

Chung

Sept. 11-27-80, 904-17-11-28.

Sept

(1949) Department.

PL

SERIES.

G.O. NO.

1826 Edm

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Dated

3/6/4

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[Despatch Abstract.]

Memorandum to the Government of the Philippines
to be used for the purpose of the
operation of the Government of the Philippines -

Appendix

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

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

Serial number. (1)	Nature of record. (G.O. (Ordinary or Routine). Memo-randum. En-closure. Draft official. Lodged papers, etc.) (2)	Number. (3)	Department. (4)	Date. (5)	Whether Original (O), Sp. copy (S.C.) or Sp. copy with Notes (S.C.N.) (6)	PURPOSE.		If not furnished reasons. (9)
						Current number. (7)	Year. (8)	
	G.O.	142	Pub. (Dep't)	28.5.53.	O	1888	53.	

Date 18.6.53.

Received the abovementioned records except items

R. S. Sudarany
U.S.C., Pub (Sept 1951)
R. S. Sudarany
U.S.C., Pub (Sept 1951)
[P.T.O.]

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Special Instructions for filling in the form of requisition.

Sectt. II-70

1. Records relating to more than one department should not be asked for in the same form.
2. A requisition for confidential records must be signed by the Superintendent of the department to which the records belong; receipt of such records must be acknowledged by the Superintendent of that department.

Office of the Director of Public Instruction, Madras.
R.O.C. No.123 C2/49 dated 26th February 1949. (2)

Sub: Memorial of Sri Bh. Satyanarayana to His Excellency the Governor requesting restoration of his probation in the combined category of Deputy Inspector of schools and School Assistants. Memorial dated 21-12-48 of Sri Bh. Satyanarayana to His Excellency Governor.



Submitted. (K)

2. Attention is invited to G.O. No.Ms.977 Education dated 26th April 1948 disposing of a similar request from the Memorialist.

3. The following remarks are submitted on the several points raised by Sri Bh. Suryanarayana in his present memorial:-

(i) The appointing authority in the case of Deputy Inspectors of schools and School Assistants is the Deputy Director of Public Instruction (Personnel) (now the Joint Director) - vide annexure I referred to in rule 3 of the Madras Edl. Subordinate service. The authority who is competent to impose any of the disciplinary punishment in the case of Deputy Inspectors of schools and School Assistants is the Deputy Director of Public Instruction (Personnel) (now the Joint Director) - vide appendix to the Civil Services (Classification, Control and Appeal) Rules. Though the proceedings posting Sri Bh. Satyanarayana as Deputy Inspector of schools were issued in the name of the Director of Public Instruction, the office note and the draft of these proceedings were actually approved by the Deputy Director of Public Instruction (Personnel) only. The Memorialist's statement that the Deputy Director of Public Instruction (Personnel) is not the appointing authority in his case and that the orders terminating his probation were ultra vires and invalid is incorrect.

(ii) Under rule 239(a) of the Madras Financial Code - Vol.I - advances of pay and/or travelling allowance can be granted to a government servant who receives an order of transfer during duty or leave. The advance of transit travelling allowance should be recovered in full in the government servant's travelling allowance bill for the journey in question. The government servant should present this bill as soon as possible and if the amount of the bill is less than the advance, he should refund the balance in cash at once. These advances are sanctioned with a view to help the government servant to join the new post expeditiously without any financial difficulty. In the case under reference, Sri Bh. Satyanarayana obtained an advance of transit travelling allowance viz., Rs.100/- in April 1946 in connection with his transfer as Deputy Inspector of schools from Bhadrachalam to Bimlipatam. But he went on long leave without joining the new post and this leave exceeded four months. He joined duty as Personal Assistant in the District Edl. Officer's office, Bellary in September 1946. The rule does not make any provision for the grant of an advance of transit travelling allowance to a government servant who goes on leave exceeding four months subsequent to the receipt of the orders of transfer or for the retention by the government servant, during leave, of any advance of transit travelling allowance already drawn after the receipt of the orders of transfer. His action in not having refunded the advance of transit travelling allowance immediately when he went on leave is irregular.

