Scott. II-27—60,004—17-11-48

1950

Ed (194) Department.

MS SERIES.

Closed

Supt.

G.O. NO. 305 Ed

(1)

Dated 6.2.50

[Despatch Abstract.]

Back Papers.

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

Further Papers.

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

Copy ap pll infra

②

Appeal to the Director of Public Instruction, Madras, against the order R.C.No.A.6-28478/48 dated 22-10-1948 of the Special Officer, South Arcot District Board:

Petitioner:- A. Ramaswami Iyer, Temporary Secondary Grade
Assistant, Board High School, Kallakurichi,
South Arcot District Board.

This is an appeal against the South Arcot Board for overlooking the claims of the petitioner as an Ex-Service man; and for not redressing the grievances of the petitioner as a permanent employee of the District Board in the Elementary Education, who was subsequently drafted to the Secondary Education.

GROUNDS OF APPEAL.

1. The management i.e., the South Arcot District Board failed to post the petitioner in a reserved vancancy allotted for Ex-Army men when he was appointed on the recommendation of the District Soldiers' Board as an Assistant in the Board High School, Kattumannarkoil from 22-7-1946. It is really a breach of contract; and is quite against all ~~cannons~~ canons of Justice.

BOARD
DEC 8
SOUTH ARCOT

2. The management failed to give probation to the petitioner from the date of his entertainment i.e., from 22-7-46 in the Secondary Education; and give his increments on 22-7-47 and 22-7-1948 according to the revised time scale of pay i.e., 45--2--85, which came to effect from 1-1-1947.

3. The management failed to treat the petitioner first as an Ex-Army man, then a faithful employee in the Elementary Education, and lastly a Political Sufferer, and give him preferential treatment as per the intention of the present Congress Government.

The Petitioner's prayers are:-

1. The petitioner may be posted and confirmed in a reserved vacancy allotted for Ex-Army men, or in any other permanent

Vacancy in the Secondary Education with effect from the date of entertainment.

2. His pay was fixed at Rs.45/-p.m. on 1-1-1947 and no subsequent increment has yet been granted. His pay may kindly be fixed as per the several G.Os. relating to the revised scale of pay, with the increments due.

10-32—18.9.44
19.7.44—7.6.46
8.6.46—21.7.46
22.7.46—

The petitioner, an unpassed Intermediate, and a qualified Secondary Grade Trained Teacher was an employee in the Elementary Education under the management from 3-10-1932 to 18-9-1944 when he was recruited to War Service as a combatant ~~competent~~ Havildar Clerk. He had an approved War Service liable for overseas, from 19-9-1944 to 7-6-1946 when he was discharged on the demobilisation of the Army. Then the petitioner was recommended by the District Soldiers' Board, Cuddalore N.T. to the management for a posting in a reserved vacancy allotted for Ex-Army men in the Secondary Grade Teachers' Cadre in the Secondary Education under the management. But the management posted him as a mere temporary Secondary Grade Assistant in the Board High School, Kattumannarkoil with effect from 22-7-1946 (Vide Exhibit-A.) without any specification whether he was posted in a reserved vacancy or not. Even then the management cannot deny the fact that the petitioner was posted to the Secondary Education on the recommendation of the District Soldiers' Board. If it was not so, the petitioner, a Brahmin, might not have expected a post in a Secondary School under commual representation rules without any special recommendation to the management, at the time of his posting. Soon after his release from the Army the petitioner joined his permanent lien in the Elementary Education on 8-6-1946. Then he applied to the management for a posting in a Secondary School, as he wanted to work peacefully for the remaining 9 years of his service before his retirement. But the Management refused to give him a post in a Secondary School, and ~~the~~ sent proposals to the District Educational Officer for approval for his transfer to another Elementary School. The petitioner having no other means, approached the District Soldiers' Board after waiting for about 6 weeks; and he had to be posted by the Management in a Secondary School under the specific recommendation of the District Soldiers' Board with effect from

f9 infra

(M)

