M

1

Sectt. II-27—104,006—4-11-49. Closed
to
Inspect

Edn (1950) Department.

Ms SERIES.

G.O. NO. 2840

Dated 14.10.50

46

[Despatch Abstract.]

Govt. Press. Sri. A.K. Subramaniam & others
Petition against dismissal. Papers Recorded

Back Papers.

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

Further Papers.

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

Extract of H.M (E&L)'s minutes

Call for remarks

K.M./6-6-50

(2)

Madras, 5th June 1950.

From

A.K. Subramaniam,
No.83, Avadanam Papier Street,
Choolai, Madras.

To

The Hon'ble Minister for Education,
Fort St. George,
Madras.

Through:

The Superintendent,
Government Press,
Madras.

Sir,

I am working as an Imposer, High Court Department, in Government Press Madras, and I have put in a service of 27 years. I used to lend money to some co-workers in the Press at a small rate of interest, and even without interest. The interest thus collected from them is being utilised for the purpose of Charity, i.e., feeding the poor and supplying of butter milk and coffee on "Thiruvothiur Magizhadi Festival", Utsavams in Pilliar Temple located in the North and South. This is being done in the name of the Government Press. The Capital is collected from the employees of the Press and this charity is continuing for about 15 years and the Gazetted Officers of the Press are fully aware of this Charity and they were also pleased to provide us with a tap and electric fittings to the Pandal erected for the purpose of feeding the poor on Thiruvothiur Magizhadi Sarvai". In addition to this most of the workers subscribed As.4/- towards this fund and the amount has been accumulated when it is lent to the employees at a small rate of interest. In the year 1948 I have been requested to take charge of this amount and to lend the money at a small rate of interest. I never lent money to any employees of the press at 0-1-0

21/2

or 0-0-6 per Rupee per month. On account of prejudice an anonymous letter was sent to the Special Officer that I am lending moneys at the rate of 0-1-0 in the Rupee per month and that I am wasting the Government time by way of collecting money during the working hours on pay days, O.T. days and other days.

On 2-5-1950 I had a list of employees who have taken loan from me in my hand when A.S.2 asked me to give the list. I was actually attending ~~on~~ to my work. In obedience to him I gave the list to A.S.2 who immediately took me to the Superintendent, Government Press, who directed A.S.2 who enquired ~~who enquired~~ me whether I am in the habit of lending moneys at 0-1-0 per Rupee per mensem. which I denied. To state the fact I lent money to some employees only at a small rate of interest and even without interest to some employees. Some of the employees were enquired into and it was proved that I am not lending money at 0-1-0 per Rupee per mensem.

For no fault of mine I have been dismissed from service from the forenoon of 8-5-1950. Then I requested the Superintendent to provide me with a copy of the whole proceedings to enable me to submit an Appeal to the Higher authorities for which the Superintendent was pleased to give me a copy of the findings and not a copy of the statements of witnesses and the charges against me.

I beg to submit that I never wasted the Government's time in collecting the money during working hours on pay days, O.T. days and other days and lending money. These transactions were being done only outside the Press premises.

Under the circumstances explained above I request you to kindly re-instate me cancelling the dismissal order.

Thanking you in anticipation,

Yours faithfully,
288 A.K.Subramani,
Imposer HC

Advance copy forwarded to
The Hon'ble Minister for
Education, Madras.

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③ 3/3 Edn (2)

29/7

Memo. No. 14687E/50-2 Edn dated 10.7.50.

Appeal against dismissal.
Sri A.K. Subramani – Ref: S.G.P.'s letter No. /SBC 1 PA dt 28-6-50 —

The S.G.P. is requested to forward the original records of enquiry in the above case.

8/7/50

To
The S.G.P.

13/7

56/675

month and that I am wasting the Government

~~8~~ 4

the findings and not a copy of the statements

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(4) 5 ~~3~~

OFFICE OF THE SUPERINTENDENT, GOVERNMENT PRESS, MADRAS.

30 JUN 1950
17907

No.SBC/~~PA~~.P.A. Dated 28th June, '50.

From

Janab R. Siddique,
Superintendent, Government Press,
Mint Buildings, Madras.

To

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

Sir,

— please

Sub: Petition addressed to the Hon'ble The Minister for Education requesting re-instatement from A.K. Subramaniam, dated 5-6-1950
Ref: Government Endorsement No.14687 E/50-1 Edn., dated 9-6-1950.

* * *

With reference to the above, I submit that Sri A.K. Subramaniam was a permanent Imposer in the High Court Department of this office prior to his dismissal on 8-5-1950.

2. This is a case in which the individual had been in the habit of lending money to several employees of this office at a rate of interest of 1 anna per rupee per mensem i.e., 75% per annum. The individual has confessed that he used to collect these sums on pay days, overtime days and other days inside the office during working hours.

3. The preliminary enquiry was conducted by one of my Assistant Superintendents on 2-5-50 and 7 witnesses were examined and their statements were recorded. I also conducted the final enquiry into the case on 8-5-1950 and consulted the Special Officer for Re-organization of the Government Press. The Special Officer has also advised that the individual may be dismissed for infringing the Government Servants' Conduct Rules and indulging in habitual money lending within the Press premises and leaving his work without permission. A copy of the Special Officer's note is enclosed. According to the petitioner's own admission he had lent out a sum of Rs.1500/-. According to a list found on his person the amount involved was Rs.1540/-. Thus it may be seen that he was not a casual moneylender, but was regularly doing sowcar business with a large number of workers.

4. The petitioner now pleads that the interest collected from his co-workers in the Press was utilized for the purpose of charity, viz., feeding the poor and supplying of butter milk and coffee for "Thiruvettiyur Magizhudi festival, Utsavams in Pilliar Temples located in the North and South of the Press" and these charities were made in the name of the Government Press, Madras, which I am not aware of. Even if this plea is true, it is irrelevant to the point at issue. A worker in the Press has to do his work in the Press. He cannot be allowed to engage himself for an appreciable period of time in any other object however holy it may be. The fact that he was indulging in money lending for a holy purpose, even if it is true is irrelevant.

5. As he has infringed rule 7 of the Government Servants' Conduct Rules and as advised by the Special Officer for Re-organization, I have no optiont but to dismiss him from sergice.

Encl - 1

R Siddique
29.6.50

SUPERINTENDENT.

ALS/28/6. 29/6

Enclosure.

Copy of Special Officer's Note dated 9-5-1950.

--

There is no need to confirm your order. It is not part of the Special Officer's duty. But I will certainly tell you this, in the interests of the future well being of the Press which lies in my sphere of duties.

A worker who is habitually dealing in moneylending business within the presmises of the Press during office hours, is a menance to the discipline and efficiency of the Press. Such a man won't have any interest in his work. He will always be thinking of the loan amounts due to him and how they are to be collected. He won't be in his seat on the days when pay or other allowances are disbursed.- not less than 4 or 5 days in the month I presume. He will only hovering round the pay-counter. Again there may be workers who do not find it convenient to repay the loan and such persons will try to avoid going to the counter when the money lender is nearby. So he will have to play hide and seek with them in the Press on other days as well. Altogether, such a man is a source of worry and distraction to the workers. The salary paid to this man will mostly be a waste. He won't do any work. He will also be a source of temptation to the Foreman,etc. who have to be squared up by him so that they may not find fault with him.

Imposing work cannot be easily estimated. It is very difficult to prove with facts and figures that a money lender who has been working as "Imposer" has really done little imposing work.

It is very bad for the morale of the Press to tolerate such things.

I would suggest that the man be dismissed for infringing the Government Servant Conduct Rules and in indulging in habitual money-lending within the Press premises and leaving his work without permission.

⑥

From

Janab R. Siddique,
Superintendent,
Government Press, Madras.

To

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

No.89727/P.A. dated the 18th July 1950.

ASSISTANT SECRETARY
20395
20 JUL 1950
EDUCATION DEPARTMENT

Sir,

Sub: Appeal against dismissal - Sri A.K. Subramaniam, Imposer, High Court Department, Government Press, Madras

Ref: Government Memorandum No.14687 E/50-2 Education dated 10th July 1950.

....

With reference to the above, I submit herewith the file of original records of enquiries for reference and return.

R. Siddique
18.7.50.
Superintendent.

SVR/18-7. 8/18.7.

Enc. 1 file. (1-21 pages)

10

- (7)

111

Education Deptt.

Sub: Govt.Press - Sri A.K. Subramanian, Imposer High Court Deptt.-Enquiry.

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Ref: From the S.G.P. No. SBC/P.A. dated 28-6-1950.

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p 3 cf

Memo No. 14687 E/50-4 Education d/ 9.9.50

The Superintendent Government Press has brought to the notice of Govt.that Sri A.K Subramanian, permanent Imposer, Govt.Press has been ~~in the habit of~~ lending money to several employees in the Press to the tune of Rs.1,500 at a rate of interest of one anna per rupee per mensem and that he ~~used to collect these~~ has been collecting these sums on pay days and overtime days inside the office during office hours.

para 3. p 3 cf.

2 Under rule 7 of the G.S.C.rules Govt.servants are prohibited from ~~engaging in~~ money lending. ~~Thus~~ Sri Subramaniam has infringed the above rule.

3 Sri Subramaniam is directed to show cause before 20-9-1950 under Rule 15 (a) of the Civil Services Classification & Appeal Rules and Article 311 of the Constitution of India why his increment should not be stopped for 18 months without cumulative effect. He is informed that if he fails to submit his explanation within the time specified it will be taken that he has no explanation to offer.

(p.t.o.

12

p.14 (U)

4. The S.G.P.'s ~~is informed that his~~ proceedings No.288 SBC/H.C. dated 9-5-50 ~~is~~ are hereby ~~quashed as illegal~~ Cancelled.

J.D.
8/9/50

8/9/50

To
Sri P.A. Subramaniam,
~~thro' the S.G.P.~~
~~The S.G.P.~~
No.83, Aravadanam Papier Street
Choolai ~~Choolai~~, Madras
(~~paras 1, 2 & 3 only~~)

The S.G.P.

Despatched
9/9/50

(Pages 13 - 14
sent to SGP
in orgl)

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(8) 13 ~~15~~

EDUCATION DEPARTMENT.
******

D.O.No. 14687E/50-6 Edn.

Fort St. George,
Madras 9,
26th Septr. 1950.

Sub:-Govt.Press - Disciplinary cases.

In continuation of the discussion we had to-day, separate orders are under issue remitting certain disciplinary cases in which Government have issued (Show cause) notices. You may take further action in these yourself.

I am to request you to see that the procedure followed in the disciplinary cases dealt with by you conform to the rules. After all, the relevant sections are only 15 (a) of the Classification Rules and Article 311 (2) of the Constitution of India. xxx The common mistake that has been detected in the Proceedings you have sent is, the omission to specify the penalty. I am also to point out that before the issue of the 'show cause' notice, or even after it is issued, you may suo motto, or at the motion of the delinquent subordinate

P.T.O.

14

15 -2-

hold such enquiry as you deem fit, record ~~[illegible]~~ evidence for the prosecution or the defence, allow cross-examination of the prosecution witnesses by the delinquent subordinates, taking care however to see that the witness's statement and the delinquent's statement are signed by the parties concerned. I am also to point out that if notices are issued, they must go in duplicate and the acknowledgment obtained on one copy, while serving the other.

Yours sincerely,

(K.M.Unnithan.)

To
Janab R. Siddique,
Superintendent,
Government Press, Madras.

Despatched
26/9/50.

