SO DEPARTM

PER

MS. SERIES.

①

G.O. No. 2297. Edn.

DATED. 16-8-1950.

38

Sub: Petition - Sri. R. Piramanayakam, Ex Typist, office of the D.E.O. Tirunelveli West - for reinstatement in Service Rejection.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, M A D R A S.
R.O.C. No.3579 C2/48 dated 16th March 1949. (A)

Sub: Public Services - Sri R. Piramanayagam, Ex-Typist, Office of the District Edl. Officer, Tinnevelly West - Re-instatement in service.

Ref: Memorial dated 4-11-48 from Sri R. Piramanayagam, Palamcottah dated 4-11-48.

Submitted.

2. In connection with certain irregularities alleged to have been committed by Sri R. Piramanayagam, Ex-typist, Office of the District Edl. Officer, Tinnevelly West, the Divisional Inspector of Schools, Mathurai framed the following two charges, conducted an enquiry in accordance with the prescribed procedure and removed him from service, as the charges framed were held to have been proved:-

(H)

22589

28 (H)

Charge 1:- "THAT HE ABSENTED HIMSELF FROM DUTY WITHOUT LEAVE FROM 15-9-1947 AND

Charge 2:- "THAT HE DISOBEYED THE ORDERS OF THE DIVISIONAL INSPECTOR OF SCHOOLS POSTING HIM AS TYPIST, OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, RAMNAD."

3. The Typist appealed to this office against the orders of the Divisional Inspector of schools removing him from service and the appeal was rejected by the Director after a careful consideration.

4. The following records connected with the case are herewith enclosed:-

(H) 1. Dis.No.1195/48 of the office of the Divl. Inspector of Schools, Mathurai, 1-123 pages.
(L) 2. Dis.No.450/48 of the office of the DEO. Tinnevelly West - 1-102 pages.
(W) 3. This office current file bearing Dis.No.4226/48 - 1-32 pages.
4. Personal file of Sri R. Piramanayagam - 1-22 pages.
Rep. below 5. Service book -do-
(J) 6. Casual leave register of the DEO's office, Tinnevelly West and
7. Divisional Inspector of schools (Mathurai) letter R.O.C.No. 824-A/48 dated 26-2-49 together with the enclosures thereto, (copies).

p. 5 infra

for Director of Public Instruction.

To the Secretary to Government, Education & Public Health Dept., Fort St. George.

SECRETARIAT, EDL. AND P.H. DEPT.
22 MAR 1949
GOVERNMENT OF MADRAS

Copy of D.O. letter dated 3-5-48 from the D.E.O. Tinnevelly East to Sri P.N. Chamu Nair, Divisional Inspector of schools, Mathurai.

I beg to submit the following for your kind consideration and necessary orders.

2. One Sri S. Rengasubramanian who was appointed as a Typist under 9(a)(i) in this office has been continuing here ever since the inception of this new office. He appeared for the Madras Public Service Commission examination in 1947 and has come out successful and he has been allotted to the D.E.O., Madras.

3. On a representation by the candidate of certain real difficulties including the old age of his parents, I wrote through the D.E.O. Tinnevel West, the unit officer, to the Secretary, Public Service Commission, requesting him to re-allot the candidate to the office of the D.E.O. Tinnevelly East itself.

4. In the enclosed communication the Divisional Inspector will be able to make out that the Madras Service Commission is unable to comply with my request for the reason that the D.E.O. Madras is not willing to spare the candidate.

5. The typist under consideration is the only member of the staff in this office who has been continuously working in this office since its inception and is an efficient and well behaved subordinate. Now that the Divl. Inspector of schools will have at this disposal three typists who will be surrendered by the Inspectress, in the amalgamation scheme by the Men's and Women's branches, it is requested that one of the three typists be allotted to the D.E.O., Madras and I be permitted to retain Sri S. Rengasubramanian in this office.

I request kind favour of early orders.

II

Copy of D.O. reply from Sri P.N. Chamu Nair, Divisional Inspector of schools, Mathurai dated 10-5-48 to Mr. A. Gopala Ayyar, D.E.O. Tinnevelly East.

I regret I am unable to comply with your request as Madras will no longer be in my jurisdiction. You may however write to the Director through me officially.

III

Copy of No.1503 E4/48-4 dated 28-4-48 of the Secretary, Public Service Commission, Madras to the D.E.O. Tinnevelly West.

Madras Ministerial Service - Typist - Approved candidate 1948 - Sri S. Rengasubramanian - Re-allotment - Your letter No.R.C.No.1(10)48 A/48 dated 29-3-48.

I am to enclose a copy of letter No.R.O.C.48 A/48 dated 6-4-48 from the D.E.O. Madras and to say that in the circumstances stated therein the question of re-alloting Sri S. Rengasubramanian to the Education Dept. in the Tinnevelly District has been dropped. The candidate may be informed accordingly.

IV

Copy of letter No.ROC.48 A/48 dated 6-4-48 of the D.E.O., Madras to the Madras Public Service Commission.

Sub: Madras Ministerial service - Typist - Approved candidate - 1948 - Sri S. Rengasubramanian - Allotment of.

Ref: Your letter No.1503 E4/48-4 dated 25-3-48.

As no other candidate is available in the Commission's list, Sri S. Rengasubramanian, the Typist originally allotted to this unit may be directed to join duty in this office forthwith.

Copy of letter No.R.O.C.824 A/48 dated 26-2-49 from the Divisional Inspector of schools, Mathurai to the Director of Public Instruction, Madras.

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Sub: Sri R. Piramanayagam, Ex-Typist, Office of the D.E.O. Tirunelveli
West - Memorial to the Hon'ble Minister for Education.
Ref: proceedings ROC.No.3579-C2/48 dated 2-2-1949 of the Director of
Public Instruction, Madras.

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The District Edl. Officer, Tirunelveli West reports that all the records connected with the case have been submitted already and no further paper is available in his office; nor do I have any paper connected with the subject in my office. I have submitted all the files to you in my R.C.824 A/48 dated 30-12-1948.

I discuss below the records required in your proceedings:-

Items 1 and 2:- During my inspection of the office of the D.E.O. Tirunelveli West recently I found that the casual leave applications for 1947 were destroyed. However, the casual leave register shows that casual leave for 12th and 13th August 1947 was sanctioned by the D.E.O. - please see the register enclosed. It is not, therefore, possible to believe the statement of the clerk about the refusal of casual leave.

Item 3:- The head clerk denies having sent any note to the appellant to the effect. Even if he had sent the note, it must be only with the appellant. The appellant is not a reliable person and he evidently wants records which never existed to be produced just to confuse the issues.

Item 4:- Of course there was some correspondence in regard to the re-allotment of the typist - Sri Rengasubramanian - from the Madras unit to Tirunelveli East. This was because Sri Rengasubramanian was connected with the office of the D.E.O. Tirunelveli East ever since the inception of the office and the D.E.O. Tirunelveli East found him useful and reliable for confidential work and wanted to retain him in his office. I remember that the re-allotment was arranged only through the Director of Public Instruction - please see my endorsement N.Dis.No.372 A/48 dated 5-6-48. I enclose herewith a D.O. from Sri A. Gopala Ayyar, D.E.O. Tirunelveli East on the subject containing the office copy of my reply. I am unable to produce any papers on the subject.

I may, however, state in this connection that Sri A. Gopala Ayyar, the then D.E.O. and his Personal Assistant, both of whom I consulted personally were not inclined to take Sri Piramanayagam in their office.

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FOR DIRECTOR OF PUBLIC INSTRUCTION.

DIVISIONAL INSPECTOR OF SCHOOLS
C.(28).A/48
8 NOV 1948
MADURA DIVISION

PUBLIC INSTRUCTION
17 NOV 1948
MADRAS

C.No: 3579 ea/48

(5)

MEMORIAL TO THE HON'BLE MINISTER FOR EDUCATION.

From

R. Piramanayagam,
12/17, Lankarkana street,
Palamcottah.

To

The Hon'ble Minister for Education
with the Govt. of Madras,
Fort St. George,
Madras.

THROUGH ✓1. The Divisional Inspector of Schools,
Madura Division.
2. The Director of Public Instruction,
Madras.

Honoured Sir,

p.2 of (u)

p.113 of (H)

I submit this memorial against the orders No.4226/48 dated 16-9-48 of the Director of Public Instruction, Madras and Rc.856A.47 dated 6-6-48 of the Divisional Inspector of Schools, Madura Division.

My case is as follows:

I was selected by the Madras Public Service Commission and allotted to the Education Department in the Tinnevelly Dt. I was appointed as a Typist by the District Educational Officer Tinnevelly & Anjengo and worked from 25-1-39 and was confirmed in due course. Since the date of my appointment I have been discharging the duties very satisfactorily.

In August '47 I applied for Casual leave for 2 days (for 12th and 13th August 47) Though I had leave to my credit the leave was refused in D.E.Os. Endt.dated 12-8-47(Exhibit A.) and I was asked to apply for Medical leave in the note of the Headclerk (Exhibit B) received along with the order. In obedience to the order I attended the office. Next month I was attacked by rheumatism, I applied first for Casual leave on 15-9-47 for 3 days. The leave was sanctioned 'subject to the condition that I will be considered to have been relieved from the day the substitute joins'. No substitute joined and I was allowed to avail of the 3 days leave from 15th to 17th both days inclusive. As my illness increased I was forced to apply

p.5 (u)

p.5 (u)

p.21 of (L)

for

8

p.25 (L)

p.29 of (L)
p.34 of (L)
p.1 of (H)
p.22 of (H)
pp.24-25 of (H)
p.26 — do

for ordinary leave first and then medical leave for 3 months. I was sent to the District Medical Officer. I received this order on 9-10-47 but due to my bedridden state I could not appear till 20-11-47. Meanwhile I was transferred to Ramnad District Educational Officer's office just to tease me. Is it right to transfer a man while he is on medical leave? On 29-11-47 I was informed that I would be suspended if I would not join duty at Madura in a week's time. Due to my aunt's death I could not rejoin duty. Hence I represented these facts to the Director of Public Instruction in my letter dated 29-11-47. Pending enquiry I was suspended by the Divisional Inspector of schools Madura in his order dated 15-12-47. I am also submitting copies of all the relevant orders and my representations made then and there for kind perusal of the Hon'ble Minister.

p.28 (H)

As regards the two charges framed against me by the Divisional Inspector of schools and the enquiry conducted by him I beg to submit as follows:

I Charge.

