

Educational (1899) Department.

ORDINARY MS.

G.O., No. 559

Dated 25-8-99

[Despatch Abstract.]

Stating that the Govt sees no sufficient
reason for reconsidering its order
no. 236 of 24-4-99 re: the fraud
of permission to appear for ^{University} Examinations
to Government officials while on leave.

13/8

BACK PAPERS.

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

FURTHER PAPERS.

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

Educational (1899) Department.

CURRENT No. 1227

I see ^{sufficient} no reason for reconsidering the G.O. & think the ref. should be disposed of accordingly. (If a subordinate should make a false representation, he would be liable to departmental punishment.)

MA 24.8.99.

From

The Secretary to the Commissioner of Salt, Abkari and Separate Revenue, Madras.

For Orders

Please see the notes and orders in G.O. No 236 Ed dt 24th April 1899. Flag A.

Submitted that it is very doubtful whether the rule already made sh^d be altered. In this case the Com^r. Comd^r, probably have been justified in punishing the Clerk for disingenuous conduct. After all the inconvenience caused was not very great & the fact that leave must be taken on medical certificate seems a sufficient precaution.

Mis. No. 3541

Dated 8th August 1899.

Received 10 AUG 1899

Registered 10-2

Enclosures 4

Spare copies

SUBJECT.

Reporting to Government the case of a certain clerk in the Sea Customs office, Madras, who obtained leave without allowances in order to avoid the necessity of obtaining the permission of the Collector to appear for the F.L. Examination, and requesting Government to reconsider its order No. 236, Educational, dated 24th April 1899.

15-5-99

19th Oct 99

BACK PAPERS.

G.O.	No.	Department.	Date.
286	824	4-88	
318	821	1-88	
610	8178	24	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 299 G.

Sea Customs Collector's Office
Madras, 17th May 1899.

From
H. Bradley, Esquire, I.C.S.
Acting Collector of Sea Customs, Madras.

To
The Secretary to the Commissioner of Salt, Abkari and
Separate Revenue, Madras.

Sir,

With reference to Government order No. 236, Education-
al, dated 24th April 1899, I have the honour to submit the
following case for orders.

2. On the 18th February, 1899 D. Krishnasami Aiyar, clerk,
Sea Customs office, applied to be sent to the Eye Infirmary, of
which he was then an out-patient, for medical examination, in
order that he might obtain leave on medical certificate. On
the 23rd February, the Superintendent of the Ophthalmic Hospi-
tal reported that he was suffering from his eyes, unable to
work, and that he would not be really fit for his duties until
he had undergone an operation. On the 24th February, he paid
the fee for the F.L. Examination; on the 3rd March the Superin-
tendent recommended him for three months leave, and on the 8th
March, he was granted 3 months' leave without pay from the 9th
February.

3. On the 17th April, the clerk wrote that his eyes were
not completely cured and applied for an extension of 3 months'
leave and on the 8th, 9th and 10th of this month he appeared
for the F.L. Examination.

4. Thus it will be seen that the clerk applied for leave on the ground that he was suffering from his eyes, but really intended to study and appear for the F.L. Examination, which is evidenced by the fact that he paid his fee before he obtained leave, and before the Doctor had reported how much leave was necessary. At the end of his leave, instead of being fit for duty, he has to apply for a further extension.

5. I hardly think the Government, in passing the order quoted above, can have contemplated such a case as this, and, if the Government order is to stand, it will be perfectly impossible to prevent any clerk from appearing for the law tests. I therefore request that the Board will be pleased to move Government to reconsider its present order or to modify the previous order so as to make it necessary for a clerk, even if he is on leave, to obtain the permission of the head of his office before appearing for an University examination.

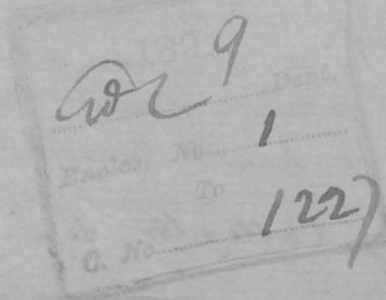
I have &c,

(signed) Herbert Bradley.