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(9) Education Deptt.(E) 15

p.1 cf
p.3 cf

Petition from Sri A.K. Subramaniam d/ 5-6-1950.

From the S.G.P.No.S.B.C. P.A. dated 28-6-1950.

**

Appeal against dismissal - Sri A.K.Subramaniam, Imposer - Money lending.-

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pp 1.2 cf

Sri A.K. Subramaniam, a permanent imposer in the Govt.Press has appealed against the orders of the S.G.P. dated 8-5-1950 dismissing him for service on 8 -5 - 1950.

p14 — (U)

pp 1.2-5 - U

2. It appears that certain workmen in the Govt. Press, sent an anonymous petition to the Spl.Officer (Sri V.V. Subramaniam) alleging that one Sri A.K.Subramaniam, Imposer Govt.Press lent money within the Press premises at an interest ranging for 0-1-0 (0-2-0) a rupee to the workers and that he collected it on the pay day. On receipt of this petition an enquiry was made by Sri S. Krishnan, Asst. Superintendent Govt. Press and he reported to the S.G.P that Sri Subramaniam used to lend money to the ~~sum~~ tune of Rs.1500/- to about 60 persons, all employees in the Govt.Press. He also stated that ~~an enquiry~~ all moneys were not lent on interest but also on non-interest basis.

p 5 — (U)

p 6 — (U)

3. Sri Subramaniam who was examined stated that he was lending money for the past three years per rupee per month and he assured the Supdt. that he would not deal in these matters in future and he requested to be excused.

4. Attention is invited to the proceedings of the S.G.P. on pp ~~10-19~~ 12 to 14 of 'U' dismissing the appellant from service. The form used in these proceedings relates to the proceedings imposing fines and deductions under the Payment of Wages Act.

p 12 — (U)

5. It is submitted that ~~in the~~ the procedure relating to the enquiry of Sri Subramaniam culminating in his dismissal is not regular or Legal. The proper procedure is for the Superintendent to follow the provi-

provisions laid down in rule 15(b)(1) of the Madras Civil Services, Classification Control and Appeal Rules. No regular charges have been framed nor was he given reasonable opportunity to show cause against ~~his~~ the punishment inflicted on him viz., dismissal. | A

· p. 5 of Govt. Servants Conduct Rules further

6 Rule 7 of the Govt. Servants Conduct Rules no doubt prohibits Govt. servants from engaging in the business of money lending but the question for consideration is whether the extreme punishment of 'dismissal' should be imposed on the person doing that trade without giving him sufficient warning against the proposed action. No case ~~has~~ seems to have been made out that the appellant has been solely utilising his office time in collecting his dues without attending to his duties. ~~This is also no case of moral turpitude to merit the punishment of dismissal.~~ The appellant has put in a service of 27 years in the Press and he is a getting a pay of below Rs.50. p.m.

7 For orders whether the extreme punishment of dismissal inflicted on Sri Subramaniam on the charge of money lending to his ~~xxkxxdx~~ office friends will be ~~considered~~ upheld in the circumstances of the case. ~~too severe.~~ The remarks of Public (Ser) may be invited U.O. before circulation.

24.7.50

The appeal against the Supt's order dated 8.5.50 dismissing the Imposer is in time. The Subordinate was in receipt of a pay of Rs 52 in the scale of Rs 40 - 80. Secretary Education is the appellate authority -

p.15 (U)

2. It is observed from the original file of the office of the S.G.P. that the procedure prescribed

prescribed in Rule 15 (b) (i) of the Civil Services Classification Rules has not been followed. This defect vitiates the proceedings. The S.G.P. may be asked to initiate fresh proceedings observing the Rules.

Pub (Ser) may see.

28.7.50

page 20 of Madras Services Manual Vol. I. | A

Bk No 112

ASSISTANT SECRETARY TO GOVERNMENT 28 AUG PUBLIC DEPARTMENT

Edu U.O. 14681 E/50.1
29.7.50

ASSISTANT SECRETARY TO GOVERNMENT 3482 31.7 31 JUL 50 CHIEF SECRETARIAT 29/7

Pub (Ser)

Pub (Ser) 28.7.50

Pub (Ser) Dept.

Rev. may be requested to put up G.O. No. 2364, Pub. (Ser), dated 6.6.50 required for disposal of this file - see (N).

4.8.50

4.8.50

5.8.50

Rev.

× Govt. Press Sub. Service - CCA Rules - Amended

Pub (Ser) U.O.
3482/50-1
5.8.50

ADDITIONAL ASST. SECRETARY TO GOVERNMENT 56131 B 8 AUG REVENUE DEPARTMENT

Rev Dept.

The G.O. is put up at (N.)
May be returned to Pub (Ser)

26.8.50 Pub (Ser)

(File became available only today)

Rev No. 56131 B/50-1
26.8.50

ASSISTANT SECRETARY TO GOVERNMENT 3993 28 AUG PUBLIC DEPARTMENT 28.8.50

p. 14 of (U)

Public (Services) Department.

Please see the note on pp.1-3 above. This is a case in which the proper procedure has not been followed before the appellant was dismissed from service by the S.G.P. 'A' above may be agreed to in this department. In the case of the members of the Madras Government Press Subordinate Service what applies now is only

- rule -

p. 147

rule 15(a) of the C.C.& A Rules and article 311 of the Constitution of India . Action may therefore be taken with reference to these provisions. Alternately, the order of the S.G.P. may be quashed as ~~being~~ illegal and fresh proceedings ~~may be~~ taken by the Secretary, Education and disposed of on the merits of the case after following the prescribed procedure.

pp 1(a)-(c) of (M)

B p. 147 (V)

The case may be returned to Education.

LS 29.8.50

UL 29.8.50

30.8.50

Rdn

Pub (Ser) U.O. 3993/50-1 30.8.50

with L file 3569/50-1 30.8.50

ASSISTANT SECRETARY
26118
31 AUG 1950
EDUCATION DEPARTMENT

2. The case relates to the appeal preferred by Sri A.K. Subramanya Mudaliar, in Press Govt., against the order of the S.G.P. dismissing him with effect from 8.5.50 for lending money to his co-employees within the office premises. The S.G.P. has not followed the proper procedure laid down in rule 15 (a) of the C.C. & A rules & article 311 of the Constitution of India. Pub (Services) suggest that action may be taken with reference to these provisions & alternately, the order of the S.G.P. may be quashed as illegal & fresh proceedings taken by the Secy. and disposed of on merits of the case after following the prescribed procedure. This may perhaps be accepted to avoid delay.

p 11(a) & (b) of G.O. 2364 P.S. 6.6.50 (N)

3. The S.G.P. has imposed the punishment of dismissal on Sri Subramanya Mudaliar, the appellant. He has put in nearly 26 years' service and is in receipt of pay of Rs 52 in the scale of Rs 40-80. Under rule 7 of the Govt. Servants Conduct rules

p 14 — (V)

Vide Admin. cap. 2 of p 52 & 53 of rules

Govt. servants are prohibited in engaging in the business of money lending. This being the first occasion when his conduct has been brought to the notice of the S.G.P. & he has assured the Supdt in the course of enquiry that he shall not deal in these matters in future, the question arises what punishment should be awarded to him. This may be settled before giving him a show cause notice. The S.G.P. has not let ~~out~~ in any evidence to show that the appellant's work or character in the past was bad. In the circumstances, it is for orders whether the appellant's increment may be stopped for say 18 months. It is open to Govt. at any time, if the appellant repeats his old practice to inflict upon him the substantial punishment of dismissal. For orders as to the nature of punishment to be imposed before giving him the show cause notice under art. 311 of the Constitution of India.

p 6 — (V)

J.P. 5.9.50

B in the Public (Ser) note on the previous page may be accepted. Secy who is the appellate authority may now frame a charge against the Imposer & take fresh proceedings under the rules quoted by the Public Dept.

6.9.50

Yes and we may ask him to show cause against stoppage of increment for 18 months without cumulative effect
7.9.50

M.o.H.

20

A draft memo is submitted

S.D.
~~8.9.50~~

9.9.50

9.9.50

(Issued as Memo. No. 14687 E/50-4 Edn. d. 9.9.50) pp 11-12 CF
(From Sri. A.K. Subramaniam, dated 12.9.50) p13 CF

This petition relates to an appeal preferred by Sri A.K. Subramaniam, Mate, Inspector, Govt. Press against the order of the S.G.P. dismissing him from service with effect from 8-5-50 for leading a mutiny of his co-workers in contravention of the G.S.C. Rules. The case was examined in consultation with the Public (Services) Dept. They point out that the proper procedure has not been followed before the appellant was dismissed from service by the S.G.P. and action will have to be taken with reference to Rule 15(a) of the C.C & A Rules & article 311 of the Constitution of India. They say that the order of the S.G.P may be quashed as illegal & fresh proceedings taken by the Secy. & disposed on the merits of the case after following the prescribed procedure. p1 cf p3 cf pp 3-4 ante

2. Sec. In Memo. 14687 E/50-4 Edn. d. 9-9-50, ~~a show cause notice was issued~~ the appellant was directed to show cause why his increment should not be stopped for 18 months without cumulative effect. p11 cf

21

(12)

The appellant's explanation is on p 13 cf. For orders whether his explanation may be considered unsatisfactory & penalty of stoppage of increment for 18 months without cumulative effect may be imposed & he may be reinstated in service.

For orders.

16.9.50

p13 cf
The explanation seems to be unconvincing.
16.9.50

S.D.
16.9.50

Secy is the final Authority to pass orders

ON

X

Merely because If there has been an irregularity why should the appellate authority have become ~~an~~ ~~on~~ a punishing authority? If the Secy punishes ~~whether the~~ now who then is the appellate authority?

18.9

Respectfully submitted. The suggestion of ~~the~~ Public (Services) at B on p 4 ante has been adopted in this case - vide orders on p 5 ante. If the Secy. is the punishing authority Govt. become the appellate authority.
Please see Classification Rule 20(b) - Pub(Ser) may see -

18.9.50

Pub(Ser)

Edn. No. 14687 (A) E/50-5
19/9/50.

ASSISTANT SECRETARY TO GOVERNMENT
4750
20 SEP 50
CHIEF SECRETARIAT

S.D.
18.9.50

Madras Times
Vol 2
Bk No 112.

Pub (Ser) Dept.

[Previous note on pp 3-4 ante]

Please see the further notes on pp 4-7 ~~ante~~ & the Secy, Edn's ~~note~~ queries at **X** on p.7 ante. B on p.4 ante was only an alternative suggestion. It is open to Edn. to follow A on p.3 ante. If the Secy, Edn. imposes the penalty, the appellate authority against his order will be the State Govt.

The case may be retd. to Edn.

20.9.50

20.9.50

21.9.50

Edn
2.

Pub (Ser) U.O.
No. 4750/50-1
21.9.50.

ASSISTANT SECRETARY
29068
22 SEP 1950
EDUCATION DEPARTMENT

Please see the note of Public Servs, above.

2. With reference to the Secy's query on p.7 ante, it is submitted that since the S.G.P. did not follow the prescribed procedure even from the outset that it has been conceded that the punishment of dismissal inflicted on the appellant is too severe in the circumstances of the case, a show cause ~~notice~~ notice has been issued from this Dept. with reference to the orders ~~of~~ on p-5 ante. If the Secy. confirms the proposed penalty in the show cause notice on pp 11-12 cf., the appellate authority against his order will be the State Govt. Perhaps the concurrence of the Health Minister may

pp 2-3 } ante
4-5 }

Please see Classification Rule 20 (c) & Pub(Ser) note above.

