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[L. & M.]
3,000-5-2-90.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1571/m

DATED 30th September 1895.

[Despatch Abstract.]

Leave.

Agreeing with the Collector of Madura in considering that no appeal lies to the council against the order of the chairman refusing or revoking leave to municipal servants.

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 from the Proceedings of the
Dindigul Municipal Council passed
at a Special Meeting held on the 30th July
1895 at 7.30 A.M.

Present:—

M.R. P. J. Rajasopaul Nayudu Esq. Chairman

J. H. Batten Esquire - - Councillor

G. Mengel Esq. " "

J. W. Shook Esq. " "

" S. P. Muthuswaik Esq. " "

" M. N. Subbian Chettias Esq. " "

" M. Arakkiam Pillai Esq. " "

" P. S. Mahamud Magthorn Routh Esq. " "

" V. S. Moideen Maraya Routh Esq. " "

" V. S. Pichaimoideen Routh Esq. " "

" K. Ananthanarayana Esq. " "

x x x

II Proposed by Mr. J. H. Batten, ex-officio
Councillor that the following question
be referred to Government for an author-
itative ruling.

Has a Municipal Servant

entitled

entitled to leave under the Civil Service
Regulations, whose application for leave
has been refused by the Chairman, a
right to appeal to the Council, and that
the instance of the Head Clerk he quoted
in the reference -

Seconded by M. R. By H. Anan-
thanarayanaya Ays. M;

Carried unanimously.

(Signed) G. Rajagopal
Chairman.

(True copy)

M. Rajagopal
Chairman

MUNICIPAL DEPARTMENT

1895.

ENCLOSURE No. /

In a letter

FROM

The Chairman,

Municipal Council

Dindigul.

Madura District

No. 118

Dated 17th July 1895

Copy of Council's
Resolution No II dated
3rd July 1895

MADURA
18 JUL 95
SUB COLLECTOR

Dindigul Municipal Office
17th July 1895.

Local & District Dept.

CURRENT No. 2740

From

M. R. R.

J. Rajasopaul Nayudu Gara

Chairman Municipal Council

Dindigul

To

The Chief Secretary
to Government.

Fort Saint George.

(Through the Sub Collector and Collector
of Madura)

Sir,

I have the honor to submit
herewith a copy of Resolution No II passed
by the Municipal Council at a Special
Meeting held on the 3rd July 1895 and to
solicit orders of Government on the
question raised therein.

2
On the 19th February 1895 the Head
Clerk of the Municipal Office was granted
furlough on half pay for two years under

Section

Section 371 clause (b) of the Civil Service Regulations by Mr. Miller, the Sub Collector and the then ex-officio Chairman, appointing in his place, on the suggestion of the Head Clerk, the Inspecting School Master of the Municipality.

3. I assumed charge of the office of Chairman on the 7th March 1895, having been elected on the 28th January 1895, and gazetted on 5-3-95, and finding that the members on the Staff of the Municipal office were either new to or ignorant of, the business of the office, and consequently utterly unequal to the work, then before me, such as the preparation of the Annual accounts and the Administration report for 1894-95, the assessment of the tax on Arto &c, and the water tax, the commencement of water works and the collection of the enormous amount of arrears of taxes, on the 20th March 1895, nearly a fortnight after I assumed office, I cancelled on public grounds under Section 220 of the Civil Service Regulations

Regulations, the leave granted to him, the Head Clerk, as I thought, that, as he was likely to be well acquainted with the work of the office, he alone could efficiently discharge his duties at that time. He reported that he was sick and that he therefore could not discharge his duties satisfactorily. I directed him to join duty and made him distinctly understand that if he was sick, he would be granted leave on production of Medical certificate.