Ag. Collector of Sea Customs

(True Copy)

R. Lushaw
Acting Secretary 8/7/99



No. 2947 G.

B

Herby was awmy Iyer will make such explanation as he may wish to offer to the Charges detailed below and show cause, within a week, why his services should not be dispensed with.

- (1). Applying for leave on the ground that his eyes were sore when he really wanted leave to study for the F.L. Examination.
- (2). Paying his fees for the examination the day after he attended the eye hospital notwithstanding that the doctor had found him unfit for duty, an unfitness which was likely to last for at least 3 months.
- (3). Reporting on the 7th March that he had paid the fees for the examination long ago (really on the 24th February) and that he had no intention at present of appearing for the examination.
- (4). Appearing for the F.L. Examination on the 8th, 9th and 10th May and immediately applying for an extension of leave.

(Signed). Herbert Bradley.

16th May 99

Ag. Collector of Sea Customs

(True copy)

Herby Bradley
Ag. Collector Sea Customs.

Sea Customs House,
Madras, 10th July 1899.

Why should they be prevented? If they don't neglect their office work, the examination is hardly a hindrance.
K.P.

Madras
122 Coral Merchant Street,
23rd May 1899.

To

The Collector of sea-customs,
Madras.

Respected sir,

With reference to your letter
no 2947G, dated 16th Instant, I beg respectfully
to submit the following explanation.

As regards the first charge, I beg to state that
my eyes were really bad. Dr. Pope, under whose
treatment I put myself, wrote to you that my
malady was of a serious nature and that I
required long leave. I have been suffering from
eye affection for a long time as will be
evidenced by my having obtained three months
leave from about the 25th of July last year,
when I had no examination whatever.

Dr. Pope's letter to the Collector furnishes the
best evidence possible for the bad state of
my eyes. If, however, my explanation is
still considered unsatisfactory, I beg to
request that you will be kind enough to
write to Dr. Pope to say if I was really ill.

While there was proper testimony for my eyes
having been bad, my intention in obtaining
leave, cannot, I beg to submit, be presumed to
be any other than for keeping myself under
treatment, which I did.

As regards

W. R. 7287 affd

As regards the second charge, I beg to submit that I did not pay my examination fee the day after I attended the eye hospital as stated in the charge. I attended the hospital on the 9th of February for the 1st time this year and it was on the 24th February that I paid in my fees. Before I paid in my fees I took permission to do so from the doctor. He told me that light reading will not at all injure me. Even when I paid my fees, I had no intention of appearing for the examination. Considering the then state of my health, I hoped then that I might perhaps be able to appear for the examination if my eyes should improve in the meanwhile. Still the doctor was telling me, that, by the time of the examination my eyes might be all right. Though, the doctor pronounced me unfit for Office-duty, he never pronounced me unfit for light study, which was quite enough for me for answering the examination paper, having studied all my subjects previously. Though the doctor did not object to my light reading, I used to hear my friends read.

As regards the third charge I beg to submit that in my letter of the 7th March, I have not omitted to state clearly that my fees were paid on the 24th February. The phrase "long ago" was

was never meant to mislead the Office in as much as I have stated clearly in my letter the exact date on which I sent the fees. Probably it is an inaccuracy of expression; but I affirm that it was never meant to mislead.

As regards the 2nd part of the third charge, I beg to say that on the 7th March (i.e.) clear two months before the examination, the state of my health was such, that if it had continued, I could not have appeared for the examination and so I correctly said that I had then no intention of appearing for the examination; but cherished hopes that I might appear if my health and doctor permit. Both my doctor and health permitted me to appear for the examination, and I did so, not being aware of any rules that prohibited me from doing so.