22-7-1946. So, when once the Management accepted the Board's recommendation for posting the petitioner, it cannot fail to post him in a reserved vacancy as required in the same recommendation, and give him probation from 22-7-1946 as in the various departments of the Government. Also the Management did not favour the petitioner in any other way by posting him in a Secondary School as he was drawing only his substantial pay of Rs.33/-p.m. even after his new posting. So the Management might have retained him in the Elementary Education itself if it did not consider him as an Ex-Army man, and give him a reserved vacancy on his posting in a Secondary School. If the petitioner continues in the Secondary Education as at present, he cannot expect confirmation in his service for any length of time, and enjoy the benefits and ~~the~~ previleges of permanent men. He will be like those teachers who were drafted from the Elementary Education and who have worked more than 10 years in the Secondary Education without confirmation under the Management at present. So the petitioner cannot better his prospects unless he is posted and confirmed in a reserved vacancy in the Secondary Education. The petitioner assures that there were actually permanent Secondary Grade vacancies at Kattumannarkoil, Panruti, and Tirukoilur at the time of his posting; and the ~~Mana~~ Management might have shown a reserved vacancy among them to the petitioner in his posting order. Also there were discrepancies, and there are still, in posting orders of Secondary Grade Teachers by the Management. Many permanent teachers work in the temporary establishment; and many temporary teachers like the petitioner, work in the permanent establishment without any consideration. There was also no specification of " With or Without Probationary rights" as the case might be in those posting orders of temporary teachers. Considering these discrepancies in posting orders at the time of his posting, the petitioner had to satisfy himself that a reserved vacancy would be allotted for him he would be started on probation from 22-7-1946, and he would be posted and confirmed in the same reserved vacancy soon after the completion of his two years of probation. The Management neither mentioned the existence or non-existence of reserved vacancies in his posting order, nor communicated to the petitioner subsequently that a reserved vacancy was not allotted to him. Even if a reserved vacancy, which might have allotted to the petitioner, had to be abolished in a future date ~~day~~ the Management might have given notice of the same to the petitioner, in time, asking his

option to work as a temporary assistant without probationary
rights as an outsider, under direct recruitment, or to be ousted
from the Service. If this was done the petitioner might have
secured posting in any other Management and his services from
22-7-1946 might not have been spoiled without any kind of bene-
fit. Then the petitioner wanted to know the real motive of
the Management in his case, and so applied for the transfer of
his lien from the Elementary Education to the Secondary Edu-
p9 infra cation on 18-12-1946 (Vide Exhibit-B). But the Management did
not disclose his real motive and returned his petition with mere
remarks that cases of his seniors were to be considered before
him. Again when the temporary post of the petitioner was renewed
with effect from 1-7-1947, there was no mention of "With or With-
p9 infra out Probationary Rights" in the order as before (Vide Exhibit-C).
So the petitioner had to conclude that his probation really --
started from 22-7-1946 i.e., from the date of his entertainment.
The real motive of the Management placing the petitioner as a
temporary assistant without probationary rights came out only in
p10 infra the order dated 10-10-1947 (Vide Exhibit-D) when the revised --
scale of pay was introduced. So the petitioner applied to the
Management on 5-1-1948, for starting his probation from 22-7-1946.
But the Management negatived the same and returned his paper with-
out passing any definite orders on that (Vide Exhibit-E). Again
the petitioner on 16-7-1948 applied for the transfer of his lien
to a reserved vacancy when he completed his probation of two years
p10 infra (Vide Exhibit -F). The Management did not pass any order on that
paper. So the petitioner had to apply again on 5-8-1948 (Vide
p10 infra Exhibit-G) on the same matter. Then the Management returned his
two papers with remarks that there was then no reserved vacancy
for the petitioner to be filled up. The petitioner thought that
the Management might have started at least his probation from
22-7-1946 even though he was not provided with a reserved vacancy
So he applied for the sanction of his two increments on 5-8-1948
page 11 infra (Vide Exhibit-H) after completing two years from 22-7-1946 in the
Secondary Education. The Management refused even to start his
probation and sanction his increment as he was continued only on
a temporary measure. That was another dead blow to the peti-
tioner. He was not only denied a reserved vacancy but also de-
prived of his services without increments. The petitioner had to
work for two full years without a reserved vacancy, without pro-
bationary rights, and without anything; and he did not know how-
long he had to continue in the same manner. The Management had

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against all Cannons of Justice. It is
the Management did not care to honour the recomm[illegible]ion of th
President, District Soldiers' Board, i.e., the District Collector
even after accepting the same in the petitioner's case, as men-
tioned before.

Secondly, the Management failed to give the petitioner
bation from 22-7-1946 i.e., from the date of his entertainm
in the Secondary Education, and sanction his increment from
of. But the Management after several requests from the pet
tioner for the last two years finally started his probation
5-9-1947 instead of 22-7-1946, treating him as a mere outsid
under direct recruitment, and applying communal representati
page 11 infra rules in his case (Vide Exhibit-I). The Management could not
applied communal representation rules in the case of the peti
tioner after accepting him as an Ex-Service man, and posting
in a Secondary School on the recommendation of the District S
iers' Board. In all Government Departments Ex-Army men ar
on probation from the date of their entertainment and are ex
to complete a probation of two years within a period of thr
before their confirmation in reserved vacancies. Communal
presentation rules are not applied to them. As long as the
ment did not mention of " Without probationary rights" in
p9 infra tioner's first posting order dated 16-7-1946 (Vide Exhibit
Do in his subsequent renewal order dated 18-7-1947 (Vide Exhi
not correct the petitioner is presumed to have been started on probati
effect from 22-7-1946 itself as in the case of all his pre
sors who were started probation from the dates of their en
ment in the service. So the petitioner was eligible to ha
probation started from 22-7-1946. This starting of probat
22-7-1946 could not be affected in any way even if a reser
vacancy allotted to the petitioner had been ~~abolished~~ abol
a future date. So the petitioner was eligible for his two
ments after calculating his continuous and satisfactory s
from 22-7-1946. The Management might not have neglected
tioner for being a Brahmin, and for not being a native o
District without recommendation in any manner. The peti
really served faithfully for more than 12 years under th
Management and he cannot expect this kind of action of
ment on return. In this connection the petitioner wi

