

(1950)

Education Dept

Done
to
Sipoll

Ms. Series

G.O. 774 Edn 893.50

Abstract

Govt. Press - Sri. K. T. Rajagopal
Ex. Copy holder Govt. Press - Remittance
ment. ordered



Gummitlaundi Fort
Pohneri Taluk,
8th December 1949.

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

Through The Secretary to Government,
Education and Public Health,
Fort St. George,
Madras,

Through The Superintendent,
Government Press,
Mint Buildings,
Madras).

Honoured Sir,
The undersigned appellant-petitioner beg to prefer this Memo of Appeal and to bring the following few lines for the consideration of the benign Government and favourable orders regarding the following matter:-

The appellant-petitioner has been a copyholder in the Government Press, Mint Buildings, Madras, since May 1931 to 21st July 1942 and he went on Military duty with leave on his permanent post from 22nd July 1942. But domestic circumstances compelled him to desert the Military Service. According to Press Communiqué dated 4th November 1946 from Public Relations Directorate Armed Forces Head Quarters, India, New Delhi, and according to G.O. No. 1190, Public (Military), dated 23rd April 1947 the appellant-petitioner applied to the Superintendent, Government Press, Madras, on 3rd February 1947, 26th September 1947, 6th October 1947 and 27th October 1947, respectively, requesting the Superintendent, Govt. Press, Madras, to restore him to his original post. On the 5th Nov 1947 the appellant-petitioner received an order from the Superintendent, Government Press, calling on him to see the Superintendent in connection with his petition for restoration and having become satisfied with the explanation given by the appellant-petitioner the Superintendent was pleased to restore him to his original post as per order dated 10th November 1947 treating the break of service as leave without pay and thus reappointed him.

All of a sudden the Superintendent, Government Press, terminated his services on 12th May 1949 stating that it was due to the receipt of a detailed report from the Military authorities that he deserted Military Service from 11th October 1942. But according to Government of India Press Communiqué no time limit was prescribed for joining the original duty within a certain period. But the only condition is that the deserters should not be charged with serious crimes.

The appellant-petitioner submits that his offence was a simple one of absence without leave as will be seen from the discharge certificate sent to him from the Commandant No. 1, Transportation Training Centre, Deolali Central, dated 20th March 1947.

On further representation the Superintendent, Government Press, stated that as his absence from 11th October 1942 (date of desertion from Military duty) to 12th November 1947, the date on which he rejoined his civil post extended a period of 5 years his services were terminated under Fundamental Rule 18.

The appellant-petitioner submits that Fundamental Rule 18 applies to cases in which a Government servant has voluntarily absented himself from employ with or without leave for over 5 years. But this does not affect the appellant-petitioner as he has informed the Superintendent, Government Press, before the period of 5 years from the date of desertion namely 3rd February 1947.

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26th September 1947, 6th October 1947 and 27th October 1947 his intention to join his duty and the Superintendent was pleased to direct the appellant-petitioner to see him with his discharge certificate. It will be evident therefore that fundamental Rule 12 will not apply to the appellant-petitioner's case.

In these circumstances and in view of the fact that he has been put on 14 years service in the Government Press the appellant-petitioner begs to request that he may kindly be re-instated in service to his original post by condoning the break in service as he has already applied for restoration long before the expiry of the period of 5 years in his petition dated 3rd February 1947, 26th September 1947 and 6th October 1947.

For which act of kindness the appellant-petitioner prays the Honourable Minister for long life and prosperity.

I beg to remain,
Honoured Sir,
your most obedient servant,
N. Rajagopal

Copy to the Honourable The Minister for Education,
Fort St. George,
the Superintendent, Government Press,
Mount Buildings,
Madras.

End
The original petition forwarded through the S.G.P.
may be omitted, Enclt No. 96117/47 Edn 8 14.12.49.

Refer to the
Supt. Gov Press for
remarks.

