

(194⁹) Department.

Ms. **SERIES.**

G.O. NO. 3842 Education

3842

Dated 15-12-1949

closed

less

Supdt

SE

[Despatch Abstract.]

GRANT- Equipment - C.E.Nair High School, Pattambi(now defunct-
Recovery - Orders passed.

Back Papers.

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

Further Papers.

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

C.F. 32

In reply, please quote number, date and short title.



84961
gms

Education DEPARTMENT.

Received Registered

From (Name) Director of Public Instruction,
(Designation) Madras.
Post Box (STATION)
Telegraphic Address

To
The Secretary to Government,
Education & P.H. Department, Madras.

Rc.No. 354 F/48, dated 31-10-1949. 194

Sir,

* Sub: EQUIPMENT GRANT - Closure of C.K.Nair High School, Pattambi - Implementing of the provisions of Rule 60 of the Grant-in-aid Code - Instructions - Solicited.

ENCLOSURES

SPARE COPIES

Ref: My letter Rc.No.1099 D3/47 dated 18-8-1949.

I submit that in sub para (b) of para (1) of my letter quoted above it was reported that an amount of Rs.1,643/- had to be recovered from the Correspondent of the defunct C.K.Nair High School, Pattambi under Rule 60 of the Grant-in-aid Code. The amount could not be adjusted against the teaching grant payable to the High School for the year 1947-48 as the Correspondent failed to submit the financial statements for the year 1947-48.

Under the above circumstances I solicit the instructions of the Government on the following:-

(i) Whether in view of the non-submission of the financial statements by the Correspondent, the amount of equipment grant paid to the institution may be considered to have been adjusted, as, had the financial statements been submitted, the institution would have earned grant over and above the equipment grant paid; or

(ii) Whether not withstanding the non-submission of the financial statements, I may proceed with the recovery of the amount as per the procedure laid down

in Rule 60 of the Grant-in-aid Code. In this connection

p.t.o.

: 2 :

I may submit that it is very difficult to get at the Correspondent as he is evading all communications from the departmental officers.

Yours faithfully,

M. S. Srinivasan

for Director of Public Instruction.

KHR.1-11.

E & O. H. (B.)

Grant - Equipment - C.E. Nair High School, Pattambi (now defunct) - Recovery - Orders passed.

From the D.P.G. Re. No. 354 F/48 d. 31-10-1949.

Order No
Ms

3842

Edn. dated. 15.12.49

In the circumstances stated, the D.P.G. is informed that the sum of Rs 1,643/- (Rupees one thousand six hundred and forty three only) due to the Government out of the equipment grant sanctioned to the C.E. Nair High School, Pattambi, now defunct, should be deducted from the teaching grant payable to the school for 1947-48 if and when it is decided to sanction the grant on a proper application received from the management. So long as the teaching grant remains unclaimed, there is no loss to Govt. as the teaching grant due is more than the amount to be accounted in respect of the equipment grant.

To

The D.P.G.

The A.G. thro' Finance

2/ spare copies

11/12/49

11.12.49

12/1/49

13/12

Grant - Equipment - C.E. Nair High School, Pattambi -
(now defunct) - Recovery.

From the D.P.G. Re. No. 354 F/48 d/31-10-49.

Due to the mismanagement of the C.E. Nair High School, Pattambi, the D.P.G. withdrew the recognition accorded to the school and ordered its closure. On account of the closure, a sum of Rs 1,643/- being the equipment grant sanctioned in 1947, had to be recovered from the management with reference to rule 60 of the Grant-in-Aid Code. It was proposed to adjust this amount in the teaching grant due to the school for the year 1947-48.

The D.P.G. has now reported that the recovery could not be effected from out of the teaching grant payable to the school as no claim has till now been preferred by the Correspondent for the grant. The Director therefore requests orders whether the equipment grant paid to the management may be deemed to have been adjusted out of the teaching grant which will be definitely larger than the recovery. He has stated in this connection that it is very difficult to contact the correspondent and that therefore it might not be possible to realise the amount to be recovered by disposing off the equipment by auction sale as laid down in rule 60 of the Grant-in-Aid Code.