(iii) In his Memo. D.Dis.No.2703/46 dated 25-5-46 (copy enclosed), the Special Assistant Agent, Bhadrachalam informed Sri Bh. Satyanarayana that he was to have refunded the amount the moment he made up his mind to apply for leave. Even after the receipt of this order, he did not refund the advance. Again in this office proceedings C.No.7767 C6/46 dated 30-9-46 (copy enclosed), the Dist. Edl. Officer, Bellary was requested to report whether Sri Bh. Satyanarayana had refunded the advance of transit travelling allow

drawn by him. To this, the Deputy Inspector replied that the advance taken by him would be adjusted towards his transit travelling allowance bill from Bhadrachalam to Bellary in the usual way and that the question of refunding the advance taken by him 'does not arise'. It is only the effect of the ~~advance~~ steps taken to recover the amount of transit travelling allowance from him that made him adjust the amount. His non-payment of the advance of transit travelling allowance at the proper time resulted in the termination of his probation. The statement of Sri Bh. Satyanarayana that the Special Assistant Agent, Bhadrachalam, the District Educational Officer, Bellary and the Divisional Inspector of schools, Anantapur who were his superiors from time to time never adopted that course of action, viz., recovery of the advance of transit travelling allowance from his salary bill - and they never opined that his action in not having refunded the advance was really an irregularity is, therefore, not correct.

4. I may point out in this connection that while terminating the probation of Sri Bh. Satyanarayana, he was informed by the Deputy Director of Public Instruction (Personnel) (now Joint Director) that the question of his promotion could, however, be considered after six months. He is now officiating as Language Assistant in the Government Training School for Masters, Amalapur under emergency powers.

for Director of Public Instruction.

Copy of Memo No.L.Dis.2703/46 dated 26-5-46 of the Special Asst.
Agent, Bhadrachalam to Sri Bh. Satyanarayana.

The proper straight forward course for Sri Bh. Satyanarayana was to have refunded the amount the moment he made up his mind to apply for leave.

Copy of proceedings C.No.7767 C6/46 dated 30-9-46 of the
Director of Public Instruction, Madras to the Dist. Edl. Officer,
Bellary.

Sub: Explanation of Sri Bh. Satyanarayana, formerly Deputy Inspector of schools, Bhadrachalam Agency for failure to adjust the advance travelling allowance drawn by him.

Read: From the Divl. Inspector of schools, Guntur, R.O.C.No.489-A/45 dated 17-9-46.

The District Edl. Officer, Bellary is requested to ascertain and report urgently whether Sri Bh. Satyanarayana, Offg. Personal Asst. has since refunded the amount of advance travelling allowance drawn by him.

for Director of Public Instruction.

A MEMORIAL
to
HIS EXCELLENCY THE GOVERNOR OF MADRAS
Presented by:
Bh. Satyanarayana, M. A., B.Ed.,
Junior Deputy Inspector of Schools,
Vindkonda Range, Guntur Dt.

Sir,

I humbly beg leave to approach Your Excellency with a prayer to intercede on my behalf and do me justice by restoring my probation in the category of Deputy Inspectors and School Assistants, which probation was most unjustly terminated by the Deputy Director of Public Instruction, (PERSONNEL) Madras, in his Proceedings Dis. No. 3201/46 dated 10th December 1946 (copy enclosed). I am compelled to approach Your Excellency for redress of my grievance, because the Director of Public Instruction, to whom I appealed against the Deputy Director's Order referred to above, rejected my appeal in his Proceedings R.C.No. 44-C6/47, dated 27th February 1947 (copy not furnished to me), and the Provincial Government, to whom I petitioned against the Director's Order rejecting my appeal, took as long as nearly one year to consider my simple case and, in the end, merely declined to interfere on my behalf in G.O.MS.No. 977-Education, dated 26th April 1948 (copy enclosed). The Government Order in question was received by me on 28th June 1948.

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2. I am a permanent Government servant of over twelve years' standing in the Education Department with high -- academic qualifications and with an unblemished record to my credit. After satisfactorily completing my probationary period as a Junior Grade Deputy Inspector of Schools in the year 1943, I was promoted to the Senior Grade in the year 1945 and was appointed by the Director of Public Instruction, first as Senior Deputy Inspector of Schools, Bhadrachalam Agency Range, and next as Personal Assistant to the District Educational Officer, Bellary, in which posts I completed

to this, the Deputy Inspector reported that the advance taken by him was not adjusted towards his salary. The advance was taken from the salary of the Deputy Inspector in the month of May 1946 and the question of returning the advance taken by him was not raised. It is only the effect of the salary being paid to him that the advance was not returned. The advance was taken from the salary of the Deputy Inspector in the month of May 1946 and the question of returning the advance taken by him was not raised. It is only the effect of the salary being paid to him that the advance was not returned. The advance was taken from the salary of the Deputy Inspector in the month of May 1946 and the question of returning the advance taken by him was not raised. It is only the effect of the salary being paid to him that the advance was not returned.