option to work as a temporary assi[illegible]t without probationary rights as a[illegible] ry Grade tea[illegible] nder di[illegible] s given pr[illegible] tment, or to b[illegible] oust from the s[illegible] e date of his entertainment by the same Management [illegible] Exhibit-I). So the petitioner another Ex-Army man is automatically eligible to have his probation from 22-7-1946 as a similar case. The Management once remarked that the petitioner was not eligible for any increment as he was acting only as a temporary measure. The words "Temporary Measure" used by the Management cannot be applied in the case of the petitioner. He is a qualified hand; he is posted on a time scale of pay and he is eligible for increments for his continuous and satisfactory service whether he works in a temporary or permanent vacancy, as per Fundamental Rules. His post is quite different from that of a Graduate Assistant, an un-qualified hand being posted as a temporary measure on a fixed pay and for a fixed period. This is not only quite against the rules, but also is against the principle adopted by the Management at present. All the existing tempo-rary posts are only on a temporary measure subject to the renewal every year. But there are many approved probationers who work on these temporary posts and who draw regular increments. So the management could not withhold the increments of the petitioner alone. That was only a lame excuse on the part of the -- Management to make such a remark on the petitioner's paper. The Management could not have expected any one like the petitioner to work as a temporary measure without probationary rights indefinitely for any length of time as it liked, and ousting him whenever it desired. This kind of action on the part of the Management does not give any encouragement to the employees to work ~~un~~ under the same. The Management was fully aware that the petitioner was a political sufferer and an Ex-Army man and deserved a preferential treatment under the orders of the Government. Even the communal representation rules were applied in his case and his probation was started only from 5-9-1947 instead of 22-7-1946, several of his juniors being treated as his seniors on communal preference. Also the Management did not care to consider the - - intention of the Government not to apply communal representation rules in the case of teachers like the petitioner, drafted from the Elementary Education, as in the Draft Amendment published in the FOR ST. GEORGE GAZETTE dated 31st August 1948.

So the poor and humble petitioner begs to bring to the notice of the Director of Public Instruction, Madras, that he, the peti-

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petitioner, after having several financial difficulties in his Elementary Education Service from 3-10-1932 to 18-8-1944 had to go to the War Service in his 46th year to better his prospects in his future service. After his return from War Service he was posted in a Secondary School. But what is the result? His prospects are in no way bettered. His present substantial pay in the Elementary Education is Rs.44-8-0 in the scale of 40-1½-55-2 while his pay in the Secondary School is Rs.45/- in the scale of 45-2-85. The petitioner thought that the Management might give him a preferential treatment both for his War Service and his pas faithful service under it. But the Management had not shown any difference between the petitioner and a present employee who has just been recruited to the service. The petitioner never expected this kind of treatment by the Management. Also the Management had not actually given any promotion to the petitioner when he was posted in a Secondary School. The same Draft Amendment mentioned before, states that those teachers like the petitioner fro Elementary Education are supposed to have been drafted on promoti Moreover the pay of the petitioner will be Rs.46/- on 1-1-1949 i the Elementary Education, while his acting pay of Rs.45/- in th Secondary School will continue for any length of period as the Management thinks. As a result of his posting in a Secondary School the petitioner had only a stoppage of increments for his service from 22-7-1946 instead of promotion.

So the petitioner prays that he may be treated as an Ex-Service man and confirmed in any permanent vacancy with effect from 22-7-1948 and his pay may be fixed as Rs.47/- on 22-7-194 and Rs.49/- on 22-7-1948 considering his claim for the same fr 22-7-1946, under the revised scale of pay. In this connecti the petitioner begs to add that the Management was not please even to grant a personal interview to the petitioner with the Special Officer of the District Board, who is also both trict Collector and the President of the District Soldi for representing petitioner's grievances in person and r the same, as an Ex-Amry man and a Political Sufferer. compelled to submit this appeal to the Director prayi in his case.

lastly, the petitioner, as a political sufferer, requ the Director that the draft amendment published in the FORT GEORGE GAZETTE dated 31st August 1948 may kindly be approv the poor and suffering Secondary Grade Teachers drafted from the Elementary Education may be started on probation from the dates of their entertainment in the Secondary Education. This will really benefit all those Teachers and they ~~xxxxxx~~ may not suffer any longer like the petitioner.

I beg to remain,
Sir,
Your most obedient Servant,
A Ramaswami Iyer
Temporary Secondary Grade Assistant,
B. H. S. Kallakurichi.

