Sectt. II-27—60,004—17-11-48.

E. & H. (1949) Department.

MS. SERIES.

G.O. NO.	2980 E&H.
Dated	24/9/49

[Despatch Abstract.]

Memorial to H.E. the Governor — Sri Ariswamy, Principal, Ag. College of Techy. — Posting to Guindy College — Rejected.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	893						
	28-3-49						

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1837						
	21.6.49						

Through the proper channel.

(V)

To

His Excellency the Governor of Madras.

The humble memorial of Sri A.Viswanath,

Principal of Sir Arthur Hope College of Technology,

Coimbatore, appealing against: (S) cf 12

(S) cf 11

(i) the censure passed on him in G.O.Ms.893 Education dated 28th March 1949 for addressing a letter to the Defence Department, New Delhi, through the Government of Madras, seeking clarification whether in the organisation of the National Cadet Corps in Madras Engineering Colleges, connection with the National Cadet Corps will claim for its officers in the teaching staff any essentiality or preference rights in the matter of promotions and postings to the places of professors, principals, etc.

(ii) the alteration of service conditions and emoluments of an individual post, and the interpretation of seniority rendered possible only thereby which has the effect of singling out the memorialist for individual hardship, withholding the only promotion available to the memorialist in his life time in the Madras Educational Service and affecting conditions of service, pay, allowances and pension as implied in rule 19 of part IV--Appeals of Civil Services (Classification, Control and Appeal).

May it please Your Excellency,

MEMORIALIST'S RECORD OF SERVICES.

1. The memorialist entered Madras Educational Service in January 1936 ~~1946~~ as Professor of Mechanical Engineering in the Guindy Engineering College, when Mr. Paul, now Principal of Guindy Engineering College, was the then Instructor in Mechanical Engineering and my immediate junior. During the period 1941-46, the memorialist rendered service in the War Technicians Training Scheme under the Government of India for training technicians for the Defence Services, wherein he held appointments as Regional Inspector of Training,

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Senior Regional Inspector of Training and Assistant Director of Training in the Provinces of Madras, Bengal, Bihar, Assam and Orissa. After his reversion to Madras Government in 1946, in recognition of his experience, efficient work and seniority, he was appointed as Organising Principal for the new Engineering Colleges and posted to the Vizag Engineering College at Cocanada. In March 1947, he was transferred to Coimbatore as Principal of the Arthur Hope College of Technology. In May 1948, the Principalship of the Guindy Engineering College became vacant and as the seniormost of all Principals of Madras Government Engineering Colleges, he naturally expected to be promoted to the Principalship of the College of Engineering, Guindy, which is the highest post he can expect in the Madras Educational Service and carrying a scale of salary Rs.1250--1500. But to his utter disappointment, the Government of Madras reduced the salary scale of Guindy Engineering College Principalship from Rs.1250--1500 to Rs.1000--1225 i.e. to equality with the Principal of the Arthur Hope College of Technology and posted Lt. Col. S. Paul, who has all along been his junior thereby depriving him of the only promotion open to him in Madras Educational Service.

NATIONAL CADET CORPS INFANTRY UNIT IN A.H.COLLEGE CLARIFICATION OF ITS OFFICERS IN THE MATTER OF SPECIAL CLAIMS IN M.E.S. SOUGHT FROM DEFENCE DEPT THRO' MADRAS GOVT.

2. The memorialist humbly submits that under the National Cadet Corps scheme for Madras province announced in May 1948, the Arthur Hope College of Technology, of which the memorialist is the Principal, has been allotted one Infantry Unit. In accordance with instructions from the Director of Public Instruction (vide R.O.C.No.1208 E4/48 dated 18th June 1948) the memorialist as Principal was to select and submit the names of staff members for training as officers of the National Cadet Corps. In selecting suitable staff the question arose whether connection with

(V)

the National Cadet Corps as officers will give such staff members superior claims or priority in the matter of promotions to posts of principals, professors, etc. The impression was prevalent that the posting of Lt. Col. Paul to the place of Principal of Guindy Engineering College, in preference to more senior, experienced and qualified officers of the Madras Educational Service, was due to such preferential claims arising out of his connection with the National Cadet Corps. As any such claims for National Cadet Corps officers in the matter of promotion, seniority and other service conditions would be very detrimental to the efficiency of Engineering education, and a press communique from New Delhi dated 22nd May 1948 indicated:

> "Academic studies of the Cadets will be of primary importance and hence, Service training will be carried on in such a way as not to interfere with academic work. The responsibility for all matters concerning the Senior Division will rest with the Ministry of Defence, Government ofIndia."

the memorialist addressed a letter to the Defence Department, New Delhi, through the Government of Madras for clarification of the subject.

TWO APOLOGIES SUBMITTED.

3. The memorialist further submits that in two explanations called for by Government, he has apologised as follows:

(S) cf 7

Explanation dated 18th November 1948.

"In my humble opinion the appointment of Lieut. Col. Paul to the permanent post of Principal of Guindy College, I have felt as involving supersession of my claims. If my opinion is wrong and my action cited is improper, I humbly request I may be pardoned."

(S) cf 10

Explanation dated 10th January 1949.

"I am sorry for the whole affair and will note same for my future guidance. In future I will not refer these matters to the Central Government."

(S) cf 11

4. The memorialist submits further that the dissatisfaction of Government with the above explanations and as well as the censure passed on him are based

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GOVERNMENT'S DISSATISFACTION & CENSURE ORDER BASED ON INCORRECT INTERPRETATION ITSELF RENDERED POSSIBLE BY A SIMULTANEOUS SALARY SCALE REDUCTION OF A SINGLE POST WHICH IN EFFECT SINGLES OUT THE MEMORIALIST FOR PERMANENT HARDSHIP FOR LIFE IN TERMS OF PAY, PROSPECTS, PENSION, SENIORITY, ETC.

on the interpretation communicated to the memorialist in Memorandum No. Edn. & P.H. No.39235 dated 29-10-1948:

"that the appointment of Lt. Col. Paul as Principal, College of Engineering, Guindy, implied the supersession of himself and others, is quite unjustified--there was no question of supersession at all--and subversive of discipline."

