Closed
[illegible]
Supdt.

1015

Edn (1950) Dept.

MS Series.

G.O. 1015 Edn

Dated 27-3-50.

(same as page 13-20 infra)

Bheemanaicken Tope, VILLUPURAM,
Dated 11th June, 1949.

From

D. Dhanasamy,
(Late Senior Clerk, Municipal High School,
Villupuram)
Bheemaniacken Tope, VILLUPURAM.

SECRETARY TO GOVERNMENT
13 JUN 1949
LOCAL ADMINISTRATION
25778

To

The Honourable The Minister in charge of
Local Boards and Municipalities,
Government of Madras,
Fort St. George, MADRAS.

Sir,

Subject: D. Dhanasamy - Clerk, Municipal High School, Villupuram - Resignation from service - Reinstatement - Memorial submitted.

The humble Memorial of D. Dhanasamy, Clerk Municipal High School, Villupuram for reinstatement in service is submitted to the Hon'ble the Minister for Local Administration for favourable consideration and early orders:

The Memorialist was a permenant servant of the Villupuram Municipal Council. He had put in an unblemished service of over 13 years as Clerk-Shroff of the Municipal Office, Villupuram. In April 1948 he was transferred as Senior Clerk to the Municipal High School. He was discharging his duties to the entire satisfaction of the Headmaster and other superiors. (The report of the Headmaster may kindly be perused). He had cleared the accumulated arrears in the High School left by his predecessor by his earnest and hard work and brought the school accounts and registers up-to-date. Due to the heavy work in the High School, which has a strength of over 1600 pupils, he was suffering from chest pain for some time in the month of January 1949. He was taking medicine in the local Government Hospital for two weeks. (The records of the Government Hospital may kindly be perused and verified, if necessary). The Memorialist

Memorialist was advised to take rest by his family doctor. He took casual ~~rest~~ leave for 2 days, on 4th and 5th February 1949, and wanted to see whether his condition would improve. But, it did not. He, therefore, applied for medical leave to the Commissioner and explained his position and requested the Commissioner to issue the requistion to the Civil Assistant Surgeon, Government Hospital, Villupuram.

p11 infra

(copy of the petition dated 8-2-49 enclosed - Ex.A) The Memorialist was not able to walk and prayed for examination by the Local Assistant Surgeon. Unable to walk, or to sit or work, the Memorialist stayed away from duty from 8-2-49.

The Commissioner directed the Memorialist to appear before the District Medical Officer, South Arcot in his B-1722/49 dated 12-2-49. As he was unable to withstand the strain of the journey to Cuddalore N.T., the Memorialist requested the District Medical Officer to permit him to appear before the Civil Assistant Surgeon, Government Hospital Villupuram. The District Medical Officer advised the memorialist to obtain the permission of the Commissioner to do so. The Memorialist even submitted a Medical certificate from his family Doctor as proof of his illness. In spite of these, the Commissioner persisted in the memorialist appearing before the District Medical Officer while other subordinates were asked to be examined by the Civil Assistant Surgeon at Villupuram itself.

A

Meantime, after sufficient rest and treatment, the memorialist got a little better and was in a position to withstand the strain of travel. In obedience to the orders of the Commissioner, B-1/722/49 dated 22-3-49, the memorialist appeared before the District Medical Officer, South Arcot, who examined him and said that the memorialist was then fit to

rejoin

rejoin duty. Accordingly, the memorialist requested the Commissioner to permit him to rejoin duty. The Commissioner, instead of passing orders on that, framed charges against him and asked him for explanation. ~~The doctor who was treating the memorialist~~ The memorialist was in a confused state of mind. He did not receive his salary for two months prior to that. Added to this he had other family worries. His doctor was very pessimistic about the condition of his health. In his unnerved and demented state of mind he resigned his post. This was done by him in one of his weakest moments. The Commissioner accepted the resignation with effect from the forenoon of 4-2-49.

The Memorialist begs to submit as follows:

(1) The resignation tendered by him is to be considered invalid and as one made under pressure of circumstances.

p55 z (M)

(2) The Commissioner's order No.B-1 722/49 dated 28-4-49 is biased, and therefore, improper and ultra vires.

(3) The memorialist is to be deemed to have been in continuous service from 4-2-49.

(i) When the Commissioner persisted in the Memorialist appearing before the District Medical Officer, the latter pleaded his inability to go to Cuddalore and requested the Commissioner to treat his petition dated 11-3-49 as resignation. The Commissioner was not pleased to do so, probably because he thought rightly that the Memorialist was in a confused state of mind. ~~The Memorialist was in a confused state of mind.~~ The memorialist had a presentiment that the Commissioner was determined to spoil his carreer. So he resigned his post from the forenoon of 2-4-49 by his letter of even date. Immediately after this letter he was served with a memo of charges asking him to explain for his conduct on pain of of dismissal from service (Please vide B-1 722/49 dated 31-3-49). The Commissioner, thereupon, passed orders stopping his periodical increment for one year with cumulative effect. (vide orders B-1 722/49 dated 28-4-49). pp 33-35 of (M)

The memorialist submits that he did not resign his post in his normal state of mind. He did so scenting danger and ruin at the hands of the Commissioner as is revealed in the memo of charges of the Commissioner said above. Taking advantage of his resignation which was the result of the Commissioner's threat, the Officer gave the punishment of stoppage of increment. Obviously the Commisioner knew that his punishment was inoperative and has therefore on the the same date passed orders accepting the resignation of the memorialist. The memorialist was teased and oppressed by the Commissioner with a view to remove him from service. The Memorialist in his weak moments resigned his post.

