

GANT (1949) Department.

MS SERIES.

G.O. NO. 3162 Edn.

Dated 16/10/49

[Despatch Abstract.]

MES- Sri V. Kopalani Nair - Lecturer
in English. Permitted to leave service
prior to leave for increment.

Back Papers.

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

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
3035	824						
1.1.48	24.8.48						
2551	466						
2.10.48	11.2.49						
	1386						
	19.4.50						

From V. Gopalan Nair, M.A.,
Offg. Lecturer in English,
Government College, Kumbakonam.

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

Through the proper channel.

Sir,

I have the honour to place before you the following points for your sympathetic consideration.

As a directly recruited probationer who has resigned his permanent employment in order to take service under the Government, I feel, I am entitled to at least one month's notice before discharge. Section 9 of the 'Explanatory Instructions' appended to the Madras Reductions in the Cadre of Services Rules, 1934, under which I was discharged, states:

"Government desire to emphasize that provisions regarding the giving of notice or compensation contained in the Civil Service Regulations or any orders for the time being in force in connection with the discharge of Government Servants, should be strictly complied with".

In my case, I beg to submit, this has not been done. Therefore I request that the interval between my discharge and my re-appointment (March 8 to April 4, i.e. 27 days) be treated as period of notice, so that I may be deemed to have been in service without a break. It will be a hard blow to me if this concession is not granted, for under F.R.35 my nineteen months' service prior to my discharge will no count for increment etc. I shall then have to serve for another period of two year to earn my first increment.

The interval of 27 days, being within a limit of 30 days, may also kindly be considered as extended joining time under F.R. 106 Sub. 5(i)b. If the Government is pleased to take this view and give me the benefit of the Rule, my original order of discharge may kindly be cancelled, so that I may be deemed to have been on transfer, with the benefit of extended joining time under F.R.106, Sub. 5(i)b, by the Head of the Department.

I request respectfully that my case be sympathetically considered and the break in service avoided or condoned.

Yours faithfully,

Government College,
Kumbakonam, 8-4-49.

V. Gopalan Nair
8.4.49.

R.C. NO 518/48 dated 9.4.49

Submitted to the Director of Public Instruction,
Madras, for favour of necessary orders. The
Petitioner's request deserves special consideration.

D. Namasingh
Principal,
Government College,
Kumbakonam.

1100
9.4.49.

Roc.2756-C1/48.

Office of the Director of Public
Instruction, Madras, Dated 26-4-49.

Sub:Madras Educational Service - Sri V.Gopalan Nair,
Lecturer in English, Government College, Kumbakonam -
Request to treat the period of break as notice or
joining time.



Petition dated 8-4-49 of Sri V.Gopalan Nair with the
Mdtd.Rc.518/48 dated 9-4-49 of the Principal, Government
College, Kumbakonam.

Submitted for orders.

2. With reference to G.O.Ms. No.466, Education
dated 21-2-49 Sri V.Gopalan Nair was relieved from the post
of Lecturer in English, Government Victoria College, Palghat
on 8-3-49 forenoon. He took charge as Lecturer in English,
Government College, Kumbakonam on 4-4-49 forenoon with reference
to G.O.Ms. 844 Education, dated 24-3-49.

for Director of Public Instruction.

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

KT.27/4.

c-1

(4)

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S. 3
R.O.C.2756-C1/48 dated 11-9-49.

service

Sub: Madras Educational Rule--Sri V.Gopalan Nair, Lecturer in English, Government College, Kumbakonam--Break in service--Condonation of.

Ref: Petition dated 11-8-49 from Sri V.Gopalan Nair with ~~ent~~ N.R.C.518/48 dated 12-8-49 of the Principal, Government College, Kumbakonam.

To 816

Submitted for orders in continuation of the Director's Endorsement
R.O.C.No.2756-C1/48 dated 26-4-49 *Y.P.2 out*



[Signature]
for Director of Public Instruction

To
The Secretary to Government, Education and Public Health Department.
M a d r a s.