That he absented himself from duty without leave from 15-9-47,

p.21 of (L)
p.5 (W)
p25 (L)
p.29 do

On 15-9-47 I applied for 3 days Casual leave the leave was sanctioned subject to the condition that I will be considered to have been relieved from the day the substitute joins. (Ex. F) C Though no substitute joined I was allowed to avail of 3 days leave from 15th to 17th both days inclusive. In the meanwhile as my ailment took a serious turn I applied for earned leave for 20 days and went to~~xxxx~~ Tenkasi to have treatment in Tenkasi ~~was~~under a native doctor. Soon I found the medical treatment in Tenkasi was not satisfactory and realised that it will take some months to cure the disease completely. I therefore applied for medical p.16 of D.O. 11/5/48 (H) leave for 3 months enclosing a medical certificate issued by a prominent doctor of the place who had long been an Honorary Asst. surgeon of the Dt. Headquarters Hospital. The medical certificate truly speaks of the very bad state of my health then. By then

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2 (6)

p.1 of (H.)
p.5 (W)
p.3 ante
pp.7-29 of (H)
p.3

I was told that there was a specialist for rheumatism in Ettayapuram and so anxious to find relief from the unbearable pain I was then having I went to that place intimating my movements to the District Educational Officer every time. I did not receive any orders on my leave application but on 6-10-47 I received an order of the Divisional Inspector of schools, Madura posting me as a Typist in the office of the District Educational Officer, Ramnad at Madura and a Non-Service Commission 9(a) candidate to my place (Exhibit C) D This gave me a shock and worsend my health. There was no necessity for this posting of a very low paid typist to a place like Madura where it is not possible to maintain one's own self alone within the salary. Nor was any reason specified in the order. One is not able to understand why that a 9(a) candidate not belonging to that district was transferred to this district and a permanent clerk like me sent to a distant district. The motive for this transfer will be clear if the Two Demi Official letters (Exhibit 'D' & 'E') that had passed between the District Educational Officer and the Divisional Inspector of schools. To help Mr. Rengasubramanian I was shunted out by unfair means. This, I represented even in my first petition to the Director of Public Instruction (Exhibit F). From the first D.O. letter (Ex. 'D') ~~th~~ of the Divisional Inspector, it is very clear that the Divisional Inspector has got very great interest in the transfer of Rengasubramanian and I think the Divisional Inspector of schools cannot deny that he had no interest in the transfer of Rengasubramanian to this District and from the second D.O. letter (Exhibit 'E') the Divisional Inspector of schools cannot say that Rengasubramanian was required only by the East District Educational Officer and not by the West District Educational Officer. This letter clearly shows that both the District Educational officers made a personal conspiracy even from the beginning along with the higher officer and I was not only shunted out by unfair means but removed from service simply to create a permanent vacancy.

6

Apart from this letter there are ever so many D.O.letters and other correspondences regarding his transfer(that is-before his relief from the Tinnevelly office and joining the Madras office and after his relief from the Madras and joining the Tinnevelly office). If all the D.O.letters and correspondence were called for and perused by the Hon'ble Minister the whole matter will be clear. I again submit that the 9(a) candidate posted to my place never joined this office though he was relieved on 13-9-47. Earlier in a mysterious order the District Educational Officer gave me to understand that I would be considered to be relieved only from the day the substitute joined. As I was then in a very bad state of health in Ettayapuram with acute pain in limbs and not able to move about ~~xx~~ or undertake any journey I could not join duty but applied for leave on medical certificate for 3 months. Thereupon I was asked to appear before the District Medical Officer on 9-10-47. When I was in a fit condition to move to Palamcottah from Ettayapuram I appeared before the District Medical officer on 18-11-47. The District Medical officer kept me under observation and discharged me on 21-11-47. On 26-11-47 I intimated the fact to the District Educational Officer Tinnevelly. While matters stood thus I received orders Rc.856A.47 dated 27-11-47(Ex.G) from the Divisional Inspector of schools Madura that if I failed to join the appointment in the office of the District Educational Officer Ramnad at Madura within a week I would be placed under suspension with effect from 15-9-47 pending further disciplinary action against me. It is not clear how I absented myself from duty without applying for leave. The circumstances explained above will clearly show that I applied for 3 days casual leave then extended the leave by producing a medical certificate from the private practitioner for 3 months. Before the expiry of the 3 months leave for which no orders were received by me, I was placed under suspension.

Cf p33
p217 L
p29 L
p34 L
H
p21 7 Dis 1195/48
p65 L
H
Dis 1195/48 p22
p267 Dis 1195/48
H

II Charge. That he disobeyed the orders of the Divisional Inspector of schools posting as Typist of the office of the Dt.Educational Officer, Ramnad at Madura.

H

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11 7

I beg to submit that I did not disobey the orders of the Divisional Inspector of schools. The following circumstances will show that this charge should not have been framed at all. While I had applied for leave I got transfer orders from the Divisional Inspector of schools transferring me a poor typist from Tinnevelly District to Ramnad District and posting in my place a 9(a) man. It is clear that the District Educational Officers attitude from the beginning when I applied for casual leave till my suspension order was to get rid of me from his office, evidently with a view to getting his own man in my place and the clerk has untimately been brought to this district. The Demi official letters and correspondences will clearly prove the real fact. The Divisional Inspector was prompted by the District Educational Officer and thus I was not only transferred out of the District but also I was suspended with effect from 15-9-47 in Divisional Inspector's orders Rc.856A.47 dated 15-12-47 (Exhibit H) The Divisional Inspector of schools without considering my inability on account of rheumatic pains to join duty at Ramnad and without even favouring me with any orders on my leave application proceeded to frame charges against me. Thus it will be clear that I have not in any way disobeyed the orders but was anxiously waiting for the grant of leave on account of my illness and inability to join duty.

p287 H 1195/48

As regards the enquiry conducted by the Divisional Inspector of schools I beg to state that it was not at all conducted ~~xxxxxxxx~~ in the manner in which an enquiry should be conducted under the rules. In the first place I was not afforded facilities or copies of all records asked for by me to give a suitable explanation to the charges framed. I asked for certain copies of documents for perusal before submitting my explanation in my letter dated 27-12-47. The Divisional Inspector in his letter Rc.856A.47 dated (exhibit I) refused to give all the records except the District Medical officer's letter dated 20-11-47. In this connection I beg to state that the documents

p67-73 H
p29-30 H
p30-40

which were absolutely necessary for drafting my explanation were not given to me. The ground on which my request was negatived was that they were not relevant for the case on hand. Again after my repeated requests in his Pros.Rc.856A.47 dated 2-2-48 the Divisional Inspector ordered that the relevant records may be perused by me at the time of the enquiry and if I still evaded the submission of the explanation the case will be disposed of exparte(Exhibit J.) In obedience to the Divisional Inspector's orders I submitted my explanation (Exhibit K) without the help of the records which I called for. I am herewith submitting Divisional Inspector's Pros.Rc.856A.47 dated 6-4-48 passing orders on the enquiry conducted by him on 6-4-48 together with depositions thereon(Exhibit L) I was not allowed to peruse the records at the time of the enquiry but I was forced to walk out of the hall. Secondly it would appear that the witnesses the Headclerk and the District Educational Officer who were primarily responsible for aiming to remove from the District Educational Officer's Office were not examined and not allowed to be cross examined by me. The non receipt of the orders on my leave application, the question of posting a substitute during a short period also, would appear was a manoevoure by the authorities concerned in order to remove me from that office. My previous records will clearly show that my work and conduct were uniformly satisfactory. I beg to stress in this connection that the District Educational Officer was prejudiced against me soon after he joined the District in '47 and he was bent on getting rid of me from the District with a view to bring his own man. Thus it is clear from the several enclosures submitted herewith regarding the enquiry conducted depositions taken, the decision of removal from service arrived at without conducting a proper and judicial enquiry and more or less exparte as no records were given to me and I was not given opportunity to properly examine the witnesses. I beg to point out that no charge against me has been really proved.

(H) p.41 of Dis.19748

DO

pp.55-58 (A)

p.77 do

pp69-93 do

Thereupon I submitted my appeal to the Director of Public Instruction(Exhibit M) The orders of the Director of Public Instruction Dis.4226/48 dated 16-9-48 rejecting my appeal are also enclosed.

pp.1-11 of (U)

p.31 of (V)

(8)

As I failed to get proper justice both from the Divisional Inspector of schools and the Director of Public Instruction I humbly request the Hon'ble Minister to set aside the orders of the Divisional Inspector removing me from service and reinstate me with effect from 15-9-47.

I am a poor low paid typist belonging to a joint family I am the only earning member in the family and also the only grown up member to look after the entire family consisting of more than 10 members.

I implore the Hon'ble Minister to take a sympathetic view and pass favourable orders and thus protect a poor and helpless servant in these hard days of living.

I again request the Hon'ble Minister to call for and scrutinise all the Demi official letters that had passed between the officers regarding the transfer of Rengasubramanian and the other records that I wanted to peruse. They will prove the real motive for my transfer to another district and posting a 9(a) candidate to my place(who did not join duty/even till today) when there are two vacancies in this district itself.

I beg to remain,

Honoured Sir,

Your most humble memorialist,

Dated 4-11-48.

Viramanayagam

Advance Copy Submitted to the Hon'ble Minister for Education.

" to the Director of Public Instruction, Madras.

4

C.No. 3579-C2/48.

Dis 781 of 48 D 12.XI.48

Submitted to the Director of Public Instruction. The appeal of Sri. R. Piramanayagam against my orders of removal from service was ~~dis~~ repealed in Director's Pro. Dis 4226/48 D 16.9.48. I have offered ~~stray~~ my detailed remarks in that connection. No fresh reason has been adduced in the appeal to H.M. ~~Pa. 6~~

p.29-30 of

(U)

Dn. Inspector of Schools
Madura

10/11/48

15

(9) Edn and P.H. Dept.