Kallakurichi,
D/ 6-12-48

Copy submitted to:-

1. The Director of Public Instruction, Madras, in advance by the petitioner direct.
2. The District Collector & President, District Soldiers' Board, Cuddalore N.T.

List of Exhibits enclosed:-

A./ Petitioner's posting order by the Management dated 16-7-1946.
B/- Teacher's petition dated 18-12-1946 requesting for transfer of his lien.
C/- Renewal Order of the petitioner by the Management dated 18-7-1947.
D/- Order of the Management dated 10-10-1947 under the revised scale of pay.
E/- Teacher's petition dated 5-1-1948 requesting to start his probation and transfer his lien.
F/- Teacher's petition dated 16-7-1948 on the same matter.
G/- Teacher's petition dated 5-8-1948 on the same matter.
H/- Teacher's petition dated 5-8-1948 requesting sanction of his increments.
I/- Order of the Management dated 22-10-1948 giving probation to the petitioner from 5-9-1947.

EXHIBIT. A.

Petitioner's Posting Order by the Management dated 16-7-1946.
R.O.C.No. A.6 14063/DB/46
Posting ordered by the President, District Board, South Arcot dated 16-7-1946.

Sri. A. Ramaswami Iyer, Head Master, Board Elementary School, Viruhavur, drawing Rs.33/-p.m. is posted to act as Temporary Secondary Grade Assistant, Board High School, Kattumannarkoil, on Rs.30-2/2-50. He will join duty forthwith. He will draw Rs.32 plus Re.1/-p.p plus D.A.Rs.16/-p.m.

Sd. B. Renganatham,
For President, District Board.

(True Copy)

EXHIBIT. B.

Remarks made on the teacher's petition dated 18-12-1946 requesting for transfer of his lien.-----

Remarks: W.32181/DB/46.

Returned.

2. The request of the petitioner cannot be complied with since there are seniors to him whose cases have to be considered befor him.

Sd. Seshadri.
For Special Officer, 25-12-46.

(True Copy)

EXHIBIT. C.

Extract from the Proceedings of the Special Officer, South Arcot District Board.
R.O.C.A.6. 15356/DB/47 dated 18-7-1947.

Sub:- Education Secondary - Board High School, Kattumannar Koil - division of classes and forms - orders issued

*** *** *** ***

Sri. A. Ramaswami Iyer will continue to act as temporary Secondary Grade Assistant, Board High School, Kattumannarkoil, for the bifurcated section of V class from 1-7-1947.

*** *** *** ***

Sd. N. Sivaprakasam,
For Special Officer, 18-7-1947.

(True Extract)

EXHIBIT D.

Extract from the Proceedings of the Special Officer, South Arcot District Board.

R.C.A.6 13444/DB/47 dated 10-10-1947.

Sub:- Education - Secondary - Board High School, Kattumannarkoil - revised scales of pay - orders communicated.

O R D E R.

S.No.	Name.	Present Post.	Pay on 31-12-46.	New Post	Pay fixed from 1-1-1947.	Remarks.
17.	Sri.A.Ramaswami Iyer.	Acting S.G.Asst. without probationary rights.	30-2/2-50 Rs.34/-	Acting S.G.Asst. without probationary rights.	45-2-85 Rs.45/-	

Sd. N. Sivaprakasam,
For Special Officer, 14-10-47.

(True Extract).

EXHIBIT E.

Copy of the remarks made on the teacher's petition dated 5-1-1948 requesting to start his probation and transfer his lien.

Returned. 952/DB/48

2. The matter will be decided on its merits when the question of giving probationary rights to the existing teachers is taken into consideration.

Sd. Illegible.
16-1-1948.

(True copy)

EXHIBIT F.

Copy of the remarks made on the teacher's petition dated 16-7-1948 on the same matter.

Returned.

2. There is no reserved vacancy at present.to be filled up and he is acting only as a temporary measure.

Sd. Illegible.
For Special Officer, 13-8-1948.

(True Copy)

EXHIBIT G.

Copy of the remarks made on the teacher's petition dated 5-8-1948 on the same matter.

Returned.

2. There is no War Reserved vacancy for being filled up. The claim for giving probationary rights will be considered [illegible]

Exhibit. H.

Remarks made on the teacher's petition dated 5-8-1948 requesting sanction of his increments.

Returned.

2. The services in the Ele. School cannot be considered for giving increment in Sec.School. They form different unit. He is not eligible for any increment in the Sec. School, the service he is acting is only on a temporary measure.

Sd. Illegible.
For Special Officer, 14-8-1948.

(True Copy)

EXHIBIT. I.

Extract from the Proceedings of the Special Officer, District Board, South Arcot.

R.C.No. A.6 28478/48

South Arcot District Board Office,
Cuddalore N.T.D/ 22-10-1948.

Sub:- Education - Secondary - appointment - Sec.G.Assistants - regularised.

O R D E R.

The appointments of the following individuals are regularised in accordance with communal representation rules and they are declared to be as probationers from the dates noted against each.