V. Ramanam
Asst. Secy to Gov.

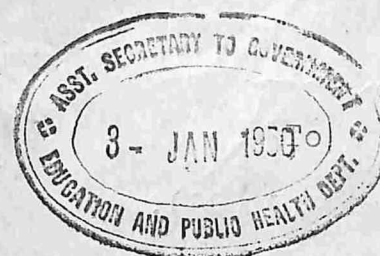
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P.A.
RB
15.12.49

No. SBC. 21154.

Office of the
Superintendent, Government Press,
Madras, 28th December 1949.

From



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

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

Sir,

Sub: Petition dated 8th December 1949 from Sri K. T. Rajagopalan ex-Copyholder, Government Press, Madras - addressed to the Hon'ble Minister for Education - Government endorsement No. 96117 C2/49-1 Edn., dated 14-12-1949 - Remarks - furnished.

In forwarding herewith a petition dated 8-12-1949 from Sri K. T. Rajagopalan ex-Copyholder of this office whose services were terminated from the afternoon of 12-5-1949, I have to state that his previous petitions on the same subject have been negatived by Government in their Memoranda No. 46214 C2/49 Education dated 26-7-1949 and No. 60567 C2/49 Edn., dated 13-9-49. It was only in view of G.O.Ms.No.1190, Public Military dated 23-4-1947 and Government of India's Communique dated 4th November 1946 cited by the petitioner, he was reappointed in his permanent post from 12-11-1947 and the period of his absence without leave treated as extraordinary leave without allowance.

I enclose herewith copies of correspondence between the military authorities and this office in his case for perusal of Government and issue final orders on the subject. Vce Below

Encl:-

30.12.49
Superintendent.

ENCLOSURE.

Copy of letter No.A/772 dated 26th April 1949 from the Officer in charge, FPO (1 TTC) R B Group, Kirkee to the Superintendent, Government Press, Madras.

Sub: Leave salary and pension contribution in regard to K.T. Rajagopalan.
Ref: Your No.SBC. dated 1-4-49 addressed to this office and copy to the Accountant-General, Madras.

A copy of Officer-in-charge records R.B. Group, R.I.E. Kirkee letter No.72068 N 177132 dated 22-4-49 giving the information called for by you is enclosed.

Copy of officer-in-charge records R.B. Group Kirkee letter No.72068 N 177132 dated 22nd April 1949.

Sub: Leave salary and pension contribution in regard to No.E/177132 Hav/Clk K.T. Rajagopalan.
Ref: Your letter No.A/772 dated 16-11-49 enclosing copy of Supt., Govt. Press, Madras letter No.SBC. dated 1-4-49.

The above-named petitioner was declared deserter with effect from 12-5-1949 and was not considered for service under the

orders of the Commander-in-chief under I.A.A. Sec. 13(2) with effect from 13-7-46. For the period from 11-10-42 to 12-7-46, he was treated as a deserter from service. He was issued with a dismissal certificate in terms of the instructions contained in the late G.H.Q. (I) A.G. Branch letter No. 98557/P.S. I (a) d/ 8-6-1946.

DISCHARGE CERTIFICATE.

(issued in accordance with I.A. Act Sec. 17 and I.A. Act Rule 11).

Regd. No. E/177132 Rank: Havildar Name: K.T. Rajagopal.

of the No. 1. T.T.C.R.I.E. is dismissed the service by the orders of the Commander-in-chief under I.A.A. Sec. 13 (2).

His dismissal takes effect from 13-7-1946.

Cause of dismissal - Absence without leave.
Date of enlistment: 22-7-42.

Deolali Central.
Date. 20th March '47.

Sd.
for Commandant, Lt. Col. R.E.
No. 1. Transportation Training Centre
(A.F. Hawkins).

Copy of letter No. A/772 dated 2-3-1949 from the Officer-in-charge, F.P.O.T.T.C., R.B.E.C., Kirkee to the Accountant-General, Madras.

Sub: Leave salary and pension contribution in regard to K.T. Rajagopalan, Hav/Clerk. E/177132.
Ref: In continuation of Supt., Govt. Press, Madras letter No. 313/SBC dated 21-12-49 (addressed to this office and copies to you) with reference to your letter No. T 17 LSC 2381 dated 10-2-49.