VS.12.9.

[Signature]

V. Gopalau Vair,
Offs Lecturer in English,
Govt College, Kumbakonam.

To
The Secretary,
Education and Public Health Department
Fort St. George, Madras.
Through the proper channel.

Ref. My representation dated 7-4-49
Condonation of break of service.

Sir,

Since I have not received any reply in regard to my representation dated 7-4-49 for Condonation of break of service from 7-3-1949 to 4-4-1949, I urge respectfully the following points in support of my prayer for a speedy and sympathetic disposal of the same.

1. At the time of discharge I had been for 19 months in the Madras Educational Service, and therefore in five months I was to have earned my first increment and completed my probation. In the normal course of service, I complete my probation and earn my first increment on Aug. 22, 1949. It will be a very hard blow for me if I am to put in another two years of service to earn my increment.

2. Being a direct recruit, recruited to a permanent vacancy, I deserve to be considered sympathetically because, in accepting employment under the Government, I resigned my permanent appointment at the Annamalai University and, together with it, my examinership.

3. Since the vacancies were to arise within a month after my discharge, the Government could have transferred me on extended joining time under F.R. 106 Sub-Rule 5 (i)(b). I request that this may kindly be done now if there is no other

22618

R 5/18/48

18 AUG

MADRAS

18 SEP 1949

18 SEP 1949

170
AR-154

way of saving me from break of service which has now occurred. In case this also is not possible, I pray that my period of break — 27 days — be condoned under F. R. 35 Note 2-B. and 7(a)(iii) of the Madras Provincial and Subordinate Service Rules.

Govt. College,
Kumbakonam
11-8-49

Yours faithfully,
V. S. Gopalan Nair

N. R. C. No. 518/48 dated 12.8.49.
Submitted through the Director of Public Instruction, Madras. The request contained in this representation seems very reasonable.

D. N. Anand
Principal,
Government College,
Kumbakonam.
12/8/49

To the D.P.I.
" A.G. (thru Fin.).
" S., M.P.S.C.
" Pub. (Ser.);

28/10/49
12, BK-112

25.9.49
26/9/49

27/9/49

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

M.E.S. - Sri V. Gopalan Nair, Lecturer in English - Permitted to count ~~prior~~ service prior to break for increment.

Read:- From the DPI, No. 2756-Cl/48, 26-4-49 and 11-9-49.

G.O. (MS.) No. 3162 Edn., d/- 14.10.49

Under section 241(5) of the G. of I. Act 1935, H.E. the Governor of Madras hereby direct that the relevant rules be relaxed in favour of Sri V. Gopalan Nair, off. Lecturer in English in the M.E.S. so as to enable him to count ~~towards~~ for his increment the service rendered by him prior to his break in service from 8-3-49 to 4-4-49.

SUPER INTENDENT.

From the D.P.I., No. 2756-Cl/48, dated 26-4-49. (A)

M.E.S. - Sri V. Gopalan Nair, Lecturer in English -
Request for condonation of break in service.

Some posts of Lecturers in English in the M.E.S. were abolished in last year. The Reductions in the Cadres of Services Rules were applied to that retrenchment. Accg. to those rules, the juniormost persons, in the category as a whole, whether recruited direct against subst. vacancies or recruited by transfer, had to be discharged from service or reverted to the Subordinate Service and ^{would have to be} taken into service again in future vacancies. Sri V. Gopalan Nair, a direct recruit, was one of the officers affected. He was discharged on 8-3-49. He was re-apptd. subsequently from ^{4.4.49} ~~24-3-49~~. At the time of his re-appt., the question of treating the period ~~xxxx~~ between these two dates as a period of leave was considered. This, Public and Fin. depts. held that it should not be treated as a period of leave but should be treated as a period of break in service. H.M.(E. & L.), as H.M.(Agr.), minuted that the question of granting leave or of condoning the break might be considered when the officer moved Govt. in that direction.