Desp. 7/6

Telephone Message by Post
No 22589 A/49 Edn dt 7-6-49

From
The Asst. Secy. to Govt, Edn & P.H. Dept.

To
The Joint D.P.I.

Sri Piramanayagam, ex typist
Appeal -
Ref D.P.I.'s letter No: 3579 C2/48
dt 16.3.49.

p.1 of

Please say under what provision of the rules the Divl Inspector of Schools Mathurai, transferred the ex. typist from the D.E.O's office, Tirunelveli west, to the D.E.O's office, Ramnad, at Mathurai

6/6/49.

7/6/49

(11)

(10) 12

A

CONFIDENTIAL:

ROC.NO.3579-C2/49.

Office of the Director of
Public Instruction,
Madras-6, Dated 1 July '49.

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUB
4-...-1

From

The Director of Public Instruction,
Madras-6.

To

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

50404

Sir,

Sub: Appeal - Sri R. Piramanayagam, Ex-Typist, Office of the District Educational Officer, Tirunelveli West - Re-instatement in service.

REF: Government Telephone Message dated 22589-A/49-Education dated 7-6-1949.

p.15 C/ p15

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vide I have the honour to submit herewith a copy of letter Roc.No.824-A/48 dated 22--6--1949 from the Divisional Inspector of Schools, Mathurai containing the information required in the Telephone Message quoted above.

Yours faithfully,

1/2

for Director of Public Instruction.

2.7.49

Ram.2/7.

Copy of letter Rc.No.824-A/48 dated 22-6-1949 from the Divisional Inspector of Schools, Mathurai to the Director of Public Instructic Madras.

Sub: Appeal - Sri R. Piramanayagam, Ex-Typist, Office of the Dt. Edl.Officer, Tirunelveli West.

REF: Director's Procs. Roc.No.3579-C2/48 dated 17-6-1949.

Appt. authority - D.E.O.

p.156 M.S.R. Vol I

The transfer of Sri R. Piramanayagam from the office of the Dt.Edl.Officer, Tirunelveli West to the office of the Dt.Edl. Officer, Ramnad was ordered by me under the proviso to Rule 32(b) of the General Rules for Provincial and Subordinate services.

2. It has been usual and also necessary to make such transfers on administrative grounds. So far as my Division is concerned I rarely resort to this provision. In the case of Sri R.Piramanayagam, I ordered the transfer on administrative grounds. In th connection, I may also add that I undertood that the man was running a typewriting institute at Tirunelveli in another's name and was neglecting his work. I thought that a change of place would be a suitable remedy and hence the transfer was ordered.

Sd. P.N.Chamu Nair,
Divisional Inspector of Schools,
Mathurai Division.

/True copy/

2/2

for Director of Public Instruction.

B.P.H

A

19

(11)

M. R. MEGANATHAN.

(Member Tamil Nad Congress committee)
& I.N.T.U.C. working committee.)

CONGRESS OFFICE,
Palamcottah,

20 - 6 - 49.

What is this for
KM
7.8.

SECRETARIAT ... DEPT.
18 JUL 1949
GOVERNMENT OF MADRAS

MINISTER FOR EDUCATION
R
23-6-1949
GOVT. OF MADRAS

Orgl. at p. 7-13 ante

54948

ASSISTANT SECRETARY TO GOVERNMENT
18 JUL 1949
EDUCATION AND PUBLIC HEALTH DEPT.

Dear Sir,

I am enclosing herewith a copy of a memorial of S R.Piramanayagam submitted to the Hon'ble Minister for Education on 4-11-48. The same was recommended by Sri A.P.C. Veerabahu, President District Congress Committee and Sri N.M. R. Subbaraman, M.L.A., Madura. This memorialist was removed from service only on vengeance by the DistrictEducational Officer and/not for any other bad reason. He was transferred to Madura. But due to a death calamity in his house he was unable to join duty. Simply for his not obeying the order he was removed from service. There is no other hard case except this. At the time of the disposal the ministry was disbursed. Hence I request you to kindly go through the paper, and to take personal interest. In ~~papa~~ Palamcottah his father was the manager of Kadhi Vastralaya. So his family is working for ~~the congress~~ our country in the critical juncture in the Indian National Congress. So I am very much interested in this memorialist. Please try to reinstate him in the Tinnevelly District Educational Office. This is his permanent place and it is still vacant.

Thanking you,

Yours truly,
M.R. Meganathan

A.F. Mascarenhas

MEMORIAL TO THE HON'BLE MINISTER FOR EDUCATION.

From
R. Piramanayagam,
12/17, Lankarkana Street,
Palamcottah.

To
The Hon'ble Minister for Education
with the Govt. of Madras,
Fort St. George,
Madras.

THROUGH 1. The Divisional Inspector of schools,
Madura Division.

2. The Director of Public Instruction,
Madras.

Honoured Sir,

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I was selected by the Madras Public Service Commission and allotted to the Education Department in the Tinnevelly Dt. I was appointed as a Typist by the District Educational Officer Tinnevelly & Anjengo and worked from 25-1-39 and was confirmed in due course. Since the date of my appointment I have been discharging the duties very satisfactorily.

In August '47 I applied for Casual leave for 2 days (for 12th and 13th August 47) Though I had leave to my credit the leave was refused in D.E.Os. Endt.dated 12-8-47(Exhibit A.) and I was asked to apply for Medical leave in the note of the Headclerk (Exhibit B) received along with the order. In obedience to the order I attended the office. Next month I was attacked by rheumatism, I applied first for Casual leave on 15-9-47 for 3 days. The leave was sanctioned 'subject to the condition that I will be considered to have been relieved from the day the substitute joins'. No substitute joined and I was allowed to avail of the 3 days leave from 15th to 17th both days inclusive. As my illness increased I was forced to apply

for

for ordinary leave first and then medical leave for 3 months. I was sent t the District Medical Officer. I received this order on 9-10-47 but due to my bedridden state I could not appear till 20-11-47. Meanwhile I was transferred to Ramnad District Educational Officer's office just to tease me. Is it right to transfer a man while he is on medical leave?. On 29-11-47 I was informed that I would be suspended if I would not join duty at Madura in a week's time. Due to my aunt's death I could not rejoin duty. Hence I represented these facts to the Director of Public Instruction in my letter dated 29-11-47. Pending enquiry I was suspended by the Divisional Inspector of schools Madura in his order dated 15-12-47. I am also submitting copies of all the relevant orders and my representations made then and there for kind perusal of the Hon'ble Minister.

As regards the two charges framed against me by the Divisional Inspector of schools and the enquiry conducted by him I beg to submit as follows:

I Charge.

That he absented himself from duty without leave from 15-9-47,

On 15-9-47 I applied for 3 days Casual leave the leave was sanctioned subject to the condition that I will be considered to have been relieved from the day the substitute joins. Though no substitute joined I was allowed to avail of 3 days leave from 15th to 17th both days inclusive. In the meanwhile as my ailment took a serious turn I applied for earned leave for 20 days and went toxxxxx Tenkasi to have treatment in Tenkasi wasunder a native doctor. Soon I found the medical treatment in Tenkasi was not satisfactory and realised that it will take some months to cure the disease completely. I therefore applied for medical leave for 3 months enclosing a medical certificate issued by a prominent doctor of the place who had long been an Honorary Asst. surgeon of the Dt.Headquarters Hospital. The medical certificate truly speaks of the very bad state of my health then. By then

I was told that there was a specialist for rheumatism in Ettayapuram and so anxious to find relief from the unbearable pain I was then having I went to that place intimating my movements to the District Educational Officer every time. I did not - receive any orders on my leave application but on 6-10-47 I received an order of the Divisional Inspector of schools, Madura posting me as a Typist in the office of the District Educational Officer, Ramnad at Madura and a Non-Service Commission 9(a) candidate to my place (Exhibit C) This gave me a shock and worsend my health. There was no necessity for this posting of a very low paid typist to a place like Madura where it is not possible to maintain one's own self alone within the salary. Nor was any reason specified in the order. One is not able to understand why that a 9(a) candidate not belonging to that district was transferred to this district and a permanent clerk like me sent to a distant district. The motive for this transfer will be clear if the Two Demi Official letters (Exhibit 'D' & 'E') that had passed between the District Educational Officer and the Divisional Inspector of schools. To help Mr. Rengasubramanian I was shunted out by unfair means. This, I represented even in my first petition to the Director of Public Instruction (Exhibit F). From the first D.O.letter (Ex.'D') to the Divisional Inspector, it is very clear that the Divisional Inspector has got very great interest in the transfer of Rengasubramanian and I think the Divisional Inspector of schools cannot deny that he had no interest in the transfer of Rengasubramanian to this District and from the second D.O.letter (Exhibit 'E') the Divisional Inspector of schools cannot say that Rengasubramanian was required only by the East District Educational Officer and not by the West District Educational Officer. This letter clearly shows that both the District Educational officers made a personal conspiracy even from the beginning along with the higher officer and I was not only shunted out by unfair means but removed from service simple to create a permanent vacancy.

Apart from this letter there are ever so many D.O.letters and other correspondences regarding his transfer(that is before his relief from the Tinnevelly office and joining the Madras office and after his relief from the Madras and joining the Tinnevelly office). If all the D.O.letters and correspondence were called for and perused by the Hon8ble Minister the whole matter will be clear. I again submit that the 9(a) candidate posted to my place never joined this office though he was relieved on 13-9-47. Earlier in a mysterious order the District Educational Officer gave me to understand that I would be considered to be relieved only from the day the substitute joined. As I was then in a very bad state of health in Ettayapuram with acute pain in limbs and not able to move about ~~kx~~ or undertake any journey I could not join duty but applied for leave on medical certificate for 3 months. Thereupon I was asked to appear before the District Medical Officer on 9-10-47. When I was in a fit condition to move to Palamcottah from Ettayapuram I appeared before the District Medical officer on 18-11-47. The District Medical officer kept me under observation and discharged me on 21-11-47. On 26-11-47 I intimated the fact to the District Educational Officer Tinnevelly. While matters stood thus I received orders Rc.856A.47 dated 27-1-47(Ex.F) from the Divisional Inspector of schools Madura that if I failed to join the appointment in the office of the District Educational Officer Ramnad at Madura within a week I would be placed under suspension with effect from 15-9-47 pending further disciplinary action against me. It is not clear how I absented myself from duty without applying for leave. The circumstances explained above will clearly show that I applied for 3 days Casual leave then extended the leave by producing a medical certificate from the private practitioner for 3 months. Before the expiry of the 3 months leave ~~f~~or which no orders were received by me, I was placed under suspension.