S.No.	Name and Designation.	Date of probation.
1.	S. Varadharajalu Naidu, Assistant,Board High School, Portonovo.	30-1-1946.
***	***	***
17.	A. Ramaswami Iyer, Assistant, Board High School, Kallakurichi.	5-9-1947.

Sd. Singaravelu,
For Special Officer, 22-10-48.

(True Extract).

12

Submitted to the Special
Officer, District Board, S. Arcot.

T. Thirugnanamudaliar
Headmaster 7/12

BOARD HIGH SCHOOL
KALLAKURICHI

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A 13

DIRECTOR OF PUBLIC INSTRUCTION
Rd
9 MAR 1949

From. A. Ramaswami Esq. (8)
Temp. Sec. Grade Assistant.
Board High School.
Kallakurichi. South Arcot.

To. The Director of Public Instruction
Madras.

Subject :- His Appeal against the Special Officer South Arcot District Board, dated 6.12.48.

Sir,

The petitioner requests that an early order may kindly be passed on his appeal submitted on 6-12-48 against the order of the Special Officer, South Arcot District Board as the same is pending for the last three months.

I beg to remain
Sir,
Your most obedient Servant
A Ramaswami Esq.

Kallakurichi
8 · 3 · 1949.

14 (9) 2

y of letter RC A.6-31898-DB-48. dated 11-2-1949 from the
pecial Officer, District Board, South Arcot, Cuddalore to
the Director of Public Instruction, Madras.

Sub:-- Education--Secondary--Board High School, Kallakurichi--Appeal of Sri A. Ramaswamy Ayyar--Secondary grade assistant--Forwarded.

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pp 1-8 ante

I forward herewith the appeal of Sri A. Ramaswamy Ayyar, Secondary Grade assistant, Board High School, Kallakurichi.

The claims of the appellant are (1) that he was not provided with a war reserve vacancy as he is a war returned candidate and (2) that he was not given probationery rights from the date of his appointment i.e., from 22-7-46.

A

Two secondary grade posts were reserved for war service candidates during March 1946. Due to the introduction of compulsory Elementary education during the year, 1946-47, extra sections in 4th Class in three secondary schools, viz., Panruti, Tirukoilur and Vridachalam were closed and in consequence of 3 permanent secondary grade posts were abolished in the school year 1946-47. The permanent teachers who were affected thereby were absorbed in the reserved vacancies for war-returned persons. The appellant was entertained in the secondary school during the year 1946-47 while there was no war reserve vacancy. Further, during the years 1947-48 ~~there~~ and 48-49 14 permanent posts were abolished owing to the abolition of IV and V classes in the high schools under this board and the teachers affected were absorbed in the vacancies which had occurred subsequently. Hence, there was no scope to reserve any vacancy for war-returned candidates in the above years. As the teacher was entertained in the secondary section during the year 1946-47 while there was no reserved vacancy, his claims have to be considered as those of an outsider. But taking his war-service into consideration he was allowed to work as a temporary assistant and given probationary rights from 5-9-47 when his community was represented without overlooking the claims of his seniors.

sd/ x x x x x x x x

for SPECIAL OFFICER, Dt. Bd.

(True copy)

y/2 for DIRECTOR OF PUBLIC INSTRUCTION.

ARB : 25-3

tw 29/3

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LOCAL FUND ACCOUNTS
226.
9 APR 1949
MADRAS No.

Edn & PH. Department.

24111- B1/49-1 Edn. dated 1949.

Referred to the Examiner of Local Fund Accounts for remarks.

(By order).

V. Ramaswami
Assistant Secretary to Government.

4/4/49
4.4.49

A
614

To
The Examiner of Local Fund
Accounts, Madras.

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RC 2680 G1/48

Office of the
Director of Public Instruction,
Madras, Dated 21st March 1949.

ASST. SECRETARY TO GOVERNMENT
27 MAR 1
EDUCATION AND PUBLIC

Sub:-- District Board, South Arcot--Sri A. Ramasami Iyer--Secondary Grade Assistant--Appeal against non-appointment in a reserved vacancy.

Ref:-- From Sri A. Ramasami Iyer dated 6-12-48. pp 1-13 ante

From the Special Officer, District Board, South Arcot RC A6 31898/DB/48 dated 11-2-49. p 15 infra

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Copies submitted. p14 ante

2. The argument of the Special Officer, District Board, South Arcot that two vacancies which were reserved for war service candidates were filled up by the absorption of two permanent Secondary grade Assistants because their claims were affected consequent on the abolition of certain permanent posts in which they were previously working and that the claims of the petitioner could not therefore be considered, needs careful consideration in view of the following:--

(i) Whether the action of the District Board in having absorbed the respondents who are civilians in vacancies reserved for war service candidates in supersession of claims of the ~~of the~~ petitioner, a war service candidate is in order;

(ii) Whether the petitioner who was a permanent secondary grade Assistant in Elementary schools prior to his leaving for war services should not be considered for appointment (which is tantamount to promotion) in a reserved vacancy in accordance with the rules in secondary Education unit.

