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Supt.

Sectt. II-27-60,004-17-11-48.

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S.P.H. (1949) Department.

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MS SERIES.

G.O. NO. 2519 Ed

Dated 6-8-49.

[Despatch Abstract.]

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
R.O	1463	Ed	10.5.49				

Further Papers.

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

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.C.NO.894-G.1/49 Dated 29-----7-----1949.
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Municipal Council, Ootacamund - Mr. S. Basith, Secondary Grade Assistant - Period of detention - Treatment of

Ref: From the Commissioner, Municipal Council, Ootacamund ROC.
C.1.No.690/49 dated 19-4-49 .



Copy submitted.

2. In the light of the remarks of the Examiner of Local Fund Accounts vide his endorsement L.F.No.2518 dated 18-7-49 copy enclosed, the period of absence of the teacher may have to be treated as leave to which he is eligible. Government may however pass such orders as they deem fit in the circumstances stated in his petition.

S. Basith

for Director of Public Instruction.

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

RVR 30/7/-

Copy of letter ROC.No.C.1.No.690/49 dated 19-4-49 of the Municipal Commissioner, Ootacamund to the Director of Public Instruction, Madras.

Ref: Appeal from Mr. S.Abdul Basith.

I forward herewith the appeal of Mr.S.Abdul Basith, Assistant, Municipal High School, Ootacamund.

2. Mr. S.Abdul Basith, Assistant, Municipal High School, Ootacamund was arrested and detailed on a warrant issued by the District Magistrate, the Nilgiris on the afternoon of 17-9-1948 and detained till 14-10-1948 under the Madras Maintenance of Public Order Act I of 1947 with a view to prevent him from acting in a manner prejudicial to the Public Safety and the maintenance of Public Order.

3. Mr.S.A.Basith was placed under suspension for the period from 17-9-1948 to 18-10-1948. Mr. Basith reported himself for duty on the afternoon of 15-10-1948, saying that he was released. As he did not produce a copy of his releasing order, he was permitted to join duty on 19-10-48 on the production of a copy of the order.

4. With the approval of the Inspector of Municipal Councils and Local Boards, Madras, the period of the absence of Mr. S.A. Basith was treated as on leave to which he was eligible.

5. Mr. Basith appeals against the order of the Commissioner stating that, as his detention was not because of his fault, his period of absence from duty should be treated as on duty, considering the fact that he belongs to the vacation department, where he earns leave at about 2 to 3 days, earned leave in a year of service.

6. I enclose herewith a copy of the resolution of the Appointment Committee No.2 dated 9-4-1949 together with a copy before the committee and request the fav.

(7)

Extract from the Minutes of the Proceedings of the Appointment Committee, held on 9-4-49 at the Municipal Hall, Ootacamund.

Subject No.2

Read appeal dated 27-1-1949, of Mr. S. Abdul Basith, Assistant, Municipal High School, requesting to treat the period of absence from 17-9-1948 to 15-10-1948, as duty consequent on his detention for security reasons.

Resolution: "Appeal may be forwarded".

Copy of my note dated 3-3-1949 placed before the Appointment Committee.

Mrs. S.A. Basith, Assistant, Municipal High School, Ootacamund was arrested and detained on the warrant issued by the District Magistrate, the Nilgiris on the afternoon of 17-9-1948 and detained till 14-10-1948. He was placed under suspension, for the period from 17-9-1948 to 18-10-1948. Mr. Basith was arrested on a warrant issued by the District Magistrate, the Nilgiris for his detention under the Madras Maintenance of Public Order Act I of 1947, with a view to prevent him from acting in a manner prejudicial to the Public Safety and the maintenance of Public order.

2. Mr. Basith reported himself for duty on the afternoon of 15-10-1948 but as he did not produce a copy of his releasing order, he was permitted to join duty on 19-10-1948 on the production of a copy of the order.

3. With the approval of the Inspector of Municipal Councils and Local Boards, the period of his absence was treated as on leave to which he was eligible.

4. Mr. Basith has appealed against the order and he requests that his period of detention should be treated as on duty as he was detained not because of his fault, stating that he belongs to the Vacation Department and the capacity of earning leave in the department is very ~~small~~ and he requests that his hard earned leave should not be so wasted.

5. This may be forwarded to the Director of Public Instruction for favourable consideration.

Sd. P. Pitchi Reddi,
Commissioner.

Copy of letter from S.Abdul Basith dated 27th January 1949 to the Director of Public Instruction, Madras.

Your humble appellant begs to submit the following for your very kind consideration and favourable disposal.

2. Your appellant is a Secondary Grade Assistant, Municipal High School, Ootacamund, and he was arrested on 17-9-1948 at 2-30 P.M. while he was on duty, and subsequently detained, under warrant of the District Magistrate, the Nilgiris, dated 17-9-1948, FOR NO FAULT OF THE APPELLANT AND FOR THE REASONS BEST KNOWN TO THE AUTHORITIES CONCERNED, in connection with the Hyderabad situation.