II Charge. That he disobeyed the orders of the Divisional Inspector of schools posting as Typist of the office of the Dt.Educational Officer, Ramnad at Madura.

I beg to submit that I did not disobey the orders of the Divisional Inspector of schools. The following circumstances will show that this charge should not have been framed at all. While I had applied for leave I got transfer orders from the Divisional Inspector of schools transferring me a poor typist from Tinnevelly District to Ramnad District and posting in my place a 9(a) man. It is clear that the District Educational Officers attitude from the beginning when I applied for casual leave till my suspension order was to get rid of me from his office, evidently with a view to getting his own man in my place and the clerk has untimately been brought to this District. The Demi official letters and correspondences will clearly prove the real fact. The Divisional Inspector was prompted by the District Educational Officer and thus I was not only transferred out of the District but also I was suspended with effect from 15-9-47 in Divisional Inspector's orderc Rc.856A.47 dated 15-12-47 (Exhibit) The Divisional Inspector of schools without considering my inability on account of rheumatic pains to join duty at Ramnad and without even favouring me with any orders on my leave application proceeded to frame charges against me. Thus it will be clear that I have not in any way disobeyed the orders but was anxiously waiting for the grant of leave on account of my illness and inability to join duty.

As regards the enquiry conducted by the Divisional Inspector of schools I beg to state that it was not at all conducted ~~xxxxxxxx~~ in the manner in which an enquiry should be conducted under the rules. In the first place I was not afforded facilities or copies of all records asked for by me to give a suitable explanation to the charges framed. I asked for certain copies of documents for perusal before submitting my explanation in my letter dated 27-12-47. The Divisional Inspector in his letter Rc.856A.47 dated (exhibit) refused to give all the records except the District Medical officer's letter dated 20-11-47. In this connection I beg to state that the documents which were absolutely necessary for drafting my explanation were not given to me. The ground on which my request was negatived was that they were not relevant for the case on hand. Again after my repeated requests in his Pros.Rc.856A.47 dated 2-2-48 the Divisional Inspector ordered that the relevant records may be perused by me at the time of the enquiry and if I still evaded the submission of the explanation the case will be disposed of experte(Exhibit) In obedience to the Divisional Inspector's orders I submitted my explanation (Exhibit) without the help of the records which I called for. I am herewith submitting Divisional Inspector's Pros.Rc.856A.47 dated 6-4-48 passing orders on the enquiry conducted by him on 6-4-48 together with depositions thereon(Exhibit) I was not allowed to peruse the records at the time of the enquiry but I was forced to walk out of the hall. Secondly it would appear that the witnesses the Headclerk and the District Educational Officer who were primarily responsible for aiming to remove from the District Educational Officer's Office were not examined and not allowed to be cross examined by me. The non receipt of the orders on my leave application, the question of posting a substitute during a short period also, would appear was a manoevoure by the authorities concerned in order to remove me from that office. My previous records will clearly show that my work and conduct were uniformly satisfactory. I beg to stress in this connection that the District Educational Officer was prejudiced against me soon after he joined the District in '47 and he was bent on getting rid of me from the District with a view to bring his own man. Thus it is clear from the several enclosures submitted herewith regarding the enquiry conducted depositions taken, the decision of removal from service arrived at without conducting a proper and judicial enquiry and more or less experte as no records were given to me and I was not given opportunity to properly examine the witnesses. I beg to point out that no charge against me has been really proved.

Thereupon I submitted my appeal to the Director of Public Instruction(Exhibit M) The orders of the Director of Public Instruction Dis.4226/48 dated 16-9-48 rejecting my appeal are also enclosed.

As I failed to get proper justice both from the Divisional Inspector of schools and the Director of Public Instruction I humbly request the Hon'ble Minister to set aside the orders of the Divisional Inspector removing me from service and reinstate me with effect from 15-9-47.

I am a poor low paid typist belonging to a joint family I am the only earning member in the family and also the only grown up member to look after the entire family consisting of more than 10 members.

I implore the Hon'ble Minister to take a sympathetic view and pass favourable orders and thus protect a poor and helpless servant in these hard days of living.

I again request the Hon'ble Minister to call for and scrutinise all the Demi official letters that had passed between the officers regarding the transfer of Rengasubramanian and the other records that I wanted to peruse. They will prove the real motive for my transfer to another - district and posting a 9(a) candidate to my place(who had did not join duty/even till today) when there are two vacancies in this district itself.

I beg to remain,
Honoured Sir,
Your most humble memorialist,
Viramanayagam

Dated 4-11-48.

Advance
Copy „ Submitted to the Hon'ble Minister for Education.
„ to the Director of Public Instruction, Madras.

D.O.

Letter dated 26-7-1948. From the District Edl. Officer, Tinnevelly East to Sri.N.Vasudevan, M.A., L.I., District Educational Officer, Tinnevelly West.

Sub:- Re-transfer of Sri.Rengasubramanian, Typist.
Ref:- Your R.C.No.673 A/48 Dated 20-7-48.

As I have explained to you in person on 25-7-48, I would like that you appoint Sri. Rengasubramanian in your Office and transfer to my officer the Junior Typist of your Office.

District Edl.Officer,
Tinnevelly East.

Letter from the Dvl.Inspector to the D.E.O.Tinnevelly East.

Ref:- Your D.O.Letter dated 3-8-48.

I regret I am unable to comply with your request. As ~~wi~~ Madras will be no longer in my Jurisdiction. You may however write to the Director through me officially.

Exhibit A.

Dated 12-8-47.

Ref: Cl. Application for 2 days on 12th and 13th Aug.47
From Sri.R.Piramanayagam, Typist.

Returned.

2. The casual leave applied for is refused. He should apply for medical leave if necessary. In the exigencies of public service office work cannot be conducted without a substitute for a ~~sign~~ single day. If he does not require leave he should be present in the o fice for urgent work before 11 A.M. to day.

Sd. N. Vasudevan. 12-8-47.
District Edl.Officer,Tin-West.

Exhibit B.

Dated 12-8-47.

Dear Mr. R.P.

Your casual leave has been refused. I would advise you to take short leave say 10 or 15 days as before so that you can completely get yourself cured and we can also appoint a substitute from today itself. If you are not coming to o fice today please send your application for leave other than casual leave.

Yours,
Sd.T.A.Sankaranarayanan,
Head-Clerk.

/True copy/

31/A KR (17)

Confidential:

R.C.3579-C2/48.

Office of the Director of Public
Instruction, Madras-6,
Dated 19 September '49.

From
The Director of Public Instruction,
Madras-6,

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

SECRETARIAT
74373
28 SEP 1949

Sir,

Sub: Appeal - Sri R. Piramanayagam, Ex-Typist, Office of the District Educational Officer, Tirunelveli West - Re-instatement in service.

pp.1 & 17 c/

REF: This office letters R.C.No.3579-C2/48 dated 16-3-49 and 1-7-1949.

Kindly furnish me with a copy of the orders, if any, passed by the Government on the reference quoted above.

Yours faithfully,

for DIRECTOR OF PUBLIC INSTRUCTION.

20/9/49

32

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

Confdl.

urgent

Memorandum No. 22589 A/49-4 Edn., dated 19-10-49

Sub:- Petition - Sri R.Piramanayagam, ex-Typist, Office of the D.E.O., Tinnevelly West - Re-instatement in service.

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(18)

Ref:- Letter from the D.P.I., No.3579-C2/48, dated 16--3--1949.

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p1c1

p156/1180 vol I

p 4 nf

Rule 32(b) of the General Rules lays down that all transfers and postings shall be made by the appointing authority, provided that where the appointing authority is not the Provincial Govt., the powers conferred on the appointing authority may be exercised by any authority to whom the appointing authority is ~~adminstrating~~ administratively subordinate. The D.E.O. is the appointing authority in the case of typists in his office and he is competent to transfer the ~~gx~~ typists within his jurisdiction only. The D.E.O. has no power to transfer permanent typists of his office to another D.E.O.'s office. Under the proviso to ~~General Rule 32(b)~~ the rule the Divl. Inspr. of Schools can exercise only the powers conferred on the appointing authority viz., D.E.O., that is to say, the Divl. Inspr. also is not competent to transfer permanent typists of the Edn. Dept. from one D.E.O.'s office to another within his jurisdiction.

The position of the rules being as explained above, the action of the Divl. Inspr. of Schools, Madura, in having ordered the transfer of Sri R.Piramanayagam was irregular. The sanction of the Govt. should have been obtained for that transfer - please see rule 15 of the F.R. If Divl. Insprs. are to be empowered to transfer staff as ~~as~~ was done in Sri Piramanayagam's case, the Madras Ministerial Service Rules have to be amended.

x

As the order ~~in writing~~ initially passed by the Divl. Inspr. was irregular the ~~axtionxofxthe acknowledgement~~ action of the typist, Sri Piramanayagam, can be ~~g~~ regarded as an

p.1 (H)

34

- 2 -

assertion of his rights. His previous record is not relevant. The D.P.I. is accordingly requested to ~~re-examine the case in the light of the above facts and submit a report to Govt.~~ meet in detail the grounds taken in the appeal and make a report to Govt.

12/10/49.

BM 19/10/49

To

The D.P.I.
(with enc. to be
returned).

Despd. by Special Messenger MMS 19/x

17

35

(19)

CONFIDENTIAL:

R.C.No.3579-C2/48.

OFFICE OF THE DIRECTOR OF PUBLIC
INSTRUCTION,MADRAS.
Dated 10 November 1949.