As for the fourth charge, I beg to state that it was not immediately after my examination was over, that I applied for extension of leave; I had applied for an extension on the 17th of April or 21 days before the expiry of my leave, so that there might be full time before you to consider my application for leave.

In conclusion I beg to submit that I placed all the facts before you and never concealed anything regarding my examination. The doctor wrote to say, that my eyes were bad and that long rest was necessary.

re necessary; before grant of leave for 3 months,
the information that I had paid in my
fees for the examination was also supplied
by me. With all these facts before you and
even with the knowledge that I might
appear for examination. you were kind
enough to grant me leave. The candid
way in which I supplied all information
about my examination, with the chance
of leave being refused, and the fact of
having applied for an extension about
21 days previous to the expiry of my leave,
must go a great way to establish bona-fide
intention on my part throughout the whole
procedure. I took leave because my eyes
were bad as testified by the letter from
Dr. Pope. I went in for the examination
because the doctor told me that I might
do so and that it will not be injurious
and because I was not aware of any
rule prohibiting me from going to the
examination. If at least I had been
informed previous to the sanction of
leave to me that I should take your
permission to appear for the examina-
tion, I should have gladly foregone
my examination fees Rs (30) instead
of incurring the displeasure of my
superiors, as I now seem to have
done.

done. At the time of taking leave, I
only thought of my eyes and not of
my examination.

I beg to remain
Respected Sir,

Your most obedient & humble servant
(Signed) D. Krishnaswamy Iyer.

Clerk. Custom House.
on leave

(True copy)

Yours truly

Ag. Collector of Sea Customs,
Madras.

Sea Customs House,
Madras, 10 July 1899.

no. 199.

Ophthalmic Hospital,
Madras, 5th July 1899.

Dear Sir,

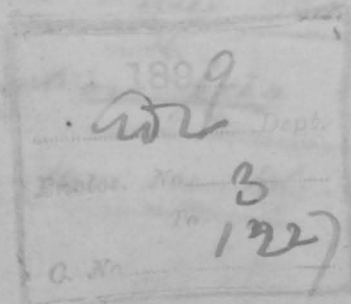
Mr. Col. D. H. Pope, M.D., F.R.C.S.,
I.M.S.
Superintendent,
Ophthalmic Hospital,
Madras

To.

Mr. Bradley Esq. J.C.S.
Acting Collector of
Sea Customs,
Madras

Sir,

With reference to your
letter no. 2642 of 16th June
1899, I have the honor to state
that the clerk in question was
suffering from a granular
condition of his lids, and
there was nothing wrong with
the eyes themselves; but the
diseased condition of the lids
was interfering with the clearness
of his sight. Hence it was
absolutely necessary for him
to place himself under
treatment and to have his
lids properly attended to.
I told him that there was
no objection whatever to a
certain amount of reading,
but that this should not
be excessive or carried on
at night. His preparation
for examination has not,
as far as I can see, affected
him



Sept 7 287 off

him in anyway. His kids are
now very much improved and
will, I have no doubt, be
eventually quite restored to
the normal.

I have to Ca.
(Sd) T. H. Dope M.D.
F.R.C.S., &c.
Lt. Col. I.M.S.
Super: Govt. of the Hosp.

(True copy)

Herbert Bradley
Collector,
Sea Customs

Sea Customs House,
Madras, 10th July 99.

PRICE 1 pie. ^{2,000}
1-9-98.

CUR No. 1227



Proceedings of the Board of Revenue

(Separate Revenue).

Dated 8th August

1899.

Mis. No. 3541

The Hon'ble Mr. J. Thomson.

Read letter from Herbert Bradley, Esquire, I.C.S., Acting Col-
lector of Sea Customs, Madras, No. 2996 G, dated 17th May 1899, and
Board's reference thereon, dated 6th June 1899.

Read also letter from the same officer, No. 4198 G, dated 10th
July 1899.