(iii) Whether rules do not provide for a reservation of vacancies notwithstanding the retrenchment of posts in that category.

3. In the circumstances stated, I request that Government may be pleased to issue orders on the appeal with the above points also clarified.

1/2 for DIRECTOR OF PUBLIC INSTRUCTION.

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

25/3

ARB : 25-3.

(11)

06/

L.F. 1001
14.5.49

Office of Examiner of Local
Fund Accounts, Madras.

Subject:- Education- secondary- Sri.A.Ramaswamy ayyar- Secondary grade assistant, Board High school Kallakurichi- Appeal against non appointment in a reserved vacancy.

p16 ante

Reference:- Government (Education and Public Health) Endorsement No.24111- B I/49-1 Edn dated 1949.

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC
11 MAY

37592
S

As no permanent servant can be discharged on the abolition of any appointment unless he could not be provided for otherwise in that particular category, the action of the District Board in having appointed the affected permanent servants due to the abolition of posts, in the vacancies, ~~appe~~ appears to be in order. It does not appear that any of the rules relating to establishment under the District Boards had been infringed.

p14 ante

The points raised by the Director of Public Instruction in his letter R.2680 GI-48 dated 21.3.49 to Government are of administrative nature.

The papers received with the Endorsement are returned herewith.

S. A. ...
Asst. Examiner of Local Fund
Accounts.

To
Secy. to Govt.
The Education and Public
Health Department.

Ms
9.5.49

As no permanent servant can be discharged on the abolition of any appointment unless he could not be provided for otherwise in that particular category, the action of the Dt. Bd. in having appointed the affected permanent servants due to the abolition of posts, in the vacancies appears to be in [illegible] not appear that [illegible] to establishment under the Dt Bds had been infringed

The points raised by the D.P.I in his letter R 2680 G1/48 d/21-3-49 to Govt. are of administrative nature

(12)

18

E & P.H.
B1.

37572/49. Establishment - Dt. Bd. South Arcot - Sri A. Ramaswamy Iyer - Secondary Grade Asst. - Bd. High School, Kallakurichi - Appeal against non-appointment in a reserved vacancy -

17/6
1/6

p14cf From the DPI No. 2680 G1/48 d. 21.3.49.

p17cf " Exmr. of L.F. Accts No. L.F. 1001 d. 14.5.49

Memo:- 37572/49-1 B1 Edn d. 31-5-49.

A 31/5

The remarks of the Exmr. of L.F. Accts ~~with which the Govt agree~~ are communicated to the DPI and he is requested to state whether in view of those remarks the petition may be rejected. The Director is also requested to specify the govt orders under which Secondary grade teachers in Elementary schools ~~can claim~~ can be held to have a right to be appointed in vacancies in Secondary Edn. Unit in preference to those who were retrenched from that unit

To
The ~~S.A. Dt. Bd.~~ DPI
with a copy of p17cf.
The Exmr. of L.F. Accts.

SI
17.5.49

KSK
28.5.49

30.5.49

B1 ⑬ 1.9

Rc. No. 2680 C1/48

Office of the Director of Public Instruction, Madras dated 2-7-49.

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
57873
8 JUL 1949
5

From
The Director of Public Instruction,
Madras.

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

Sir,

Sub: District Board, South Arcot - Sri A. Ramasami Iyer, Secondary Grade assistant - appeal against non-appointment in a reserved vacancy -

Ref: Government Memorandum no. 37572/49-1 B1. Edn. dated 31-5-49.

p18 cte

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p.l. ante

With reference to Government Memorandum cited above, I am to state that the appeal deserves no consideration in the light of the remarks of the Examiner of Local Fund Accounts, and that there does not appear to be any orders of the Government under which secondary grade teachers in Elementary Schools can be held to have a right to be appointed in vacancies in Secondary Education Unit in preference to those who were retrenched from that Unit.

Yours faithfully,

for Director of Public Instruction.

N.P. 5-7-

14

Education and Public Health Dept
B 1 section.

37572/50

Establishment - District Board, South Arcot- Ramaswami Ayyar Sri A - Secondary Grade Assistant - Board High School, Kallakurichi- Claims for appointment in a war reserve vacancy and for probationery rights from the date of first appointment- Petition - Rejected

4/2/50

6/2

Read.

p 18 cf Petition from Sri A Ramaswami Ayyar, Secondary Grade Asst, Board High School, Kallakurichi, dated 6-12-48

p 14 cf From the S.O. Dt Bd, South Arcot, Rc A 6 31898 D.B./48 dated 11-2-49

p 17 cf From the Examiner of L.F. Accounts, No 1001 dated 16-5-49

p 16 cf From the D.P.I, No 2680 G.1/48 dated ~~2-7-49~~ 21-3-49

Order/MS No 305 Education dated 6/2/50.

p 14 cf The two substantive vacancies in the category of secondary grade teachers under the South Arcot Dt Bd which were reserved for war service candidates during March 1946 were utilised for the absorption of permanent secondary grade

Assistants who had to be retrenched on account of the abolition of posts and there was no vacancy reserved for a war service candidate at the time ~~he~~ petitioner was appointed temporarily as a secondary grade Asst. ~~temporarily~~. His claims for appointment in a war reserved vacancy and for probationery rights from the date of his first appointment (22-7-46) are untenable. The action of the S.O. Dt Bd South Arcot in allowing the petitioner probationary rights from 5-4-47 was in order. The petition is therefore rejected.