12/11/49

From
The Director of Public Instruction,
Madras-6.

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

Sir,

SUB: Petition - Sri R. Piramanayagam, Ex-Typist,
Office of the District Educational Officer,
Tirunelveli West - Re-instatement in service.

pp33-34 ante

REF: Government Memorandum No.22589-A/49-4 Edn.,
dated 19--10--1949.

88059

With reference to para 1 of the Government Memorandum referred to above, I have the honour to state that according to the view taken by Government, neither the Divisional Inspector nor the Director is competent to transfer a clerk or a typist from the jurisdiction of one appointing authority to that of another even if it happens that those appointing authorities are administratively subordinate to the Divisional Inspector or the Director. The proviso to Rule 32 (b) of the General Rules cannot serve any useful purpose unless it enables the superior authority to exercise the powers within its own jurisdiction instead of within the jurisdiction of the appointing authority.

p156 M.M. Vol. I

The proviso lends itself to another view also, which is that the powers in respect of transfers and postings - conferred on the appointing authority may be exercised by the superior authority within its own (i.e. latter's) jurisdiction. An appointing authority has necessarily to exercise this power within his jurisdiction and the same -- limitation of jurisdiction does not strictly apply to the superior authority. I request to be informed whether the view expressed above is acceptable.

Yours faithfully,

for Director of Public Instruction.

Ram.11/11.

11/xi/49.

36

(20) 37 37

EPH Dept (A)

(Confdl) Memo No 22589 A/49-6 Edn 26.11.49

Petition - Sri R. Piramanayagam, Ex-Typist,
Office of the D.E.O., Tirunelveli West -
Reinstatement in service

Letter from the D.P.I. No 35779 C2/49 dt 10/11/49

p35 cf.

The D.P.I. is informed that the view expressed by him in para 2 of his letter cited above is not correct.

To
The D.P.I.

22/11/49

23/11/49

3a

39

(21)

Confidential.

UF27a/50

From

The Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department.

R.C. No.3579 C2/48 dated 19th January 1950.

Sir,

Sub: APPEAL - Sri R. Piramanayagam, Ex-typist, office of the District Edl. Officer, Tirunelveli West - Re-instatement in service.
Ref: Government Memo Nos.22589 A/49-4 dated 19-10-49 and 24-11-49. p.37 and

p.33 and

===

p.28 (H)

The two charges framed against the Typist are concerned both with the same offence and though it is possible to distinguish them, they are not actually distinct. On the nature of the offence, Government have ordered that the man was acting only within the meaning of the phrase "assertion of his rights." If Government are prepared to concede this great right in respect of their servants, I am not for belittling it or hedging it around with other considerations. It is also pointed out by Government that the Typist's previous record is not relevant. In this view, I can only agree to the cancellation of the punishment. However, I may add that the recognition of the right to disobey orders would tend to undermine all discipline.

for Director of Public Instruction.

Edn Dept

(Confl)

Letter No. 22587A/49-8 Edn dated 20/3/50
Ref

To
The Secretary,
Public Service Commission,
Madras
(with encls)

Despd 21/3/50

Sir,

Sri. R. Piramanayakam, ex-typist, Office of the D.E.O, Tirunelveli west - Re-instatement in service

—

I am directed to forward herewith the Secretariat current file ~~in~~ in the above ~~subjects~~ case together with the records connected with the case and to request that the Commission will be so good as to advise as to the orders to be passed in the case.

Yours faithfully

18/8/50.

20/3/50

List of encls sent.

1) Secretariat current file
2). Divl Inspectors Dis No: 1195/48 d/ 28.9.48.
3) Office ~~lit~~ of the D.E.O, Tirunelly west and ~~[illegible]~~ dengo.
Dis No: 450/48 d/ 24.11.48.
4) A file containing a petition from Sri. R. Piramanayagam (31 pages).
5) Personal file of Sri R. Piramanayagam
6) Service book —— do –
7) Casual leave Register of office of D.E.O, Tirunelly west.

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(23)

Edn deptt A

(Corydl) Letter /Ref. no 22589 A/49-9 Edn Dt 24/4/50

To The Secy,
Public Service Commn. Madras

Sir,

Sri R. Piramanayakam, ex. typist, Office of the D.E.O. Tirunelveli East - Reinstatement in service

pl cf This deptt's letter no 22589 A/49-8 Edn Dt 20/3/50.

despatched E 25/4

I am directed to invite your attention to the reference cited and to request when a reply to it may be expected.

Yours ffly.

21/4/50.

24/4/50

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A5

(24)

ASSISTANT SECRETARY
21 MAY 1950
EDUCATION DEPT.

TEL[illegible]

From
Sri C.Krishnaswami Chetty,
Secretary,
Public Service Commission,
M A D R A S --8.

To
The Secretary to the Government of Madras,
Education Department,
M A D R A S -9.

No. 1868 - C/50-1, dated 19 -5-1950.

12199

Sir,

REFERENCE: Your letter No. 22589-A/49-9, Edn., dated 24-4-1950.

I am to say that the matter is under the consideration of the Commission and that a reply will be sent as soon as possible.

Yours faithfully,

SECRETARY

Edn (A)

The Commission's reply may be awaited till 20/6/50.

Encl:Nil.

23/5/50

22 5 50

Edn Deptt

(Confl.)

Letter No. 22589-A/49-8 [illegible]

To

The Secretary

Public Service Commission

Madras

Sri R. Piramanayagam, ex-typist, office [illegible]

CONFIDENTIAL. TEL: "PUBSERCOM"

ASSISTANT SECRETARY
JUN 1950
EDUCATION DEPARTMENT

From
Sri C. Krishnaswami Chetty,
Secretary, Public Service
Commn., Madras-8.

To
The Secretary to the
Government of Madras,
Education Department.

SECRETARY
EDUCATION DEPARTMENT

No.1868-C/50-2, dated 31-5-1950.

Sir,

Memorial - Sri R. Piramanayakam, ex-Typist, Office of the District Educational Officer, Tirunelveli West - Removal - Your letter No.22589-A/49-8, Education, dated 20-3-1950.

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3.6.50

P 41 [illegible]

I am to say that the Commission has no doubt in its mind that the memorialist applied for leave knowing that he had been transferred, with a view to evading the order of transfer. According to the Public (Services) Department Memorandum No.236, dated 3-3-1947 such an attempt to defeat the order of transfer constituted indiscipline which should be taken serious notice of. In the Commission's opinion, there was nothing ULTRA VIRES in the order of the Divisional Inspector transferring him. However even assuming that the Divisional Inspector had no power to transfer a typist from the jurisdiction of one appointing authority to another, the Commission considers that the memorialist's conduct cannot be regarded as amounting to an "assertion of his rights". He never questioned the authority of the Divisional Inspector to transfer him. He was all along flouting the orders of his superiors and acting in a manner subversive of all discipline. The Commission is in agreement with the findings of the Divisional Inspector and considers that the memorialist made matters worse by giving a copy of his memorial to a member of a political organization and making him write to the Minister on his behalf in violation of rule 24 of the Government Servants' Conduct Rules. In the Commission's opinion, the memorialist is unfit to be retained in Government Service and his removal does not call for interference. The Commission advises that the memorial be rejected.

not put up

Vide p19 ante

p 158/Bk 112

2. I am to add that in the Commission's opinion the interpretation of General Rule 32 (b) and Fundamental Rule 15 put forward in Government Memorandum No.22589-A/49-4, dated 19-10-49 is not correct. The power conferred by the proviso to General Rule 32 (b) is merely the power to transfer and the question of jurisdiction is not dealt with in that rule. The authority exercising that power is entitled to exercise it within its own ordinary jurisdiction. The interpretation put on the rule in the Government Memorandum would result in depriving even the heads of departments of the power (which they have been exercising for long) to transfer a person from one district to another, if the jurisdiction of the appointing authority is confined to one district. If such an interpretation were to hold the field, the very large number of transfers which have been made by the heads of departments, including the Board of Revenue which has been transferring persons from the jurisdiction of one appointing authority to that of another, would become ULTRA VIRES. Even the Government cannot order such transfers, except by a relaxation of the rule, for Fundamental Rule 15 (relied on in the Government Memorandum) deals only with transfer ~~of the memorialist~~ "from one POST to another", while the transfer of the memorialist was not "from one post to another" as no change of post was involved. It cannot be the intention of General Rule 32 (b) or of Fundamental Rule 15 that the power of relaxing the rules should be exercised by the Government and that every such transfer should be ordered by them alone by that method. If that were so, there would be no end to requests to Government for relaxation of the rule for effecting transfers of this kind. Such a result could never have been intended.

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p 1033 [illegible]

p 166/Bk 112

p 166/Bk 112

PTO.--

3. The

3. The records as per list enclosed are returned.

Yours faithfully,

Secretary.
we

Encl.- List.

LIST.

1. Secretariat Current File.
2. Divisional Inspector's Dis.No.1195/48,dated 28-9-1948.
3. Office file of the District Educational Officer, Tinnevelly West and Dis.No.450/48,dated 24-11-1948.
4. A file containing a petition from Sri R. Piramanayagam.
5. Personal file of Sri R. Piramanayagam.
6. Service Book of -do-
7. Casual leave register of office of District Educational Officer, Tinnevelly West.

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49

(26)

Edn. Deptt A

Petition - Sri R. Piramanayagam, ex-typist Office of the D.E.O. Tirunelveli West - for reinstatement in service - Rejected

-

pp 1-39 of Letters from the D.P.I. No 3579 C2/48 Dt 16.3.49 & 19.1.50

pp 40-48 of Letter from the Secy Public Service Commn, Madras No. 1868C/50-2 Dt 31.5.50

Order (Ms) No 2297 Edn Dt 16/8/50.

The D.P.I. is requested to inform Sri R. Piramanayagam, ex-typist Office of the D.E.O. Tirunelveli West, that his petition has been rejected.

11/8/50

in sealed cover

L U H J WE

+ Service Book

To The D.P.I. with encls. returned

The Secy, Public Service Commn. Madras

S.C. 2.