Such interpretation has itself been rendered possible only by simultaneously ordering the reduction of the salary scale of Guindy College Principalship from Rs.1250--1500 to Rs.1000--1225 i.e. to equality with the Principal of Arthur Hope College under the apparent justification"that the Government considered there was no necessity to retain the higher scale for that post any longer," but in effect it served as an essential and preparatory measure to eliminate the memorialist's claim of financial loss in not being posted to the Principalship of Guindy College. On two representations submitted by the memorialist to the Government dated 26.5.1948 and 1.6.1948, to the effect that the timing of this reduction of salary of an individual post just at the moment of his prospective promotion to it, removes from him the only promotion that he can expect in his life time, and inflicts permanent hardship to his status, seniority and emoluments the Government informed him:

(Vide Proceedings of the Director of Public Instruction, Madras, R.Cl.No.39/48 dated 14th August 1948)

"(i) His request for transfer as Principal, College of Engineering, Guindy, will not be complied with;

(ii) It was not as a measure of discrimination against him that the pay of the post of Principal of the College of Engineering, Guindy, was reduced, but that the Government considered that there was no necessity to retain the higher scale for that post any longer; and

(iii) Neither his seniority in the category of Principals of Engineering Colleges nor his pensionary rights will be affected by the appointment of Lt. Col. Paul as Principal of the College of Engineering, Guindy, on the scale of Rs.1,000-1,225/-."

5. Your humble memorialist submits the following, showing how the reduction of the salary scale of the Guindy College Principalship has the effect of individually singling him out for permanent hardship.

EXPLAINING HOW THE MEMORIALIST IS INDIVIDUALLY SINGLED OUT FOR PERMANENT HARDSHIP.

(i) The reduction of salary was not as a general measure but only referred to an individual post.

(ii) It affected only a single individual, namely the memorialist.

(iii) It was timed to coincide with his prospective promotion to it.

(iv) It served as the essential preparatory measure for eliminating the memorialist's claim of financial loss in not being promoted to Guindy College Principalship and for justifying the promotion of Lt. Col. Paul as indicated in the Proceedings of the Director of Public Instruction quoted above, R.Cl.No.39/48 dated 14th August 1948.

(v) The existing scale of pay of Rs.1250--1500 was not personal to the previous incumbent, but two successive Princi pals--Mr. Sitaraman and Dr. Rudra--enjoyed it.

ANAMALOUS POSITION OF PREMIER COLLEGE STATUS RETAINED FOR PRESIDENCY COLLEGE MADRAS, AND NOT ENGINEERING COLLEGE MADRAS.

(vi) During a personal interview, in June 1947, the Hon'ble ex-Minister, Sri T.S.Avinasilingam Chettiar, in reply to a request for equalising the salaries of new Engineering Colleges with that of the Guindy College Principal--vide representation No.C.219/46 dated 28-8-1946--indicated the basis of the higher scale for Guindy College Principalship thus:— the position of Guindy Engineering College with reference to the new Engineering Colleges is the same as that of the Presidency College, Madras, to the other Arts Colleges in the presidency i.e. that of a premier institution.— The reduced status and salary of Guindy College Principalship alone without a similar reduction for the Principalship of Presidency College is anomalous. The memorialist submits that in this age of technology when the Provincial and Central Governments are giving the highest priority to technical education, any premiership status should first go to the engineering institution and then only to Arts Colleges.

(vii) The plea that there was no necessity for the higher scale does not exist any longer is not correct, because:

(a) The vacancy of the post of Guindy College Principal itself arose out of the existing Principal being attracted by better prospects elsewhere.

(b) Both Provincial and Central Governments have repeatedly declared that acute shortage of technical personnel is holding up all development programmes.

(c) During the last two years, the Government have prevented the memorialist from applying for more prospective positions elsewhere on more than six occasions.

(d) The salary scales for Principals of Engineering Colleges in Madras is far below those recommended by the Central Advisory Board for Technical Education and other bodies.

(viii) The with-holding of the memorialist's applications for more prospective positions elsewhere, and at the same time removing the only available promotion for him in Madras Educational Service, has the effect of causing individual and permanent hardship, in respect of service conditions, pay, allowances, seniority, status, etc.

EXPLAINS HOW GOVT.'S INTERPRETATION OF SENIOROTY AFFECTS HIS STATUS, PROMOTION IN LEAN POST, & ATTRIBUTES OF SENIORITY.

6. The memorialist further implores Your Excellency to re-examine whether his seniority has not been affected by the posting of an officer, who has been his junior ever since the memorialist's entry into the Madras Educational Service, i.e. Lt. Col. Paul, to Guindy College Principalship in the light of the following:

(a) The Guindy Engineering College is the only permanent Engineering College with a permanent post of Principal. All the other Engineering Colleges are only on a temporary footing and the posts of Principals in these are temporary requiring renewal each year.

(b) Service in officiating capacity of Guindy College Principalship entitles the holder to transfer of his lein to that permanent post whereas service as Principal of the Arthur Hope College of Technology gives no such claim as that Principalship is only a temporary post. Thus, the memorialist is denied the opportunity of getting his lein post changed from Professor to Principalship, whereas Lt. Col. Paul is enabled to have his lein post changed from that of Instructor to Principal i.e. a double promotion.