The P.D.B. South Arcot is requested to inform the petitioner accordingly.

2/2/50

3/2/50

4/2

To the P.D.B. South Arcot
,, D.P.I.
,, Examiner of L.F. Accounts.

S/c 2

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(15)

E&P.H.
B1.

37572/49. Establishment - Dt. Bd., South Arcot - Sri A. Ramaswamy Iyer, Secondary Grade Asst - Appeal against non-appointment in a vacancy reserved for war service candidates - Rejected.

pp1-13 cf	Petition from Sri A. Ramaswamy Iyer d. 6-12-48
p15 cf	From the S.O., Dt. Bd., South Arcot No. A.b.31896-DB.48 d.11.2.49
p14 cf	From the DPI No. Rc. 26809,1/48 d. 21.3.49.
p17 cf	,, Examr. of L.F. Accts No. L.F. 1001 d. 14.5.49
p19 cf	,, DPI No. 26809,1/48 d. 2-7-49.

305 6/2/50

Memo

The Petition is rejected.

To
The petitioner
through S.O., Dt. Bd., South Arcot.
The S.O., Dt. Bd., South Arcot.
The DPI
The Examr. of L.F. Accts.
S/c 2.

8/7/49.

8/7/49

P.T.

Note :- The appeal of the petitioner to count ~~the~~ his service from the date of his appointment and to appoint him in a permanent vacancy in preference to some other permanent Secondary Grade Assistant who had been retrenched from service on account of the closure of some schools in the Dt Bd. South Arcot and who had to be provided for first, is not recommended by the Examr. of L.F. Acts and the DPI. p17 & p19 c.f. The appeal may be rejected. The draft memo overleaf is submitted for approval.

SS
8.7.49

Please put up the rules relating to the reservation of vacancies for war service candidates in L.F service and examine this case with reference to the remarks of the DPI on p14 cf although in his subsequent endt on p19 c.f. he says that there is no case. In the second para on p17 cf the Exr says that the points raised by the Director are of an administrative nature.

9/7/49

With reference to Asst Secretary's note on page 1 ante, it is submitted that war service candidates had claims only for permanent vacancies which arose between 20-7-43 and 31-3-46 to which appointments were normally made by direct recruitment and those vacancies should be filled in accordance with the rules issued in G.O. No 1750 L.A. d/ 20-9-48. In his letter on p 14 cf, the S.O. Dt Bd has stated that there were 2 Secondary grade Assts posts which were reserved for war service candidates in March 1946 but these had to be filled by permanent Secy grade Assistants who were retrenched. As pointed out by the Examiner of L.F. Accounts in his Endt on p17 cf, the claims of the permanent Secy grade Assistants retrenched for absorption in existing vacancies cannot be questioned and it could never have been the intention of Govt to allow war Service

vide pp 177-200 in R2 no 154 - Statutory Rules under the M.L.B. Act.

candidates a greater claim for appointment in a higher posts in preference to those who had already been appointed to that grade. There is no specific provision to that effect in the rules referred to above. The Examiner's view that there has been no infringement of the rules relating to establishments under Dt Bds is correct.

Vide rules 263 207(b) BMM 157

2. The S.O ~~Dt Bd~~ has clearly explained that due consideration has been given to the petitioner as a war-service candidate in filling vacancies left after providing for retrenched personnel.

3. If considered necessary the remarks of LA may perhaps be invited no.

L-A

ksn 24/8/49

5-8-49

S. A. (E&PH)

Edn. n.o. 37572 B1/49-2
5.8.49

LOCAL ADMINISTRATION SECRETARIAT 34571 AUG 1949

Asr 9/8

Please see note of E&PH on pp 2-4 above. ~~It has been clearly laid down that all vacancies in the superior~~

(17)

Their views may be concurred in, in this Dept. That Dept may also be requested to consult Public (Ser) Dept also in the matter. With these remarks the file may be returned to E&PH.

11-8-49

11.8.49

E & P.H.

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT PUBLIC DEPARTMENT 2966 19 AUG 1949

L.A. no 34571-19
12-8-49

Edn P.H.
B1.

Pl. see the note of the L.A dept. above. The file may be sent to Pub (Ser) h.o. for remarks.

15.8.49

16-8-49

Pub (Ser)

EDUCATION AND PUBLIC HEALTH DEPT. 61746 AUG 1949

Edn n.o. 37572 B1/49-3
17.8.49

17/8

M/p3

PUBLIC (SERVICES) DEPARTMENT.