Despd 14/8

MKS 11/8/50

Chr 11.8.50

50

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

C.No.22589/A-49.

p 1 cf

From the D.P.I., No.3579-C2/48, dated 16-3-1949.

Petition - Sri R.Piramanayakam, Ex-typist, Office of the D.E.O., Tirunelveli West - Re-instatement in service.

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(27)

The current file contains ~~the~~ a petition from Sri R.Piramanayagam, ex-Typist, Office of the D.E.O., Tirunelveli West, who was removed from service by the Divl. Inspr. of Schools, Madurai, for absenting himself without leave and disobeying the orders of the Divl. Inspr. posting him as a typist to the D.E.O.'s Office, Ramnad at Madurai. The facts of the case are explained in the Divl. Inspr.'s proceedings on pp.95-99 of the papers at 'H'. Sri Piramanayagam appealed to the D.P.I. against the orders of the Divl. Inspr. and the D.P.I. ~~has~~ rejected it. The petitioner has no right of second appeal to the Govt. His present representation is only to be treated as a petition to Govt. The question for consideration is whether the Govt. need interfere with the orders passed by the Divl. Inspr. of Schools and the D.P.I.

p 1 cf

(2)

The main ~~objections~~ points raised by the petitioner are:-

p 11 cf — (1) that the enquiry was not conducted according to the rules;

-do- — (2) that he was not supplied with ~~all~~ copies of all relevant records;

p 12 cf — (3) that he was not allowed to cross-examine the witnesses and that he was forced to walk out of the hall;

p 7 cf — (4) that the Divl. Inspr. was not justified in transferring a low paid typist like him to Madura when the M.P.S.C. had allotted him to the Tirunelveli District;

p 11 cf — (5) that he did not disobey the orders of the Divl. Inspr. and that it was his illness that prevented him from going to Madura.

(6) that his work and conduct ~~was~~ were throughout very satisfactory;

p 12 cf

(1)to(3)above:- The records show that the Enquiry Officer followed the procedure laid down in Rule 15 of the Madras Civil Services (Classification, Control and Appeal) Rules scrupulously, made all relevant records available to ~~him~~ the petitioner and also permitted him to cross-examine all the witnesses. The petitioner however did not ~~availed~~ avail of the opportunity but walked out of the hall of his own accord. The petitioner requested that he might be represented by a Pleader. The Enquiry Officer held that ~~the~~ a Pleader was unnecessary as the matter was a simple one.

pp 95-99 of (H)

BOT

2009.
30 MAY 1949

(4) above:- The Divl. Inspr. had full powers to transfer the petitioner to any place within the range. In public interests Govt. servants ~~will~~ may have to be transferred to any place. It does not seem that Govt. have laid down any principle stating that low paid officials should ~~as far as possible~~ be posted only to their native districts.

// A

(5) above:-The petitioner knew on 13-9-47 that he had been transferred to Ramnad. To evade this transfer he first applied for c.l., then leave on earned pay and later on leave on M.C. This constitutes a clear disobedience of orders and it is also doubtful whether he was really ill as the D.M.O. later certified that he was fit for duty.

p 68 of (H)

p 67 of (H)

(6) above:- According to the personal file of the typist, ~~he is stated~~ he seems to be ~~"you seem to be~~ lazy, irresponsible and careless in the discharge of your duties".

For orders whether the petition may be rejected or Govt. will interfere in the matter and set aside the orders issued by the Divl. Inspr. and the D.P.I. In the latter case, M.P.S.C. will have to be consulted. Please see Regulation 22 of the ~~M.C.S. Rules.~~ M P S C Regulations

// B
× P. 11, Bk. 112

Public (Services) may see.

EpHw 22589 A/49-1
28/5/49

DM
27/5/49 S

28/5

Pub (Ser)

(Cover)

26/8/49

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(28)

PUBLIC (SERVICES) DEPARTMENT.

Please see E. & P.H. note on pp.1-2 above.

pp. 190 and 209, Bk. 114.

Cf rule 10 read with the entries under 'Education Dept' in Annexure II and genl rule 32(b).

p. 156, Bk. 112

✓ p. 6 of the Service Book below.

2. 'A' on p.2 ante: There is no provision in the statutory service rules under which a Divisional Inspector can transfer a permanent typist from one office to another within his range. The petitioner was formerly a permanent typist in the office of the D.E.O. Tirunelveli West. It is not clear under what provision the Divisional Inspector of Schools, Mathurai had powers to transfer him from the D.E.O's office Tirunelveli West to the D.E.O's office Ramnad at Mathurai. E. & P.H. may please elucidate the position in this regard.

M

3. 'B' on p.2 ante: E. & P.H. are apparently inclined to reject the petition. That department may please confirm.

N

4. The file may be returned to E. & P.H.

31.5.49.

SS
31.5.49

E + P H
A

Please see the note of Public (Ser) above.

2. 'M' above: The Divl Inspector of Schools Madurai had transferred the petitioner under the proviso to rule 32 (b) of the General Rules, vide D.P.I.'s letter on p17 cf.

he being the appointing authority

S. Cover

Box

p156 of Vol I of M.S.M. (1946) Bk. 112

3. 'N' above: The presumption of Pub (Ser) is correct.

4. With these remarks the file may be sent to Public (Ser) for their remarks.

Pub (Ser) U.O. No. 2009/49-1 dated 3-6-49.

EpHw 22589 A/49.2
6.8.49

MS
24/7/49

4/8/49.

DM
6/8/49

315 8.
9 AUG 1949

4/

Pub (Ser) Dept

pag 210

(Previous note on p. 3 ante)

The subsequent note of E & P.H. on p. 3 ante may be perused.

2. Para 2 of E & P.H. note, p. 3 ante :—

General Rule 32 (b) says that all transfers and postings shall be made by the appointing authority, provided that where the appointing authority is not the Provincial Govt, the powers conferred on the appointing authority may be exercised by any authority to whom the appointing authority is administratively subordinate. The D.E.O. is the appointing authority in the case of typists in his office. He is competent to transfer typists within his jurisdiction only. He is not empowered to transfer permanent typists of his office to another D.E.O.'s office. Under the proviso to General Rule 32 (b), the Divisional Inspector of Schools can exercise only the powers conferred on the appointing authority, viz. the D.E.O: that is to say, the Divisional Inspector also is not competent to transfer permanent typists of the Education Dept from one D.E.O.'s office to another within his jurisdiction.

The petitioner was formerly a permanent typist in the office of the D.E.O. Tirunelveli West. From the above sub-para it is clear that neither the D.E.O. Tirunelveli West (appointing authority) nor the Divisional Inspector of Schools, Mathurai could transfer him from the D.E.O.'s office Tirunelveli West to the D.E.O.'s office Ramnad at Mathurai.

p.156, Bk.112.

Item 6 under Edn Dept, p.209, Bk.114.

rule 10, p.190, Bk.114

p.156, BK.112

p.6 of the Service Book below

Compare this dept's note in a similar case on p.1 of (B) and para 1 of G.O. No. 75, Rev, dated 10.1.49 at p.3 of (B)

A (29)

K as p.17 cf

A

p.11, Bk.164

B as p.2 ante read with para 3 of E&PH note, p.3 ante

The action of the Divisional Inspector in having ordered this transfer is therefore irregular. The sanction of Govt should have been obtained for that transfer — vide F. R. 15.

3. In the circumstances set forth in the E & P.H. note on pp. 1–2 ante, this dept may agree with them that the petition may be rejected.

4. The file may be returned to E & P.H.

17.8.49.

22.8.49

E&PH

Box

19.8.49

S. Cover

Pub (Ser) U.O. No. 3158/49.1 dated 22.8.49

p.17 cf

p.156, BK.112

ASST. SECRETARY ... 2 AUG 1949 65450 EDUCATION AND PUBLIC H...

G.O. No. 3468 P.(S) 27.11.47 (N)

Box

ASSISTANT SECRETARY TO GOVT. 3816 23 SEP 1949 CHIEF SECRETARIAT

B

(C.S. ...)

(Cover) No. 22589/49-3 AER. 21.9.49

A

Edn and P.H. Dept

The position may be as stated by Public (Services) at A above. But the Divl. Inspector quotes the same rule ie proviso to rule 32 (b) of the General Rules and says that it has been usual to make such transfers on administrative grounds. Divl Inspectors have been given power to make transfers and postings of Head-clerks and Upper Division clerks in their offices and in the offices of D.E.Os within their jurisdiction. It will be ~~and~~ anomalous if they have no power to transfer lesser paid typists. The position should, it seems, be regularised by amending the Madras Ministerial Service Rules suitably. Public (Services) may see again.

It is presumed that Public (Services) agree to the petition being rejected notwithstanding the irregularity pointed out by them.

20/9/49

20/9/49

Pub (Ser)

Pub (Ser) Dept

(Last noted on pp. 4-5 ante)

The further note of E & P.H. on p. 5 ante may be perused. The presumption at 'A' therein is correct — vide para 3 of this dept's note at p. 5 ante. The proposal at 'B' therein may be agreed to in this dept. E & P.H. may, in consultation with the D.P.I. if necessary, issue an executive order on this point. On receipt of a copy of that order together with relevant extracts of notes from this file, necessary action to amend the M.M.S. Rules will be taken in this dept.

The file may be returned to E & P.H.

23.9.49.

23/9/49

24.9.49

E.P.H

A.

M

SECRETARY TO ...
74086
24 SEP 1949
EDUCATION AND PUBLIC HEALTH

Pub (Ser) U.O.
No 3816/49-1
dated 24-9-49.
pp 7-13 cf

~~The file relates to the petition~~ An appeal from Sri. R. Ponnamanayakam, ex-typist, office of the D.E.O., Tirunelveli West ~~requesting~~ ~~for~~ re-instatement in service is dealt with in this file. The case is explained on pp 1-2 ante. Public Dept have agreed with the view of this Dept that the ~~petition~~ appeal may be rejected. The file may be circulated to H.M.(E&L) and H.Pr. for orders.

2 After orders are issued on the ~~petition~~ appeal, separate action will be taken w.r.t "M" above.

above

Box

26.9.49

27/9/49

26/9/49.