2. The Memorialist wrote his letter of resignation on 2-4-49. He stated that he resigned his post from the forenoon of 2-4-49. The Commissioner, in his order No.B 1/722/49 dated 28-4-49 had stated "the resignation is accepted with effect from 4-2-49." p 41 of (M) p 55 of (M)

The Memorialist submits that the Commissioner could not give effect to the resignation to any date anterior to the date of his letter of resignation. All the orders of the Commissioner are therefore invalid and ultra vires. His order accepting the resignation is not fair and is actuated by unfair considerations and is not in the interest of public service.

M

(3) For the reasons explained supra, items 1 and 2 the memorialist submits that he should be deemed to have been in continuous service till date. The period from 4-2-49 to 28-3-49 should be treated as leave on Medical Certificate on the strength of the certificate produced from a registed medical practitioner who had been treating the memorialist. The District Medical Officer has

simply stated the memorialist was fit to join duty only on the date of his examination. He had said nothing about the condition of the Memorialist during the period from 8-2-49 to 27-3-49. In fairness, the Commisioner should have obtained the opinion of the District Medical Officer as to how the period upto 27-3-49 should be treated especially when the memorialist had produced a medical certificate from a registered medical practitioner. It is not known how the Commissioner has treated the period from 8-2-49 to 27-3-49. He has simply given effect to the resignation from 4-2-49 when the letter of resignation itself was in April, 1949. The acceptance thereof from February 1949 shows the undue haste born out of bias, with which the Commissioner wanted the punish the memorialist. The memorialist thought that he would be dismissed if he did not go to Cuddalore, therefore, got confused and resigned.

The memorialist, therefore, prays that the period upto 27-3-49 should be treated as leave on medical certificate and the period from 28-3-49 till date of reinstatement should be treated as on duty.

The memorialist is a large family man with five children and an old mother. He is depending mainly on his salary for his livelihood. He prays for sympathy and favourable orders.

The Memorialist begs to remain,
Sir,
Your most obedient servant,
D. Dharasamy
11.6.49

Copies submitted to
(i) The Secretary to Government, Local Administration Department,
(ii) The Inspector of Local Board and Municipalities.

10

MUNICIPAL OFFICE
30 JUN 1949
VILLUPURAM.

4601
Cef.

Endt No. 46511 B1/49-1 Edn d. 25.6.49.

Edn & Public Health dept.
B1.

$\frac{S1}{3076}$

$\frac{2}{25/6}$

Referred to the Commissioner, Villupuram Mlty for urgent remarks. He is requested to send his reply through the Inspector of Municipal councils and Local Boards.

V. Ramaswami
Asst. Secretary to Govt.

To

The Commissioner,
Villupuram Municipality
Through the Chairman Ml. council.

$\frac{9}{21.6.49}$

$\frac{1082}{24.6.49}$

11

EXHIBIT A.

Villupuram, 8-2-49

From
D. Dhanasamy,
Clerk, Municipal High School,
Villupuram.

To
The Commissioner,
Villupuram Municipality,
Villupuram.

Through
The Headmaster,
Municipal High School,
Villupuram.

Sir,

As I am suffering from chest pain off and on for the last 2 weeks, I am unable to sit and do my duties. I am undergoing teatment in the Government Hospital, Villupuram for the past 10 days. The Civil Assistant Surgeon advises me to take rest for some time and undergo treatment. I, therefore request you to kindly issue a requisition to the Civil Assistant Surgeon, Government Hospital, Villupuram.

Sd. D. Dhanasamy.

/True Copy/

D. Dhanasamy
11.6.49

~~22~~ 14

-2-

p28 & 29 of
Bk no
157A

producing a medical certificate and failure to appear before the District Medical Officer on repeated istructions. Further his action in having addressed the District Medical Officer direct was also against Rule 19 of the Rules relating to personal conduct of officers and servants under Municipal Councils. He was asked to show cause within 7 days as to why he should not be dismissed from service for his extreme indifference, malingering and disobedience of orders in the dischrage of his duties.

p41 of 42 (M)

He did not care to submit even a word of explanation to the above charge, but he simply tendered his resignation which was received in this office on 4-4-49. Further in his petition dated 4-4-49 he has stated that in as much as he has tendered his resignation he has no explanation to offer. He was also specifically asked in the form of questionnaire whether he desired an oral enquiry. He did not avail of that facility also. This shows that he was deliberately evading in spite of the adequate chances given to him to defend himself. In the absence of any explanation to the charge, the charge was taken as proved and his periodical increment was stopped for a period of one year with cumulative effect.

pp 51-52 of

p55 of (M)

The resignation dated 2-4-49 tendered by him was also accepted with effect from 4-2-49. The connected file D.Dis.722/49 dated 29-4-49 and his service register are enclosed for favaour of perusal and return.

Forwarded. The memorialists' personal sheets may also be perused.

CHAIRMAN.

Chairman.
17.7.49.

15/7/49
COMMISSIONER.