Please see pp 1-5 above. E & PH may examine whether the principle embodied in para 4 of G.O. No.3398 Public (Ser) d/15-11-1947 may not be applied to the present case.

23.8.49

ASST. SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPT. 25 AUG 1949 64748

P.S. n.o. 2966/49-1
24.8.49

24.8.49

E&PH

6

Education and Public Health Department
B 1 section

Please see the Public Department's note on page 5 ante. It does not appear that the principles enunciated in para 4 of G.O. No 3398 ~~Edmx~~ Public (Ser) dated 15-11-47 can be applied in this case. There were only two permanent vacancies reserved for war service candidates and in these two vacancies two permanent secondary grade teachers who ~~MEKE~~ were displaced on account of the abolition of posts were absorbed. At the time the petitioner was appointed there was no vacancy reserved for a war service candidate, and he was not appointed in a substantive vacancy. He cannot be considered to have a claim for the vacancies which arose in 1947 and 1948 as there was no reservation for war service candidates then and the secondary grade teachers absorbed in those vacancies were perment men. who had to be provided on account of abolition of posts. As already noted on, the petitioner cannot be considered to have any preferential claim to permanent secondary grade teachers ~~and~~ who had to be provided for on account of abolition of posts ~~reemployed~~. L.A and Public (ser) may perhaps see again.

14.1.50

16-1-50

L-A
Pub (Ser)

17.1.50

Edn. No. 37572 B.1/49-4
17.1.50

M
p 148

A N
18.1.50

LOCAL ADMINISTRATION DEPARTMENT
2082
17 JAN 1950
SECRETARIAT, MADRAS

M
G.O. No 1370
6-8-47
p 144

7

(18)

L.A. L Ser M

[Previous note of this Dept at pp 4-5 above)

The view of E&PH at p 6 ante may be ~~supported~~ concurred in in this Dept and the file passed on to Pub (Ser)

G
20.1.50

20.1.50

Public (Ser)

20.1.50

ASSISTANT SECRETARY TO GOVERNMENT
331
24 JAN 1950
24.1.50
CHIEF SECRETARIAT

23.1.50

L.A. No 2082-13
23.1.50
M at p 6 above

#/ M

A at p 148

Public (Services) Department.

(Previous notes of this deptt. on p 5 abve)

2 substantive vacancies in the category of secondary grade teachers under the South Arcot Dt. Board were reserved for war service candidates. Apparently 3 vacancies were originally reserved for such candidates, but one of them was subsequently de-reserved and made available ~~for~~ to civilians with ref. to G.O. No. 1370 L.A., d/6.8.47. Due to the abolition of extra ~~subjects~~ sections in 3 secondary schools, 3 permanent secondary grade posts were abolished during 1946-47. 2 vacancies allotted to war service

18

candidates and presumably one alloted to civilians were utilised in giving effect to the abolition. ~~It~~ This is in accordance with the provisions embodied in para 4 of the G.O. No. 3398, Public (Ser), d/15.11.1947. No special remarks are therefore called for in this deptt.

The file may be returned to E & PH

28.1.50 28.1.50

31.1.50

E&PH

Public Services Dept
Ow. 331/50-1

ASST. SECRETARY TO GOVERNMENT
EDUCATION AND PUBLIC HEALTH DEPT.
7649
1- FEB 1950

Education & Public Health Deptt
B1 Section

Please see the petition of Sri. A. Ramaswami Ayyar Secondary Grade Assistant Board High School Kallakurichi against the orders of the Special Officer Dt Bd South Arcot appointing him as a temporary Secondary Grade Assistant ~~and~~ from 22-7-46 and allowing him probationary rights from 5-9-47 His claims are (i) that he was not provided with a war reserve vacancy as he was a war returned

p5 cf
p11 cf

19

candidate and (2) that he was not given probationary rights from the date of his first appointment. i.e 22-7-46. War Service candidates had claims for permanent vacanci which arose between 20-7-43 and 31-3-46 - There were two substantive vacancies in the category of secondary grade teachers reserved for war service candidates during that period. These two vacancies were filled by absorption of permanent secondary grade Assistants who were retrenched on account of abolition of posts - The Examiner of L.F. Accounts has pointed out that this was in order and Public (Ser) have now agreed that this is in accordance with the provisions of para 4 of G.O.No. 3398 Public (Ser) of 15-11-47 - The S.O. Dt Bd South Arcot had already explained that at the time the petitioner was appointed in the Secondary Education Unit there was no reserved vacancy and taking his war service into consideration he was allowed to work as a temporary assistant & given

Form 1 of 30 1370 LA 6/8/47

A on p14 cf

p17 cf

p8 ante

p14 cf

probationary rights from 5.9-47 without over looking the claims of his seniors. The petition may therefore be rejected.

The draft order below is for approval.

KSK
2/2/50.

3/2/50

5

4/2