I may point out in this connection that while terminating the probation of Mr. Bh. Satyanarayana, he was informed by the Deputy Director of Public Instruction (Personnel) that the question of his promotion could, however, be considered after six months. He is now officiating as Language Assistant in the Government Training School for Masters, Anaparthi, under the powers.

Copy of Memo No. 11, D.A. 3703/46 dated 20-5-46 of the Special Agent, Bhadrachalam to Mr. Bh. Satyanarayana.

The proper amount was paid to him for his salary and he was to have returned the amount the moment he made up his mind to apply for leave.

Copy of proceedings G.O. 1767/46 dated 30-9-46 of the Director of Public Instruction, Madras to the Dist. Officer, Bellary.

Sub: Explanation of Mr. Bh. Satyanarayana, formerly Deputy Inspector of Schools, Bhadrachalam Agency for failure to adjust the advance travelling allowance drawn by him. Head: From the Dist. Inspector of Schools, Guntur, R.O. No. 459-4 dated 17-9-46.

The District Officer, Bellary, is requested to enquire and report whether Mr. Bh. Satyanarayana, Dist. Officer, Bellary, has since returned the amount of advance travelling allowance drawn by him.

For Director of Public Instruction.

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eleven months of my probationary period to the entire satisfaction of my superiors. But, at that stage, the Deputy Director of Public Instruction (Personnel), Madras disregarding my good work and conduct during the -- probationary period, ordered the termination of my probation in the category of Deputy Inspectors and School Assistants on the only ground that I did not refund in a particular manner an advance of travelling allowance taken by me in connection with a transfer of mine, though, under the rules, it was not at all -- necessary for me to refund the advance in question in the manner thought of by the Deputy Director. Thus a grave injustice which has not been remedied so far was done to me by the Deputy Director, for which I seek redress at the hands of Your Excellency whom I now -- approach as the last resort.

3. The following are the facts of my case:-

When I was working as Senior Deputy Inspector of Schools, Bhadrachalam Agency Range in April 1946, I obtained an advance of Rs.100/- under Article 239 of Madras Financial Code in connection with my transfer from Bhadrachalam to Bimlipatam. But, on account of my mother's sudden illness, of which she died shortly -- afterwards, I could not join my new post then, but went on leave for six weeks, which I extended later on under compelling circumstances. At the end of my leave, I joined duty as Personal Assistant to the District Educational Officer at Bellary, where, in Nov. 1946, the advance to the extent of Rs.74-4-0 was adjusted against my transit travelling allowance bill which was passed for that amount, and the balance of Rs.25-12-0 was immediately refunded by me in cash. But, in the meanwhile, the Deputy Director, who casually got information that I had taken an advance of transit

travelling allowance and proceeded on leave without joining my new post, enquired, after I joined duty at Bellary, whether I had since refunded the advance in question, and in reply, I represented that the question of refunding the advance did not arise at that stage, as I had already joined duty at the new station to which I was transferred. But the Deputy Director, who did not, however, understand my position correctly, took exception to the expression "DID NOT ARISE" in my reply and started disciplinary proceedings -- against me on a charge that I did not refund the advance when I had gone on leave in April 1946 (which, he asserted, was not only irregular, but also amounted to temporary mis-appropriation of public money) and eventually ordered, on that ground, the termination of my probation in the category of Deputy Inspectors and School Assistants.

4. Now, my submission is that the Deputy Director's order terminating my probation in the category of Deputy Inspectors and School Assistants on the ground stated by him is totally untenable, firstly because he was not competent to order the termination of my probation in that category and secondly because my action in not having refunded the advance when I went on leave did not, as asserted by him, amount to temporary misappropriation of public money, or even constitute an irregularity, for the reasons given below:-

1) Under Rule 22 of General Rules for Provincial and Subordinate Services, only an "appointing authority" is competent to terminate the probation of a probationer. In that rule the expression "appointing authority", which has not been specifically defined in the said General Rules, can only mean an authority that has appointed the probationer, because the discharge of a