4. He joined duty on the 25th March 1895, but on the 20th April 1895, appealed directly to the Collector of Madurai to set aside my order cancelling the leave and this appeal was rejected by the Collector on the ground that the matter was not within his province. After the submission of the Annual report, he, on the 14th June 1895, applied to me for the unexpired portion of the furlough. When this

this application was still pending, he preferred an appeal on the 18th June 1895 to the Council against my order cancelling the furlough, which would have been in the ordinary course of business brought before the Council, on the 8th July 1895, at its ordinary Meeting. But on the 26th June 1895 a requisition was made to me in writing by 5 Councillors to convene a Special Meeting to consider the leave affair of the Head Clerk, in accordance with which, a Special Meeting was held with 11 Councillors present, out of 12, (the remaining one, not having had notice of the Special Meeting as he was away from the Town), at which the Council held by a Majority of 6 (including the Casting vote) against the 5 who signed the requisition, that an appeal to the Council did not lie in the case then before the Council, the ex-officio Councillors having declined to vote. Thereupon, Mr J. H. Batten, the Sub Collector and the ex-officio Councillor proposed the Resolution No II,
now

2305 1575
now under reference to Government, which was carried unanimously.

5 I have here to submit that there are at present no rules framed by the Municipal Council under Section 43 Clause 3 of the Municipal Act, for its guidance in matters of granting leave to its Subordinates, that the Civil Service Regulations are at present in force and that I held for my part, against an appeal to the Council in the present case (that of the Head Clerk) on the strength of the Article 220 (a) Civil Service Regulations by which any leave of absence can be refused or revoked according to the exigencies of the Service at the discretion of the Head of the Department.

I have the honor to be,
Sir,

Yours most obedient servant

M. J. S. P. M.
Chairman

Municipal Department

33858 5

18-7-95

From

M. R. P. S. Rajagopal
Kayudu Gama

Chairman Municipal Council

Dindigul.

To

The Chief Secretary
to Government

Fort Saint George

(Through the Sub Collector and
Collector of Madura)

Dated 17

Despd 17

Recd

} July 1895

No 118

Enclosure - 1

Subject

Submitting for orders

Copy of the Council's Resolution

No II dated 3rd July 1895 in regard

to the question of the right of

appeal to the Council against

the orders of Chairman in

refusing or revoking leave

to the Municipal servants

Copy of Communication R. No ²³⁰⁵ ^{General} 1895
dated 10. August 1895 from the Acting Sub Collector,
Madura, to the Collector of Madura

In forwarding herewith the letter of the
Chairman Municipal Council Dindigul to
No dated 17. July 1895, I have the honor to offer
the following remarks.
The question arises as to whether there is an
appeal against the order of a municipal Chair-
man cancelling or refusing leave to a munici-
pal servant appears to me to be an im-
portant one. If there is no appeal, and
it seems to be provided for in the Act
the Municipal Chairman's powers in the
matters of leave are more autocratic,
than that of any other class of officers.
The facts of the present case seem to
me to point into the desirability of the Mu-
nicipal Chairman's decisions on matters
of leave being subject to some sort of
revision. The Municipal Head Clerk has
21 years' service in which he has given
satisfaction to successive Chairmen

He has taken only short leave and under the civil service regulations is entitled to furlough. Mr. Miller considering all the circumstances of the case granted the head Clerk furlough on half pay for 2 years, on the substitute of the district school master who has acted before for short periods and who therefore has some acquaintance with the work. The present Chairman assumed charge on the 7: March 1895 and on the 20: March cancelled the remaining portion of the leave "on public grounds" what those public grounds were, were not stated, but it would appear from the Chairman's present letter from the records and from his remarks made at the meeting that the Chairman himself being new

to the work he could not without experience get through the work of the preparation of the annual accounts and the administration report for 1894-95, the assessment of the tax on carts &c and the water tax, the commencement of water works and the collection of the enormous amount of arrears of taxes.

4. At the meeting in order to effect a compromise if possible I'd avoid friction in the Council I suggested that now that the administration report has been submitted and the Chairman has had time to gain experience, the Chairman might allow the Clerk to take some of his furlough or at least inform him when he might expect to be allowed to avail himself of leave. My suggestions apparently did not commend themselves to the Chairman.