22.9.50

be taken on this case, before proceeding further in this case – Vide his minute extracted on p 1 cf.

TD.

22.9.50.

Secy's note on p-7 ante —

The case may be remitted to the SGP for further proceedings, if Secretary decides to do so.

26.9.50

S.

The case of A.K. Subramaniam dealt with in this file may also be sent to the Superintendent, Govt. Press for taking further action from the stage at which the proceedings now stand. (I have discussed this with HM (Edn) with reference to this minute on p 1)

Please see linked file.

SD
27.9.50

24

1 obj

25

Edn

Call for remarks

KM
6/6

(A) E

(14)

SECRETARY
14687
6 JUN 1950
EDUCATION DEPARTMENT

ASSISTANT SECRETARY
6 JUN 1950
EDUCATION DEPARTMENT

~~14386~~

Madras, 5th June 1950.

From

P.A. Jambulingam,
103, Solaiappan Street,
Washermanpet, Madras.

To

The Hon'ble The Minister for Education,
Fort St. George,
Madras.

Through:

The Superintendent,
Government Press,
Madras.

Sir,

I beg to bring the following few lines for your kind and sympathetic consideration and favourable orders.

I beg to submit that the Superintendent, Government Press, Madras, posted the senior Machine Minders to work on the respective new Machines. As they were not able to do the work, they requested the Superintendent not to insist them to work on the Machines and to allow them to work as they please. The Superintendent allowed them and asked the Junior Machine Minders like me to work on the respective machines in which the all Special, Colour and important works are done. Colour work means three or four colours to be mixed. The senior Machine Minders are not at all able to do the Cheque work, Colour Work, Special Work, etc. On the advice of the Chief Minister, Sri. T.S. Avanashilingam Chettiar and the Circular of the Superintendent to increase the production, myself and other Junior Machine Minders are working to our utmost ability to increase the production. To prove the fact the Madras Information work was done for a week and now the Junior Machine Minders like me, are getting the

-2-

the Machine work done in two days. The senior Machine Minders picked up quarrel with us some time back for our speed work. This was reported to A.S.2. All important works in Machine room are done by myself and the Junior Machine Minders. To clear arrears of work some of the Junior Machine Minders ~~are~~ and layers-on were asked to work night shifts for which myself and a few other workers were working in shifts. On account of that the senior Machine Minders and some junior Machine Minders formed a group and agitated over the shift system.

At the last week of the month of March the Union held a General Body meeting when myself and some other workers questioned the Chairman, whether it was a fact that the Union represented to the Superintendent, Government Press, to cancel the Shift system. The President and the Secretary of the Union did not give proper answer, but dissolved the meeting without any reason. The Union Officials challenged me and my co-workers that they will see that some workers like me are dismissed from service.

At about 5-15 P.M. 19-4-1950, I was attending the Machine No.147. A crowd was collected near the machine No.146, and there was a lowd noice. Messrs. M. Murugasan K. Muniswami, A.R.Varadarajalu, P. Krishna Nair, R.Govindarajulu, Kadirvelu, Palayam, S.K.Radhakrishnan, K. Ponnurangam, and some others were taking leading part and using vulgar language in the mob. Murugasan dragged V.M. Doraiswami, to come outside. I advised Murugasan, to leave V.M. Doraiswami, and not to quarrel as it was a disgrace to the Machine Section and also advised him that it was not fair on the part of him being a Committee Member of the Union.

After a few minutes A.S.2 and the Overseer came to the spot and advised the mob to disburse and went.

I was sent for by A.S.2 who asked me the details of the incident and I told him what happened. On 20-4-50 the D.S.1 made an enquiry and at that time M. Murugasan filed a list of witnesses on his side and I gave a list of names of witnesses. On 21-4-50 D.S.1 concluded his enquiry. On 22-4-50 the Superintendent held an enquiry and he dismissed me from service from the forenoon of 22-4-50. From the list of witnesses given by M.Murugasan one A. Chinniah was not at all enquired into and the witnesses on my behalf were not at all enquired into. It is a great surprise to note that the statement given by me orally at the time of the enquiry was not recorded correctly.

I am sorry to inform your goodself that I was not given sufficient opportunity even to defend my case. At the time of enquiry when I attempted to prove the fact the important matters have not been recorded, the Superintendent said "Don't tak, Shut up., etc.," every now and then. So no facilities were given to me to defend my case and to prove that I am quite innocent of the charges.

After a few days I requested the Superintendent, Government Press, to furnish me with a copy of the statement given by the witnesses, charges and other connected papers for which the Superintendent was not pleased to give me a copy of all documents but only his findings and my statements. (which is not correct)

The Union Officials have prejudice against me. The Superintendent has blindly supported the Committee member, and enquired into the case one-sided and passed orders of dismissal.

As no facilities have been given to me at the time of the enquiry and no explanation has been called for from me and as I am not at all responsible for indecipline in the Machine Room; I request you to kindly re-instate me and to treat the period as "on duty".

Thanking you inticipation,

Yours faithfully,
966. P.A. Sameerigar
5-6-50

Advance copy forwarded to)
the Hon'blle Minister for)
Education, Madras.)

Edn

(16)

Madras, 5th June 1950.

From

K.Jeevarathnam,
38, Thirumalappan Mudali St,
Vepery, Madras.

To

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

Through:

The Superintendent,
Government Press,
Madras.

Sir,

I beg to bring the following few lines for your kind and sympathetic consideration and favourable orders:-

At 5-25 P.M. on 19-4-1950 I was returning to my Machine after washing my hands when E.Rathnam asked me what the trouble was. I simply said that there ~~is~~ was some crowd there and I do not know anything about it. In the mean-time K. Muniswamy came and caught me by the neck. Immediately E.Rathnam interfered and asked him why I was being manhandled. He then left me and walked away.

I am in no way connected with the incident that took place in the Machine room on 19-4-1950.

On 21-4-1950 D.S.1 called me and enquired me and I gave him the above statement. On 22-4-50 the Superintendent, Government Press, enquired me and he dismissed me from the forenoon of 22-4-50.

When I requested the Superintendent to send for witnesses on my behalf he refused to send for and enquire into them.

I am sorry to inform your Goodself that I was not given sufficient opportunity to defend my case.

-2-

36

At the time of enquiry when I attempted to prove the facts the important matters have not been recorded, the Superintendent said "Don't Talk, Shut up, etc.,". No facilities were given to me to defend my case and to prove that I am quite innocent of the charges.

After a few days I requested the Superintendent, Government Press, to furnish me with a copy of the statements given by the witnesses, charges and other connected papers. for which the Superintendent was not pleased to give me a copy of all documents, but only his findings and my statement.

The Union Officials have prejudice against me. The Superintendent has blindly supported the Committee Member and enquired into the case one-sided and passed orders of dismissal.

As no facilities have been given to me at the time of enquiry and no explanation has been called for from me and as I am not at all responsible for indecipline in the Machine Room, I request you to kindly re-instate me and to treat the period as "on duty ".

Thanking you in anticipation,

Yours faithfully,

987 K. [illegible]

Advance copy submitted to)
the Hon'ble Minister for)
Education, Madras.)

Edu

(17)

37

Madras, 5th June 1950

From

K. Kesavalu,
No.18, Ibrahimjee Sahib First Lane,
George Town, Madras.

To

The Hon'ble Minister for Education,
Fort St. George, Madras,

Through:

The Superintendent,
Government Press,
Madras.

Sir,

I beg to bring the following few lines for your kind and sympathetic consideration and favourable orders:-

I beg to submit that on 19-4-1950 I came to Office only at 6-30 P.M. as I was working in Night Shift. I ~~did not know~~ did not know what took place in the Machine Room on 19-4-50 before 6-30 P.M. On 21-4-1950 D.S.1 enquired me and I told him that I attended Office only at 6-30 P.M. and went to my machine only at 6-32 P.M.

The Superintendent enquired me on 22-4-50 and he dismissed me from the service from the forenoon of 22-4-50.

The witnesses who said that they saw me in the Press before 5-15 P.M. is absolutely false.

It is a rule that the employees will not be permitted to enter the office before 10 minutes of the commencing time of the shift and workers are not allowed to enter before the time. The witnesses have got prejudice against my brother Sri.K. Kuppuswami, ex. committee member and on account of that these witnesses gave a false statement that they saw me in the press at 5-15 P.M. I was actually talking with my uncle near the Crown Talkies till 6-15 P.M.

or 6-20 P.M. and I entered the Office only at 6-30 P.M. I am quite innocent of the charges levelled against me.

The Superintendent did not give me sufficient opportunity to defend my case and prove that I was not present at the time of occurrence in the Machine room.

The Superintendent blindly supported the Committee Member of the Union representing the Machine and he dismissed me from the service.

As no facilities have been given to me at the time of the enquiry and no explanation has been called for from me and as I am not at all responsible for the indecipline in the Machine Room, I request you to kindly re-instate me and to treat the period as "on duty".

Thanking you in anticipation,

Yours faithfully,
P.M.44.K.Kesavalu. Layeron
Machine Dept.
5-6-50

Advance copy submitted to
The Hon'ble Minister for
Education, Madras.

Edn

Madras, 5th June 1950.

From

V.M. Doraiswami,
No.5, Thirupalli Street,
George Town, Madras.

To

The Honourable The Minister for Education,
Fort St. George,
Madras.

Through:

The Superintendent,
Government Press,
Madras.

Sir,

I beg to bring the following few lines for your kind and sympathetic consideration and favourable orders.

I beg to submit that the Superintendent, Government Press, Madras, posted the senior Machine Minders to work on the respective new machines. As they were not able to do the work, they requested the Superintendent not to insist them to work on the Machines and to allow them to work as they please. The Superintendent allowed them and asked the Junior Machine Minders like me to work on the respective machines in which the all special, colour and important works are done. Colour work means three or four colours to be mixed. The senior Machine Minders are not at all able to do the Cheque work, colour work, Special Work, etc., On the advice of the Chief Minister, Sri. T.S. Avanasilingam Chettiar and the Circular of the Superintendent to increase the production, myself and other junior Machine Minders are working ~~together~~ to our utmost ability to increase the production. To prove the fact the Madras Information work was done for a week and now the Junior Machine Minders like me, are getting the

the Machine work done in two days. The senior Machine Minders picked up quarrel with us some time back for our speed work. This was reported to A.S.2. All important works in Machine room are done by myself and the Junior Machine Minders. To clear arrears of work some of the Junior Machine minders and layers-on were asked to work night shifts for which myself and a few other workers were working in shifts. On account of that the senior Machine minders and some junior Machine Minders formed a group and agitated over the shift system.

At the last week of the month of March the Union held a General Body meeting when myself and some other workers questioned the Chairman, whether it was a fact that the Union represented to the Superintendent, Government Press, to cancel the Shift System. The President and the Secretary of the Union did not give proper answer, but dissolved the meeting without any reason. The Union Officials challenged me and my co-workers that they will see that some workers like me are dismissed from service.

At about 5 P.M. on 19-4-1950, I was attending on the Machine No.146 when Sri. S.Govindan, Assistant Foreman, was checking the copies. P. Krishna Nair came to him and said "பேப்பர் வாங்கி வைத்திருக்கிறேன் நாட் ஷீட் காரனை ஒத்தும் போ சொல்லு" Then the Assistant Foreman asked whether I heard what P. Krishna Nair said and to cite as a witness. Immediately one K. Muniswami came running to the spot and had a talk with Krishna Nair and shouted in a loud voice that nobody can report Krishna Nair and used indecent language. When the words were exchanged between Govindan on one side and Krishna Nair and K. Muniswami on the other side, I advised K. Muniswami not to use vulgar language and separated them.