(c) The memorialist has been declared as the seniormost in the category of Principals of Engineering Colleges-- vide Proceedings R.Cl.No.39/48 dated 14th August 1948 of the Director of Public Instruction (copy enclosed). Lt. Col. Paul is a newly promoted Principal and many years junior to the memorialist, who has been his junior ever since the memorialist's entry into the Madras Educational Service.

p.17 infra

(d) Certain status, previleges and attributes of seniority are attached to the Principalship of Guindy College, which the Arthur Hope College Principal does not have, such as:

(i) Status as head of the foremost engineering College of long standing and established reputation.

(ii) Nomination to Syndicate membership of the Madras University by Your Excellency.

(iii) Secretaryship of the Standing Advisory Board of Technical Education in Madras.

(iv) Consultation and nomination on behalf of Government on matters of Engineering Education.

Etc.

(e) Even if the salaries of Principals of all the Engineering Colleges are made equal, the attributes and previleges of a premier Engineering Institution of all-India reputation still holds for Guindy Engineering College.

the memorialist

7. One more aspect/ begs leave to submit to Your Excellency. In Proceedings R.Cl.No.39/48 dated 14th August 1948 of the Director of Public Instruction, the memorialist was informed that:

p.17 infra

> "His request for transfer as Principal, College of Engineering, Guindy, will not be complied with".

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(9)

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PRAYS THAT ANY INCRIMINATORY STATEMENTS TO BE AS DUE TO AN EXCEPTIONAL SITUATION.

The Memorialist fully realises that Government do have weighty considerations requiring him to stay in the Arthur Hope College of Technology and as a dutiful servant he does not ask for reasons. But he wishes to submit to Your Excellency that this suspense situation coupled with that of permanently losing the only chance of promotion in his life-time in the Madras Educational Service is likely to lead any human being to makin~~g~~ conjectures--he therefore prays that Your Excellency will view any incriminatory statements he has made, in this light and not as normal course of action.

PRAYS FOR RESTORATION OF THE ONLY AVAILABLE PROMOTION IN HIS LIFE TIME IN M.E.S. AND RECOGNISE HIS WORK IN COIMBATORE AS "ON OTHER DUTY" LIKE HIS PREDECESSOR DR. RUDRA.

8. In conclusion, the memorialist humbly prays Your Excellency to consider the whole affair and grant him justice. If Government's interests are best served by his continuing as Principal of the Arthur Hope College of Technology at Coimbatore, in view of that College being still in formative stage and facing special circumstances, the memorialist shall be pleased to serve so; but he prays that it should not be at the sacrifice of his seniority, prospects, pay, pension and other service conditions, and following the precedent of Dr. Rudra he may be assigned Guindy College Princ~~i~~palship and treated as "on other duty" at Coimbatore with the original scale of pay and previleges of Guindy College Principalship, and due recognition for the special work involved in organising the Arthur Hope College of Technology in its difficult circumstances.

A/

May it please Your Excellency to restore to the memorialist the only available promotion in his life-time in the Madras Educational Service and to protect him from the loss of pay, allowances, pension, seniority,

prospects, and other benefits which are the normal expectations of efficient and faithful service.

Your memorialist begs to remain,

Sir,

Your most humble & loyal servant,

(A.Viswanath)
Principal, Arthur Hope College of Technology, Coimbatore.

Coimbatore,
20-5-1949.

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17-10

Copy of Proceedings R.Cl.No.39/48 dated 14th August 1948 of the Director of Public Instruction, Madras, to Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore.

****

Sub: Madras Edl. Service - Sri Viswanath, Officiating Principal, Arthur Hope College of Technology, Coimbatore - Request for transfer as Principal, College of Engineering, Guindy.

Read: Representations dated 26-5-1948 and 1-6-1948 from Sri A.Viswanath, Offg. Principal, Arthur Hope College of Technology, Coimbatore.

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With reference to his representations read above and under the direction of the Government, Sri A.Viswanath is informed as follows:-

(i) His request for transfer as Principal, College of Engineering, Guindy, will not be complied with;

(ii) It was not as a measure of discrimination against him that the pay of the post of Principal of the College of Engineering, Guindy, was reduced, but that the Government considered that there was no necessity to retain the higher scale for that post any longer;

and (iii) Neither his seniority in the category of Principals of Engineering Colleges nor his pensionary rights will be affected by the appointment of Lt. Col. Paul as Principal of the College of Engineering, Guindy, on the scale of pay of Rs.1,000-1,225/-.

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/True copy/

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(11) 19

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.Cl.No.39/49 dated 28 June '49.

Sub: Madras Educational Service - Sri A. Viswanath, Principal, Arthur Hope College of Technology, Coimbatore - Memorial to His Excellency the Governor.

REF: Memorial dated 20-5-1949 of Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore.

* * * * * *

Submitted.

2. Sri A. Viswanath, Principal, Arthur Hope College of Technology, Coimbatore has submitted a memorial to His Excellency the Governor appealing against (i) the censure passed on him in G.O.Ms.893 Education dated 28-3-1949, and (ii) the reduction in the scale of pay of the post of Principal, College of Engineering, Guindy from Rs.1250-75/2-1400-100/2-1500 to Rs.1000-75/2-1225.

3. Sri A. Viswanath was censured by Government for having addressed a letter to the Government of India containing an unjustified insinuation that the appointment of Lt.Col.S.Paul as Principal, College of Engineering implied the supersession of himself and others and sent them an advance copy of the letter. He could not give satisfactory explanation in defence of his action. In reply to the Government memorandum No.39235-A2-Education dated 29-10-1948 he made a qualified request for pardon, thereby admitting the impropriety of his action. Though he has stated in the preamble to the memorial that he is appealing against the censure, yet there is no specific prayer in the memorial requesting cancellation of the censure and the concluding portion of the memorial contains only an appeal to His Excellency to restore to him the only available promotion in his life-time in the Madras Educational Service and to protect him from the loss of pay, allowances, pension, seniority etc. The memorialist has neither specifically asked for nor has he put forth valid grounds for cancelling the censure passed on him in G.O. Ms.893-Edn. dated 28-3-1949.