The records maintained in this office show that the above individual was enrolled in the army on 22-7-42 as Hav/Clerk grade III. He was absent without leave with effect from 11-10-42 and was subsequently declared a deserter and dismissed from service. His account was closed by this office as a deserter. Please now state the date he rejoined his civil appointment and how the intervening period if any has been treated by you. As the individual deserted, it is considered that he ceases to be a government servant from the date of desertion unless his absence from duty is regularised.

An early reply is requested.

Sd. X X X
O/C. F.P.O.T.T.C., R.B.E.C.

Copy of letter No. SBC dated 1-4-49 from the Superintendent, Government Press, Madras to the Officer-in-charge, F.P.O. I.T.T.C. R.B.E.C., Kirkee and copy to the Accountant-General, Madras with reference to his letter No. T.17.LSC.2640 dated 12-3-49.

Ref: Your letter No. A/772 dated 2-3-49 to the Accountant-General, Madras.

At the instance of Accountant-General, Madras, I request you to intimate to me as to how the period from 11-10-42 to 12-7-46 was treated by you. Since a discharge certificate was issued to the individual concerned i.e., K.T. Rajagopalan on 20-3-47 in which it is shown that he was dismissed from 13-7-46 for long absence. Please also state the date of desertion of the individual.

3 up to 10/10/47

Edm/E.

Smt: Govt. Press - Sri. K.T. Rajagopalan, Ex. copy holder - Remistatement - ordered.

Ref: From Sri. K.T. Rajagopalan, petition d 8-12-49.
From the S.C.P. No. 83C 2/11/4 d 28-12-49

Order Jms. No. 774 Edm d 9-3-50

The S.C.P. is directed to remistate Sri. K.T. Rajagopalan, Ex. copy holder, Govt. Press, Madras, in his permanent post in the Govt. Press, immediately.

9/3/50

The Supt. Govt. Press
Sri. K.T. Rajagopalan,
Rettimberu Village
Gummidipundi Dist. Rd.
D. Permen Daluk
S/C

Government Press - Petition from Sri K.T. Rajagopalan
Ex Copyholder for reinstatement.

From the S.G.P., No. SBC.2/154, dated 28-12-1949.

C.No. 96117 C2/49.

Sri K.T. Rajagopalan, Ex Copyholder, Government Press, has submitted a petition addressed to H.M.(E.&L.) requesting that he may be reinstated in service as permanent copy holder. The petitioner was a permanent copy holder of the Government Press from 13-4-1933 and he was deputed to military service from 22-7-1942 with a lien on his permanent civil post. ^{He was a Handler clerk.} On 3-2-1947 he requested permission to rejoin duty and he was reappointed to his permanent post from 12-11-1947, when he produced the original certificate of discharge in which it was stated that he was dismissed from military service ^{from 13.7.46} on account of absence without leave.

2. It was subsequently brought to the notice of the Superintendent, Government Press, that he was declared a deserter from 11-10-1942 and subsequently dismissed from military service from 13-7-1946. The Superintendent, Government Press, then, finding that the period of his absence from ^{11.10.42} the date of desertion of duty to ^{12.11.47} the date of joining the civil post exceeded 5 years, ^{his services} his services were terminated with effect from 12-5-1949 A.N. under Fundamental Rule 18. He preferred a petition to Govt. stating that he had applied for the restoration to duty before the expiry of the five years' period i.e. in his petition dated 3-2-1947 and that the 5 years' rule under Fundamental Rule 18 would not apply in his case. Finance also held that his case could not be brought under F.R.18

3. It may be noted that apart from the application of F.R. 18 under the Press Communique issued with G.O.No. 1190 Pub. (Mil) dated 23-4-1947 the Govt. of India decided that no further action should be taken against those men who deserted ^{during} the war. In other words the Govt. decided to overlook what had happened in the past. The petitioner was one of the deserters under that category and no action need be taken against him for having deserted the army ^{slightly} immediately after joining the

para 2. p.1 of (V)

para 3. p.1 of (V)

p3 (V)

M m p 27 (V)

W

army.