They went to their respective machines. After a few minutes one M. Murugasan, Committee Member of the Union, came to me and asked me "என்ன நீ இரு சாமியை கொலை செய்துவிடுவேன் என்று சொன்னாயாமே வா வெளியே போவோம்" and dragged me to come outside for which I asked him not to touch me and leave my hand. He forcibly dragged me when one Jambu Lingam who was working in Machine No.147, which is next to my machine No.146, came and advised Murugasan, and others (K. Munuswami, A.R.Varadarajalu, P. Krishna Nair, R.Govindarajalu, Kadirvelu, Palayam, S.K. Radhakrishnan, K. Ponnurangam and some others) to go to their work and not to use indecent and vulgar language as it was a disgrace to the Machine Section itself. The above said people began rowdism and I understand that somebody reported the matter to the Overseer and A.S.2. who came to the scene of occurrence and advised the mob to disburse. The mob was disbursed and A.S.2 sent for me and asked me the details of the incident. I told him what happened. D.S.1. made an enquiry on 20-4-50 and on 21-4-50 and the Superintendent, Government Press, on 22-4-50 and dismissed me from the fore-noon of 22-4-50.

On 20-4-50 the D.S.1. called for a list of Witnesses on both the sides. Murugasan filed a list of witnesses and I told D.S.1. that I have got 50 witnesses for which D.S.1 told me that was quite impossible for him to enquire 50 employees and that he was prepared to enquire a few employees then. I filed also a list. At the time of enquiry according to the list of M. Murugesan, one A. Chinniah was not at all enquired into and the witnesses cited by me. On behalf of me no witnesses cited by me me was not enquired into at all. It is a great surprise to note that the statement given by me orally at the time of enquiry was not recorded correctly.

I am sorry to inform your goodself that I was not given sufficient opportunity even to defend (to cross examine ~~my~~ any witnesses) my case. At the time of enquiry when I attempted to prove the facts the important matters have not been recorded by the Superintendent. He said "Don't talk, Shut up etc.," every now and then. So no facilities were given to me to defend my case and to prove that I am quite innocent of the charges.

After a few days I requested the Superintendent, Government Press, to furnish me with a copy of the statement given by the witnesses, charges and other connected papers for which the Superintendent was not pleased to give me a copy of all documents, but only his findings and my statement which is not correct.

The Union Officials have prejudice against me. The Superintendent has blindly supported the Committee Member and enquired into the case one-sided and passed orders of dismissal. As no facilities were given to me at the time of the enquiry and no explanation has been called for from me, and as I am not at all responsible for indecipline in the Machine Room, I request you to kindly re-instate me and to treat the period as "on duty".

Thanking you in anticipation,

Yours faithfully,

858. V. M. Doraiswamy
5/6/50

Advance copy submitted to
the Hon'ble Minister for
Education., Madras.

E

From
Janab R. Siddique,
Superintendent,
Government Press, M A D R A S.

To
The Secretary to Government,
Education Department,
Fort St. George, M A D R A S.

No. SBC/P.A
Machine

Dated 29th June 1950.

EDUCATION
JUL 1950
18158

Sir,

Sub: Petitions addressed to the Hon'ble the Minister for Education requesting re-instatement from
(1) Sri P.A. Jambulingam dated 5-6-1950
(2) " K. Jeevarathnam dated 5-6-1950
(3) " K. Kesavalu dated 5-6-1950
(4) " V. M. Doraiswamy dated 5-6-1950.
Ref: Government Endt.No.14687-E/50-1 Edn., dated 9th June 1950.

With reference to the above, I submit that this is a case where workers of the Machine Department have formed themselves into groups and working against each other have created disunity and unpleasantness in the department thereby dislocating the regular work of the department. Consequently the workers have indulged in unnecessary talks resulting in a terrible scene in the Machine Room of the Press during working hours i.e., at about 5-15 p.m. on 19-4-1950.

The facts relating to this incident are:-

One Krishnan Nair and K. Murugesan were complaining to the Assistant Foreman Govindan who was near Doraiswamy's machine that paper and other materials are being stolen at nights and as they had left large quantities of paper near the machines, they asked Assistant Foreman Govindan to watch them during the time of night shift work. Govindan instead of passing this information to the night shift Assistant Foreman, he passed on the information to Doraiswamy in a manner which was understood by the latter that the night shift men steal paper. This infuriated Doriaswamy, thereby hot words were exchanged between him and Doraiswamy. Later E. Munuswami, M. Jayaram, P.A. Jambulingam, Jeevarathnam and Kesavan joined in argument. K. Murugesan interfered to settle the quarrel. He was beaten by E. Munuswamy, P.A. Jambulingam, Kesavan and Jeevarathnam.

The case was enquired into by my Deputy Superintendent on 20-4-1950, and a finding was furnished by him to the effect that there existed two rival parties in the Machine Department of the Press and that it looked as though one was waiting for an opportunity to burst out. Further, the thoughtless action of Govindan in informing Doraiswamy of the insinuation made by Krishnan Nair and Munuswami seemed to have fanned the flame and ended with an assault on K: Munuswami and M. Murugesan.

I conducted the final enquiry on 22-4-1950 and recorded statement of the above persons now under dismissal. Other witnesses have also given evidence in support of the findings of the Deputy Superintendent to the effect that there existed rival groups in the Machine Department, obviously with a motive to work against each other for creating disunity and dislocation of the smooth working of the department.

From the evidences recorded, I make the following observations:-

M

(a) P. Krishnan Nair alleges that V.M. Doraiswamy threatened to murder K. Munuswami caught him by the neck and pushed him out.

1-43-(D)

(b)

IV/38

-2-

p.43 — D

(b) Murugesan corroborates the above statement.

(c) Murugesan alleges that Jeevarathnam hit K. Munuswami on the side of the ribs but K. Munuswami states that he remembers Jeevarathnam having hit him only on the neck but not on the side.

p.47 — D

(d) Kathirvelu states that he saw Jambulingam hitting M. Murugesan.

p.48 — D

(e) Palayam states that he saw P.A. Jambulingam hitting M. Murugesan on the neck, also Jeevarathnam hitting Munuswami in the neck. He also saw Kesavalu hitting K. Munuswami.

(f) S.K. Radhakrishnan saw Jambulingam hitting M. Murugesan and then Kesavalu hitting K. Munuswami.

p.49 — D

(g) S. Govindan, Assistant Foreman, stated that P. Krishnan Nair had kept paper near the machine and also told him in a vulgar language to instruct the night shift minder not to steal the paper. He then called Doraiswamy and pointed out the vulgar expression used by P. Krishnan Nair. Then K. Munuswami joined and a verbal quarrel arose pushing each other. He left the spot to fetch the Overseer.

On the foregoing evidences, findings were recorded as stated in para 1 above. I consulted the Special Officer for Re-organization of the Government Press to confirm the punishments of dismissal of the above workers proposed by me. The Special Officer has also concurred with my view and advised me to pass orders of dismissal from service of the above individuals involved in the farcas.

Since the morale in the department was going down day to day and any further toleration of this sort of behaviour on the part of the groups of employees is bound to undermine the administration and will certainly retard the progress of Government work.

After the dismissal of these men there has been a marked improvement on the part of the conduct of the workers of the Machine Department of the Press.

As the re-instatement of the men will hamper the administration of the Press, I submit that they should not be re-instated if discipline is to be maintained among the labour ranks to ensure good administration of the Press.

R. Siddique
30.6.50

Superintendent.

30/6

Encs. 4 Petns.

IV

(21)

~~13~~ 38 Edn (E)

Memo: No. 14687 E/50-3 Edn. dated 10.7.50

Petition against dismissal.
Sri Jambulingam & others - Reqr. S. Supdt.
letter No SBC/PA Mach dt 28.6.50

p.129

The S.G.P. is requested to forward the original records of enquiry in the case referred to above.

8.7.50

To
The S.G.P.

12/7

~~9.7.50~~ 10.7.50

From
Janab R. Siddique,
Superintendent,
Government Press, Madras.

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

No.89726 P.A. dated the 18th July 1950.

Sir,

Sub: Petition against dismissal - Sri Jumbulingam and others.

Ref: Government Memorandum No.14687 E/50-3 Education dated 10th July 1950.

p15 and

...

ASSISTANT SECRETARIAT
20 JUL 1950
20394
EDUCATION DEPARTMENT

I submit herewith the file of original records of enquiry in the cases referred to above for reference and return.

R Siddique
18.7.50
Superintendent.

SVR/18-7.

L/18/7.

En. 1 file. (1-56 pages)

(22)

Edn.Deptt.(E)

for ... 9/9

Govt.Press - Sri P.A. Jambulingam, K. Jeevaratnam, K. Kesavulu and Sri V.M. Doraisamy - petition against dismissal.

***.

p 13 cf

Ref: From the S.G.P. No.SBC/Machine/P.A.d/29-6-50.

..

Memo No. 14687(A)E/50-4 Edn. d/ 9.9.50

The S.G.P. has brought to the notice of Govt. that the following 4 workmen in the machine deptt. of the Govt. Press, Madras formed themselves in groups and created disunity and unpleasantness among the Co-workers in the machine room during working hours on 19-4-1950 and thereby caused dislocation of work in the Press on that day:—

7 13 cf

1. Sri P.A. Jambulingam.
2. Sri K. Jeevaratnam.
3. Sri K. Kesavulu.
4. Sri V.M. Doraisamy.

2. As their action amounts to a deliberate and serious breach of discipline,

Sri P.A. Jambulingam.

Sri K. Jeevaratnam.

Sri V.M. Doraisamy

Sri K. Kesavulu.

under Rule 15(a) of the Civil Services Classification and Appeal Rules and ~~[illegible]~~ Article 311 of the Constitution of India

is directed to show cause before 25-9-1950 why a fine of Rs.10 should not be imposed upon him. He is informed that if he fails to submit his explanation within the time specified it will be taken that he has no explanation to offer.

p 54 — D

3. Paragraph 2 of S.G.P.'s proceedings No.SBC Mis-50 dated 22-4-50, is hereby cancelled.

4. The penalty of reduction imposed on the Messrs. S. Govindan, P. Krishnan Nair, K. Munusami and M. Murugesan of the Machine deptt. in paras 1 and 3 of the proceedings SBC Mis-50 d/22-4-50 will ~~even~~ be illegal if they had not been asked formally to show cause against such action, before the penalty was imposed. The S.G.P. is requested to issue a show

p 54 — D

20 44

cause ~~against~~ notice as required by Rule 15(a) of the Civil Services Classification and Appeal Rules and Art.311 of the constitution of India.

T.D.
9.9.50

9.9.50

D
9.9.50

To
Sri P.A. Jambulingam,
103, Soliappan St.
Washermanpet.

Sri K. Jeevaratnam
No.38, Tirumalappan,
Mudali St.,
Vepery.

Sri K. Kesavalu,
No.18, Ibrahimjee
Saheb,1st Lane
George Town

Sri V.M. Doraiswami,
No.5 Tirupalli St.,
George Town.

(copies 1-3 eng)
The Supdt. Govt.Press.

Despatched
Sd
9/9/50

M 21-28 cf
Set 1552 P.

23

245
Edn(E)

Copy

Memo 14687 E/50-5 Edn. dated 19.9.50.
Govt Press. Disciplinary action Sri K. Kesavalu etc.