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probationer, though not amounting to dismissal for the purpose of Rule 8 of Civil Services (Classification, Control and Appeal) Rules, is tantamount to dismissal for all other purposes (e.g. Rule 24 of the said General Rules) and, therefore, as in the case of dismissal, the principle laid down in Section 240(2) of the Government of India Act, 1935, namely, that no Government servant should be dismissed from service by an authority subordinate to that by which the Government servant in question was appointed, applies to the discharge of a probationer also on termination of his probation. Such being the position according to rules, I submit, that, in my case, the appointing authority was the Director of Public Instruction, because it was by him that I was first appointed as Senior Deputy Inspector of Schools, Bhadrachalam Agency Range, in his Proceedings R.C.No. 1933-C/45, dated 25-8-1945 (copy enclosed). Hence, the Deputy Director, by whom I was not appointed and who was not, therefore, the appointing authority in my case, was not competent to order the termination of my probation in the category of Deputy Inspectors and School Assistants. Therefore, the Deputy Director's Order terminating my probation in that category was ULTRA VIRES and invalid.

ii) The advance of travelling allowance in question was paid to and repaid by me according to the provisions of Article 239 of Madras Financial Code and was kept duly outstanding against my name in Public Accounts till it was completely adjusted. Hence, in that transaction, which was purely an open and bonafide one, there was not at all a question of misappropriation of public money by me.

iii) Article 239 of Madras Financial Code, under which an advance of travelling allowance is granted to a Government servant on transfer, does not provide, in the conditions attached to the grant of the advance under sub-clause (c), that the advance should be refunded by the

Government servant in question, if he goes on leave after taking the advance, whereas Article 230 of the same code, under which an advance for the purchase of a motor-car is granted to a Government servant eligible for it, contains specific provisions as to what should be done by that Government servant with that advance, when he is on leave or about to proceed on leave before or after taking the advance. So it is clear that in Article 239 the provision for refunding an advance of travelling allowance on transfer by its recipient proceeding on leave after taking the advance has been deliberately omitted, such refund being not at all intended by the article in -- question. Therefore, as per the conditions specified in sub-clause (c) of Article 239, under which the advance was granted to me, it was not necessary for me to refund the advance when I went on leave, and, as such, there was ~~also~~ no irregularity in my not having refunded the advance when I went on leave.

iv) Under sub-clause (a) of Article 239 of Madras Financial Code, a Government servant on duty or leave is eligible for an advance of travelling allowance when he is under orders of transfer. Therefore, I was -- eligible for the advance even when I was on leave, because the order of my transfer from Bhadrachalam was not cancelled to my knowledge when I went on leave, and, as such, I must be deemed to have been under orders of transfer even when I was on leave. Hence, my action in not having refunded the advance when I went on leave was not irregular.

v) The Special Assistant Agent, Bhadrachalam, the District Educational Officer, Bellary and the Divisional Inspector of Schools, Anantapur, who were my superiors from time to time and who dealt with the question of refunding the advance at one stage or other, would have recovered the advance from my salary bill, had they opined

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that my action in not having refunded the advance was really an irregularity. But, as they never adopted that course of action, it is clear that, in their opinion too, there was nothing wrong in the stand taken by me in that matter.

Therefore, I submit that the Deputy Director's Order terminating my probation in the category of Deputy Inspectors and School Assistants on the ground stated by him is totally untenable.

5. In conclusion, I pray ^{to} Your Excellency to give my case a full and fair consideration and do me justice by restoring my probation in the category of Deputy Inspectors and School Assistants, setting aside the Deputy Director's order terminating my probation in that category.

Vinukonda,
21st Dec. 1948.

I beg to remain,
Sir,
Your most faithful servant,

Bh. Satyanarayana

Junior Deputy Inspector of Schools,
Vinukonda Range, Guntur District.

Submitted to the Secretary to Government, Education Dept., Fort. St. George, Madras, through the usual official channel, according to instruction 2 of instructions for the submission and disposal of petitions addressed to His Excellency the Governor, issued in G.O.No.1306-Public (Services), dated 7th August 1935.

I.

Copy of Proceedings Dis. No. 3201/46 dated 10th Dec. 1946 of the Deputy Director of Public Instruction (Personnel) Madras:-

Public Services--Madras Educational Subordinate Service--
Sri Bh. Satyanarayana, Formerly Deputy Inspector of Schools, Bhadrachalam Agency Range and Officiating Personal Assistant to the District Educational Officer, Bellary -- Termination of probation -- ordered.

READ:-

- 1) R.C. No. 273-A/46 dated 27-11-1946 from the Divisional Inspector of Schools, Anantapur, submitting the explanation of Sri Bh. Satyanarayana.
- 2) Pros. R.C.No.7767-C6/46 dated 12-11-1946 of the Deputy Director of Public Instruction, Madras.

