.T.G. on the leave application. The S.T.G. framed the following charges against the appellant:-

(1) That when he saw the undersigned on the 24th April 1948 in connection with the permission he sought to speak on the phone, he was rude and discourteous in his replies to the undersigned;

(2) that he never told the undersigned when he saw him that day (24-4-48) that he was proceeding on leave supported by M.C. the same evening, having attended office fully prepared to proceed on such leave;

(3) That he disobeyed the orders of the undersigned issued to him in this Office Memo.No.950/48-3, dated 28-4-48 asking him to appear before the D.M.O., South Kanara, Mangalore, on the 6th May 1948;

(4) That when he was sent for on 31-5-48 to see the undersigned at 1-30 P.M. in regard to his joining duty without

without producing the required valid certificate from the D.M.O., South Kanara, as directed in this office Memorandum referred to above, he did not see the undersigned at that time or at any time subsequently and thereby again disobeyed the specific orders of the undersigned;

(5) that when he was not permitted in this Office Memo. No. 1188/48-1, dt.31-5-48 to rejoin duty on the expiry of the leave for not producing the reuired Medical Certificate, he signed the Attendance Register on 1-6-48 and attempted to sign the same on 2-6-48 and the following days and thereby disobeyed the orders of the undersigned;

(6) that he had been found unnecessarily remaining for sometime off and on almost every day in the Administrative Section of this Department without having any work therein with the ostensible object of prying into the files kept on the tables of the Establishment;

(7) that he had actively participated in the general strike of the N.G.Os. of this Office who struck work between 15 December and 21st December 1947 but applied for leave feigning illness, supported by Medical Certificate for the period from 15-12-47 up to 23-12-47 with permission to avail the X'mas and New Year Holidays;

(8) that he is generally closely working with the Kannada Translator to Government to disobey the orders of the undersigned and disrespect him otherwise and hinder the progress of the work of the Kannada Section and that of the Administrative work of the undersigned.

The Junior Asst. was asked to show cause on the basis of the above charges, why his next increment should not be stopped. In his reply dt.21-6-48 (copy found on pages 11-13 c.f.), the appellant denied all the charges except that relating to the signature in the Attendance Register, which he admitted; and observed that he never intended to disobey the orders of the Senior Translator, but wanted clear instructions from him as to how he should behave in the office. The S.T.G. recorded his findings on the charges, to the effect that all of them except item (7) were proved and dropped charge No. (7).

4. The several charges against the Junior Asst. are briefly dealt with below:-

Charge (1). The appellant denies the charge. The offg. S.T.G. spoke to the appellant admonishing him in respect of the frequent use by the appellant of the office telephone. Apparently the Junior Asst. did not relish the Senior Translator's admonition in that regard. From the tone of the appellant's replies to the charges, it can perhaps be surmised that he showed resentment at being told not to use the office telephone often. There is no reason, in any event, to disbelieve the S.T.G's statement that the appellant showed rudeness. Such an attitude



(29)

attitude on the part of a subordinate towards the head of the office is subversive of discipline. The finding may be accepted.

Charge (2). This charge is based on facts which are not denied by the appellant. It is clear that the appellant, for some reasons, did not tell the officiating Senior Translator when he saw him on 24th April 1948, that he had already applied for leave and was leaving for his place that very night. The application for leave was presented to the Kannada Translator by the appellant on the 24th April. The Offg. Senior Translator states that it reached his office at 5 P.M. that day; and on that night the appellant left the place. The appellant should have seen the Senior Translator and explained to him the urgency of his affairs and sought his permission to leave the station in anticipation of final orders on his leave application. This seems to be a serious omission and shows lack of courtesy to the head of the office. The finding may be accepted on this charge too.

Charge (3). This charge has arisen because of the failure of the appellant to furnish his leave address in his application for leave. In the absence of that address, the memo. of the S.T.G. asking the appellant to appear before the D.M.O., South Kanara did not reach the appellant. There does not appear to any question of disobedience in this context.

Charge (4). Even though the Senior Translator asked the appellant to see him on 31.5.48, the appellant did not choose to see him. According to the explanation the Kannada Translator detained the appellant and so the orders of the S.T.G. could not be complied with. This is probably true, but it seems to be incumbent upon the appellant to see the S.T.G. even without his calling for him, on his return to duty, and this was especially necessary in his own interest in view of the fact that no formal orders granting him leave had been received by him till then.