—

M 19.20 cf

In reply to Memo. no. 14687 (A) E-50-4 Edn. dt. 9-9-50, Sri K. Kesavalu states that on the date of the incident his working hours were from 6.30 ~~pm~~ on 19.4.50 to 5.30 AM on 20.4.50, that he attended duty only at 6.30 pm on ~~that day~~ 19/12 April and that he knows nothing of the incident. Sri Kesavalu mentioned the same thing at the enquiry held by the S G P on 21.4.50.

M 7-8 nf

The S.G.P. is requested

~~30~~ 46

2/

to report on the veracity of the statement of Sri Kesavalu referred to.

Sd
18.9.50.

18.9.50.

D.

The S.G.P.

Despatched
19/9/50.

CONFIDENTIAL.

E 24 47

C.F. 32 (a).

Department

From (Name) Janab R. Siddique,

Designation Superintendent,
Government Press,

Station Madras

Received Registered

To

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

Enclosures:

No. 124867/SBC/50-51 dated 20th September 1950.

SECRETARIAT
28924
21 SEP 1950
EDN

pp 28/30 ante

Sir,

Sub: Government Press - Disciplinary action - Sri K. Kesavalu etc.
Ref: Government Memorandum No.14687 E/50-5 Education, dated 19th September 1950.

With reference to the above, I submit that the file containing the papers of enquiry are with Government. However from my remembrance of the proceedings of the enquiry, I presume that there are evidences to prove that K. Kesavalu was inside the premises of the Government Press at the time of the incident and took part in the farcas in the Machine room. The relevant portion of evidences recorded at the time of the enquiry may please be referred to.

R Siddique
20.9.50.
Superintendent.

vide statements

B in p 49 (D)

"Confidential"

Government of Madras
Education Department.
Memorandum No.14687 E/50-7 Education dated
28-9-1950.

**

9c

Sub: GOVERNMENT PRESS - Sri A.K. Subramanian, Imposer Sri P.A. Jambulingam Sri K. Jeevaratnam Sri K. Kesavulu and Sri V.M. Doraiswami, Machanic minders-Petition against dismissal.

**

The attention of the Superintendent Government Press is invited to Government Memo Nos.14687 E/50-4 Education dated 9-9-1950 and 14687 (A) E/50-4 Education dated 9-9-50 in which "show cause notices" were issued to the persons mentioned above, as required by Rule 15(a) of the Civil Services(Classification Control and Appeal) Rules and Article 311 of the constitution of India. The replies received from the employees of the Government Press in question are herewith forwarded to him. He is requested to proceed further with the cases from the stage at which they stand at present.

2. The cases of S.Govindan and three others referred to in para 3 of Memo No.14687 A.E-50-4 Dated 9th September 1950 should be dealt with according to the procedure specified in that memo.

For Secretary to Government.

To
The Superintendent,
Government Press (with records in original)

EJ/-28-9-1950.

50

Pl [illegible] to [illegible]

(26) 57

Edn/E

Confidential

Sub: Govt. Press. Sri. A.K. Subramaniam Imposer. Sri. P.A. Jambulingam. Sri. K. Jeevaratnam Sri. K. Kesavalu and Sri. V.M. Doraiswami. Machine minders. Petition against dismissal.

Memo. No 14687 E/50.7 Edn. dated 28.9.50

pp 11-12 cf LF

pp 19.20 cf

The attention of the S.G.P. is invited to Govt. Memo. Nos 14687 E/50-4 Edn dated 9.9.50 and 14687 (A) E/50-4 Edn dated 9.9.50 in which "show cause notices" were issued to the persons mentioned above, as required by Rule 15(a) of the Civil Services (classification control and Appeal) Rules and Article 311 of the constitution of India. The replies received from the employees of the Govt. Press in question are herewith forwarded to him. He is requested to ~~pass orders in the light of the "show cause notices" already issued without initiating fresh proceedings against them.~~ proceed further with the cases from the stage at which they ~~now~~ stand at present. ~~In other words the Supt. need need not issue a fresh notice to the Subordinates but should proceed to pass orders in the light of the "Show cause notice already issued to them from this Dept.~~

2. The cases of S. Govindan & three others referred to in para 3 of Memo no. 14687 A - E - 50 - 4 Dated 9th Sept. 1950 should be dealt with ~~after~~ according to ~~following~~ the procedure specified in that memo.

28/9

27.9.50

To

The Superintendent Govt. Press.

(with records in original)

JD 27/9/50

Records at (D)

[illegible]

pp 21-28 of [illegible] & pp 13-14 [illegible]

(in sealed cover)

page 19 y

S.G. [illegible]

Edn.(E) Deptt.

C.No. 14687E/50.

Govt.Press - P.A. Jumbulingam and others -
Petition against dismissal.

Reference: Petitions addressed to the Hon'ble the Minister for Edn.(requesting re-instatement) from
(1) Sri P.A. Jambulingam dated 5-6-1950.
pp1-12 CF (2) Sri K.Jeevarathnam dated 5-6-1950.
(3) Sri K. Kesavalu dated 5-6-1950.
(4) Sri V.M. Doraiswamy dated 5-6-1950.
pp13-14 CF From the S.G.P.No.SBC/P.A./Machine d-29-6-50.

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p.54 (D) In his Proceedings No. S.B.C./Mis/50 dated 22-4-50 the S.G.P. dismissed the following four workers in the Govt.Press for having manhandled their co-workers in the machine room during working hours thereby creating indiscipline in the office.

M-w.

(1) Sri V.M. Doraiswami.
(2) Sri K. Jeevaratnam.
(3) Sri P.A. Jambulingam.
(4) Sri K.~~K. Desavalu~~ Kesavalu

2

2. The above persons have now appealed against the S.G.P.'s order dismissing them. All of them complain that no proper facilities were given to them during enquiry for defending themselves and they request that they may be reinstated to duty cancelling the orders of dismissal.

pp1-12 CF

3. The Senior Dy.Supdt. Govt.Press first held an enquiry into the matter on 19-4-50 and ~~admission~~ attention is invited to the facts of the case set out by him on page 22/(D). Due to two rival parties in the machine Deptt. the fracas referred to broke out, the motive being to work against each other for creating disunity and dislocation of the smooth working of the department. The S.G.P. also conducted the enquiry on 22-4-1950 and recorded the statements of the persons ~~and~~ under dismissal etc. ~~In~~ From the evidence recorded the S.G.P. makes the following observations:

p.22 (D)

pp43-51 (D)

pp13-14 cf

p.43 (D)

(a) P. Krishnan Nair alleges that V.M. Doraiswamy threatened to murder K. Munuswami caught him by the neck and pushed him out.

(P.T.O.)

2/54

p.43 (D)

(b) Murugesan corroborates the above statement.

(c) Murugesan alleges that Jeevarathnam hit K.Munuswami on the side of the ribs but K.Munuswami states that he remembers Jeevarathnam having hit him only on the neck but not on the side. — p.43 (D)

(d) Kathirvelu states that he saw Jambulingam hitting M. Murugesan. — p.47 (D)

(e) Balayam states that he saw P.A.Jambulingam hitting M. Murugesan on the neck, also Jeevarathnam hitting Munuswami in the neck. He also saw Kesavalu hitting K.Munuswami. — p.48 (D)

(f) S.K. Radhakrishnan saw Jambulingam hitting M. Murugesan and then Kesavalu hitting K. Munuswami. — p.48 (D)

(g) S. Govindan, Assistant Foreman, stated that P.Krishnan Nair had kept paper near the machine and also told him in a vulgar language to instruct the night shift minder not to steal the paper. He then called Doraiswamy and pointed out the vulgar expression used by P.Krishnan Nair. Then K. Munuswami joined and a verbal quarrel arose pushing each other. He left the spot to fetch the Overseer." — p.49 (D)

p.44 of

4/ ~~It seems that~~ Attention is invited to ~~The S.G.P. states that on the foregoing~~ ~~evidences~~ the findings ~~were recorded as~~ at 'P on page 52 (D) and M. punishment inflicted as at 'M' on page 54/ (D).

! Bad drafting
P ~~on p 52~~ (D)
M on p 54 (D)

5 It appears no doubt that there was certain amount of indiscipline in the machine department for some time resulting in the fracas as reported. The S.G.P. states that he had consulted the Special Officer before inflicting the punishment. It may not be out of place to mention in this connection that such ~~fracas~~ quarrels among peons take place in other officers ~~etc~~ like Secretariat also and they are not visited by such extreme punishment as dismissal. They are either fined or suspended for a few days or their increment stopped. For orders whether the S.G.P.'s action in having dismissed these 4 persons should be upheld in the circumstances of the case. The penalty to be inflicted upon a subordinate should be in proportion to the offence committed. Even if this incident is reported to a criminal court it may perhaps be dismissed as ~~privilege~~ previous and all the persons set off.

N on p. 14 of

Public(Services) may see before circulation.

D.
26/7/50

Please note also on the point whether Classification Rule

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(28) 3 55

The punishment of dismissal inflicted seems to be too severe. Apart from this, it is observed that though a full enquiry was held soon after the incident in the machine room, the procedure laid down in Classification Rule 15 does not appear to have been followed before the findings were recorded by the Supt. and the punishment inflicted.

p.20 of Fin. Manual Vol I
Bk No 112

pages 52 to 53A in (D)

I agree

If there is no objection, a punishment of fine may be imposed on the accused persons after consulting the S.G.P. as to the amount of fine to be fixed in each case. 'A'

1.8.50

Public (Ser)
2.8.50

Pub(ser)

Publ(ser) Dept.

The receipt of the G.O. called for in the top file may be awaited.
[R.D. 11.8.50]

11/8/50

5.8.50

Edn. No 14687(A)E/50-3
8.50.

ASSISTANT SECRETARY TO GOVERNMENT
3569
4.8.50
4-AUG 1950
CHIEF SECRETARIAT

G.O. No.2364, Publ(Ser), d/ 6.6.50 called for from

Rev. has not yet been recd. from that ~~Rev.~~ Dept. This may continue to lie over till 21.8.50 or till the recpt. of the G.O. whichever is earlier.

[R.D. 21.8.50]

16.8.50

16.8.50

17.8.50

Public (Services) Department.

Please see the note on pp.1-3 ante. This is also a case in which it is stated that ~~appropriate action~~ proper procedure has not been followed before the penalty of dismissal was imposed on the appellants by the S.G.P. The orders of the S.G.P. may therefore be quashed and fresh orders passed by the Secy, Education on the merits of the case. It does not seem that the S.G.P. need be consulted as proposed at 'A' on p.3 ante. Before the penalty is imposed, a show cause notice of the proposed action may be given to the delinquent as no show cause notice ~~has~~ seems to have been given before the original order of dismissal was passed.

p.54 of (D)

The case may be returned to Education.

29.8.50

29.8.50

The penalty of reduction imposed on the members of the Staff mentioned at 'A' and 'B' on p54 (D) will also be illegal if no Show cause notice was given to them before the penalty was imposed. Their cases may also be enquired into.

B

Pub(Ser) U.O.
3569/50-1
30.8.50

30.8.50

Edn (E)

The file relating to the appeals preferred by the following 4 workers of the Machine dept. against the orders of the S.G.P dismissing them from

Service for having manhandled their Co-workers in the machine room during working hours thereby creating indiscipline in the dept.:-

(1) Sri V. M. Duraisami (2) K. Jeevarathnam (3) P. A. Jambulingam & (4) K. Kesavulu.

p.1 ante

2 Attention is invited to the Asst. Secy's note on p-3 ante & the note of Public (Services) on p-4 ante. Pub (Services) consider that the S.G.P. need not be consulted for fixing the amount of fine to be imposed on these appellants. We may perhaps fix arbitrarily Rs 5/- in each case & issue them a show cause notice under rule 15 (a) of the C.C.A rules & article 311 of the Constitution of India.

p.4 ante

A notice asking them to show cause against the imposition of a fine of Rs 10/- may be issued

6.9.50

7.9.50

3 As regards B on p-4 note, action will be separately taken to instruct the S.G.P to issue a show cause notice to them also.