The Deputy Director of Public Instruction (Personnel) considers that the explanation offered by Sri Bh. Satyanarayana in regard to his failure to refund the advance transit travelling allowance of Rs.100/- into the Treasury, is quite unsatisfactory, and, therefore, orders that his probation in the category of Deputy Inspectors and School Assistants should be terminated from the date of receipt of these proceedings.

The question of his promotion can, however, be considered after six months.

(SD) D.S.REDDI,
Deputy Director of Public Instruction
(Personnel) Madras.

II.

Copy of G.O.Ms. No. 977-Education, dated 26th April, 1948.

READ--the following:-

Petition from Sri Bh. Satyanarayana dated 2-5-1947.
Endorsement of the Director of Public Instruction, No. 2279-C6/47 dated 8-7-1947 and 18-3-1948.

O R D E R.

The Director of Public Instruction is requested to inform the petitioner that the Government decline to interfere in his behalf.

(By order of His Excellency the Governor)

(Sd) M.V.SUBRAMANIAN,
Secretary to Government.

P.T.O.

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III.

Copy of Proceedings R.C.No.1933 C/45 dated 25th August 1945
of the Director of Public Instruction, Madras.

The following posting is ordered:--

Sri Bh. Satyanarayana, Officiating Junior Deputy
Inspector of Schools, Bhadrachalam Agency Range to
officiate as Deputy Inspector of Schools, Bhadrachalam
Agency Range (to join at once).

(Sd) MUHAMMAD,
for Director of Public Instruction.

13

Edn and P.H. Dept

Telephone Message by Post

From the Post Secy to Govt, Edn & P.H. Dept

18/8/45

To the joint D.P.S.

Memd
18/8/45

Memorial to H.E. the Governor, Sri Bh.
Satyanarayana, Junior Dy. Inspect-
or of Schools

Ref D.P.S.'s letter No. 123C2/49
of 26.2.49.

Please send very urgently the personal
file of Sri Satyanarayana for reference &
return.

(Bd)

18/8/45

15/9
Office of the Director of
Public Instruction, Madras.

CONFIDENTIAL:

TELEPHONE MESSAGE BY POST DATED 21-4-1949.

From The Joint Director of Public Instruction,
Madras.

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

REF: Your Telephone Message dated 20-4-1949 regarding memorial
of Sri Bh. Satyanarayana (Junior Deputy Inspector of Schools)
to His Excellency the Governor.

③ The personal file of Sri Bh. Satyanarayana is furnished
herewith.

Shankar
JOINT DIRECTOR OF PUBLIC INSTRUCTION.

Ram.
22/4.

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15836/49

Memorial to H.E. the Governor. Sri
Bh. Satyanarayana Jr Dy
Inspector of Schools - ^{request for} restoration of
position as Sr Dy Inspector of
Schools - Rejected

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Ref: From the D.P.D. No 12302/49
Dt 26.2.49

G.O. (Ms) No 1826 Edu dated 3.6.49

The D.P.D. is
requested to inform Sri
Bh. Satyanarayana permanent
Sr Dy Inspector of Schools
in at H.E. the Governor
declines to interfere on
his behalf.

To
the D.P.D. (with
encs.)
w.s.c. (9)

MKS
31/5/49
16/49

MU
2/6/49

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2
Please see the Pw (Su) note on
the file may now be sent to Finance ~~as original~~
~~marked~~

MKS
7/5/49

DM
9/5/49

SPH 15836/49
9.5.49

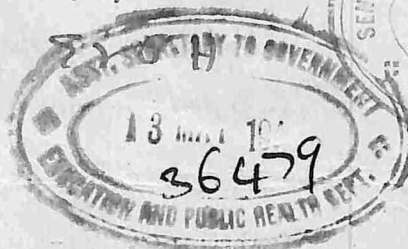
Finance (Su)

9/5/49

Maybe perused and returned to Genl H

to
11/5/49

11.5.49



Madras

Edn and P-H Dept in co 30745
125.49

The file may be circulated to the
Honble Premier thro: H.M. (Edn) (The personal file
of the officer is placed below)

13/5/49

DM
13/5/49

H.M. (Edn)

may be rejected.

H.P.R.

21/5

6
Please speak to

17/5

A draft order is subd. for
approval.

MKS
31/5/49

DM
21/6/49

