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L. & M.
8,000-5-8-70.

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.

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 30-9-95
No. 1571 M.

When given for copying.

[Despatch Abstract.]

Leave -

Agreeing with the collector of Madurai in considering that no appeal lies to the Council against the order of Chairman refusing or renouncing leave to munl. 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 3rd July
1895 at 7.30 A.M.

Present:—

M. R. P. J. Rajagopaul Nayudu Garu Chairman
J. H. Batten Esquire — Councillor
G. Mengel Esq. — "
J. W. Shorb Esq. "
" S. P. Muthuswaik Pl. "
" M. A. Subbian Chettias Pl. "
" M. Arakkiam Pillai Pl. "
" P. S. Mohamud Magthorn Rowther Pl. "
" V. S. Moideen Maraya Rowther Pl. "
" V. S. Pichaimoideen Rowther Pl. "
" K. Ananthanarayana Ays Pl. "

x

x

x

II Proposed by Mr. J. H. Batten, ex-officio
Councillor that the following question
be referred to Government for an autho-
ritative 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. Py K. Anan-
thavarayana Ayyar 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

Dindigul Municipal Office
17th July 1895.

Local & ... Dept.
CURRENT No. 2740 M

From

M. R. R.

J. Rajasopaul Nayudu Gara

Chairman Municipal Council

Dindigul

To

The Chief Secretary
to Government.

Hon. 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 Arbo &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

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

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

Magistrate.
Chairman

this application

Municipal Department
33858L-5
18-7-95
From M. R. R. S. Rajagopal
Nayudu Garu

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 } July 1895
fr. Recd }

No 118

Enclosure - 1

Subject

Submitting for orders
the 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

Copy of Communication R.O.C. No 33858L-5
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
date 17 July 1895, I have the honor to offer
the following remarks.

2. The question 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
none seems to be provided for in the Act
a Municipal Chairman's powers in the
matters of leave are more autocratic,
than that of any other class of officers.

3. The facts of the present ^{case} seem to
me to point to 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

He has taken only short leave and under
the civil service Regulations is
entitled to furlough. Mr. Miller
the late Chairman considering
all the circumstances of the case
granted the Head Clerk furlough
on half pay for 2 years, on the
substitute of the ^{Inspector} ~~Inspector~~ 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 7th March 1895 and on the
20th 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 experi-
enced Head Clerk get through the work
of "the preparation of the Annual account
and the Administration report for
1894-95, the assessment of the tax
on arts &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
and avoid friction in the Council
I suggested that now that the Adminis-
tration 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 Chair-
man.

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 arose
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. No doubt 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 satisfactory
service is entitled to it. As

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 makes the instance more
striking is that the leave was originally
granted by Mr Miller who had had
much experience as Chairman and
who must have duly considered all
the pros and cons of the matter.

(True Copy)

and my

Wm
Acting Secy

No I

Letter

from
The Collector of
Madurai

Dated 30 August 1895

Roc no 3522
Sl of 1895

Subject

Submitting for orders Copy
of District Municipal Councils
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 (1) m of the Municipal
Act (IV of 1884) the grant of leave to Municipal
Servants is to be governed by
the Civil Service Regulations, and as
further rules have been framed by the
Municipal Council under Section
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.
Matters of leave, and that it is
undesirable that such an appeal
should lie

Madurai Collector

Sub Collector
Camp Periyar
30 Aug 1895

Ag Collector

W. S. S.

Occ. & Municipal Dept.

CURRENT No. 2740/M

NS

From

The Collector of
Madras

CS
misc.

Order No. 7-95 No. 1571

The Government agree with
the Collector.

PA
7/7/95

11/12/95 No. 2575/95

Dated 30 } August 1895
Recd 23/8/95

Roc to 3522 of 95
8

Enclosures

Subject

Submitting Copy of Sub Col's
letter forwarding Copy of
Madras Municipal Council's
resolution re - the question
of the right of appeal
to the Council against
the order of Chairman
refusing or revoking leave
to municipal servants -

To
The Chairman, Madras Municipal Council,
and the Collector of Madras.
Dated 14/10/95

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

BACK PAPER, No.

OF 189

FURTHER PAPER, No.

OF 189

ENCLOSURES

CURRENT No

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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No. 1571 M.

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