2. Attention is in this connection invited to the orders in G.O. No. 1307 Edn. d/29-4-49 permitting the Director to utilise only a sum of Rs 1,008/- being the balance of teaching grant due to the school for 1946-47 and already withheld under rule 2 of the Grant-in-Aid Code for the disbursement of teachers' salaries. It was considered that in the absence of a definite amount of teaching grant withheld for 1947-48, no payment should be made to the teachers out of the grant due to the school.

para 16 on p 7 of (S)

p 12 of BK No 40.

p 1 of

p 1 of

Estimated at Rs 4000
rule p 7 of (S)

p 1-2 of

p 12 of BK No 40 laid down in rule 60 of the Grant-in-Aid Code.

(T) / p 2 of

(T) p 2 of and p 2 of

for that year. Similarly it appears that the recovery on account of the equipment grant ~~cannot~~ be deemed to have been effected from out of the teaching grant

due to the school for 1947-48 as no claim for the grant submitting the prescribed financial statement was made and the amount of teaching grant admissible was not assessed.

In these circumstances it is for consideration whether the ~~recovery of the sum of Rs 1,643/- being the equipment grant sanctioned during 1947 to the school, may be insisted upon in books as~~

~~having been waived subject to the proviso that the recovery will be insisted upon as and when the management prefers a claim for the teaching grant for 1947-48.~~

3. The file may be sent to Finance U.O. for remarks.

Sd/
9/11/49
Wm
11/11/49

Rule 60 of the Grant-in-Aid Code runs as follows:

"Claims of the Government: If an institution which has received aid under this chapter has within five years from the date on which a grant under this chapter is drawn, been closed or diverted to other than educational purposes approved by the Government, the Government shall be at liberty to purchase the articles, towards the supply of which the grant was given, at a valuation to be made by an officer to be deputed by the Government for the purpose.

When the Government purchase the articles at the valuation so fixed the amount to be paid to the management shall be only the excess of the valuation over the amount already given as grant towards their original purchase.

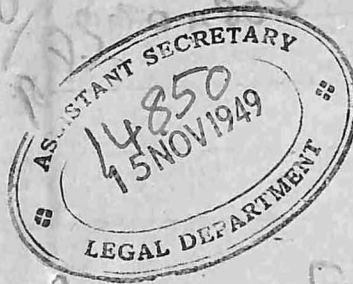
Alternatively, the Government may direct that the articles shall be sold in auction, in which case the proceeds shall be paid into the Government treasury: provided that if the proceeds exceed the amount of grant already paid towards the purchase of the articles the difference shall be payable to the management of the school."

In this case the D.P.I. says that the management is evading all communications from the departmental officers. It does not therefore appear that any useful purpose will be served by invoking the provisions of the rule quoted above. The best thing would seem to be to adjust the ~~sum~~ of Rs 1,643/- due to the Government out of the teaching grant due

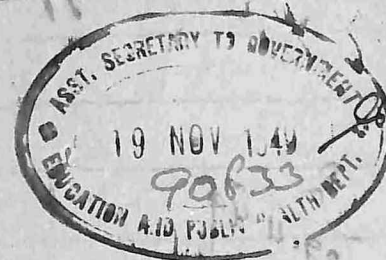
Director's suggestion on p. 14.

E & P. H. U. O. No.

84961 B, / 49-1 Edu.
14/11/49.



Legal U.O. No. 14850



84961 B, / 49-2 Edn.

23-11-49.

to the institution for the year 1947-48, although it has not yet been assessed. The D.P.I., however, says ^{that} had the financial statement been submitted, the institution would have earned ^{teaching} grant over and above the equipment grant refundable by the management. The amount of teaching grant was estimated at Rs 400/- in August 48. Legal & Finance may see.

12-11-49

S/14/ Legal
P" / Fin

LEGAL DEPARTMENT.