3. After ~~the~~ a period of detention of nearly a month, your appellant was released on the night of 13-10-1948 unconditionally (Vide G.O.No.2508 Public General Department dated 12-10-48).
4. On

4. On reaching Ootacamund immediately after release, your appellant reported for duty to the Headmaster, on 15-10-1948, but he was permitted to rejoin duty ON AND ONLY FROM THE 19TH OCTOBER 1948. He was also communicated with ROC.C.1.No.8089/48 dated 27-9-48 of the Commissioner, Ootacamund Municipality, placing the appellant under suspension, under Rule 54 of the Fundamental Rules, which the appellant protested as ultra vires.

5. Now, on a reference made by the Commissioner, Ootacamund Municipality to the Inspector of Local Boards, the latter has been pleased to pass orders directing the Municipality to treat the appellant's period of detention, as leave, to which he was eligible.

6. Your appellant belongs to the Vacation Department and as such the leave on average pay to his credit, naturally, is very less; and hence he is made to lose 1. the hard earned leave and 2. the pay for no fault of his.

7. Hence your humble appellant begs, that orders may please be passed 1. TREATING THE PERIOD OF YOUR APPELLANT'S DETENTION AS A PERIOD ON DUTY AND 2. TO PAY THE SALARY ACCORDINGLY.

8. For which act of justice, your humble appellant, will ever remain grateful.

Copy of L.F.2518 dated 18-7-1949 of the Examiner of Local Fund Accounts, Madras

Ref: Endt. RC.No.894-G.1/9 dated 6-5-49.

A copy of ~~the~~ Government Memorandum No.39273-G.48-3 L.A. dated 3-12-1948 issued in an analogous case is enclosed for information. The period of absence from 17-9-1948 to 19-10-1948 may have to be treated as such leave as the teacher is eligible for.

2. The enclosures received are returned herewith.

Copy of Govt. Memorandum No.39273-G-48-3 Dated 3-12-1948 from the Local Administration Department, Fort St. George, Madras.

Establishment - Coonoor Municipal Council, M.A. Rahim- Market Superintendent and I. Salay Muhammad, Bill Collector - Detention during police action in Hyderabad.

Ref: From the Commissioner, Coonoor Municipality RC.No.B.3-6129/48 dated 29-9-48 and dated 25-11-1948 from the Inspector of Municipal Councils and Local Boards L.Dis.47009/48 dated 23-11-1948.

The Commissioner, Coonoor Municipality is informed that ~~there~~ there is no objection to the retention in service of M.A. Rahim, Market Superintendent and I. Salay Muhammad, Bill Collector as they have not been convicted of any offence.

2. As regards their period of absence the Commissioner is informed that it should be treated as such leave as they were eligible for.

(TRUE COPIES)

for Director of Public

Extract from the Minutes of the Proceedings of the Appointment Committee, held on 9-4-49 at the Municipal Hall, Ootacamund.

Subject No.2

Read appeal dated 27-1-1949, of Mr. S. Abdul Basith, Assistant, Municipal High School, requesting to treat the period of absence from 17-9-1948 to 19-10-1948, as duty consequent on his detention for security reasons.

Resolution: "Appeal may be forwarded."

Copy of my note dated 3-3-1949 placed before the Appointment Committee.

Mrs. S.A. Basith, Assistant, Municipal High School, Ootacamund was arrested and detained on the warrant issued by the District Magistrate, the Nilgiris on the afternoon of 17-9-1948 and detained till 14-10-1948. He was placed under suspension for the period from 17-9-1948 to 18-10-1948. Mr. Basith was arrested on a warrant issued by the District Magistrate, the Nilgiris for his detention under the Madras Maintenance of Public Order Act I of 1947, with a view to prevent him from acting in a manner prejudicial to the Public Safety and the maintenance of Public Order.

2. Mr. Basith reported himself for duty on the afternoon of 15-10-1948 but as he did not produce a copy of his release order, he was permitted to join duty on 19-10-1948 on the production of a copy of the order.

3. With the approval of the Inspector of Municipal Councils and Local Boards, the period of his absence was treated as on leave to which he was eligible.

4. Mr. Basith has appealed against the order and he requests that his period of detention should be treated as on duty as he was detained not because of his fault, stating that he belongs to the Vacation Department and the capacity of earning leave in the department is very ~~small~~ and he requests that his hard earned leave should not be so wasted.

5. This may be forwarded to the Director of Public Instruction for favourable consideration.

Sd. P. Pichai Reddy,
Commissioner.