Charge (5). When asked to produce the certificate of fitness on rejoining, the appellant does not appear to have offered any explanation of his action, so as to convince the S.T.G., but seems to have attempted to defy him.

(PTO

Charge (6). The charge of "prying into" the files of the administrative section does not seem to be a serious one, unless the appellant has attempted to gain knowledge of confidential matters, in an unauthorized manner. This does not seem to be the case.

Charge (7). This charge has been dropped.

Charge (8). This is too vague to form the subject matter of a separate charge.

5. In his appeal the Junior Asst. does not substantially add to the explanation which he has already offered in his reply to the memo. of charges. On the points made in the appeal the Telugu Translator who was then Senior Translator has offered remarks. The appellant states that the Senior Translator was bent upon punishing him. It is hard to believe this, but even so, it will be seen from the facts of the case that the appellant has adopted an attitude towards the S.T.G., which was subversive of discipline. It is clear that the appellant's failure to take the permission of the S.T.G. for leaving the station prior to the passing of formal orders on his application or for rejoining duty was encouraged, if not connived at, by the Kannada Translator. This is clear from the facts relating to charges (1) and (4) and the opening of a separate Attendance Register for the Kannada section contrary to practice. (In view of the strained relations between the Kannada Translator and the S.T.G., the former made a number of wild statements concerning work in the Translator's Dept. on the basis of which charges were framed against the Kannada Translator and from it is proposed to award a censure to him). The findings on charges (1), (2), (4) and (5) seem to be sufficient justification for the punishment. In the interest of discipline in the office, there does not appear to be any need for interference. The point is for orders.

6. There remains the question of the orders relating to leave to the appellant. The appellant applied for earned leave with m.c for 34 days from the 24th April 1948, on which date he attended office, but left the station without obtaining orders on his application and without the permission of the S.T.G. He had not given his address during leave when he left the station. When he rejoined duty on 31-5-48, he again did not seek



(30)

seek the permission of the S.T.G. to rejoin. Naturally it was thought that the appellant had been wilfully disobeying orders. In the meantime charges were framed against the Junior Asst. and the S.T.G. has actually passed orders granting leave upto the date of the final orders imposing punishment, that is, 6-7-1948. The appellant appears to have been actually functioning from 31-5-48. In the circumstances of the case, however, the S.T.G. may be asked to revise his orders so as to grant the appellant leave with m.c for 34 days, as applied for by him.

The case is submitted to J-5 for orders.

16.5.49. 17/5/49 JS

On reading the explanation of the Junior Assistant and the comments of the Telugu Translator who was officiating as Senior Translator, I am compelled to come to the conclusion that this is a simple case of personal bickerings in which authority has been used to punish the Junior Assistant Of the five charges held to be proved not one is of any importance. The proof also is rests only on the testimony of the Telugu Translator which has to be accepted with caution in view of his relations with the appellant.

The first charge that the appellant was using the telephone frequently is of no importance as payment for the calls has to be made in any case. If the appellant was neglecting his work it was for his own superior officer, the Kannada Translator, to object which he does not appear to have done. The question of discourtesy, if any, would depend on whether the Translator was right in objecting to the use of the telephone and then permitting it as he had done.

Charge (2) that the appellant did not leave the correct address falls to the ground because in the absence of any indication to the contrary, the address already given should have been accepted instead of finding out from the a third party the address at which the appellant may be. The

himself
Telugu Translator is/to blame that he did not address the letters to the address given by the appellant. This also disposes of charge (3).

Charge (4) is that the Junior Assistant did not see the Senior Translator on return to duty. This charge also falls to the ground because the immediate superior of the Junior Assistant, the Kannada Translator, admits that he detained the appellant. In any case, there is no rule that an official should personally report his return to duty to the Head of the office.

Charge (5) that the Junior Assistant did not produce a certificate of fitness from the D.M.O., South Kanara is an absurd one. When the appellant was in Madras he could not obviously go back to South Kanara to obtain a certificate of fitness.

In the result I accept the appeal and also ask the permanent Senior Translator to revise the orders of leave granted to the appellant so that the leave may actually correspond with what the appellant asked for and with his actual presence in the office on 31-5-48.

24/5

Draft Proceedings below are for approval.

24.5.49.

DSM 25/5/49 S

26/5