I cannot agree that because the Divisional Inspector had power to transfer superior officers he had power to transfer typists who were appointed only for work

in the district. Public has held very clearly that the transfer was irregular and that the M.M.S. rules require to be amended in case Government desire to give ~~D.E.Os.~~ D.P.I. power to transfer staff outside their jurisdiction on administrative grounds.

As the order initially passed was irregular the action of the typist can be regarded as an assertion of his rights. His previous record is not relevant. In the circumstances it may be necessary to refer the case to the Public Services Commission for which reason it is expedient that the D.P.I. meets in detail the grounds taken in the appeal. It may be referred back to the D.P.I. for his remarks.

ASSISTANT SECRETARY TO GOVERNMENT
4688
18 NOV 1949
PUBLIC DEPARTMENT

27/9

~~H.M.(E.&.L.)~~

~~H.Pr.~~

A draft memo to the D.P.I. is subd.

19/10/49.

19/10/49

pp 33-34 cf [Issued as Memo No 22589 A-49-4 Edn dt 19-X-49]

p 35 cf

from the D.P.I. 3579-C2/49 dt 15/11/49

Please see the Director's letter on p 35 cf. The view expressed by the ~~Govt~~ x is clear. There is no ambiguity ~~or doubt~~ in this dept's view in the memo on p 33 cf. The view of the D.P.I. expressed in para 2 of his letter on p 35 cf. does not seem to be correct. He may be informed accordingly. Public (Ser) may see for remarks.

p 4 ante &
p 33 cf

X

(Box)

No 22589 A/49-5

17/11/49

16/XI

16/11/49.

17/11/49

Public

A

Pub (Ser) Dept

(Last noted on p. 6 ante)

22 NOV 1949

The Subsequent notes of E & P.H. on pp. 6-7 ante may be perused.

2. X on p. 7 ante: The Director's view is not correct. E & P.H. may inform him accordingly.

3. The file may be returned to E & P.H.

18.11.49.

19.11.49

Pub (Ser) U.O

No. 4688/49-1
21. 11. 49.

S Cover

Box

E.P.H. Dept (A)

A draft memo. to the D.P.I. is subd. for approval.

18.11.49

22/11/49.

23/11/49.

[Issued as memo no 22589 A/49-4 Edn dt 24-11-49]

From the D.P.I. no 3579 C2/48 dt 19.1.50

p37 cf

p39 cf

Please see the D.P.I.'s reply on p39 c.f. ~~In the circumstances stated by him it is for orders whether the M.P.S.C may be consulted in the matter. The file may be circulated to the (S&C) A.S. for orders.~~

The Director now agrees that the punishment order may be cancelled, though such action would tend to undermine all discipline. Enforcing discipline is no doubt necessary but this should not be done (completely overlooking rules.)

The punishment order of the Divl Inspector may be cancelled and amendment of the Madras Ministerial Service Rules as suggested at B on page 5 ante may ~~not~~ be taken up separately. There is no question of consulting the M.P.S.C. in this case now. Public (Services) may see before circulation.

23/11

ASSISTANT SECRETARY TO GOVERNMENT
531.
6 FEB 1950
CHIEF SECRETARIAT

2/2/50 S 4/2 / Pub (Ser)

2/2/50.

(31)

Pub (Ser) Dept

(Last note on p. 8 ante)

The further notes of E & P.H. on p. 8 ante may be perused.

2. 'M' and 'N' on p. 8 ante: As E & P.H. do not propose to reject the petition, the Commission should be consulted in the matter — vide regulation 22 of the M.P.S.C. Regulations.

P. 11, Bk 112

3. The file may be returned to E & P.H.

6.2.50.

6.2.50

7.2.50

E.P.H.

S Cover

Pub (Ser) U.O.

No. 531/50-1
7.2.50.

(Note revised)

Edn Dept

A draft letter to the M.P.S.C. is subd.

18/8/50

21/8/50

(Issued as Letter No. 22589-A/49-8, Edn., dated 20-3-50).

From the Secretary, Public Service Commn., No. 1868-C/50-2 dt.31-5-50.

pp47-48 cf

The file relates to a petition from Sri R. Piramanayagam, ex-typist, Office of the D.E.O., Tirunelveli West requesting reinstatement in service. He was removed from service by the Divl. Inspector of Schools, Mathurai for absenting himself without leave and disobeying and flouting the orders of his superiors posting him as a typist in the Office of the D.E.O., Ramnad at Madurai. The facts of the case are explained in detail at pp.1-2 ANTE. The Public Service Commission, which was consulted in the matter, has, in its letter on pp.47-48 c.f. advised that the petition may be rejected for the reasons stated in para 1 of its letter.

(Revised note subd as directed by A.S.)

As regards the powers of the Divl. Inspector of Schools, Madurai to transfer the typist from the D.E.Os. office, Tirunelveli West to the D.E.Os. Office, Ramnad at Madurai the Commission states "that the power conferred by the proviso to General Rule 32(b) is merely the power to transfer and the question of jurisdiction is not dealt with in that rule and that the authority exercising that power is entitled to exercise it within its own jurisdiction."That body is of opinion that the view taken by this deptt. in the memo at pp.33-34 c.f. is not correct and that the interpretation given in that memo would tend to deprive even the heads of deptts. of the power of transferring persons from one district to another which ~~have~~ they have been exercising for long. The Commn. also states that even the Govt. cannot order such transfers unless the power of relaxing the rules are exercised by them and that being so, the requests for relaxation of rules for effecting transfer of this kind would be many. Submitted that the remarks of Public (Ser) deptt. may first be invited on the views of the Commission contained in para 2 of his letter.

p.47 cb

Memo No 22589 [illegible]
19.10.49

p47 cf

Nil
Pub 14.6.50

15/6/50

I am inclined to agree with the Commission. The Proviso to Rule 32 (b) seems to me to be quite clear. It empowers any authority to whom the appointing authority is administratively subordinate to make transfers and postings. Therefore, the Divisional Inspector to whom the D.E.O. is administratively subordinate can, it seems to me, transfer a clerk or typist from a D.E.O's office to another D.E.O's office within his (i.e. the Divisional Inspector's) jurisdiction. I do not ~~even~~ think that the rule ~~even~~ needs any clarification or modification.//On the question of merit, I think there is no reason at all for the Government to interfere and I would suggest that the petition may be rejected.

(Bose)

16.6.50 Publ (Ser.)

/R

Edn. No 22589 [illegible]

ASSISTANT SECRETARY TO GOVERNMENT
2893.
20 JUN 1950
CHIEF SECRETARIAT

(P.T.O.)

Public (Services) Department

(Last noted on p.9 ante).

The further notes on pp.9-10 ante may be perused.

2. This department may agree with Education that the petition may be rejected.

/R on p.10 ante
M
3.7.50.

3. The main points in para 2 of the Commission's letter at p.47 c.f. are noted on below:-

'A' on p.47 c.f.
o p.156, Bk.112

(1) The Commission holds the view that the power conferred by the proviso to General Rule 32(b) is merely the power to transfer, that the question of jurisdiction is not dealt with in that rule and that the authority exercising that power is entitled to exercise it within its own ordinary jurisdiction. The said proviso says that the power conferred by the sub-rule on the appointing authority may be exefcised also by any authority to whom the appointing authority is administratively subordinate. It thus follows that under the above provise a higher authority can exercise the power to transfer members only to the extent to which the appointing authority can exercise, and that the jurisdiction of such transfers is also limited to the jurisdiction of the appointing authority.

'B' on p.47 c.f.
× p.156, Bk.112

(2) The Commission says that the interpretation put by Government on General Rule 32(b) would result in depriving even Heads of departments the power (which they have been exercising for long) to transfer a person from one district to another, if the jurisdiction of the appointing authority is confined to one district, and that if such an interpretation were to hold the field, a very large number of transfers which have been made by the Heads of departments, including the Board of Revenue, which have been transfering persons from the jurisdiction of one appointing authority to that of another, would be ultra vires. It is submitted that several Heads of departments and Departmental officers have already been delegated the necessary power to transfer members from the jurisdiction of one appointing authority to that of another according to the needs of the

respective departments - please see the entries relating to the Cinchona, Companies, Co-operative, Excise, Forest, Registration, Survey and Land Records and Animal Husbandry Departments in Annexure II to the M.M.S. Rules. The Board of Revenue, the Chief Engineers of the P.W.D. etc., have recently been delegated such powers of transfer - vide G.O.Ms.No. 777, Public (Services), dated 21-3-49, G.O.Ms.No. 1158, Public (Services), dated 28-4-1949 and G.O. Ms.No. 2269, Public (Services), dated 25-5-50.

pp. 208-215, Bk. 114.

(D)
pp. 1-5

(3). The Commission has also stated that F.R. 15 deals only with transfer "from one post to another", while the transfer of the memorialist was not from one post to another as no change of post was involved. It is submitted that the posts in question are no doubt similar and belong to the same category of the service, but the fact remains that the memorialist was transferred from one post to another. The Government can order such transfers under F.R. 15, and that rule need not be relaxed for that purpose. ~~xx~~ The Commission's presumption that the Government cannot order such transfers except by relaxation of F.R. 15 does not therefore seem to be correct.

'C' on p. 4 of
p. 11, Bk. 154

cat. 18, rule 1,
p. 187, Bk. 112.

p. 11, Bk. 154

'C' on p. 4, 7 of
p. 15, Bk. 154

× p. 156, Bk. 112.
p. 11, Bk. 154

4. This department have all along been interpreting General Rule 32(b) and F.R. 15 as stated in para 2 of the note on pp.4-5 ante. Legal may be requested to say whether the interpretation put on those rules by this department is correct.

3.7.50

29/6/50

30.6.50

Public (Ser) u.o.
No. 2893/50-1
3.7.50.

Legal. Dept.

The Commn. disputes the correctness of the interpretn. contained in para 2 at pp 4-5 ante. The rules may be specifically amended so as to make the intention clear, one way or the other. It is unnecessary to go into the question whether the Commn's interpretn. or Pub. (Ser)'s interpretn. is the correct interpretn.

KVR. 4/7/50.