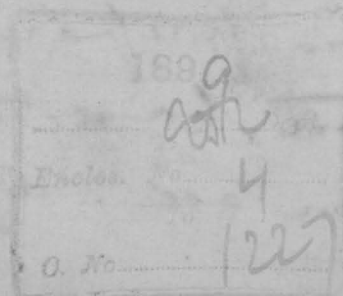
Resolution.

In Government Order No. 236, Educational, dated 24th
April 1899, it was declared that Government Order No. 31, Education-
al, dated 21st January 1896, which deals with the question of
permitting officials to appear for University Examinations, should
be held not to apply to Government servants on leave. In view,
however, of a second case which has occurred in the Sea Customs
office, Madras, the Board respectfully urges a reconsideration of
this order.

2. On the 12th February, a clerk named D. Krishnasami Aiyar

Applied to be sent

Sub R 7287 7th



applied to be sent to ^{the} Ophthalmic Hospital for medical examination, as he wished to obtain leave on medical certificate. On the 23rd idem, he was reported by the Superintendent, Ophthalmic Hospital, to be suffering from his eyes and unable to work. On the following day, the clerk paid his fee for the F.L. Examination. On the 23rd March, the Superintendent recommended him for three months' leave, which was granted without pay with effect from the 9th February. On the 17th April, the clerk applied for an extension of three months' leave, as his eyes were still bad, and on the 8th, 9th and 10th May he ^{ea} applied for the F.L. Examination.

3. On the facts as stated above, the Collector directed the clerk to answer certain charges, the gist of which was that he applied for leave on the ground that his eyes were sore whereas he really wanted leave to study and appear for the F.L. Examination.

The clerk explained that he had been suffering from an eye affection for a long time, as evidenced by the fact that he had previously, in July 1898, obtained three months' leave for the same cause, when he had no examination in prospect; that the Superintendent, Eye Infirmary, had certified that his eyes were bad and that he applied for the examination in the hope that he might be able to appear, as Dr. Pope did not pronounce him unfit for reading altogether. Dr. Pope states in his letter to the Collector that he told the clerk that "there was no objection whatever to a certain amount of reading but that this should not be excessive or carried on at night."

4. The Board has no doubt at all that this clerk obtained leave when it was not necessary for his health or eyes' sake and that he used the leave for the purpose of appearing for the F.L. Examination. The Medical Officer's letter shows that the disease of the clerk's eyelids was of small consequence and did not necessitate absence from duty.

5. The Board considers that similar cases will continue to occur so long as Government servants on leave can appear for University Examinations without the permission of the head of the office; that if discretion is given to heads of offices in the matter it should cover their subordinates entirely and absence on leave should not free them from the control which active duty admits, and that subterfuges of the present sort should not be permitted. It therefore shares the Collector's doubts as to the beneficial results on the service of Government Order No. 236, Educational, dated 24th April 1899.

6. The Collector's report, a list of his charges against the clerk, the clerk's answer and Dr. Pope's report on the case are submitted herewith.

(True extract)

R. S. Lusham
Acting Secretary. 7/9/99

To the Secretary to Government, Educational Department,
with enclosures marked A, B, C and D.

diff
4899

[L. & M.]

250-19-12-98.

Educational
~~LOCAL AND MUNICIPAL~~ DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No.	dated	189 .
Again G.O., No.	dated	189 .
Current No. 1227	of 1899, dated 8 th August	, from the Board of Revs (S.R.)
" "	" 189 , "	" "
" "	" 189 , "	" "

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ORDER.
mis 559 dated 25/8/99

The Govt. sees no sufficient reason
for reconsidering its order no 236208 d
24th April 1899.

/ From order

25/8/99
25/8/99
25/8/99

To
the Board of Revs (S.R.) 940
25/8/99
25/8/99
25/8/99

25/8

Unrecorded

1892) 1892/1893

1892/1893

1892/1893

When given for copying 24/18
When copied 189
When examined 189
When signed 189

READ AGAIN G.O., No. 189 DATED 189

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
IN ORIGINAL.

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