Sri Gopalan Nair has subd. the petition at C.F.L. He says that he feels that he should have been given a month's notice before discharge. Para 9 of Explanatory Instructions ^{to} the rules under which Sri Nair's discharge was ^{ordered} ~~granted~~ requires the giving of notice or compensation ~~xxxx~~ as provided for in the C.S.R. or any orders for the time being in force in connexion with the discharge of Govt. servants. Sri Gopalan Nair is not a permanent Govt. servant. Further, he had put in a service of less than 2 years at the time of his discharge. Pub. and Fin. may kindly say whether, in view of these, there are any orders ~~xxxx~~ making it incumbent on Govt. to give prior notice.

Alternatively, the Lecturer requests that the period may be treated as joining time. Since there was no transfer from one post to another, this request, on the face of it, is ^{not} ~~admissible~~.

Sri

Government of Madras
Education and Public Health Department
O.O.No. 3162 Edn. dated the 14th October 1949.

Madras Educational Services - Sri V. Gopalan Nair, Lecturer in English -
Permitted to count service prior to break for increment.
From the Director of Public Instruction No. 2756 Cl/48 dated 26-4-49 and
11-9-49.

ORDER:

Under section 241 (2) of the Government of India Act, 1935 the Governor of Madras hereby directs that the relevant rule be relaxed in favour of Sri V. Gopalan Nair, officiating Lecturer in English in the Madras Educational Services so as to enable him to count for increment the service rendered by him prior to the break in his service from 8-3-1949 to 4-4-1949.

(By order of His Excellency the Governor)

To the Director of Public Instruction, Madras.
" Accountant-General through Finance.
" Secretary, Madras Public Service Commission.
" Public (Services) Department.

True copy forwarded by order

14.10.49

cf. 1
Sri Gopalan Nair's object is ~~to count~~ that the break should not disentitle him to count for increment the period of (19 months) his service rendered before the date of the break. This can be achieved by a relaxation of the rules re: increment. This dept. may recommend this course, as it seems the existence of a post during the period of the break ^{does} ^{appear to} not be necessary for ~~it~~ adopting it.

Pub.(Ser.) and Fin. may see for remarks before circn.

~~H.M.(Fin.) and H.Pr.~~ If the rule is relaxed, a copy of the

29.6.49
30.6.49
31/6/49

27/7/49

32 (Ser) Pub (Ser)
Fin

Public (Ser) Department.

This department would like to have the remarks of Finance at the first instance as that department is more concerned in the matter.

12.7.49. 12.7.49.

M above maybe agreed to. in this dph.
Hr. should see the case. to copy of the f.c. showing the rule must be communicated to the M.P.S.C

13.7.49

14/6/49

FINANCE (C.S.R.)

With reference to the proposal of Public at M above, breaks in officiating service is an ordinary incident of public service to which all Govt. servants are subject to in the early stages of their career. For instance, it takes several years before one begins to officiate continuously in the Madras High Court, and in the Finance Dept. Officiating men are usually discharged



Thos. B. Rajan
4 on p. 1 ab



Co. financial
Grounds it is highly undesirable to condone breaks in cases such as the given condition would be against the letter and spirit of existing rules
I agree 20.7.49
26/7/49

It is too late to give the notice. But compensation may be given instead.
20.7.49

57227

19.7.49

Fin 46254 Col. 1
26.7.49

when there are no vacancies and ~~they are not eligible~~ it seems objectionable on principle to condone the break. There is nothing extraordinary in the case of Sri Gopalan Nair to justify special treatment. After all, the period of his service prior to discharge was only about 19 months, but there will be innumerable cases where officiating men have been discharged for want of vacancies after putting in much longer service. If ^{having} ~~any~~ the break is condoned ~~any concession is given~~ in this case, it will become an inconvenient precedent and is bound to be quoted in future cases which it will be difficult to resist on grounds of equity and fairness, and the result will be much recurring extra cost by way of counting past service prior to breaks in service for purposes of increments. Finance may therefore strongly advise against the proposal.