Pub. (Ser)

Legal u.o. No.
10085-C/50
(Legal) 4/7/50

ASSISTANT SECRETARY TO GOVERNMENT
3157.
6-JUL 1950
CHIEF SECRETARIAT

ASSISTANT SECRETARY
10085-C
4 JUL 1950
LEGAL DEPARTMENT

22589 Reg

Extracts taken for p.f.

Take extracts of

This Section
6/7/50

Box

Cover

Pub (Ser) Dept.

(Last note on pp. 11-12 ante)

With reference to the Legal Dept's note on p. 12 ante relevant extracts from this file may be taken for separate action in this dept. The file may be returned to Education.

6/7/50

6.7.50

7.7.50

Pub (Ser) u.o.
No. 2893/50-2
(H)
8.7.50

p. 114

19137
15/7/50

pp. 47-48

R at p. 10 ante

EDN. DEPT. (A).

The case relates to an appeal from Sri R. Piramanayagam, ex-typist, Office of the D.E.O., Tirunelveli West, requesting reinstatement in service. The petitioner was removed from service by the Div. Inspr, Madurai on 9-6-48, for absenting himself without leave and for disobeying and flouting the orders of his superiors. The facts of the case are fully explained on pp. 1-2 ante. The Public Service Commission, which was consulted, has advised that the appeal may be ~~Commissioner's~~ rejected. This Deptt. and Pub (Ser) agree with the Commission's view. The file may be circulated to H.M. (E.& L.) and H.C.M. for orders.

MKS
4/8/50
4.8.50

8/8/50

~~S~~ HM (E&L)

HCM
The appeal may be rejected

9.8.50

SECRETARY
10 AUG 1950
EDUCATION DEPARTMENT

HM (E&L)

9/8

HCM
10/8/50

Box

The draft order below is for approval

MKS
10/8
11.8.50

11/8/50

9|2|11

A (34) Econ
Examine
KM

ASSISTANT SECRETARY
13 AUG 1951
EDUCATION DEPARTMENT

SECRETARY
13 AUG 1951
31579
EDUCATION DEPARTMENT

To

The Hon'ble Minister for Education
with the Govt.of Madras.

Sir,

Ref. G.O.No.Ms.229 [illegible] 16-8-50

A p 49

I submit this humble appeal against the orders of
for your kind reconsidieration and favourable orders.

2. I was selected by the Madras Public Service Com
allotted to the Education Department in the Tinnevelly Dt..
appointed as Typist by the Dt. Educational Officer West an
from 25-1-39 and was confirmed in due course. Since the
appointment I have been discharging my duties very satis

3. In August 1947 I applied for C.L. for 2 days
A p 29 f In obedience to the Dt. Educational Officer's order I
Next month I was attacked by Rehuematism. I applie
on 15-9-47 for 3 days. The leave was sanctioned sub
dition that I will be considered to have been rel
the substitute joins . No substitute joined and
the 3 days leave from 15th to 17th both days inc
increased I was forced to apply for ordinary le
6 Medical leave for 3 months. I was sent to
on 9-10-47 but due to my bedridden state I co
20-11-47. Meanwhile I was transferred to Ra
to tease me. Is it right to transfer a man
leave?. On 29-11-47 I was informed that I wo
would not join duty at Madura in a week's time.
I could not rejoin duty. Hence I represent
Director of Public Instruction in my let
time I was suspended -pending enquiry-
of schools Madura in his order dated 1

CHARGE.

4 That he absented himself from duty

On 15-9-47 I applied for 3 days C.L.
to the condition that I will be
the substitute joins. Then

I was allowed to avail of 3 days leave from 15 to 17-9-47 both days
nclusive. In the meanwhile as my ailment took a serious turn I
pplied for earned leave for 20 days and went to Tenkasi to have
reatment under a native doctor. Soon I found the medical treatment
enkasi was not satisfactory and realised that it will take some
ths to cure the disease completely. I therefore applied for
cal leave for 3 months enclosing a medical certificate issued by
minent Doctor of the place who had long been an Honorary Asst.
eon of the Dt. Headquarters' Hospital. The medical certificate
speak of the very bad state of my health then. By then I was
at there was a specialist for Rheumatism in Ettayapuram and
ious to find relief from the unbearable pain I was then having
o that place intimating my movements to the D.E.O. every time.
t receive any order on my leave application but on 6-10-47
ed an order of the Divisional Inspector Madura posting me as
the office of the D.E.O. Ramnad at Madura and a non sch.
k 9 (a) candiate to my place. One is not able to under-
t a 9(a) candidate not belonging to that district was
to this district and a permanent hand like me to a dis-
. The motive for this transfer will be clear if the
ial letters that had passed between the D.E.O. and
Inspector are perused. (Copy enclosed) That 9(a)
joined this office though he was relieved on 13-9-47
fit condition to move to Palamcottah from Ettayapuram
the D.E.O. on 15-11-47. The D.E.O. kept me under
discharged me on 21-11-47. On 26-11-47 I intimated
E.O. While matters stood thus I received orders
Inspector of schools to join at Madura office.
t that time I was not able to join duty there.
atter to the Divisional Inspector in person.

5.

disobeyed the orders of the Divisional Inspector.
of that I did not disobey the orders of the Divisional
circumstances will show that this charge
t all. While I had ap

--- the District Educational Officer I got transfer order from the Divisional Inspector of schools . The District Educational Officer has not passed any orders on my medical leave application. The Divisional Inspector without considering my inability on account of Rheumatic pains to join duty at Ramnad and without even favouring me with any orders on my leave application and personal representation proceeded to frame charges against me. Thus it will be clear that I have not in any way disobeyed the orders but was anxiously waiting for the grant of leave on account of my illness and inability to join duty.

6 As regards the enquiry conducted by the Divisional Inspector I beg to state that it was not at all conducted in the manner in which an enquiry should be conducted under the rules. In the first place I was not afforded facilities or copies of all records asked for by me to give a suitable explanation to the charges. All the copies asked for to prove the motive of the officers were reused as irrelevant. If all the copies were given the motive will be clearly proved . After my repeated requests the Divisional Inspector ordered that the relevant recordsmay be perused by me at the time of the enquiry and at the time of enquiry he xkxxkkx solidly refused to show me the copies and began to conduct the enquiry. ~~Sxxxxx xexxxxxkxft xkxxxenquiryxhalx.~~ Secondly the Headclerk and the D.E.O. who were primarily responsible for ai ing to remove me were not examined and allowed to be cross examined by me. So with all these above points out of fear I left the enquiry hall.

7 Thus it is clear from the enquiry conducted, depositions taken, the decision of removal from service arrived at without conducting a proper and judicial enquiry and more or less experte as no records were given to me and I was not given opportunity to properly examine the witnesses I beg to point out that no charge against me has been really proved. Thereupon I submitted my appeal to the Director of Public Instruction and received orders of rejection.

8 As I failed to get proper justice both from the Divisional Inspector and the Director and the Government I humbly request the

ADDRESS.

R. PIRAMANAYAGAM.
12/16. LANKARKANA ST.
PALAYAMCOTTAI.
Date: 11-8-51.

Edu (A) Dept

Sub: Petition - Sri R. Piramanayagam, Ex-typist, office of the D.E.O. - Tirunelveli West - Reinstatement in Service - ~~orders passed~~

—

(H) p49 cf Read again: G.O. Ms No 2297 Edu dated 16-8-1950.
pp 1-4 cf Read: From Sri R. Piramanayagam - Petition dated 11-8-51

—

~~Order~~ Memo No 31519 A/51-1 Edu dated 27-8-51

—

The petitioner is informed that the orders passed in G.O. read above cannot be modified.

2/28/8.

29/8

Issue 24/8/51

1W3 24/8/51

27/8/51

To issue in Secy's name

To
Sri R. Piramanayagam
12/16, Lankarkana Street
Palayamcottai

Copy to the DPI.

[Edn 31519 A/51]

(37)

Edn Dept (A)

Sub: Petition - Sri R. Piramanayagam, Ex-typist, Office of the D.E.O, Tirunelveli West, Re-instatement in Service

—

p 1-3 cf Ref: Petition dated 11-8-51 from Sri R. Piramanayagam

—

Sri R. Piramanayagam, ex-typist, Office of the

Ⓗ p 1 cf D.E.O, Tirunelveli West, was removed from Service by the Divisional Inspector of Schools, Madurai, for absenting himself without leave and disobeying the orders of the Divisional Inspector of Schools, posting him as a typist to the D.E.O'S office Ramnad at Mathurai. Sri Piramanayagam appealed

Ⓗ p 1 cf to the D.P.I against the orders of the Divisional Inspector and the D.P.I rejected it. Though he had no right of second appeal

Ⓗ p 7-13 cf to the Govt, his ~~petition~~ representation dated 4-11-1948 was treated as a petition to Govt and examined. The Public Service Commission, which

Ⓗ p 47-48 cf was consulted, advised that the petition might be rejected.

Ⓗ p 49 cf Agreeing with the Commission, the Govt in their order Ms No. 2297 Edn 16-8-1950 rejected the petition.

p 1 cf 2. Sri Piramanayagam has now requested the Govt to

Ⓗ p 49 cf reconsider the orders passed in G.O Ms No 2297 Edn 16-8-1950 and reinstate him in Service. The main points raised by the petitioner

Ⓗ p 1-2 NF were already examined. He has not brought any new points, now, which merit consideration. As he has already exhausted all the remedies provided in the Statutory rules, it is for orders whether the petitioner may be informed that the orders passed

Ⓗ p 49 cf in G.O. referred to above cannot be modified. The case may be circulated to H.M (E&L) and H.CM for orders.

17.8.51

21.8.51

22/8/51

HM (E&L)

H.CM

23/8

SECRETARY
24 AUG 1951
EDUCATION DEPARTMENT

HM (E&L) ✓

HCM ✓

23/8

PTO

(38)

Edu (A) Dept.

Please see the orders in circulation at the bottom of p1 ante. A draft memo is submitted for approval. After issue, the pp may be filed with (H).

[illegible]
24/8/57

1103
24.8.[illegible]

[illegible]
27/8/57