15.7.49

L.Cr.14/7

~~23~~ 15

From K.M.UNNITHAN ESQ., I.C.S.,
Inspector of Ml.Cls.& Local Boards, Madras 1.

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

R.O.C.No.35565-49 dated 4-10-1949.

8 OCT 1949

Sir,

Sub:- Dhanaswamy (Sri) D. - ex-clerk - Villupuram Municipal Council - Resignition - reinstatement - Petition.

Ref:- Endt.No.46511-B1-49-1 Edn., dated 25-6-49. p10 of

...

I forward herewith the petition dated 11-6-1949 of Sri D. Dhanaswamy, ex-clerk, Villupuram Municipal Council, together with the municipal Commissioner's letter B1.No.4601-49 dated 14-7-1949 together with the disposal D.Dis.No.722/49 dated 29-4-1949 of the Villupuram Municipal office, and the service book and personal file of the petitioner.

77295 (M)

2. The petitioner's request is for reinstatement in service after his resignation tendered by him and accepted by the Municipal Commissioner in his order B1.No.722/49 dated 28-4-49. The petitioner was directed to appear before the District Medical Officer, South Arcot for medical examination. The petitioner applied direct to the District Medical Officer to permit him to appear before the Civil Assistant Surgeon. The District Medical Officer advised the petitioner to apply to the Municipal Commissioner. On the Commissioner's refusal to grant the permission, the petitioner eventually appeared before the District Medical Officer, who declared him fit for duty, and stated that he had no appreciable disease. The Municipal Commissioner framed charges against the petitioner for malingering evasion, disobedience of orders and addressing the District Medical Officer direct, and called upon him to show cause against dismissal. Thereupon the petitioner tendered his resignation, and stated that, as he had tendered his resignation, he had no explanation to offer. The Municipal Commissioner passed orders stopping the increment of the petitioner for one year with cumulative effect, and at the same time accepting his resignation.

3. The petitioner was not in order in having addressed the District Medical Officer direct for permission to appear before the Civil Assistant Surgeon, and in his having tendered his 'resignation' instead of submitting his reply to the charges. It is seen that the petitioner had been holding out his resignation as an alternative to his not being permitted to appear before the Civil Assistant Surgeon. Thus the attitude of the petitioner was

P.T.O.

not be dismissed from service for his extreme indifference,

~~26~~ 16

not proper. His resignation having been accepted he forfeits his service in the municipality, and he will not be eligible for reappointment except as a fresh entrant subject to the conditions of qualification and age. The circumstances in which he tendered his resignation do not show sufficient justification for relaxation of rules to permit his reappointment after resignation. The record of work and conduct of the petitioner as disclosed by his personal file, and as a result of several enquiries conducted by the Deputy Inspector, Southern Range, Tiruchirapalli, at Villupuram, show him to be responsible for the faction in the municipal office, which was detrimental to the efficiency of the administration. His honesty and conduct are described to be not beyond question. He is also spoken of as a man taking sides in party politics, and as taking much advantage of his close relationship with the Vice-Chairman. His increment was stopped for one year without cumulative effect in 1945 for neglect of duty. On the whole, I consider that his exit is a good riddance and that there is no case for entertaining his petition for re-employment.

4. He has preferred an appeal against the punishment of stoppage of increment awarded by the Municipal Commissioner. The punishment did not take effect on the acceptance of his resignation, and the question of an appeal against that punishment does not arise. I am informing the Municipal Commissioner accordingly.

for Inspector.

L.P. 5-x-49.

5/10

17

LOCAL ADMINISTRATION DEPARTMENT 4-FEB 1950 SECRETARIAT, MADRAS

Regd Post

Bheemanaicken Tope, Villupuram,
Dated 2nd Feb., '50.

5208

From

D. Dhanasami,
(Late Senior Clerk, Municipal High School, Villupuram),
Bheemanaicken Tope,
VILLUPURAM.

ASST. SECRETARY TO GOVERNMENT 11 FEB 1950 EDUCATION AND PUBLIC HEALTH DEPT.

To

The Secretary to Government,
Local Administration Department,
Government of the State of Madras,
Fort St. George,
MADRAS.

1076

Sir,

Subject: D. Dhanasami - Clerk, Municipal High School, Villupuram - Resignation from service - Reinstatement - Memorial - Submitted on 13th June, 1949 - Orders thereon - requested.

The memorialist was a clerk in the Villupuram Municipality for over 13 years and had an unblemished record. He was posted as the only clerk in the Municipal High School having a strength of nearly 1500 and he had cleared all the arrears of accumulated work. Since he fell ill and wanted rest, he produced Medical Certificate and went on leave. In spite of the above fact, probably, the bonafides of the application were suspected and the memorialist was unnecessarily pursued and charges were framed. In a fit of uncertain mental poise, the memorialist resigned. The charges were enquired into and punishments were also awarded.

The facts of the whole case have been submitted to the Government in the form of a Memorial dated 11-6-49 and submitted on 13-6-49. It was prayed therein that the memorialist be reinstated with all benefits in view of the circumstances of the case furnished therein. No orders thereon have yet been received thereon, though the memorial was submitted nearly seven months ago.

(recd in the Ex P.H.)

The memorialist again requests that early and favourable orders may be passed in the matter. He is a big family man with a great responsibility to run a big family, which he findsit very hard especially in these days of financial stress.

Again it is requested that the Government be pleased to issue early orders.