4. The scale of pay of the post of Principal, College of Engineering, Guindy has been reduced from Rs.1250-1500 to Rs.1000-1225 in G.O.Ms.No.1561-Education dated 15-6-1948. The higher scale of pay was sanctioned more with reference to Dr.Rudra's qualifications and experience than as a general measure. This scale has been reduced and brought on level with the scale sanctioned for Principals of other Engineering Colleges because there can be no justification to allow the higher scale to a successor of Dr.Rudra with qualifications inferior to his and not superior to those of the Principals of other Engineering Colleges. The previous petition of Sri A.Viswanath against the reduction of the scale was disposed of in Government memorandum No.39031-A3-Education dated 7-7-1948 and he was informed that the reduction was not a measure of discrimination against him. It was open to Government to reduce the scale of pay of the post of Principal College of Engineering, Guindy and the memorialist, who was not even a probationer in that post on the higher scale of pay, should not feel aggrieved by the reduction. In the circumstances the arguments advanced by Sri A.Viswanath in para 5 of his memorial against the reduction of the scale of pay of that post do not seem to be sound.

5. In para 6 of the memorial Sri A.Viswanath has raised the question whether his seniority has not been affected by the appointment of Lt.Col.S.Paul as Principal, College of Engineering, Guindy. The points raised in this para are dealt with below seriatim:-

Para 6(a):- Though the post of Principal, College of Engineering, Guindy is a permament one, ~~this~~ seniority has not been and will not be affected by the appointment of Lt.Col.S.Paul to that post on the present scale of pay; seniority is determined with reference to the date of first appointment to the category of Principals irrespective of the fact whether the service as Principal is rendered in permanent or temporary post.

page.....2

Para 6(b): What is stated by the memorialist is not correct. Lt.Col. S.Paul would not be confirmed in this present post merely because he is officiating in that post. When the post of Principal, College of Engineering, Guindy falls substantively vacant while the posts of Principals of other Engineering Colleges remain temporary, it would be filled by the confirmation of the senior most approved probationer in the category of Principals though he might be officiating in the temporary post of Principal of another Engineering College.

Para 6(c):- Though Lt.Col.S.Paul may be junior to the memorialist, that by itself is no valid reason against his appointment as Principal College of Engineering, Guindy on the scale of pay applicable to the memorialist (i.e. Rs.1000-1225).

Paras 6(d)&(e):- May be that the Principalship of the College of Engineering, Guindy, which is a premier Engineering institution of All-India reputation, carries certain public esteem. It is left to Government to fill the post suitably. There can be no appeal on the grounds set out in paras 6(d) and (e) against an order of Government appointing a particular individual to that post which is now on the same scale of pay as the posts of Principals of other Engineering Colleges.

6. In the concluding para the memorialist requests that "he may be assigned Guindy College Principalship and treated as "on other duty" at Coimbatore with the original scale of pay (Rs.1250-1500) and privileges of Guindy College Principalship". As there is no justification to comply with this request, the memorial may be rejected.

for Director of Public Instruction.

To

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

Ram.29/6/1949.

E.O.H.(A)

Very urgent

T.M. (13)

From: The Asst. Secy, E.O.H. 20/8

To: The H. D.O.I.

DEO 16/8

Please very urgently send for reference & return the personal files of Sri K.I. Varghese, DEO, & Sri A. Viswanath, Principal, Engg. College.

PG. 16.8.49

DMM 16/8/49

T.M.

O.N.

Regd. in connection with their pehs.

From: The Asst. Secy, E.O.H.

To: The Jt. D.O.I.

Ref:- My T.M. of yesterday for personal files of Sri K.I. Varghese & Sri A. Viswanath

Above

DEO 17/8

Please send also the personal file of Lt. Col. S. Paul.

(D.O.)

PG 17/8

Para 6(b):- What is stated by the memorialist is not correct. Lt.Col. S.Paul would not be confirmed in this present post merely because he is officiating in that post. When the post of Principal, College of Engineering, Guindy falls substantively vacant while the posts of Principals of other Engineering Colleges remain temporary, it would be filled by the confirmation of the senior most approved probationer in the category of Principals though he might be officiating in the temporary post of Principal of another Engineering College.

Para 6(c):- Though Lt.Col.S.Paul may be junior to the memorialist, that by itself is no valid reason against his appointment as Principal College of Engineering, Guindy on the scale of pay applicable to the memorialist (i.e. Rs.1000-1250).

Paras 6(d)&(e):- May be that the Principalship of the College of Engineering, Guindy, which is a premier Engineering institution of All-India reputation, carries certain public esteem. It is left to Government to fill the post suitably. There can be no appeal on the grounds set out in para 6(d) and (e) against an order of Government appointing a particular individual to that post which is now on the same scale of pay as the posts of Principals of other Engineering Colleges.

6. In the concluding para the memorialist requests that "he may be assigned Guindy College Principalship and stated as "on other duty" at Coimbatore with the original scale of pay (Rs.1250-1300) and privileges of Guindy College Principalship". As there is no justification to comply with this request, the memorial may be rejected.

for Director of Public Instruction.

To

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

Rem.29/E/1949.

Confidential: 4437 (IV) 21

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
Dated 22 August 1949.

TELEPHONIC MESSAGE(BY POST) R.Cl.39/49.

From

The Joint Director of Public Instruction,
Madras.

To

The Assistant Secretary to Government,
Education & Public Health Department,
Madras.

REF: Your Telephonic Message (by post) dated 17-8-1949 calling for the personal files of certain officers.