4 For orders.

J.D.
5.9.50

6.9.50

7.9.50

A draft memo. is submitted.

J.P.
8.9.50

9.9.50

9.9.50

pp19-20 cf

(Issued as Memo. 14687(A)/50-4 Edn dt. 9.9.50)

(From Sri. P.A. Jambulingam dated 12.9.50) p21 CF
(From Sri. K. Jeevaratnam dated 12.9.50) p23 CF
(From Sri. V.M. Doraiswamy dated 12.9.50) p25 CF
(From Sri. K. Kesavulu dated 12.9.50) p27 CF

Edn/E.

The case relates to the appeals received from the following workmen in the machine dept. Govt. Press, against the orders of the S.G.P. dated 22.4.50 dismissing them from service for forming ~~themse~~ themselves in groups and creating disunity and unpleasantness among the co-workers in the machine room during working hours on 19.4.50 and thereby causing dislocation of work in the Press on that date:- pp1-12 CF, p.54 (D)

1. Sri. P.A. Jambulingam
2. Sri. K. Jeevaratnam
3. Sri. K. Kesavulu
4. Sri. V.M. Doraiswami.

The case was examined at the time of the previous Secretary in consultation with Public (Services). Public (Services) stated that the proper procedure had not been followed before the penalty of dismissal was imposed on the appellants by the S.G.P. and advised that the orders of the S.G.P. might be quashed and fresh orders passed by the Secretary, Education on the merits of the case, ~~and that the S.G.P. need not be consulted~~. The previous Secretary considered that a notice asking them to show cause against ~~the~~ imposition of a fine of Rs 10/- to each of the above persons might be issued. A show cause notice was accordingly issued to each of the four delinquents. Their explanations are on pages 21-27 C.F. p 4 ante, p 5 ante, pp 19.20 CF, pp 21-27 CF

3 For orders whether the explanations may be considered unsatisfactory and the penalty of Rs 10 ~~to each of the 4 delinquents~~ may be imposed on each of the four delinquents. It is also for

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orders as to circulation of the case to H.M (E+L) with reference to his minutes on page 1 CF.

J.D.
16.9.50

It has been established at an enquiry held by the Senior Deputy Superintendent that the appellants were responsible for a scene in the Machine Deptt. on 19.4.50, and as a consequence there was dislocation of work in the Press. The action of the workers was certainly subversive of discipline. However, as the punishment of dismissal is considered too severe, a milder punishment, fine of Rs 10/- each has been proposed.

The explanations on pages 21, 23 & 25 cf may be considered to be not convincing. As regards Kesavalu (p.27 cf) he says he attended office only ~~[illegible]~~ at 6.30 PM whereas the incident took place at 5.30 P.M. He mentioned the same thing at the enquiry but the enquiring Officer found that Kesavalu was also involved. Please see the evidence of K. Muniswami, especially M, on

p 35 – (D)

8/

on p. 27 of (D) It is for orders whether the S.G.P should be specifically asked to report on the veracity of the statement of Kesavalu referred to above -

16.9.50

A draft memo. is submitted.

JD
18.9.50

18.9.50.

(Issued as Memo. No. 14687E/50-5 dt. 19.9.50)
(from the S.G.P. No. 124867/SRC/50.51 d. 20.9/50)

pp 29. 30 cf
p 31 cf

Please see the S.G.P's reply with refer to A ~~[illegible]~~ above. For orders whether the presence of Sri Kesavalu at the time of incident may be presumed and the punishment of Rs. 10/- may also be imposed on him. For orders

+ B on p49 (D)

Kesavalu's statement that he attended office at 6.30 pm on the day of the incident is to be untrue. In view of B on p49 of the S.G.P's file the accused's plea of 'alibi' cannot be accepted - It is for orders whether a fine of Rs 10/- may be imposed on all the four men - Please see the note on the previous page.

JD
21.9.50

21.9.50

(D)

---

(31)

I discussed the disciplinary cases dealt with in this file with H.M.(E.& L.), as in some of the cases, the petitions were presented to him.

2. I also brought to the notice of H.M.(E.& L.) that Mr. Siddique was here to-day and that I discussed the cases with him.

3. The cases of P.A. Jambulingam and three others against whom notices have been issued in Memo. No.14687(A) E/50-4 dated 9-9-50 may be sent to the Superintendent, Govt. Press, for disposal with instructions to proceed further with the cases from the stage at which they are at present. In other words, no ~~further~~ fresh proceedings need be initiated against them and the Superintendent, Govt. Press may pass orders in the light of the 'Show cause notice'. Please take action accordingly.

4. The cases of S. Govindan and three others referred to in para 4 of the memorandum cited in the previous paragraph may be dealt with by the Superintendent, Govt. Press, to whom the cases have been ~~referred~~ sent already.

V. Urgent

A draft memo. is submitted embodying the orders above. This draft includes also the orders in the linked file. After issue both the files will be amalgamated and the papers 'recorded'

JD
27.9.50

27.9.50

28.9

[Issue Memo. No. 14687E/50-7 Em.
dt. 28.9.50]

G.O. 2840 Em dated 14.10.50

Current No.	Persons involved	Punishment awarded by the S.G.P.	Present Stage	Remarks.
14687/50. 22	Sri. P.A. Jambulingam " K. Kesavalu " K. Jeevaratnam " V.M. Doraisamy (Machine minders)	Dismissed for the alleged act of causing trouble disunity + unpleasantness in the Machine dept	Show cause notice issued against imposition of a fine of Rs 10 on each.	Petitions presented to H.M (E+L) on 6.6.50.
14687 A/50.	Sri. A.K. Subramaniam Imposer.	Dismissed for engaging in money lending to his co. workers on interest	Show cause notice issued against stoppage of increment for 18 months.	Petition presented to H.M (E+L) on 6.6.50.
21424/50	Sri. P. Doraisamy Nayagar (overseer under reversion)	Reduced from the post of overseer on Rs 150-200 to ~~the~~ his substantive post of Asst Senior Foreman on Rs 120-170. for disobedience and insubordination.	Proposed to ask the S.G.P to issue show cause notice against termination of probation in the post of overseer.	Instructions to be issued to the S.G.P regarding the procedure to be followed so as to avoid Defective proceedings
22428/50.	1. Sri. Doraisamy chetty × (cooly) 2. Sri. K.N. Devarajulu chetty 3 Sri. P.M. Manickam Mudali Warehouseman	Dismissed from service for alleged theft of 3 reams of paper.	(1) Proposed to ~~issue~~ ask the S.G.P to issue show cause notice against removal from service. 2&3 Proposed to ask the S.G.P. to issue show cause notice against compulsory	× This is only a Contingent Cooly.

E

37

C.F. 32 (a).

.... Department	Received .... Registered ....
From (Name) Janab R. Siddique, Designation Superintendent, Government Press, Station Madras	To The Secretary to Government, Education Department, Fort St. George.

Enclosures :
4 Petitions
and
2 files

No. 152175-8/Estt. dated 9th December 19~~4~~50
50-51

ASSISTANT SECRETARY
13 DEC 1950
40286
EDUCATION DEPARTMENT

Sir,

Sub: Government Press - Sri P.A. Jambulingam, K. Jeevaratnam, K. Kesavalu, Sri V.M. Doraiswamy - Appeal against orders of the Superintendent, Government Press, Madras.

Ref: Government Memorandum No.14687(A) E/50-4 Education, dated 9th September 1950.

p.43 (M)

In forwarding herewith petitions dated 17th November 1950 from Messrs. P.A. Jambulingam, K. Jeevarathnam, K. Kesavalu and ~~Sri~~ V.M. Doraiswami of the Machine Department, Government Press, Madras, I submit that the punishment of a fine of Rs.10/- each was inflicted on them on the charge of forming themselves into groups and creating disunity and unpleasantness among the co-workers in the Machine room during working hours on 19th April 1950. I invite your kind attention, in this connection to the Government Memorandum No.14687 (A)E/50-4, Education dated 9th September 1950.

E/39

p43 (M)

P.T.O.

1

266

2. The records of the enquiry are enclosed.

R Siddique
11-12-50
Superintendent.

svr.11.12.
11-12

152175 (34) 67

To

The Secretary to Govt.
Edn. Dept.

Madras, 17th November 1950.

Through:

The Superintendent,
Government Press,
Madras.

GOVERNMENT PRESS
17 NOV 1950
MADRAS

Sir,

While thanking the Government and the Superintendent ~~xxx~~ in issuing generous orders for restoring me in service, I beg to submit the following for sympathetic consideration and favourable orders.

1. The period from 22-4-50 to 12-10-50 during which I was kept out of employ, was too long and I was sustained great loss of emoluments amounting to Rs. 358-4-0 during these hard days.

p.54 – (D)

2. Though the proceedings of the Superintendent No.S.B.C./Mis/50, dated 22-4-50 were cancelled in Government Memo referred to above the Superintendent was not kind enough in giving effect to the orders contained therein in reinstating me in service immediately. This has resulted in further loss of emoluments amounting to Rs. 70-9-0.

p.43 – (M)

3. With reference to paragraph 2 of the Government Memo quoted above I have submitted and fully explained that I was not a party to the alleged indecipline occurred on 19-4-50 in the machine room and my explanation was not given any weight though the Superintendent was convinced at the final enquiry that I was not a party belonging to any group for causing dislocation of work, disunity and unpleasantness amongst co-workers.

4. While enquiring into my conduct neither the Superintendent nor the Government have perused my confidential records to arrive at a decision in imposing any penalty into this case. This was obviously omitted during any of the enquiries for the fact that record sheets in respect of

of K. Muniswami, Murugesan, S.K.Radhakrishnan, S.Palayam, K. Ponnurangam, A.R. Varadarajalu, P.Krishnan Nair and others are very bad for some such reason or otherwise. These Workers are being supported by the present Union.

5. The imposition of fine of Rs.10/- contemplated is not justified and against the provisions of the Payment of Wages Act.

6. I submit that an Industrial Worker like me has in maximum of 90 days earned leave at my credit provided I work in the factory continuously for 3 years without availing even a day's leave. The Government and the Superintendent are fully aware that no worker in the Government Press, Madras, has kept to his credit any earned leave and that they are specially sanctioned to avail Casual leave besides all leave privileges. Such being the leave conditions of the workers in the Press the orders of the Superintendent treating the period of my absence from duty from 22-4-50 to 12-10-50 (nearly 6 months) as leave to my credit is nothing but leave on loss of emoluments for such a long period.

A

7. The Punishments, inflicted on me for a simple alleged reason of indecipline has been affected four-fold as detailed below. This is meant to say that for a single reason I have been punished in four different ways.

X

- (a) Fine of Rs.10/- in contravention of the payment of wages Act.
- (b) Forfeiture of my hard earned leave.
- (c) Rendering me to lose emoluments of pay for a long period.
- (d) Postponing of my increments with cumulative effect on account of leave on loss of pay.

Under the Pitiable circumstances explained above I humbly request the Government to kindly cancel the fine and treat the period of my absence from 22-4-50 to 12-10-50 as on duty.