30 Aug 1895

Chairman who seems to have taken up
the position that he utterly refuses to
give the Head Clerk leave except on
medical Certificate. The question as to
whether an appeal lay to the Council
was therefore put to the vote and five
voted on each side. The chairman
himself gave the casting vote that no
appeal lies. I myself did not vote as
I was of opinion that the Council had
no authority to decide what its powers
were. I accordingly moved the resolution
which is now forwarded for the orders
of Government.

5. It doubtless the Chairman would
be put to great inconvenience if the
Head Clerk were given leave. The
Head of any office must always be
put to inconvenience when his Head
Clerk takes leave and is replaced by a
less experienced man; but this does not
appear to me to justify the refusal of
leave to a clerk who by long and faithful
service is entitled to it. As to

to the special reasons given by the Chair-
man for refusing leave at present, it is
true that there are many important matters
to be disposed of. But in a progressive
municipality, there ought always to be
important matters to be disposed of, and
it must always be inconvenient for the
Head Clerk to be given leave. If the acting
man did not give satisfaction, I am
sure that a competent man could easily
be secured for the acting pay of Rs 25.

6. I have dealt somewhat at length on
the features of the present case, as I think
they show that a Chairman should not
possess arbitrary powers in the matter of
leave. What may be the instance more
striking is that the leave was originally
granted by Mr Miller who had had the
much experience as Chairman and
who must have duly considered all
the pros and cons of the matter.

(True Copy)

sent by

Wm
Sedgwick for

Enclosure No I

In a letter

From
The Collector of
Madurai

Dated 30 August 1895

Roc no 3522 of 1895
8

Subject

Submitting for orders Copy
of Sindipal Municipal Council's
resolution re the question
of the right of appeal to the
Council against the order
of Chairman refusing for
revoking leave.

Submitted to Government with copy
of Sub Collector's letter R.C. no. 3385
10-8-95

2. Under the rules framed by Government
under Section 250 (i) m of the Municipal
Act (iv of 1884) the grant of leave to Muni-
cipal Servants is to be governed by
the Civil Service Regulations, and as
further rules have been framed by the
Municipal Council under Section 43
iii of the Act. Under Section 220 of the
Civil Service Regulations, the Chairman
Cancelled the unexpired portion of
the Head Clerk Narainasami
Pillai's furlough and ordered him
to rejoin his duty. Accordingly he re-
sumed charge and was not
afterwards permitted to avail him-
self of the balance of leave. in the
absence of a medical certificate
as to his ill health.

3. The Chairman seems to have acted
within his powers and it is submitted
that no appeal lies to the Council in
matters of leave, and that it is
undesirable that such an appeal
should lie.

Madurai Collector

Wm.

Sub Collector
Office
Camp Periyar
30 Aug 1895

Ag Collector

Occ. 2. Municipal Dept.
CURRENT No. 2740/M

From

The Collector of
Madurai

CS
misc.

Order No. 795 No 1571

The Government agree with
the Collector.

1/8
17/7/95

11/8/95
25/8/95

Dated 30 } August 1895
Recd

Roc No 3522 of 95
8

Enclosures 1

Subject

Submit up Copy of Sub Col's
letter forwarding copy of
Dudigal Municipal Council
resolution re - the question
of the right of appeal
to the Council against
the order of Chairman
refusing or revoking appeal
to Municipal Servants -

To
The Chairman, the Dudigal,
thus the Collector of Madurai
Dy. 6/10/95

1/10/95

6/10/95

HEAD AGAIN OFFICE OF GOVERNMENT, DATED
1895 No. MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DETACH
IN ORIGINAL (not pagged).

N.B. -

- A - Copy in full
- B - Not to be copied.
- P - Copy abstract only.
- Q - Copy heading only.

BACK PAPER, No.

of 189

FURTHER PAPER, No.

of 189

Copied by hll
Examined by