The personal files of Sri K.I.Verghese, Sri A.Viswanath and Lt. Col. S. Paul are enclosed.

Joint Director of Public Instruction.

Ram.22 Aug.'49.
Encls. 3 P.Fs.

(Confl)

Memorial
Memorial to H.E. the Governor - Sri A. Viswanath, Principal, A.H. College of Technology - Posting to Gyumdy College - Rejected.

Order
No. 2980 (15) Edn., dt - 24-9-49

Memorial to H.E. - Sri A. Viswanath, Principal, A.H. College of Techy., Coimbatore — Request for cancellation of 'censure' & posting to Engg. College, Guindy.

15 cf. Rep. from Sri A. Viswanath, dt - 20.5.49.
pp. 19-20 cf. from the D.O.I., no. 39/49, dt - 28.6.49.

The memorial of Sri A. Viswanath to H.E. the Governor, has been rejected. The D.O.I. is requested to inform the Officer accordingly.

pp. 23.9.49 Hon
24/9/49.

24/9/49

To The D.O.I. (with encl - in a sealed cover)

2 personal files.

CONFIDENTIAL

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
Dated 22 August 1949.

TELEPHONIC MESSAGE(BY POST) R.Cl.39/49.

From

The Joint Director of Public Instruction,
Madras.

To

The Assistant Secretary to Government,
Education & Public Health Department,
Madras.

Ref: Your Telephonic Message (by post) dated 17-8-1949 calling for the personal files of certain officers.

The personal files of Sri K.I.Verghese, Sri A.Viswanath and Lt. Col. S. Paul are enclosed.

Joint Director of Public Instruction.

Rem. 22 Aug. '49.
Encls. 3 P.Fs.

Edn. and P.H. Dept.(A).

From the DPI, No.39/49, d/- 28-6-49. C.49839.

Memorial to H.E. - Sri A.Viswanath, Principal, A.H.College of Techy., Coimbatore - Request for posting to Guindy Engg.College.

Sri A.Viswanath is the Principal of the Arthur Hope College of Techy., Coimbatore. He has subd. a memorial to H.E. the Governor against the Govt.'s orders censuring him and declining to comply with his request for being posted as Principal of the Engg. College, Guindy.

2. The memorial complies with the rules and orders governing submission of such petitions:- The officer has availed himself of the remedies open to him already - in other words, he previously petitioned the Govt. whose orders were not favourable to him. The ~~petition~~ memorial has been subd. within six months from the date of the Govt.'s order of censure (although it is now past six months since the Govt. negatived his request for transfer). The petition does not relate to a matter which has already been disposed of by H.E. Under the instructions in the U.O. note of Public at (L), the memorial should be subd. to H.E. thro' H.M. and H.Pr. after it is examined.

3. The facts of the case are as follows. The Guindy Engg. College Principalship fell vacant in May 1948 consequent on the services of Dr.J.J.Rudra, the permanent incumbent, having been placed at the disposal of the Bihar Govt. The scale of pay of the post then was Rs.1,250-1,500. That scale had been specially sanctd. for Dr.Rudra ~~considering his~~ in view of his qualfns. and experience. The other Govt.Engg. Colleges, viz.,those at Coimbatore, Kakinada and Anantapur, were opened subsequent to 1945 and the posts in those colleges are all tempy. The scale of pay of the Principals of those Engg. colleges ~~were and are~~ was & is only Rs.1,000-1,225. With Dr.Rudra's relief from Guindy, it was considered that the higher scale fixed for the Principal's post there need not be continued, and so the Govt. sanctd. for it anew the lower pay (1,000 - 1225) applicable to the other Principals. As for Dr.Rudra's successor, the D.P.I. recommended that Lt.Col.S.Paul, an approved probationer in the Professors' category, may be promoted as Principal on the

lower pay. In making that recommendation, he observed, inter alia, that Lt.Col.Paul could not be transferred to a place outside Madras without seriously affecting his work in connection with the UOTC of which he was the Commandant and that his presence in Madras was essential for the introduction of the scheme of military training in high schools in the Province. The Govt. accepted the Director's recommendation and accordingly apptd. Lt.Col.Paul at Guindy.

4. When the Dir.'s proposal for Lt.Col.Paul's promotion was under consideration, Sri A.Viswanath made representations to Govt., urging that the Guindy College Principal's pay should not be reduced and that even if the scale was lowered, it was he, being the seniormost of Principals of Engg.Colleges, who was to be posted to the Guindy College as it was the premier institution of its kind in the Province and as it carried seniority, status and certain privileges. His requests were turned down and he was told that his seniority and pensionary rights would not be affected by Lt.Col. Paul's appointment at Guindy.

5. Along with his petition to this Govt., Sri Viswanath also addressed a letter to the Defence Dept. of the Govt. of India, thro' the proper channel, asking them for a clarification as to whether U.O.T.C. interests should be so guarded as to prejudice the interests of the educational institutions. He sent an advance copy of it to the India Govt. direct. The letter admitted of the interpretation that this Govt. sacrificed the educational interests and Sri Viswanath's own interests by appointing Lt.Col.Paul as Principal at Guindy. The Govt. therefore called upon him to show cause why discy. action should not be taken against him. As he offered no satisfactory explanation, he was censured.

6. Paras 1 to 4 of the present memorial: cf 1-7

This part of the memorial is rather a statement of the facts of the officer's case and do not call for remarks.

Para 5: Here, Sri Viswanath tries to show cf 9-11 that by the reduction of the pay of the Guindy College Principal he has been put to much hardship. The hardship is only imaginary. The reason for the alteration of the scale was B at p.1 ante. A member of the service occupying a lower post cannot insist on

a particular scale being retained for the higher post to which he expects promotion. As commented on by the D.P.I., Sri Viswanath was not even a probationer in the Guindy post and he could not therefore have any real ground for grievance.

