

Ed P. H. (1950) Department.

MS SERIES.

~~Noted~~
~~by~~
S. J. J.

G.O. NO. 186 Edn.

Dated 24.1.50.

(1)

(6)

[Despatch Abstract.]

Legal Assistance - North Arcot District - Province of Madras.
G.S. no. 552 of 49 on the file of the Court of District
Munsiff - Vellore - Defence at Public Expense - Sanctioned.

Back Papers.

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

Further Papers.

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

Dated 14th October, 1949.

From D. Soundar Rajan,
Son of Devarajulu Naidu,
North Arcot District Board High School Assistant,
No.9 Narasimhaswami Matam North Atreet,
Salavanpet - VELLORE.

To
The Secretary to the Government of Madras,
Educational Department,
Fort St. George,
Madras.



79927
5/ Sir,

This notice is given to you under Section 225(1) of the Madras Local Boards Act two months in advance of the legal proceeding I intend taking in the local Civil Court, (as auxiliary to my civil suit in respect of which I have already served on you statutory notice on 2nd July, 1949,) praying for an injunction order against the order of the Special Officer, District Board, North Arcot No.R.O.C.B 3/12662/49 dated 9/10/49 removing me from service.

On 18/8/49 the Special Officer, District Board, framed charges against me, and (in continuation of the transfer his personal Assistant imposed on me without the grant of teaching conditions applied for-the details of which are given in the previous notice,) and wanted me to put in my written statement of defence and state whether I desired to be heard in person. I desired to be heard in person in my written statement dated 27/ 8/49 and wanted an adjournment till the validity of the transfer order passed by the Personal Assistant to the special officer was decided by a competent court and pleaded that when my statutory notice as above said was subsisting for a civil suit, involving the point of law borne by the charge, an action against me based on the charge is begging the question and so is not valid unless that point of law is cleared.

Further, since I have expressed my willingness to be heard in person, in my written statement, the Special Officer cannot pass order in absentia without hearing me. If the Special Officer is not in favour of granting me an adjournment, the Special Officer might have called for my immediate appearance and heard me. The Special Officer, at the instance of his Personal Assistant, evaded to call on me since in my written statement I have volunteered to prove the irregularities and frauds of the Personal Assistant practiced on Government to rebut the charge; for, the Personal Assistant feared that he would expose the fraud he had committed on government in the matter of Furniture contracts involving over Rs.60,000/- placed with the Anjuman, Vellore by the District Board for the supply of Teakwood articles of certain specifications since non-teakwood furniture was passed by the Personal Assistant and as teakwood Furniture and payments made accordingly. He has also been interested in Cheyyar Ancient Road Contracts involving over a lakh of Rupees without appraising Government of the nature of his interest in it. Further, my removal from service for disobedience to an order, when my Statutory Notice for a civil suit questioning the very order, is not valid.

On the basis of the above cause of action I intend applying for an injunction order two months later, (after the immediate filing of the suit covered by the previous statutory notice above referred to, since the subject matter is the same,) praying for refraining you from service removing me from service, as temporary relief, till the disposal of the suit above referred to, and the grant of permanent relief prayed for therein.

2.
The Special Officer's order removing me from service is thus not operative till orders are passed by the Hon'ble Court on an injunction petition to be filed after two months complying in this regard with the statutory provision.

Yours faithfully,

D. Soundara Rajan.

Sd P.H.
B.

Lodged.

15/10/49.

16/11/49

From

3
17th October 1949.
3
D. Soundara Rajan,
Son of Devarajulu Naidu, North Arcot District
Board High School Assistant, with residence
at No.9 Narasimhaswami Matam North Street,
Sullivanpet, Vellore.

To

The Secretary to Government of Madras,
Education Department,
Fort St. George, Madras.

81126
Sir,

In continuation of my statutory notice dated 14th October 1949 under Section 225 (1) of the Madras Local Boards Act for an injunction order against the order of my removal from service passed by the Special Officer, District Board, North Arcot, I submit that the above order gets invalidated as the prior sanction of Government was not obtained to waive the provisions contained in the rules as required by the proviso to one of the rules. Further the Special Officer failed to take into consideration my readiness to abide by any alternative workable course expressed by me in my written statement and passed order in absentia; without calling upon my immediate appearance, ~~was~~ as the Special Officer was anxious to pass orders, at the instance of the Personal Assistant, before the handing over of charge to the President to be elected this day next week.

I also claim the payment of Rs.18-10-0 being my pay and allowance from 1-4-49 to 8-4-49 due at Katpadi Board High School which was promised to be paid to me in the Special Officer's Office Memo L.28793-49 dated 13-9-49 at the time of final decision but the same has not been ordered to be paid in the final order of removal. This constitutes the cause of action for payment of arrears of salary the relief claimed being the payment of Rs.18-10-0.

Yours faithfully,

D. Soundara Rajan

Exd (37)

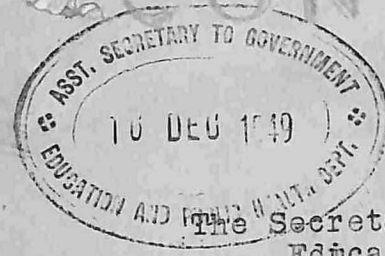
Please see the Communication from Sr. D. Soundara Rajan on pp. 1-3 of. The order of removal from service was passed by the President D.B.D. North Arcot. ^{not} It is open to the petitioner to appeal to the proper authority against the order of removal. ^{not to D.B.D.} The Govt are not concerned in the matter at this stage. No action seems called for. Maybe lodged.