The Memorialist begs to remain,
Sir,
Your most obedient servant,
D. Dhanasamy
3.2.50

LA. dept (G)

Ex P.H. wo (The main file is dealt with in E&PH)

10.2.50

10.2.50

9/2/50

LA ~~5208/50-1~~ 10/2/50

46511

18

19

Edu Deptt
B.

4651I/49 Establishment - Municipal Council Villupuram - Dhanasamy Sri. D. Clerk Municipal High School - Resignation - Petition for reinstatement - Orders passed

pp1-9 & 17 cf Read Petition from Sri D. Dhanasamy - Ex-clerk Municipal High School Villupuram d/ 11.6.49 & 2.2.50

pp13-14cf From the Commissioner, Villupuram Municipality, B.1 - 4601/49 dated 14.7.49

pp15-16cf From the Inspector of Municipal Councils & Local Boards, Roc No 35565-49 d/ 4-10-49.

Order Ms no 1015 Education dated 27.3.50

Asst Sec 27/3/50

The Govt have carefully considered the petition of Sri D. Dhanasamy, formerly clerk Municipal High school, Villupuram; for reinstatement in service after the resignation tendered by him had been accepted by the Commissioner Villupuram Municipality in his

p55g (M) Proceedings B.1 722/49 d/ 28.4.49. They are of

20

2/

opinion that the petitioner may be allowed to withdraw his resignation & given a chance to behave properly. They therefore direct that the petitioner be reinstated to duty forthwith and that the period intervening between the date on which ~~the clerk~~ he proceeded on leave and the date of his rejoining duty, be treated as leave to which he might be eligible (leave with pay followed by extraordinary leave without pay).

[illegible]

2. The petitioner is referred to the Commissioner Villupuram Municipality for orders on his memorial.

USH
25.3.50

27/3/50

27.3.50

To

The Commissioner
Villupuram Municipality
through the CMC (with orgl proceedings, service Register + personal file returned) (to be sent by registered post)
.. Inspector of Muncls + Local Boards
.. Petitioner (para 2 only)
(Address given)

Despd.
28.3.50

Copy to the L.A. Deptt
only of
S/spare copy 1

C2

B

MUNICIPAL OFFICE
- 4 JUL 1950
VILLUPURAM.

ASSISTANT SECRETARY
8 FEB 1951
5222
EDUCATION DEPARTMENT

A/47

4105/50.

5680

61594
11 NOV 1950

From

D. Dhanaswami,
Lower Division Clerk,
Municipal Office,
VILLUPURAM.

To

The Secretary to Government,
Local Administration Department,
Fort St. George,
MADRAS.

Through

The Commissioner,
Municipal Council,
VILLUPURAM.

Sir,

Sub: DHANASWAMI - Lower Division Clerk - Villupuram Municipality - period of leave - Forced leave - request to treat the same as on duty and to permit drawal of full salary.

Ref: Commissioner's R.Dis.4601/49 dated 4-5-50.

The petitioner, D. Dhanaswami, is a lower division clerk in the Villupuram Municipality with a service of nearly 15 years.

The petitioner was laid up with sickness from February 1949 and was under treatment in the Government Hospital, Villupuram. Since he could not attend to his duties properly, he applied to the Commissioner on 8-2-49 for requisition to the local Civil Assistant Surgeon. He was asked to appear before the District Medical Officer, South Arcot in Commissioner's B-1-722/49 dated 12-2-49. As the petitioner was not then in a fit condition to undertake a journey to Cuddalore, he made a request to the District Medical Officer, to permit him to appear before the local Civil Assistant Surgeon but he was asked to address the Commissioner for the issue of a fresh requisition to that effect. So, on 22-2-49 the petitioner represented to the Commissioner his then state of health and the suggestion of the District Medical Officer and requested a requisition to the local Civil Assistant Surgeon but his request was turned down twice. When the petitioner reached a stage of his health to undertake a journey to Cuddalore and in a condition to rejoin duty, he, in obedience to the orders

orders of the Commissioner, appeared before the District Medical Officer on 28-3-49 who found him fit again to rejoin duty then. The same day the petitioner reported to the Commissioner and requested to be permitted to join duty. NO ORDERS WERE RECEIVED PERMITTING HIM TO REJOIN DUTY. Fearing that he was being unnecessarily persued and persecuted and the Commissioner was bent on spoiling his career, the petitioner, on the spur of the moment of his confused mind, submitted his resignation on 2-4-49. This would not have happened if he had been allowed to join and therby he would have conserved his eligibility for leave.

True to his fears, instead of permitting him to join, charges were framed against the petitioner in Commissioner's B-1-722/49 dated 31-3-49 which reached him on 3-4-49, a day after his resignation. Naturally, he could not expect an unbiased judgment at the hands of a prejudiced superior and hence the petitioner thought it better not to meet the charges in extenso.

The Commissioner accepted the resignation of the petitioner in his B-1/722/49 dated 28-4-49 and on the same day disposed off the memo of charges against him even in the absence of a detailed explanation and stopped the petitioner's increment for one year with cumulative effect.

The petitioner submitted a petition to Government praying for reinstatement in service and the Government have been pleased to grant his prayer, in their G.O. No. 1015 (Edn) dated 27-3-50 wherein they observe:

Ⓒ/19-[illegible]

> "They are of opinion that the petitioner may be allowed to withdraw his resignation and given a chance to behave properly".