Paras 6 to 8: cf 11-15

The officer is still under the fear that his seniority, prospects and pensionary rights would be affected by his not being posted to Guindy. The fear is unwarranted. The pay of all the Principals of Engg.Colleges is the same and all the Principals are in the same category. The notes on pp.31-32 of "K" and the Dir.'s remarks at N at pp.19-20 C.F. may be perused.

Paras 6 (d) & (e), cf.11, Q at cf 20 Sri Viswanath adds that the status attached to the Guindy College post and the privileges enjoyed by that College Principal are greater. This is of course true. The Dir. also admits this. Ordinarily, therefore, the seniormost of the Principals should be posted to Guindy. The reason why Lt.Col. Paul, the juniormost, was appointed there is C at p.2 ante. Whether that reason still holds good, is not clear. The Dir. has not said anything about that point. Lt.Col. Paul does not seem to have anything to do with the N.C.C. now. There is a full-time regular military officer in charge of the N.C.C. Perhaps, before coming to a decision on Sri Viswanath's memorial, the Dir. may be asked to specifically remark on the point. For orders.

7. If X above is approved, it seems it would do if the file is circd. now to H.M.(P.W.) alone.

P.J. 13.8.49 16/8/49

16/8/49

A can be confirmed from Section B?
(2) Obtain personal files of both officers

16/8

The personal files of Lt.Col. Paul & Sri A.

26

A. Viswanath have been obtained from the Dir. & are kept below. The presumption at 'A' on page 3 ante is correct.

26/8/49. 26/8/49 OPM 30/8/49 S

Yes A on page 13 ct. correct. Yes there any objection to Mr Viswanath being appointed to the Guindy college, on the existing scale of pay, and being relieved "on other duty" at Coimbatore

31/8.

Dr.Rudra was the permanent Principal of the Guindy College. Therefore, though he was posted to Coimbatore for a few years, he held his lien at Guindy and he was considered to be "on other duty" at Coimbatore. Such an arrangement in Sri Viswanath's case will not convey meaning. That will be possible only when the Guindy post falls substantively vacant on Dr. Rudra's permanent absorption by Bihar Govt. or his retirement. Nor would that confer on Sri Viswanath any benefit as no higher pay will be allowed to him.

P.T. 31.8.49 26/8/49. 1/9/49 OPM 2/9/49 S

Mr. Viswanath, Principal, Arthur Hope College of Technology, Coimbatore, has memorialised to H.E. the Governor:

(1) that the pay of the post of the Principal, the scale of Guindy Engineering College may be restored to/1250-1500 instead of the present scale of Rs 1000-1225 to which it was reduced following the departure of the previous Principal, Dr. Rudra.

The higher scale was especially sanctioned for Dr. Rudra and Mr. Viswanathan who does not even

Thro' B, - rec A at 1.2 ant

26/8/49 Hon 27/8/49

(Bot)

-5-

(20)

hold a lien on the post cannot insist that Government should maintain a particular scale for any post.

SECRETARIAT, PUBLIC AND P.W. DEPTS. 23 SEP 1949 GOVERNMENT OF MADRAS

(2) that he may be appointed Principal, Engineering College, Guindy as that is the premier college among the Engineering Colleges in the province having the permanent post of Principal. It may be admitted that the Guindy College is the premier Engineering College, but the scale of pay of that college is the same as that of other colleges and Mr. Viswanathan can have no grievance that Government have made an appointment to it according to the qualifications of the officers available. Mr. Viswanathan's record is not unsatisfactory. He has been latterly found to be self-opinianated. Mr. Paul's record is better. In the circumstances, when the pay is the same Mr. Viswanathan can have no grievance that an officer though junior to him but with a better record has been appointed to the Guindy College.

(3) that he may be shown as Principal, Guindy College and treated as on other duty at Coimbatore. This is not possible as Dr. Rudra continues to be Principal, Guindy College until he retires.

The memorial may be rejected.

MADRAS GOVERNOR'S SECRETARIAT 22 SEP 1949

H.M.(P.W.) ✓
H.Pr. ✓
H.E.

22/9/49.

I agree that Mr Paul's record is better than that of Mr Viswanathan who can have no legitimate grievance. There is no reason to reconsider the decision previously taken. The memorial may be rejected. HMS 9.9.

A draft Order is subd.

40/49

Scales Ord

P.T. 23.9.49 23/9/49.

OPM 24/9/49

SECRETARIAT 14 OCT 1949 GOVERNMENT OF MADRAS

THROUGH THE PROPER CHANNEL.

To

His Excellency the Governor of Madras.

14 OCT 1949

79275

The humble Memorial of Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore.

****

MAY IT PLEASE YOUR EXCELLENCY to refer to Government Proceedings Miscellaneous No.2980 Edn. dated 24-9-1949, in regard to the Memorialist's previous appeal dated 20-5-1949.

From the communication received by the Memorialist from the Director of Public Instruction, it would appear that his Memorial seems to have been interpreted mainly as a submission for being posted to Guindy College of Engineering and no reference has been made to his first and main prayer, namely that the censure passed on him in G.O. No. Mis. 893 Education, dated 28-3-1949, be removed. Your Humble Memorialist, in this connection, would recall his explanation dated 10-1-1949 which was submitted to Government as below:

> "I am sorry for the whole affair and will note same for my future guidance. In future I will not refer these matters to the Central Government".

The Memorialist prays that the ruling of this explanation as unsatisfactory by Government may receive Your Excellency's individual judgment, in accordance with rule 21(c) of Part IV, Appeals of Civil Services (Classification, Control and Appeal).