Thanking you in anticipation,

Yours faithfully,

Sd. V.M. [illegible]

152176 (35)

To

The Secretary to Govt.
Edn. Dept.

Madras, 13th November 1950.

Through

The Superintendent,
Government Press,
Madras.

GOVERNMENT PRESS
17 NOV 1950
MADRAS

Sir,

While thanking the Government and the Superintendent ~~xxx~~ in issuing generous orders for restoring me in service, I beg to submit the following for sympathetic consideration and favourable orders.

N

1. The period from 22-4-50 to 12-10-50 during which I was kept out of employ, was too long and I was sustained great loss of emoluments amounting to Rs. 318-8-0 during these hard days.

p.54 (D)
p.43 (M)

2. Though the proceedings of the Superintendent No.S.B.C./Mis/50, dated 22-4-50 were cancelled in Government Memo referred to above the Superintendent was not kind enough in giving effect to the orders contained therein in reinstating me in service immediately. This has resulted in further loss of emoluments amounting to Rs. 62-12-0

3. With reference to paragraph 2 of the Government Memo quoted above I have submitted and fully explained that I was not a party to the alleged indecipline occurred on 19-4-50 in the machine room and my explanation was not given any weight though the Superintendent was convinced at the final enquiry that I was not a party belonging to any group for causing dislocation of work, disunity and unpleasantness amongst co-workers.

4. While enquiring into my conduct neither the Superintendent nor the Government have perused my confidential records to arrive at a decision in imposing any penalty into this case. This was obviously omitted during any of the enquiries for the fact that record sheets in respect of

-2-

16
70

of K. Muniswami, Murugesan, S.K.Radhakrishnan, S.Palayam, K. Ponnurangam, A.R. Varadarajalu, P.Krishnan Nair and others are very bad for some such reason or otherwise. These Workers are being supported by the present Union.

5. The imposition of fine of Rs.10/- contemplated is not justified and against the provisions of the Payment of Wages Act.

6. I submit that an Industrial Worker like me has in maximum of 90 days earned leave at my credit provided I work in the factory continuously for 3 years without availing even a day's leave. The Government and the Superintendent are fully aware that no worker in the Government Press, Madras, has kept to his credit any earned leave and that they are specially sanctioned to avail Casual leave besides all leave privileges. Such being the leave conditions of the workers in the Press the orders of the Superintendent treating the period of my absence from duty from 22-4-50 to 12-10-50 (nearly 6 months) as leave to my credit is nothing but leave on loss of emoluments for such a long period.

7. The Punishments, inflicted on me for a simple alleged reason of indecipline has been affected four-fold as detailed below. This is meant to say that for a single reason I have been punished in four different ways.

(a) Fine of Rs.10/- in contravention of the payment of wages Act.

(b) Forfeiture of my hard earned leave.

(c) Rendering me to lose emoluments of pay for a long period.

(d) Postponing of my increments with cumulative effect on account of leave on loss of pay.

Under the pitiable circumstances explained above I humbly request the Government to kindly cancel the fine and treat the period of my absence from 22-4-50 to 12-10-50 as on duty.

Thanking you in anticipation.

Yours faithfully,
987. K. [illegible]

26
152177

To
The Secretary to Govt.,
Education Dept.

Madras, 17th November 1950.

GOVERNMENT PRESS
17 NOV 1950
MADRAS

Through:

The Superintendent,
Government Press,
Madras.

Sir,

While thanking the Government and the Superintendent in issuing generous orders for restoring me in service, I beg to submit the following for sympathetic consideration and favourable orders:-

1. At the outset I beg to submit that the scheduled time of my duty in the Press was from 6-30 P.M. to 5-30 A.M. (19-4-50 and 20-4-50). The alleged incident was said to have taken place at about 5-15 P.M. on 19-4-50. I have repeatedly submitted this statement during the enquiries to the enquiry Officers but they did not heed to me and continued till the end supporting the members influenced by the Union Executive. All my attempts to bring in witnesses to speak truth of my Statement were mercilessly rejected by the Enquiry Officers who were fully prejudice minded supporting the Union Executives and their influenced members involved in the case. In case if my statement is not accepted in the light of above points the following items may please be considered sympathetically.

2. Further I wish to invite your kind attention to the procedure of letting in workmen for each shift and fix up the decision as to how I could have presented within the premises of the Press 1¼ hours earlier than the Scheduled time for me to commence my work on 19-4-50. That is to say that my shift of work commenced from 6-30 P.M. and I was alleged to be within the Press at 5 P.M. or so. If this was the fact then the Office procedure in let[illegible] me to

6
72

to workspots earlier than 5 minutes is strongly defeated both by the vigilant gate staff, Overseer, Machine Maistri and Time-keeper. It is therefore evident that the other members have concocted in trapping me into this alleged case. I submit, Sir, that I have strong reasons to nullify any charge framed and proceeded against me.

3. I request that I may be honorably acquitted of the alleged charge. The fine imposed on me should be cancelled and the period of absence from 22-4-50 to 12-10-50 treated as on duty and thus save me from the grave losses as contemplated below:

(a) Fine of Rs.10/- in contravention of the payment of Wages Act;

(b) Forfeiture of my hard-earned leave.

(c) Rendering me to lose emoluments of pay for a long period.

(d) Postponing my increments with cumulative effect on account of leave on loss of pay.

Thanking you in anticipation,

Yours faithfully,

P.M.44K.Kesavalu.
Layer-on.
Machine dept.

To
The Secretary to Govt.
Edn. Dept.

Through.

The Superintendent,
Government Press,
Madras.

Madras, 13th November

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GOVERNMENT PRESS
17 NOV 1950
MADRAS

Sir,

While thanking the Government and the Superintendent in issuing generous orders for restoring me in service, I beg to submit the following for sympathetic consideration and favourable orders.

1. The period from 22-4-50 to 12-10-50 during which I was kept out of employ, was too long and I was sustained great loss of emoluments amounting to Rs. 329.13.0 during these hard days.

p.54 (D)
p.43 (M)

2. Though the proceedings of the Superintendent, No.S.B.C./Mis/50, dated 22-4-50 were cancelled in Government Memo referred to above the Superintendent was not kind enough in giving effect to the orders contained therein in reinstating me in service immediately. This has resulted in further loss of emoluments amounting to Rs. 65/-

3. With reference to paragraph 2 of the Government Memo quoted above I have submitted and fully explained that I was not a party to the alleged indecipline occurred on 19-4-50 in the machine room and my explanation was not given any weight though the Superintendent was convinced at the final enquiry that I was not a party belonging to any group for causing dislocation of work, disunity and unpleasantness amongst co-workers.

4. While enquiring into my conduct neither the Superintendent nor the Government have perused my confident records to arrive at a decision in imposing any penalty in this case. This was obviously omitted during any of the enquiries for the fact that record sheets in respect of

16

70

-2-

of K. Muniswami, Murugesan, S.K.Radhakrishnan, S.Palayam, K. Ponnurangam, A.R. Varadarajalu, P.Krishnan Nair and others are very bad for some such reason or otherwise. These Workers are being supported by the present Union.

5. The imposition of fine of Rs.10/- contemplated is not justified and against the provisions of the Payment of Wages Act.

6. I submit that an Industrial Worker like me has in maximum of 90 days earned leave at my credit provided I work in the factory continuously for 3 years without availing even a day's leave. The Government and the Superintendent are fully aware that no worker in the Government Press, Madras, has kept to his credit any earned leave and that they are specially sanctioned to avail Casual leave besides all leave privileges. Such being the leave conditions of the workers in the Press the orders of the Superintendent treating the period of my absence from duty from 22-4-50 to 12-10-50 (nearly 6 months) as leave to my credit is nothing but leave on loss of emoluments for such a long period.

7. The Punishments, inflicted on me for a simple alleged reason of indecipline has been affected four-fold as detailed below. This is meant to say that for a single reason I have been punished in four different ways.

(a) Fine of Rs.10/- in contravention of the payment of wages Act.

(b) Forfeiture of my hard earned leave.

(c) Rendering me to lose emoluments of pay for a long period.

(d) Postponing of my increments with cumulative effect on account of leave on loss of pay.

Under the pitiable circumstances explained above I humbly request the Government to kindly cancel the fine and treat the period of my absence from 22-4-50 to 12-10-50 as on duty.

Thanking you in anticipation,

Yours faithfully,

966. P.A. Jambulingam

38

75

Education Dept. (E)

D.O.No. 40286E/50-2 Edn., dated 27.1.1951

Dear Siddique,

Sub:- Sri P.A.Jambulingam and others - Appeal against dismissal.

Ref:- Your letter No.152175-8/Estt./50-51 dated 9-12-1950.

I am to say that the imposition of fine on the four persons mentioned in your letter is contrary to the provision of Section 8(6) of the Payment of Wages Act. ~~I am therefore to request you to~~ Pleas cancel your Proceedings No.SBC Mis/50-51 dated 12-10-50 and issue revised proceedings after following the prescribed procedure. The period of absence from duty of the four persons from 22-4-50 to 12-10-1950 may be treated as duty.

Yours sincerely,

OBM 27/1/51

27.1

To

Janab R.Siddique,
Superintendent,
Govt. Press
(with 'E' and 'D' in original)

27.1.51

Tom. D. seen
27/1/51

p l CF

p4 NF

E/39

Sub:- Govt. Press - Sri P.A. Jambulingam, K. Jeevaratnam, K. Kesavalu and Sri V.M. Doraiswamy - Appeal against dismissal.

C.No. 40286-E/50.

Ref:- From the S.G.P., No. 152175-8/Estt./50-51 dated 9-12-50.

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pp1-10 cf

Please see the petitions from the persons referred to above and the remarks of the S.G.P., on pp.1-10 c.f.

pp25-36 (M)

2. In June 1950, Sri P.A. Jambulingam and the others appealed to Govt. against the orders of the S.G.P. dismissing them from service for forming themselves in groups and creating disunity and unpleasentness among the co-workers in the Machine-room in the Govt. Press, during working hours on 19-4-50, thereby creating dislocation of work in the Press on that date. The case was examined in consultation with Public (Services). Public (Services) stated that the proper procedure as required under the Civil Services (Classification, Control & Appeal) Rules was not followed before the penalty of dismissal was imposed on the appellants and advised that the orders of the S.G.P. might be quashed and fresh orders passed by the Secretary, Education Dept. on the merits of the case.

p.56 (M)

3. As the punishment of dismissal was considered too severe for such offences, it was decided in consultation with the Public (Services), that imposition of a fine of Rs.10/- each would suffice for the purpose. A 'show cause' notice was accordingly issued to each of the four delinquents in memo. No. 14687 (A)/50-4 Edn. dated 9-9-50. The show cause notice along with the explanations of the four persons was sent to the S.G.P. for further action according to rules.

p43 (M)

p.51 (M)

p.39 (E)

4. In his proceedings No. SBC/Mis./50-51 dated 12-10-50, the S.G.P. ordered the imposition of a fine of Rs.10/- on each of them to be recovered in two instalments of Rs.5/- each. It was also ordered th

28

the period of their absence from 22-4-50 to the date of their rejoining their posts be treated as leave to which they were entitled under the Rules.

ip 3-10 cf

5. Sri P.A. Jambulingam and others have now appealed to Government against the above orders of the S.G.P. They state that they were kept out of employment from 22-4-50 to 12-10-50 and were put to a loss of over Rs.300/- each and that they have been punished in four different ways, for a single reason:-

N on p.5 cf.

(1) Fine of Rs.10/- in contravention of the Payment of Wages Act.