The petitioner submits that when he requested the Commissioner on 28-3-49 to permit him to rejoin duty, he did not allow him to do so and subsequent events confused the petitioner's mind so much that he submitted his resignation.

The Government have further ordered:

> "They therefore direct that the petitioner be reinstated to duty forthwith and that the period intervening between the date on which he proceeded on leave and the date of his rejoining duty be treated as leave to which he might be eligible (leave with pay, followed by extraordinary leave without pay)".

In accordance with this direction the petitioner in R.Dis 4601/49 dated 4-5-50 has been granted leave as under:

1. "Earned leave on full pay for 54 days from 4-2-49 to 29-3-49.
2. Unearned leave--Leave on private affairs on half pay for 3 months from 30-3-49 to 29-6-49.
3. Extraordinary leave from 30-6-49 to 31-3-50."

Thus, he has been put to a severe financial loss on account of items (2) and (3) above and he had also been necessitated to exhaust all kinds of leave to his credit. The petitioner again begs to point out that this would not have been the case if the Commissioner had permitted him to rejoin duty on 28-3-49 in accordance with the fitness certificate granted by the District Medical Officer.

In the circumstances submitted above, it is now prayed that:

a. the petitioner be treated to have rejoined duty on 28-3-49;

b. that he might be allowed to draw his full pay from that date; and

c. the leave granted to him under items (2) and (3) in Commissioner's R.Dis.4601/49 dated 4-5-50 be cancelled.

Villupuram,
4. 7. 1950.

Yours obediently,
D Dhanasamy

Copy submitted to the Secretary to Government, L.A. Department, in advance to save delay.

C2 no. 4150/50 d. 7. 10. 50.

Submitted thro' the Chairman, Municipal Council, Villupuram and thro' the Inspector of Municipal Councils and Local Boards, Madras for consideration if the rules permit

7/1950.
COMMISSIONER,
VILLUPURAM, MUNICIPALITY

Put up previous papers for reference
10.10.50

I do not find it necessary ~~They~~ to be forwarded Through me

Perused

46

MR

4598

LOCAL ADMINISTRATION DEPARTMENT
-2 FEB 1951
SECRETARIAT MADRAS

Office of the Inspector of Municipal Councils and
Local Boards, First Line Beach, Madras.

N Dis No. 3176/57 d/ 25.1.51

Forwarded to the Secretary to Government, Local Administration department.

The petition is for a reconsideration of the orders of Government in G.O. No 1015 (LA). Edn d/ 27.3.50, restoring the petitioner to service, treating the period of his absence on account of his resignation as leave to which he was eligible.

for Inspector
25.1.51

C/19-28

25/1/51

To the Secretary to Government,
L.A dept.

L.A. dept (G)

Education Dept no.

LA no 4508/51 G
5/2/51

5/2/51

6.2.51

6.2.51

.2.51

C2 4105/50.

5

MUNICIPAL OFFICE.
12 DEC
VILLUPURAM.

Office of the Inspector of Municipal Councils & Local Boards.

N. Dis. 61374-50 dated 28-11-50.

10543

Returned for ~~resubmitted~~ resubmission with the relevant municipal office records referred to in the petition under reference.

for Inspector
22/11/50

10.12

C2
Pl. put up records,
11-12-50.

To the Commissioner,
Villupuram Municipal Council
thro' the Chairman

7C6

C2-4150/50 dated 13--12--50: Municipal Office, Villupuram.

Inspector's reference N.Dis.61594/50 dated 28--11--50.

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16 JAN 1951
03176

Resubmitted to the Inspector of Municipal Councils & Local Boards, MADRAS Thro' The Chairman, Municipal Council, Villupuram.

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2. The relevant records of this office (i) D.Dis.722/49 dated 29--4--49 (ii) R.Dis.No.4601/49 dated 4--5--50 (iii) service register and (iv) the personal file of the appellant have already been submitted to the Inspector, in this office reference C2-4105/50 dated 25--11--50 as called for in the Inspector's reference Roc.No.49220/50-C5 dated 16--11--50.

Municipal Office,
VILLUPURAM.
15--12--50:

15.12.50
COMMISSIONER,
Villupuram Municipality.

Mano/15.12.

15.12.50

FORWARDED:

Chairman 11.1.51

Edns

5222/51 Establishment - Ml. High school, Villupuram - Sri D. Dhanasami, Lower Division clerk - Treating period of leave as duty - Request - negatived.

(J)

Read G.O 1015 Ed d. 27.3.50.

pp1-3 l.f Petition from Sri D. Dhanasami d. 4.7.50

p3 l.f From the Comr., Villupuram Mlty Endt No. 4150 d. 7.10.50

p4 l.f. .. Inspr. of Mls & Local Boards No. 3176/51 d. 25.1.51

31/16/3 Memo 5222 B/51-3 Edn d. 16.3.51

The request of the petitioner that the period of his absence should be treated as one of duty and that he should be granted full pay for the period (from 28.3.49 to 31.3.50) ~~can~~ will not be complied with.

The Comr., Villupuram Mlty is requested

2

To inform the petitioner accordingly.