The procedure suggested above will be permissible if there is nothing contrary in the grants-in-aid-code or any agreement with the management. E & PH may kindly verify this and put up the Grants-in-aid-code and the form of agreement, if any.

17/11/49

E & PH
E & P. H. (B.)

With reference to the legal Dept. note above it is submitted that there is no agreement with the management and that the procedure suggested by the D.P.I. is not repugnant to the provisions of the Grant-in-Aid code. Attention is in this connection solicited to the notes of Legal Dept. at pp 2-3 of G.O. Ms. No. 665 Edn. d/10-3-49.

A copy of the Grant-in-Aid code is put up below. The file may be sent to legal again with ref. to their note above.

Sd/
22/11/49
Wm
22-11-49

23-11-49

Legal

Legal Department.

In the absence of any agreement with the management, the amount due to the Government can only be adjusted from the grant as proposed by E. & P. H. at X on pp. 2-3 ante. The whole scheme of grant rests on a discretionary basis and the Government have absolute discretion to pay or not to pay any grant or portion

thereof - Cf. rule 2(1) of the Grant-in-aid Code. If and when they decide to pay any grant for 1947-48, on a proper application received from the management, the Government may deduct from the grant the sum of Rs.1643/- due to the Government.

11/25/49

E & P.H.

E & P.H. (B.)

Please see the note of legal Deptt. above. They have agreed to the proposal of this Deptt. that the sum of Rs 1,643 due to the Govt. out of the equipment grant sanctioned to the now defunct C.E. Nair High School, Pattambi, may be adjusted out of the teaching grant due to the school for the year 1947-48 although it has not yet been assessed. Their suggestion that when a proper application from is received from the management, the sum of Rs 1643 may be deducted from the amount of teaching grant payable to the school, may be accepted. This does not however solve the question as to how the sum of Rs 1643 is to be adjusted as the management does not claim the teaching grant.

2. The file may be sent to Fin. as already marked at p 3 ante for remarks, if any, prior to circulation.

11/28/49
11/28/49
11/28/49

29-11-49

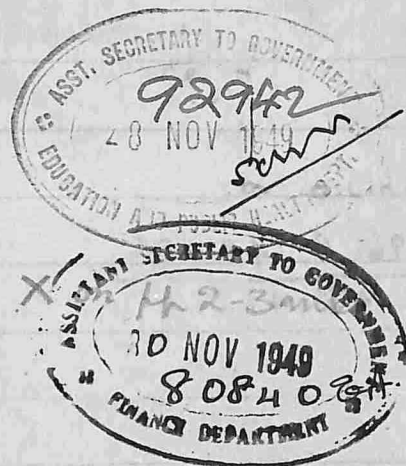
Finance

Fin (Exp-A)

Notes from page 1 above may be perused. In view of the position stated at "W" on page 2 above, Finance may agree with the suggestion of legal at "M" above. So long as the teaching grant remains unclaimed which is admittedly more than the amount to be recovered, there is no financial loss to the Govt.

10-12-49

Legal R.O. No. 15475/49-1
25-11-49



Malove

29-11-49
E & P.H. U.O. No.

84961 B/49-3 Edn.
29-11-49



10-12-49
Fin 2080840 (A-1)

E & P.H. (B.)

C.No. 84961 B/49.

Please see the notes of Finance Deptt at p 4 above. They have also agreed to the suggestion of legal Deptt. that the sum of Rs 1,643 due to the Government out of the equipment grant sanctioned to the now defunct C.E. Nair High School, Pattambi, may be deducted from the teaching grant due to the school for 1947-48 when it is decided to sanction the teaching grant for that year on a proper application received from the management. There will be no financial loss to Govt. even if the management does not apply for the grant, as the grant payable is admittedly more than the amount to be recovered in respect of equipment grant.

2. A draft order is submitted below for approval.



11/12/49
11/12/49

12/12/49

13/12/49

H. N. (E & L)

11/12/49

