

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1238/m

DATED 1st August 1895

[Despatch Abstract.]

Establishment.

Cancelling, under section 35(1) of the District Municipalities Act, the resolution of the Dindigul Municipal Council retaining, for a further period, the temporary services of a Recordkeeper.

BACK PAPERS.

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

FURTHER PAPERS.

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

[5]
500-27-5-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. of 189 , dated from the

Current No. 2047 of 1895, dated 26th June 1895 from the Chairman, M.S., Sindigul.

Order.

The Chairman will be informed that the sanction conveyed in G.O. dated 13th March 1895, No. 42691, was ~~an order~~ for the continuance of the office of temporary Record-keeper, and not for the retention therein of the person originally appointed. His services having been terminated with on the expiry of the period for which he was employed, and notwithstanding a punishment, he has no right of appeal to the municipal council. The ~~same~~ resolution of the 13th May 1895, on the subject, is therefore ultra vires and is cancelled under section 35 (1) of the District Municipalities Act.

1/2
7/11/95 W. M. 195 188
3177/95

To The Chairman, M.S., Sindigul,
thru' the Collector of Madras.
1/2
6/8/95

to be retained for a further period
a temporary record-keeper - Di-
rector Municipal

2047 *BR*

CS
misc.

1238 *BR*

Circulated
BR
48

Office note the same
BR
1/8

Drop?
Please return to office
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Extract from the Proceedings of
the Diendipul Municipal Council
passed at a meeting held May 13th
1895.

Present: -

M. R. S. T. Rajagopal Nayadigala. Chairman

G. Muzel Esquire. Commissioner

J. W. Frost Esquire. Do.

S. P. Sattan Naik M. Do.

V. S. Pichaiyathu Poulas M. Do.

V. S. Mohaidur Masacaya Poulas M. Do.

M. Asackine Pillai M. Do.

M. S. Subbiah Chettiar M. Do.

P. R. Narayana Sathiel M. Do.

S. Ananthanarayana Esq. M. Do.

x

x

x

III. Read again appeal presented
by K. Rameswamy Pillai for the
temporary record clerk's post.

The Chairman holds
that

that no appeal lies from the
order of Chairman in appointing
the present man. Resolved
by a majority of 7 against 4 that
an appeal lies and that the appellants
be appointed.

Signed J. Rajapaul

Chairman

(True extract)

Majapaul.

Chairman

TL

MUNICIPAL DEPARTMENT

1895.

ENCLOSURE No. /

In a letter

FROM

The Chairman,

Municipal Council

Dindigul.

Madura District

No. 91

Dated 26th June 1895.

Copy of the Council's

Resolution No. 3
13-5-95.

No. 91

Dindigul Municipality

26th of June 1895

Local & Municipal Dept.

CURRENT No. 2047 M

From M. R. P. J. Rajagopal Nayudu Gurus

Chairman

Municipal Council

Dindigul.

To The Chief Secretary
to Government.

Work Saint George.

Sir.

I have the honor to submit
that the appointment of a temporary
Record Keeper for 3 months was considered
necessary by the Council for arranging
the records of this office, the sanction
of Government was obtained for the
same in due course and one Ramaswamy
Pillai was appointed for the said office
for 3 months. His term of office expired
on the 6th October 1894. As he was not
able to complete the work within the time
allowed the continuance of the office
for

for a further period of 3 months was considered necessary for a complete arrangement of the records.

2. Provision was therefore made for it in the Budget for 1895-96 and the Government in sanctioning the appointment has stated in para 5 of the G. O. No 426 dated 13th March 1895 reviewing the Municipal Budget for 1895-96, that "The proposed retention of the temporary record keeper for a further period of 3 months is sanctioned."

3. Understanding the G. O. as a sanction for the continuance of the office without reference to the person to be appointed for the office, I appointed one Lekshmana Iyer, whom I considered to be far superior to the said Ramaswamy Pillai in point of educational qualifications and business capacity, and I am glad to state that he has given me satisfaction in the discharge of his duties. I made this selection solely
in

in the interests of the work.

4. The person originally appointed appealed to the Council against my order appointing another person. I was of opinion that an appeal did not lie to the Council. But a majority of the Council (7 against 4) held that an appeal did lie and resolved that the appellant be appointed on the ground that the G. O. sanctions only the retention of the person originally appointed and that it does not authorize the appointment of another person.

5. It will be seen from the above that when the G. O. sanctioning the appointment was received, the appellant was not in Municipal Service, the term of 3 months for which he was appointed having expired long before that time.

6. Hence my order appointing another person does not amount to a dismissal or suspension of the appellant so that he may have a right of appeal to the Council. However, as the majority of the Council is of different opinion I

I have ordered the person appointed by me to discontinue his services pending the orders of Government on this reference.

7. I therefore beg to be informed whether the G. O. is an authority, only to retain the services of the particular individual i.e. the person originally appointed or a general authorization for the continuance of office, leaving the person to be appointed in the hands of the Chairman and whether in the circumstances stated above an appeal lies to the Council.

8. A copy of the Council's resolution is herewith submitted.

I have the honor to be,

Sir

Your most obedient servant.

Major-General
Chairman

Municipal Department.

Local & Municipal Dept.

CURRENT

2047M

9/8/21-4-29

M. R. P. J. Rajagopal Nayuduben

Chairman
Municipal Council
Mudigal

The Chief Secretary
to Government
Fort Saint George

Dated 26th
Despd 26th } June 1895
Received 28 JUN. 95

No 91

Enclosure No I

Subject

Requesting to inform
whether the retention of the temporary appointments
whether an appeal lies
to the Council for the
temporary appointments.

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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