3.3.51

3.51 9/3

7/3

Note:- The petitioner, a clerk in the M.I. High School, Villupuram, submitted his resignation to the Commr. pending issue of orders on certain charges framed against him by the Commr. The resignation was accepted with effect from 4.2.49. The clerk subsequently reported that he ~~handed~~ tendered his resignation on the spur of the moment and in ~~his~~ a confused state of mind. In view of this, he was reinstated in service and the period of his absence from 4.2.49 till he rejoined duty (ie 1.4.50) was ordered ~~ordered~~ to be treated as leave to which he was eligible under the rules (vide G.O. 1015 Edn. d. 27.3.50. The present request of the clerk that the period of his absence should be treated as duty and that he should be granted full pay for the period

9/3/51

To
~~The Commr. Villupuram Mpty through L.M.C.~~
~~The Inspr. of M.I. Ch & Local Boards~~
~~The DPI.~~

pp 1-7 uf of (9).

(9)

B

3

need not be complied with. The reinstatement itself was a concession. The draft memo on p1 ante is submitted for approval.

L. A may see before issue.

2.3.51.

3.3.51

3.3.51

7/3

LA

LAD

Edn. n.o 5222 B/51-2
8.3.51

ASST. SECY. TO GOVT.
8 MAR 1951
9607
LOCAL ADMN. DEPT.

ASSISTANT SECRETARY
14 MAR 1951
51/ 9722
EDUCATION DEPARTMENT

LA Dept (G)

The draft memo. on pages 1-2 above may be perused and the file returned to the Edn. dept.

LA no 9607/51-1
13.3.51

13/3

9/3/51

9.3.51

10.3.51

12.3.51 Edn.

4.

Edn

May issue

14.3.51

25/3

Education and Public Health Dept
B 1 section.

46511/49

Establishment - Municipal Council Villupuram -Sri D.Dhanasamy Clerk Municipal high school Villupuram Resignation from service - Request for reappointment.

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pp1-9 cf Petition from Sri D.Dhanasamy Ex- clerk Municipal High school Villupuram dated 11-6-49

p13 cf From the Commissioner Villupuram Municipality dated B.1 4601/49 dated 14-7-49

pp 15 16 cf From the Inspector of Municipal Councils and local boards RO.C. No 35565/49 dated 4-10-48

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pp1-9 cf

Sri D.Dhanasamy Ex-Lower Division clerk, Municipal High school, Villupuram, has memorialised the Govt for reinstatement in service after resigning his appointment and the resignation was accepted by the Municipal Commissioner in his proceedings 722/48 dated 28-4-49. His contention is that he was teased and oppressed by the Commissioner with a view to remove him from service and that in his weak moments he tendered his resignation of the appointment from 2-4-49 afternoon under a presentiment that the Commissioner was determined to spoil his career and that the Commissioner should not have given effect to the resignation from a date (4-2-49) anterior to the date (2-4-49) on which the resignation letter was tendered and that the proceedings was therefore invalid. He has also stated that the order accepting the resignation is not fair and was actuated by unfair considerations and was not in the interests of public service.

p55 cf A (M)

p7 cf portion L

M mp 7cf

2. The circumstances in which the Municipal Commissioner framed charges against the memorialist for malingering, evasion and disobedience of orders in the discharge of the duties, addressing the D.M.O direct, are stated in the Commissioner's letter on page 13 C.F. The memo of charges is dated 31-3-49 and it was despatched on 2-4-49 and received by the petitioner on 3-4-49. Theletter of resignation dat

pp 33 & 49 cf (M)

2-4-49 was received in the municipal office on 3-4-49. Apparently the clerk tendered his resignation knowing that disciplinary action was proposed to be taken against him. He did not offer any explanation to the charges, but merely stated in reply that in as much as he had resigned his post, he had no explantion to offer. It may therefore be taken that he was aware of the consequences of his resignation. The Commissioner apparently wanted to pass orders accepting the resignation after disposing of the charges framed against the clerk. and consequently issued his proceedings only on 28-4-49. The date from which the resignation was accepted was apparently entered as 4-2-49 forenoon the date from which the clerk was absent from duty. As pointed out by the clerk, the resignation can take effect only from the date on which he tendered his resignation or accepted by the Commissioner and it should not have any retrospective effect. It is dobtful whether this can be considered to make the proceedings invalid. It is open to the Commissioner ~~The Commissioner may be asked to xxxxxxxxxxxxxx~~ to rectify the defect and pass orders as to how the period from 4-2-49 ~~up~~ to the date on which the resignation was accepted, should be treated. The Commissioners action in not having allowed the clerk to join duty after he was found fit by the DMO was also not in order.

(M)/45

p557 (M)

p546

24-1-50

3. Attention is solicited to the remarks of the Inspector of Municipal Councils and Local Boards in para 3 of his letter on pp 15-16 C.F. In the circumstances stated therein, it is for consideration whether the petitioner's request for reemployment should be complied with. The personal file of the clerk is put up at (X).

The reamrks of the L.A. Department may be invited u.o.