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21.12.49

21/12/49

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CONFIDENTIAL



9 Narasimhaswami Matam Street,
Sallavanpet, Vellore,
14th December, 1949.

The Secretary to Government of Madras,
Education Department,
Fort St. George, Madras.

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Petitions under the Fundamental Rights of the
Indian constitution.

The petitioner, adverting to the order of the Special
Officer, District Board, North Arcot, R.O.C.B.3/12662/49
dated 9-10-49 removing him from service and his petition
dated 2-12-1949, submits that he is given to understand that
the Director of Public Instruction is contemplating to take
action against him under Rule 154 of the Madras Educational
Rules on the representation by the Headmaster.

The petitioner submits that the real culprit whom
both the Educational authorities and the District Board
are shielding, by victimizing ~~the petitioner~~ the petitioner,
is Sri T.P.Gopalakrishnan, still probationary Headmaster
Board High School, Katpadi, who unfortunately happens to
be the brother of ^{Si.} T.P.Santhana Krishna Naidu, Deputy Direc-
tor of Public Instruction. It has ever been the unshaken
belief of the petitioner that all are equal in the eyes of
law and the same is guaranteed under Fundamental Rights in
our Constitution recently adopted by the Constituent Assem-
bly. It was this belief that prompted him to bring to light
the anomalies of one with high connections though he was
warned by his well-wishers; ^{of our Constitu.} negation of this principle, will
have adverse effect on the general public.

The petitioner, in the above circumstances, requests
that the benign Government be pleased to re-examine the
whole matter on the background disclosed viz., that the
culprit is being shielded as he happens to be the brother
of the Deputy Director who in due course may become the
Director, and to place the whole matter for enquiry in the

hands of an independent tribunal or any authority not connected with the education department and thus

- (1) to safeguard the interests of the petitioner who had taken risks and brought to light the anomalies only in the interest of public good, as the man in power (Headmaster) was abusing the same, feeling confident of the cover afforded by his high connections;
- (2) to implement the provisions contained in the Fundamental Rights guaranteed in our Constitution, viz. that all are equal in the eyes of law, by bringing to books all that try to frustrate the very basic principles of our Constitution.

- (5) to stay the Director of Public Instruction from further proceeding in the matter until the benign Government make arrangement for a fuller and impartial enquiry.

The petitioners, as in duty bound, shall ever pray
to be,

Yours faithfully,

Don-see Bayan.
Petitioner.

4939/56. Legal Assistance - North Arcot District - Province of Madras. O.S. No 552 of 49 on the file of the Court of District Munsif - Vellore. Defence at Public expense - Sanctioned

Order no 186 Education dated 24-1-50

His Excellency the Governor of Madras sanctions the defence of the Province of Madras in O.S NO 552 of 1949 on the file of the Court of the District Munsif, Vellore.

2. The Court Pleader, Vellore, is requested to conduct the defence of the 3rd Defendant in the above suit

3. ~~The draft written statement prepared by the Govt Pleader may be submitted to Govt for approval before it is filed~~

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$$\frac{3}{20} \div \frac{1}{50}$$

To
The Collector of
North Arcot.

Govt Pleader
Vellore through the
collector of North
Arcot with summons
plaint and a copy of
memorandum 16 of (V)

S/c 2

Who with and
my Regs Door

~~24-5~~

[Received in Section
5.15 P.M.]

Edn n. 04939 B, 50-1
20.1.50

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The draft order may be sent to legal and Finance acceptance.

Para 3 ^{above} seems unnecessary as the Govt are not interested in his case; the ~~other~~ parties to the suit are the aggrieved teacher and Mr. Dr. Board, North Arcot. Para 3 may be omitted if Legal agree.

5/12/30 / Legal

5/10/1941 Loga
Paw

AS II.

Legal Dept

Please see the draft order and the notes of the Edw. Dept. overleaf. In G.O. No. 50 Legal dt 8.5.47 orders have already been issued ^{to the effect} ~~requiring~~ that written statements should be got approved by the Govt before it is filed, except in emergent cases. Also, the 3^d dept is only a ~~proforma~~ dept and is impleaded in the suit only for an effective adjudication of the matter.

removed in legal

pg 8 (bottom)

Hence this dept. may agree with E & PH that the 3^d paragraph of the draft order is not necessary. Subject to this modification, the draft may be accepted, and the case passed on to Finance.

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21-1-50

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indl.
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S.

Finance

Finance Dept.



Legal No. No. 1027/50-1
23.1.50

Fin (Plan)

The draft order overleaf may be accepted subject to the remarks at A's advice.

Fin. No. 1
5058/50-1
23.1.50

indl.
23-1-50

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23-1-50

EPH

EPH



Edw. Dept (M)

In the circumstances stated in the Legal Dept's note above para 3 of the draft order on page 1 ante may be omitted + the order as revised may be issued

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S 24
p 1