In this connection, the Memorialist wishes to convey his gratefulness to the Hon'ble Minister for P.W.D.(in charge of Engineering Education) for the interview granted to the Memorialist in Coimbatore on 12-10-1949 wherein the above matter was personally explained. As this censure passed on the Memorialist has the effect of permanently affecting his future prospects and promotions for life, as an efficient

P. T. O

and faithful servant, he prays for the removal of the above censure, as explained personally to the Hon'ble Minister.

Your Memorialist begs to remain,

Your Excellency's most humble
& most loyal servant,

(A.Viswanath)
Principal, Arthur Hope College
of Technology, Coimbatore.

Coimbatore,)
12-10-1949.)

Copy submitted to the Hon'ble Minister Sri M. Bhaktavatsalam,
Minister for P.W.D. (in charge of Education), Madras.

Grl. Sent thro' the proper channel may be awarded.

P.T.
15.10.49

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.
R.Cl.39/49 dated 2 November, 1949.
-oooo-

Sub: MADRAS EDUCATIONAL SERVICE--Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore--Memorial to His Excellency the Governor.

Ref: Letter and Memorial dated 12.10.49 from Sri A.Viswanath.
-oooo-

5 NOV 1949

Submitted.

2. The matter referred to in the Memorial was dealt with in para 3 of the Director's Endorsement R.Cl.39/49 dated 28.6.49.

3. The Memorial may be rejected as the Memorialist has not put forth any valid grounds for cancelling the censure passed on him in G.O.Ms.893-Edn.dated 28.3.1949.

FOR DIRECTOR OF PUBLIC INSTRUCTION.

To:

Secretary to Government,
Education & Public Health Department,
Fort St.George, MADRAS.

Gsk:4.11.49.

From
Prof. A.Viswanath, M.Sc(Lond).,
A.C.G.I., D.I.C., M.I.E.,
Principal, Arthur Hope College
of Technology, Coimbatore,
Peelamedu P.O.

To
The Secretary to Government,
Education & P.H. Department, Madras.
Through
The Director of Public Instruction,
Madras.

Dated: 12-10-1949.

Sir,

Ref: Proceedings Dis.No.C1-39/49 dated 4-10-1949 of the Director of Public Instruction, Madras, communicating Government Proceedings Miscellaneous No.2980 Edn. dated 24-9-1949.

-.-

In reference to the above, I shall be thankful if you will kindly recommend my enclosed Memorial to His Excellency the Governor of Madras. This representation I am making after a personal discussion* with the Hon'ble Minister Sri M. Bhakthavatsalam. It would appear from the subject conveyed:

"Madras Educational Service - Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore - posting to Guindy College - Memorial to His Excellency the Governor - rejected".

that my previous Memorial seems to have been considered ~~solely~~ only as a request for posting to Guindy and my prayer for removal of the censure has not been adequately represented. I am, therefore, making this memorial with the concurrence of the Hon'ble Minister.

*during inspection visit to the new site and buildings for the College on 12-10-1949.

P. T. O.

I shall be grateful to you if you will recommend at least this much.

Yours obediently,

PRINCIPAL.

THROUGH THE PROPER CHANNEL.

To

His Excellency the Governor of Madras.

The humble Memorial of Sri A.Viswanath, Principal, Arthur Hope College of Technology, Coimbatore - Prayer for removal of censure conveyed in G.O. No. Mis. 893 Education dated 28-3-1949.

****

MAY IT PLEASE YOUR EXCELLENCY to refer to Government Proceedings Miscellaneous No.2980 Edn. dated 24-9-1949, in regard to the Memorialist's previous appeal dated 20-5-1949.

From the communication received by the Memorialist from the Director of Public Instruction, it would appear that his Memorial seems to have been interpreted as a submission for being posted to Guindy College of Engineering and no reference has been made to his first and main prayer, namely that the censure passed on him in G.O. No. Mis.893 Education, dated 28-3-1949, be removed. Your humble Memorialist, in this connection, would recall his explanation dated 10-1-1949 which was submitted to Government as below:

"I am sorry for the whole affair and will note same for my future guidance. In future I will not refer these matters to the Central Government".

While the Memorialist expresses his deep gratitude for Government having subsequently declared him to have satisfactorily completed his probation as Principal of the Arthur Hope College of Technology, Coimbatore, in appreciation of his faithful and efficient service, the Memorialist prays that the ruling given by the Government that the above explanation of apology and regret is unsatisfactory, may receive Your Excellency's individual judgment and cancellation.

In this connection, the Memorialist wishes to mention that he had the opportunity of discussing this matter with the Hon'ble Minister for P.W.D. (in charge of Engineering Education)

P. T. O

Same as P.2 ante. (2) 7 34

during his inspection visit of the new College site and buildings in Coimbatore on 12-10-1949. Then, the Memorialist submits this Memorial for the removal of the censure passed in G.O. No.893 Education, dated 28-3-1949 as otherwise it will constitute a black mark for the Memorialist's future.

Your Memorialist begs to remain,

Your Excellency's most humble
& most loyal servant,

(A. Viswanath)
Principal, Arthur Hope College
of Technology, Coimbatore.

Coimbatore,)
12-10-1949)

Copy submitted to the Hon'ble Minister Sri M. Bhaktavatsalam,
Minister for P.W.D. & Engineering Education, Madras.

Confdl.

25

T.M. by post.

E.P.H. (A)

From : The Secy., E.P.H.

To : The [illegible]

35

(Copy sent) Ref:— Your letter no. 39/49, dt. 2-11-49.

Please send the personal file of Sri A. Viswanath, Principal, A.H. College of Techy., Coimbatore.

P.T. 10.12.49

13/12/49

13/12/49

Confidential.

Telephonic Message (by post) R.Cl.No.39/49
dated 20--12--1949.

From

The Director of Public Instruction, M a d r a s.

To

The Secretary to Government,
Education and Public Health Department.