As the clerk was also connected with the Municipal Office, L-A should see for remarks.
24-1-50

20.1.50

24-1-50

L-A

Edn u.o 46511 B1/49-2
25.1.50

L. A. Dept.

(M)/41 25/1/50

The clerk was on leave from 4-2-49. while on leave ~~the~~ he tendered his resignation of the post in the Ml. Office with effect from the fore-noon of 2-4-49. The Commr. however, accepted the resignation from the forenoon of 4-2-49, the date on which the clerk went on leave. ~~The~~ As the clerk did not rejoin duty after the expiry of the leave, the question

LOCAL ADMINISTRATION DEPARTMENT
3318
28 JAN 1950
SECRETARIAT, MADRAS

(M)/55

28.1.50

Madras Services Manual vol I
rule 33
p. 156

87

whether the resignation should take effect from 4-2-49 or 2-4-49 does not appear to be free from doubt. E&PH may consult Fin on this point.

2. As regards the request of the petitioner for re-instatement it is submitted that resignation of the public service entails forfeiture of past service. The only practical question is whether the petitioner should be re-employed. This ~~re-appoin~~ re-employment should be treated ~~as~~ in the same way as a first appointment and all rules governing the first appointment will apply. In view of the remarks of the Inspr. of Ml. Cls. and ~~[illegible]~~ Local Boards in paragraph 3 of his letter at pages 15-16 C.F., there seems to be no case for his re-employment. The file may be returned to E&PH.

8.2.50.

Article 418(a) of C.S.R.

Vide rule 33 on p 156 of MSM 112 (Madras Services Manual vol I)

The charges against the ex clerk in themselves are not very serious ~~and the Commr~~ to merit dismissal. The Commr. himself only wished that his increment should be stopped with cummulative effect. The exclerk foolishly resigned his post without offering his expln. to the memo of charges, probably ~~to avoid~~ fearing dismissal. If his record of work prior to resignation had been good, there might be a case for asking the Commr. to re-employ him as a matter of grace. As it is, he has earned a black record for himself and has to suffer the loss of employment for which ~~alone~~ he alone is responsible.

para 2 on p 15 cf

ASST. SECRETARY TO GOVERNMENT
13 FEB 1950
EDUCATION AND PUBLIC HEALTH DEPT.
1127

L.A. u.o 3318/50-1 of 10.2.50.

10.2.50

Secy/E&PH

10.2.50

10.2.50

E&PH

ASSISTANT SECRETARY TO GOVERNMENT
6 MAR 1950
EDUCATION AND PUBLIC HEALTH DEPARTMENT

Education & Public Health Dept
B-1 section

Please see the remarks of the L.A. Dept on pp 2-3 ante They agree that there is no case for complying with the petitioner's request for reemployment

2. In regard to the question whether the resignation should take effect from 2.4.49 the date on which it was tendered or from 4.2.49 as ordered by the Commissioner the remarks of Finance Dept. may be invited as suggested by L.A.

A

p 3 ante

13.2.49

14-2-50

Finance

14/2/50

Finance (C.S.R)

Edn n.o. 4651 B1/49.2
16-2-50

A clerk of a Municipal High school (Villupuram) was on leave from 4-2-49. While on leave, he tendered his resignation of the post with effect from 2-4-49 the date of his letter. The Commissioner however accepted the resignation from 4-2-49, the date on which the clerk went on leave. The point for consideration is whether the resignation can be accepted with retrospective effect. This is one for consideration by Public. E&P.H may be requested to consult Pub (Ser).

ASSISTANT SECRETARY TO GOVERNMENT
10843
18 FEB 1950
FINANCE DEPARTMENT

21.2.50

21.2.50

22/2/50

E&P.H.

E&P.H.
(B1)

Public w.o.

Fin w.o. 10843 CSR 1
23.2.50

23/2/50

ASST. SECRETARY TO GOVERNMENT
1388
23 FEB 1950
EDUCATION AND PUBLIC HEALTH DEPT.

Pub (Ser) Dept

X in Fin. note above:-

There seems to be no technical objection to the resignation of the clerk being accepted with retrospective effect from the date on which he absented himself from duty -- please see the proceedings of the Commr. at pp. 51-55 of (M). E & P.H. may let Legal also see on this point. The file may be returned to E & P.H.

Edn w.o. 4651 B1/49-3
23-2-50.

ASSISTANT SECRETARY TO GOVERNMENT
884.
24 FEB 1950
CHIEF SECRETARIAT

28/2/50

4.3.50

~~E.P.H.~~ Edn.

759

Pub (Ser) w.o.
No 884/50-1

Education Department.

The memorialist Sri D. Dhanasamy (aged 38) has worked as a clerk in the ~~Civil~~ various Branches of the Villupuram Municipality for about 13 years — in the Municipal office, Public Health section and in the Municipal High School. He resigned his appointment in a letter dated 2-4-1949 and the resignation was accepted by the Municipal Commissioner on 28-4-1949 with effect from 4-2-49, the date from which the clerk proceeded on leave. The question whether the date of resignation should be from 2-4-1949 or from 4-2-1949.has to be decided in consultation with Legal as suggested by Public. The ex-Clerk says that in a moment of weakness he tendered his resignation and requests that he ~~will~~ may be reinstated in service. The Commissioner of the municipality and the Inspector of Ml.Councils and Local Boards are not for acceding to his request. L.A. hold the view that though the charges framed against the memorialist are not serious, he is to be ~~framed for nothing~~ blamed for having foolishly ~~resigning~~ resigned his job.

vide the service book below

p 41 of (M)

p 55 ibid

p 4 ante

L.A. on p 7 of

p 9 of

pages 13-14 and 15-16 of

pages 33-35 of (M)

p 3 ante

2 It is quite clear that the clerk resigned his post either out of fear that he ~~may not~~ would be dismissed or in a huff. He was very foolish and just foolish. He may perhaps be allowed to withdraw his resignation. The Commr. may be asked to reinstate the clerk to duty forthwith, the intervening period being ~~period~~ treated as leave to which he might be eligible (~~[illegible]~~ leave with pay followed by extraordinary leave without pay). There seems to be really nothing in the charges framed against the memorialist and they seem to have been framed by the Commissioner more ~~than~~ out of some ill-feeling than because of any serious misdemenour on the part of the clerk.