4. Attention is also invited to the Superintendent's remarks at 'K' on p. 3 c.f. If F.R. 18 under which his services were formerly terminated is ~~held~~ not to apply to ~~this~~ case, G.O. 1190 Pub (Mil) dated 23-4-47 ~~should~~ only apply to his case and he seems to be entitled ^{for} reinstatement. Since the petitioner had already put in nearly 10 years' of continuous service in the Government Press before his deputation to military duty, the case seems to deserve consideration.

5. The file may be sent to Pub (Mil) and Finance for remarks before circulation.

11/1/50

5/1/50 Pub (Mil)
Fin

pub. (Mily) Dept
The Extra dept note from page 1 above may be perused and in case passed on to Finance.

S.P.H.D. 96117 C2/49-2
16.1.50

Cr 319/50
31.1.50.

Finance (C.S.R)

Please see the note from P.1

above. It would appear that G.O. No. 1190 Pub (Mil) dated 23-4-47 is not relevant to this case. The above G.O. apparently refers to disciplinary action that would otherwise be taken by the military against the deserters. It does not say that in respect of deserters who have their lien in the service of any state the ordinary rules should be relaxed for purpose of reinstating them in their parent offices. According to FR 18, unless

pub (Mily) Dept
G.O. 319/50-2
6.2.50.

8354

ASST. SECRETARY TO GOVERNMENT
9 - FEB 1950
10/6
EDUCATION AND PUBLIC HEALTH DEPT.

the Government, in view of the special circumstances of the case, shall otherwise determine, after five years continuous absence from duty elsewhere than ~~an~~ foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ. The point for consideration is whether there is sufficient justification for ~~condoning~~ ^{the} break in service from 11-10-42 to 12-11-47 in this case and reinstating the officer in service.

Ordinarily absence without leave is considered as break in service. In this case the petitioner deserted the Military due to domestic reasons. If he had rejoined his parent office immediately after desertion ~~or~~ at least applied for leave to the head of his parent office he would have been arrested and disciplinary action would have been taken against him. Apparently in order to avoid this he applied for reinstatement in his parent department, in February 1947 after the press communique from the Armed Forces Headquarters was issued to the effect that no further action should be taken against men who deserted during the war and had not been apprehended. Having regard to the circumstances of the case and his desertion ^{in exceptional circumstances} there seems to be no case for condoning the break and reinstating the petitioner.

B on p. 1 c.f.
P. 1 c.f. (W)

Fin 108354 C2/49-2
9.2.50

8.2.50

8/2/50

E 28.4

Edn. & P.H. Dept. (C2)

The case relates to the reinstatement of Sri K.T. Rajagopalan, permanent copyholder of Government Press and ex-army man. Attention is invited to this Department's note on pp. 1-2 ante detailing the grounds under which he may be reinstated. Public (Military) agree with this Department's view. Finance argue that G.O. No. 1190 Public (Military) dated 23-4-47 directing that no action should be taken against those men who deserted during the war and were not apprehended or against their relatives, does not apparently apply to

his previous records. Finance Deptt. however ^{is} not sure
of the position, ^{and not in favor of} ~~and not in favor of~~ ^{concerning the}
^{back in since for 11.10.42 to 12.11.47.}
Pub. (Ser.) Deptt. ^{has} no objection to take orders in
circulation for reinstating the petitioner. It is therefore
for orders whether as a special case, the petitioner may be
reinstated in service in view of his past service ^{with the Pres} for
nearly ten years. The file may be circulated for orders
to H.M. (E & L) and H.C.M.

¹¹⁻³⁻⁴²
¹⁻⁵⁻⁴²
¹⁻³⁻⁵⁰
May reinstate, as the
desertion is now not a bar
and he held a lien which
has not lapsed

¹⁴⁻⁷⁻⁴²
¹⁴⁻⁸⁻⁴²
^{24/3}
^{7/3}
^{Edm/E}

A draft order is subd. for approval.
^{7/3/50}
⁹⁻³⁻⁵⁰