Ref: Your Telephone Message (by post) dated 14-12-49 calling for the personal file of Sri A. Viswanath.

The personal file of Sri A. Viswanath, Principal, Arthur Hope College of Technology, Coimbatore is submitted herewith.

for Director of Public Instruction.

CONFDL. Edn. and P.H. Dept.(A).

MEMO.No.7925-A-2- Edn., d/- 16/1/50.

M.E.S. - Sri A.Viswanath, Principal, A.H.College of Techy., Coimbatore - Representation against Govt.'s order of censure.

Read:- G.O.No.893-Edn., d/- 28-3-49.

Ref:- From ~~xxxxx~~ the D.P.I., No.39/49, d/- 2-11-49

The representation dated 12-10-49 of Sri A.Viswanath was treated as his appeal made to H.E. the Governor ~~xx~~ against the Govt.'s order, cited above, censuring him.

The appeal has been rejected.

The D.P.I. is requested to inform Sri Viswanath as above.

To the DPI. ✓
(with a per.file).

(28) E. & P. H. Dept. (A)

38

From the D.P.I., No.39/49, dated 2-11-1949.

Sri A.Viswanath, Principal, A.H.College of Technology, Coimbatore - Representation against Government's order imposing 'censure'.

Sri A.Viswanath, Principal, A.H.College of Technology, Coimbatore, submitted in May this year a memorial to H.E. the Governor. In the preamble of the memorial Sri Viswanath mentioned that he was representing against the Govt.'s order (1) censuring him and (2) declining to comply with his request for a posting as Principal of the Engg. College at Guindy. In the first few paras he also explained the circumstances in which the Govt. passed a'censure' on him. Yet, there was no specific prayer in the memorial for the cancellation of the 'censure'. The only request he made in the memorial was that he should not be continued at Coimbatore as such continuance would affect his seniority, pay, etc. and that he should be transferred to Guindy. That request was duly considered. The orders passed in circulation ~~question~~ were that he could have no grievance against the appointment of Lt. Col. S.Paul as Principal at Guindy and that there was no ground to reconsider the orders refusing to transfer the memorialist to Guindy. Those orders were communicated to Sri Viswanath early in October. The question of cancelling the 'censure' was not dealt with for the reason L above.

2. The officer has now submitted another memorial to H.E. specifically requesting that the censure passed on him be removed. He has remarked in a letter enclosing the memorial that he ~~is~~ has sent it after a personal discussion with and with the concurrence of H.M.(P.W.). Under rule 18 of the Madras Civil Services (Classification, Control and Appeal) Rules, Sri Viswanath is entitled to "appeal" to H.E. the Governor against the Govt.'s order of censure. The

present memorial may, therefore, it seems, be treated as an 'appeal' made under that rule and dealt with accordingly.

3. (1) The representation has been received thro' the proper channel.

(2) It has been submitted before the expiry of 2 months from the date of communication to Sri Viswanath of the orders on his previous memorial which again was submitted before 2 months from the date of the order of punishment.

(3) The facts of the case are summarized in paras 3 to 5 of the notes at "P".

(4) The memoranda in which Sri A.Viswanath was given opportunities to explain himself are at pp. 5 and 8 c.f. of "S".

(5) Sri Viswanath's explanation are at pp.7 and 10 c.f.of "S".

(6) The order of punishment is at "S"/11 c.f.

(7) No enquiry was made into the case nor the M.P.S.C. consulted, since under rule 15(a) of the M.C.S.(C.C. & A.) Rules, it would suffice if a reasonable opportunity of showing cause against the 'censure'was given to the officer.

(8) Either in the previous memorial — "P"/c.f.1-15— or in the present one —c.f.1-2— no new point has been raised for consideration.

4. Before the case is circulated to H.E. thro' H.M.(P.W.) and H.Pr., Pub.(Ser.) may see on M ~~at p.1 ante.~~ above.

[Personal file has been called for from D.P.I. Since recd. and placed below]

The contents and the procedure in respect of the communication addressed to the Govt. of India at page 1 c. of G.O.No.893, appear to be fully justify the censure passed on this officer.

Public(Ser.)

3

29 40

Public (Ser) Department.

The note of E & P.H. from p. 1 ante. may be perused.

M on pp. 1-2 ante:- The position is as stated by E & P.H. With reference to X on p. 2 ante., it is submitted that under Sectt. Instructions 115 (as revised), the case should be forwarded through H.M. (P.W.) only to the Hon. Premier. H.E need not see. The file may be returned to E & P.H.

23.12.49.

27.12.49

E.P.H.

Edn. & P.H. Dept. (A)

Sri A.Viswanath's personal file is placed below.

May be cd to H.Pr. thro' H.M. (P.W.).

30.12.49

H.M.(P.W.)

H.Pr.

Pub.(Ser.A)
U.O.No.5027/49-1

Professor Viswanath addressed the Secretary to the Govt. of India sending an advance copy to him for clarification whether Military Training should be at "sacrifice or interference with the interests of Education". He inquired "whether the Defence Department has not given instructions to the officers of Provincial Government to the effect that educational interests may be sacrificed or overlooked in favour of National Cadet Corps Officers in making promotions and postings to Educational Services". My predecessor remarked of a note of insinuation in the application. According to orders in circulation, Prof. Viswanath was informed that Govt. were not satisfied with the explanation given by him and accordingly censured him.

Even now Prof. Viswanath has no explanation to offer.

Apart from the insinuation noted by my predecessor, an officer

P.T.O.

of the status of Professor Viswanath should have known better than to address a letter of the kind at p.1 c.f. of G.O.893 at flag 'S'. The censure passed, therefore, appears justified and the appeal does not deserve to be considered.

H.M.(P.W.)

H. Pr.



A draft memo is submitted.