ELS

pages 35 and 41 of (M)

X

pages 33-35 of (M)

2

3. The file may be circulated to H.M.(Edn) and H.M.(L.A.) for orders in para 2 overleaf.

13-3-50

14.3.50

We need not interfere. A man with 13 years service must know the consequences of resignation

H.M. (E.+L.)

H.M. (L.A.).

A draft order is submitted below for approval.

~~16-3-50~~. In view of the orders in circn., it seems unnecessary to pursue the question whether the resignation should take effect from 2.4.49, the date on which it was tendered or from 4.2.49 as ordered by the Commissioner

This may involve difference in leave salary. Legal may see as suggested by Public on p.4 ante.

17/3/50

16.3.50

17/3/50

Legal

Edn u.o. 46511B/49-4
17.3.50.

Legal Department

Education may kindly put up a copy of the rules governing the conditions of service of the ex-clerk.

21.3.50

J.S.

21/3

S.O

Spl. cover
17/3/50

ASSISTANT SECRETARY
4213
18 MAR 1950
LEGAL DEPARTMENT

Legal u.o. No 4213/50-1
21/3/50

Edn

On further consideration, I think he may be given another chance. X on prepage may be done.

The file may be circulated to H.M.(L.A) with reference to the minutes of H.M.(Edn).

24/3/50

S

H.M.(L.A.)

ASSISTANT SECRETARY
22 MAR 1950
3934
EDUCATION DEPARTMENT

S

7

Please see the orders in circulation on page 6 ~~of~~ ante. In view of this, it seems unnecessary to pursue the question as to the date from which the resignation should take effect.

A draft order is submitted below for approval. L.A. may perhaps see after issue.

25.3.50

27/3/50

27.3.50

ASSISTANT SECRETARY
30 MAR 1950
5223
S
EDUCATION DEPARTMENT

Edn u.o. 46511B/49-5
28.3.50.

28.3.50

MR

LOCAL ADMINISTRATION DEPARTMENT
13284
28 MAR 1950
SECRETARIAT, MADRAS

L.A. u.o. 13284/50-19
28.3.50

L.A (S.i.)

(Assnedas 8.01015 E.L. d. 27.3.50)

L.A. Dept.

Perused and returned.

28.3.50 Edn.

Put away 30/3/50

~~To~~ Sri RD Paul

Villupuram. Sch clerk.
Resignation.
permission for
reinstatement.

(To withhold issue of orders of file till the O to H.M. (E.L.))

KM
28/3

The file is submitted herewith. The orders have not been issued yet.
H.M. (E.L.).
28/3

1016 - Edu.

C.F. 73. 6,51,289—4-11-49. DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press, Miscellaneous, Routine. No. 1016, dated 28·3·50 19

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
~~26/2/51~~	~~Edu.~~	~~7544~~	~~D/51~~			MM2
~~21/2/52~~	~~Edu~~	~~50199~~	~~D~~		8/5/52	52 ~~M. P. Paul~~ L.D. P. R. Menon (Supdt)
~~21/1/53~~	~~Edu~~	~~45857~~	~~C~~			52

G.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

P--116--2-4-57--7,50,000.

GOVERNMENT OF ANDHRA PRADESH

Social Welfare and Labour Department

No. 1326 F/56-31 DATED 2 -- 11 -- 1957

MADRAS RECORD OFFICE
~~6~~- NOV 1957
4412 H
MADRAS

FROM

Shri K. Venkateswara Rao, B.A.,
Assistant Secretary to Government.

TO

The Curator, Madras Record Office,
Egmore, Madras-8 ~~(With enclosure)~~

SUBJECT:— Records-Records of common interest-G.O. Ms. No. 1017 Education dated 28-3-1950-Return.

Ref: This Government's letter No. 1326-F/56-30 Social Welfare & Labour dated 16-9-57.

P. II. C. f. i. of quarterly reminder file.

SIR,

....

In continuation of this Government's letter cited, I am to state that the original of G.O.Ms. No. 1017 Education dated 28-3-1950 on the subject noted in the margin relates to Andhra and T. region, it is therefore retained by this Government.

Subject: Schools-Government Middle School, Venkatapuram Levy of fees at rates lower from the standard rates and certain other concessions-proposals-approved.

293/56

DI 40/56

Yours faithfully

K. Venkateswara Rao 2.11.57

Assistant Secretary to Government.

127-x/57

Block: I.

Necessary entries may kindly be made.

6.11.57. A.2/11

AS
2.11.57

~~For the A.C.~~

~~necessary entries have been made in the S.G.R. of this section. No further action is necessary. This may be filed with the dummy slip~~

6.11.57.

Necy. entries have been made in the issue register.

6/11/57