Copy of letter from S. Abdul Basith dated 27th January 1949 to the Director of Public Instruction, Madras.

Your humble appellant begs to submit the following for your very kind consideration and favourable disposal.

3. Your appellant is a Secondary Grade Assistant, Municipal High School, Ootacamund, and he was arrested on 17-9-1948 at 8-30 P.M. while he was on duty, and subsequently detained, under the District Magistrate, the Nilgiris, dated 17-9-1948, for the period from 17-9-1948 to 18-10-1948. Mr. Basith was arrested on a warrant issued by the District Magistrate, the Nilgiris for his detention under the Madras Maintenance of Public Order Act I of 1947, with a view to prevent him from acting in a manner prejudicial to the Public Safety and the maintenance of Public Order.

4. After a period of detention of 31 days, Mr. Basith was released on the 19-10-1948 on the production of a copy of his release order.

4. On reaching Gootacamund immediately after release, your
appellant reported for duty to the Headmaster, on 18-10-1948, but
he was permitted to return duty ON AND ONLY FROM THE 18TH OCTOBER 1948
He was also communicated with H.O.C.I. No. 8089/48 dated 27-9-48 of
the Commissioner, Gootacamund Municipality, placing the appellant under
suspension, under Rule 24 of the Fundamental Rules, which the appel-
lant protested as ultra vires.

5. Now, on a reference made by the Commissioner, Gootaca-
mund Municipality to the Inspector of Local Boards, the latter has
been pleased to pass orders directing the Municipality to treat the
appellant's period of detention, as leave, to which he was eligible.

6. Your appellant belongs to the Vaccination Department and
as such the leave on average pay to his credit, naturally, is very
less; and hence he is made to lose 1. the hard earned leave and 2. the
pay for no fault of his.

7. Hence your humble appellant begs, that orders may
please be passed 1. TREATING THE PERIOD OF YOUR APPELLANT'S DETEN-
TION AS A PERIOD ON DUTY AND 2. TO PAY THE SALARY ACCORDINGLY.

8. For which act of justice, your humble appellant
will ever remain grateful.

Copy of L.F. 2518 dated 18-7-1949 of the Chairman of Local Fund
Accounts, Madras

Ref: Encl. No. 894-G.I. dated 6-8-49.

A copy of the Government Memorandum No. 38273-G-48-3
L.A. dated 8-12-1948 issued in an analogous case is enclosed for
information. The period of absence from 17-9-1948 to 18-10-1948 may
have to be treated as such leave as the teacher is eligible for.

2. The enclosures received are returned herewith.

Copy of Govt. Memorandum No. 38273-G-48-3 dated 3-12-1948 from
the Local Administration Department, Fort St. George, Madras.

Establishment - Gootacamund Municipality, M.A. Rahim - Inspector
Superintendent and S.I. Salay Muhammad, Bill Collector - Detention
during police action in Hyderabad.
From the Commissioner, Gootacamund Municipality No. 8089/48
dated 27-9-48 and dated 25-11-1948 from the Inspector
of Municipal Comptrols and Local Boards L.D.S. 4708/48
dated 23-11-1948.

The Commissioner, Gootacamund Municipality is informed that
there is no objection to the retention in service of M.A. Rahim, Inspector
Superintendent and S.I. Salay Muhammad, Bill Collector as they have not
been convicted of any offence.
As regards their period of absence the Commissioner is
informed that it should be treated as such leave as they were eligible
for.

(Signature)

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Sd P.H.
B.

Establishment - M.C. Gootacamund - Mr. S. Basith
Secondary Grade Asst, M. High school, Gootacamund -
Treatment of period of detention - ~~as duty - Request~~
Negatived

Petition from Mr. S. Abdul Basith d. 27.1.49.
From the Comr. M.C. Gootacamund No. C. 690/49 d. 19.4.49
" Exm. of L.F. Accts No. L.F. 2518 d. 18.7.49
" P.P. No. 894-G.I. d. 29.7.49.

Order / ms. no. 2519 Sd. d. 6-8-49

The Comr. Gootacamund Mty is requested
to inform the petitioner that his request for
treating the period of ~~detention~~ ^{his absence} ~~by the Police~~ ^{from}
17-9-48 ~~to~~ 19-10-48 as ~~leave~~ ^{duty} cannot be
P.T.O.

6. Your appellant belongs to the Vacation Department and
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complied with. The period ~~was~~^{should} be treated as
leave to which the petitioner ~~was~~^{was} eligible.

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Note. The draft follows the ruling
given in G.O. No 1463 E.D. 8.10.48 and
Memo No 45/98 B-1-49-1 of 25.6.49.

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To the petitioner
through the Comptroller, Botswana
The Comptroller, Botswana
through C.M.C.
D.P.P.
The Comptroller, L.S. Act.
S.L.C. 2

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