With reference to portion A ^{on p. 1 above} ~~condoned~~, Sri Gopalan Nair was a direct recruit to the M.E.S. officiating in the post of Lecturer in English in the Govt. Victoria College, Palghat at the time of his discharge on 8-3-49 owing to reduction in the cadre of M.E.S. With reference to the instructions in para 9 of the Madras Reductions in the Cadres of Services Rules, 1934, read with Art.352(b)CSR, there is no objection to give him a months notice of discharge and it will be more economical than the condonation of break proposed, in view of the financial implications, which is of a recurring nature.

If nevertheless it ^{is} still decided to condone the break instead of giving him notice, the case will have to be circulated to H.M.(Fin.) and H.Pr. as it involves a relaxation of Note (1) under F.R.266. ~~the case should be~~

Fin Dept. are unable to agree to the condonation of the break.
With ref. to C.S.R. 352(b) it was incumbent to give a month's notice to the lecturer & it appears this was not done. E & F.H. may consider the question of paying compensation instead.
26/7/49 E & F.H.

Edu. J.O.H. sept. (A)

In view of what is stated
by Finance, this dept. may agree
with them that the break in the service
of Sri V. Gopalan Nair from 8.3.49 to 4.4.49
need not be condoned but that, as compensation for
notice, he may be allowed the salary (pay &
allowances) which he would have got for
that period had he remained on duty then.
Public (ser.) may see again.

P.T. 5.8.49
5/8/49
P.M. 6/8/49
9/8/49 (ser.)
Public (Ser.)

Public (ser) Department.

(Last seen at p. 2 ante)

The subsequent notes of Fin. and E&PH.
on pp. 2-4 above may be perused and the file
returned to E & P.H.

12.8.49

CS / E.P.H.

Pub (Ser. A) no. 3143/49.1
12/8/49



62006

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

Sri V. Gopalan Nair, Lecturer in English
who is a direct recruit, was discharged from the M.E.
on 8-3-49 consequent on the abolition of some posts.
He was re-entertained on 4-4-49. The period between
the two dates is one of break and does not count for his
increment. He has requested that the break may be
condoned and treated as joining time. Finance advise
against the grant of the request. They say that
as one month's prior notice of discharge was not given
to the officer, compensation may be paid to him now.
This dept. agree. May be circd. to H.M. (E. & L.)
for approval of A at p. 4 ante.

P.T. 2.9.49
2/9/49
P.M. 6/9/49
This is a hard case,
in which Finance were on
the strict application of the
rules. The officer accordingly
loses 19 months of his service.
12.9/49
Id. 7 (SERV). 12/9

His request may be
granted. This is only reasonable.
The break was not due to
his fault. It is only a few
days. No compensation but
the break may be condoned.



K in Fin. & PH.
at p. 3 ante.

Ther. abo.

The case may be circd. to H.M. (Fin.)
for approval of A at p. 4 ante.
P.T. 12/9/49
12/9/49
H.M. (Fin.)
H. Pr. v

From the DPI, No.2756-Cl/48, d/- 11-9-49. CF.3

Orders in circn. at p.5 ante (bottom).

A draft order is subd.

Fin. and Pub.(Ser.) may see before issue.



27-9-49

Fin(Com)

(Previous Fin. note on pp 2-3 above)

The case may be passed on to

Public (in) after perusal of the orders in circulation existing and the draft order placed below

(How)

2.10.49

Pub.

Pub. (Ser. A) Dept.

Fin no 64037 col. 1

2.10.49

(Last seen at p.4 ante)

The further notes of ^{The} E. & P. H. Dept. and the orders in circulation on p.5 ante and the draft order below may be perused.

The file may be returned to ^{The} E. & P. H. Dept.



Pub (Ser. A)

U. No. 3853/41-1

11 OCT 1949

783/3

Issue

2/10/49

E. P. H.

fly

2/10/49