(2) Forfeiture of earned leave.

(3) Loss of emoluments for a long period.

(4) Postponement of increment with cumulative effect on account of leave on loss of pay.

X on p4 cf

They request that Govt. may kindly treat the period of absence from 22-4-50 to 12-10-50 as on duty.

p4 cf

Their main grievance seems to be that by treating the period of absence as period of leave to which they were entitled, they are put to a loss of emoluments ~~for the above period~~ for the reasons set out in para.6 on p4 cf.

6. The S.G.P. has not commented upon any of the above points in his forwarding remarks. However, he may be asked to state whether the places of the above employees were filled up temporarily during the period of absence of the above individuals before proceeding further. A draft T.M. is submitted for approval.

See below
29.12.50.

JD
26.12.50

There seems to be no objection to treating the period of absence of the employees that is, the period between the original ~~of~~ order of the S.G.P. which took effect [illegible]

3

(40)

79

subsequent order, as such leave as the men may be eligible for –

Para 7 on p4 of

A

Dev & Legal may see for remarks on the suggestion that the fine in this case which was the result of the disciplinary proceedings under the Rules ~~applicable to~~ can be said to contravene the provisions of the Payment of Wages Act.

29.12.50

Dev
Legal

636
3.1.51

Dev
Legal

Edn. W. 40286 E/50-1
2.1.51.

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
3 JAN 1951
DEVELOPMENT DEPARTMENT

✓ p120 of Factories Manual
BR 85
+ p128 of BR 85

DW
P II

Notes from p1 above may be perused.

The imposition of fines on workers in factories and other industrial establishments is regulated by Sec 8 of the Payment of Wages Act and Rules 9 to 14 of the Madras Payment of Wages Rules. Under these provisions fines can be imposed only for such acts and omissions as the employer has with the previous ~~permission~~ approval of the Chief Inspector of Factories specified by a notice displayed at or near the main entrance of the factory, and after giving the employed person an opportunity for explanation. The fine shall not ~~[illegible]~~

80

4

E

exceed half an-anna in the rupee of the wages payable to him in respect of the particular wage period. It cannot also be recovered in instalments or after the expiry of sixty days from the day of ~~which~~ the act in respect of which the fine was imposed.

Sec 8(4)

Sec 8(6)

There is no information in the file to know whether the act for which fine was imposed is one included in the list of acts and omissions notified with the approval of the C.I.F., and whether the fine is within the monetary limit referred to above. It is seen that the fine was imposed in October 1950 i.e. about 6 months after the incident and the amount was recovered in 2 instalments. This is contrary to the provisions of Sec 8(6) of the P.of W. Act.

E/39 a

With these remarks the file may be passed on to Legal.

4-1-51

6/1/51

S. 9/1

Legal

Legal department

Dev. No. 636P4/51-1
9-1-51

This department agrees with the views expressed by Devt.in their note above.

16/1/51

O
DS

ASSISTANT SECRETARY
612
11 JAN 1951
LEGAL DEPARTMENT

EDN. DEPT.(E).

Please see the notes of Devt. & Legal above. They consider that the imposition of Rs. 10 as fine ~~on~~ the ~~4~~ four workers in question, in October 1950, i.e., about 6 months after the incident, is contrary to the provisions of Section 8(6) of the Payment of Wages Act. According to this view the fine will have to be refunded to the persons concerned.

above
Legal No. 612/51-1
16-1-51

ASSISTANT SECRETARY
2196
17 JAN 1951
EDUCATION DEPARTMENT

2 Another point which has to be considered in this connection is how the period between the original order of the S.G.P. dismissing the persons concerned with effect from 22-4-50 and the subsequent order of the S.G.P. dated 12-10-50 imposing a fine during which they were out of employment, should be treated. In the proceedings dated 12-10-50 the S.G.P. stated that the period of their absence should be treated as leave to which they were entitled under the rules. The petitioners represent that this order practically amounts to leave on loss of emoluments for the period.

41

81

D/54

E/39

p4 CF

M/43

3. In the Memo dated 9-9-50 the Govt. cancelled the Superintendent's Proceedings dismissing the subordinates from service. The Memo should be taken to have the effect of restoring them to service as it did not stipulate how the period of absence should be treated. The punishment of dismissal was considered too severe for the misbehaviour on the part of petitioners and a fine was thought sufficient. In the circumstances it seems that the period has to be treated as one on duty. The Supdt. may be informed accordingly.

M/55

4. As levy of fine is illegal, the Supdt. may be asked to cancel his Proceedings dated 12-10-50 and issue revised proceedings inflicting any alternative punishment he deems necessary. Of course the nature of the punishment need not be suggested to him.

E/39

5. A draft D.O. is submitted.

27/1/51

27/1

E (42) 151810
315

To

The Secretary to Govt.
Edn. dept.

Madras, 15th November 1950.

Through:

ASSISTANT SECRETARY
12 FEB 1951
5850
EDUCATION DEPARTMENT

The Superintendent,
Government Press,
Madras.

Sir,

While thanking the Government and the Superintendent, Government Press, for having issued generous orders of reinstating me in service, I beg to submit the following few lines for your sympathetic consideration and favourable orders.

(M)

pp 11-12 of G.O.N: 2840
14-10-50

1. Even though the Government have cancelled the Superintendent, Government Press, proceedings No.288/S.B.C./HC. dated 9-5-50, with regret I have to state that the Superintendent, Government Press, was not kind enough to give effect to the orders of the Government in immediately taking me into service. If this was done in time I would have been saved from the loss of emoluments for the period from 10-9-50 to 10-10-50.

2. Though I have accepted my ignorance of Rule 7 of the Government Servants' Conduct Rules for my 15 years practice of collecting small subscriptions from the Government Press employees and lending the same to the needy co-workers of the Press at a small rate of interest and in deserving cases without interest purely for the purposes of charity, feeding the poor and supplying of buttermilk and coffee for Tiruvothiyur Moghizhadi festivals and also utsavams in Pillaiyar temples in the North and South, the penalty inflicted on me is very severe. I pray that my case may kindly be reviewed upon sympathetically giving me the benefit of doubt.

3. For the ignorance of simple rule of lending money (by which I am not practically benefitted but the small interest collected represents a body of Government Press

2/

GOVERNMENT PRESS
23 NOV 1950
MADRAS

Press Workers for purposes of Charity) I am driven to suffer four-fold kinds of punishments as detailed below:-.

(a) The leave at my credit is forfeited as the period of my absence from 3-5-50 to 10-10-50 is treated as leave admissible to me.

(b) As an Industrial worker of the Government Press, Madras, the maximum leave that can accrue up to 90 days would not only be adjusted but the period exceeding this would entail leave on loss of pay.

(c) The period treated as leave on loss of pay would further entail an inturruption in service and subsequently postpone increments on a recurring basis.

(d) The penalty of stoppage of increment for a period of 18 months (though without cumulative effect) would entail me to a loss of emoluments amounting to Rs.48/-.

4. Under the circumstances explained above the very severe nature of penalty imposed on me may be reviewed sympathetically and order for ~~xxxxx~~ comuting my absence from 3-5-50 to 10-10-50 as on duty and stoppage of increment as fine within the limits of the Payments of Wages Act.

I pray that benign Government would reconsider my case leniently as I come across with this incident first during my long, loyal and faithful service of 25 completed years in the Government Press, Madras.

Yours faithfully,
288. A.K. Subramani,
Imposer High Court Dept.

Government Press.

Endorsement No. 315/EC-6-50-51, dated 10 February 1951.

Submitted to the Secretary to Government, Education Department, Fort St. George, Madras.

The petitioner's absence from 2-5-50 to 9-10-1950 was inevitable due to enquiry by the Superintendent, Government Press, appeal preferred by him to Government and thereafter re-enquiry by the Superintendent, Government Press as directed in Government Memo.No. 14687 E/50-4 Edn., dated 9-9-1950. He was granted the maximum leave available to his credit i.e., 85 days on full pay from 2-5-1950 to 25-7-1950 and for the rest of the period (2 months and 14 days) leave without pay. The period

p.11 (M)

42

period of 2 months and 14 days leave without pay will postpone his increments cumulatively in addition to the penalty of punishment imposed on him, viz., stopping of his increment for a period of 18 months without cumulative effect. I consider that this is not an excessive punishment, considering the gravity of the offence and recommend that the petition may be rejected.

R.Siddique
10.2.51
Superintendent.

Government Press,
Madras, [illegible]-2-1951.

9.2

Yours faithfully,

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(44)

EDN. DEPT.(E).

GOVT. PRESS - Sri A.K. Subramaniam, Imposer - Appeal against stoppage of increment - Orders passed.

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pp1-2 cf
From Sri A.K. Subramaniam, Appeal dated 15-11-50.

pp2-3 cf
From the S.G.P., No. 315 EC/6-50-51 dated 10-2-51.

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MEMO. NO. 5850 E/51-1 ,EDN., DATED 5/3/51

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9/7/3

The S.G.P. is informed that the period of absence from duty of Sri A.K. Subramaniam, Imposer, Govt. Press, from 3-5-50 to 10-10-50 may be treated as on duty.

2. The Govt. decline to comply with the other request~~s~~ contained in the appeal.~~cited~~.

10/3/51

To

The S.G.P.

OBM
5/3/51

suffer four fold kinds of punishments as detailed below

Education Deptt.(E)

Government Press - Sri A.K.Subramanian - Appeal against stoppage of increment.

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pp 1-2 CF

Petition from Sri A.K.Subramanian, Imposer,Govt. Press, dated 15th November 1950.

pp 2-3 CF

Endt.of the S.G.P. No.315-EC-6/50-51 dated 1-2-51.

..

G.O.No. 2840 M/5
14-10-50

M/11-12

M/13-14

Sri A.K. Subramanian, Imposer, Govt.Press, Madras, was dismissed from service by the S.G.P. with effect from 8-5-1950 for lending money to his colleagues contrary to the provisions of the Govt.Servants' Conduct Rules. As the S.G.P. did not follow the prescribed procedure, his order of dismissal was cancelled and the petitioner was asked to show cause why his increment should not be stopped for 18 months without cumulative effect. The Superintendent was then requested to proceed further with the case. He accordingly passed orders stopping the increment of the petitioner for 18 months without cumulative effect.

pp 1-2 CF

The present petition is an appeal against the orders of the S.G.P. stopping the petitioner's incremen for 18 months. The petitioner has requested that his period of absence from duty from 3-5-50 to 10-10-50 may be counted as duty and that the stoppage of increment for 18 months may be commuted into a penalty of fine within the limit of Payment of Wages Act.

The request to commute the stoppage of incremen into fine deserves no consideration as the penalty of stoppage of increment for 18 months is itself a lenien punishment.

8/3

As regards the absence from duty from 3-5-50 to 10-10-50 the S.G.P. has granted the petitioner all the leave available to his credit. But for a period of 2 months and 14 days the petitioner has to be on leave without pay and this has the effect of postponing his increment cumulatively which was not the inten of Govt. The Memo cancelling the Superintendent'

pp 2-3 CF

order dismissing the petitioner from service should be taken to have the effect of restoring him to service and the period should be treated as one on duty. Please see in this connection the notes on pp 80-81 of G.O.No.2840 Edn, d/ 14-10-1950, written in connection with similar cases. The Superintendent may be informed as at 'A' above.

M/11-12
A

(M)

For orders.

ORM
3/3/57

5

A draft memo. to the S.G.P. is subd.

for approval.

ORM
5/3/57

3/57

SR
4/3/57