(1) பக்கங்களின் எண்ணிக்கை 40

(2) புதுக்கித் திருப்பிய நாள் நவம்பர் 1991

(3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பொதுப்பணித் துறை

அரசாணை எண். 2535-W1. அச்சகம்
மு. கோப்புத் தாள் எண். பலவகை

நாள் : 4.10.1993. 198 .

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

ஆவண, கா-1—18,006—15-6-87.

As I want to better my prospects elsewhere
I request that G will be pleased
to accept my resignation.

13th July 1892. (Sd) Raghavachariar.

(2)

18th July 1892.
Triplicane.

To Sherlock Hubbard Esq.
Examiner P. W Accounts
Madras

Most Honored Sir.

With reference to my resignation —
recently submitted, I humbly request
that your honor will be pleased to —
reconsider my case on the following grounds.

As I have my five years Name and
as I am more than 25 years old, I —
humbly request that you will be pleased
to cancel the order and give me leave
for a year within which period I will get
employment elsewhere.

I beg to remain
Most Honored Sir
Your Honors most obedient humble
(Sd) V. Raghavachariar.

2535

(3) From I. S. Sherlock Hubbard Esq.
Examiner of P.W. Accounts
Madras

To the R Ry.
V. Raghavachariar.

No 366 C. Madras 22nd July 1892.

The following is forwarded to —
V. Raghavachariar for information.

(sd) Donald Calder.
Asstt Examiner
for Examiner P.W. Accounts
Madras.

Office order No 1969 dated 21st July 1892.

V. Raghavachariar, clerk, IV class
3rd grade, acting, is granted under
Article 372 of the Civil Service regulations
leave without allowance for one year
with effect from the forenoon of —
18th July 1892, in supersession of —
Office order No 1964 dated 18th July 1892
on the distinct understanding that he —
does not return to the office after the —
expiry of that date and that he has
no claim on any appointment in this
office.

True Copy.

(sd) A Rama Rao
for Superintendent Correspondence Branch

Triplicane
29th June 1893

To The Examiner
Public works Accounts
Madras

Sir

I humbly beg to bring to your kind notice that as per office order No 1969 dated 21st July 1892, leave granted to me without allowances, expires by the 15th proximo. I have not as yet succeeded in securing an appointment elsewhere. So I humbly request of you to grant me leave for another year. My object in requesting to be granted an extension of leave is to have sufficient time to enable me to secure an appointment elsewhere. I am now over 25 years and unless I have some formal lien in the office I will not be eligible for service hereafter. In this connection I beg to state that I have served in this office for nearly 5 years.

I beg to remain
Sir
Your most obedient servant
(Sd) T. Raghavachariar

2535

From L.S. Sherlock Stubbard Esq.
Examiner of P.W. Accounts
Madras.

To Mr. K.Ry. V. Raghavacharier.
Triplicane.

No 15.D. Madras 3rd July 1893.

With reference to his letter of the 29th June 1893
V. Raghava Chariar is informed that the
leave sanctioned in office Order No 1969
dated 21st July 1892 was given on the
distinct understanding that he was
not to return to duty and that he
had no claim on any appointment
in this office. No further Extension
can be granted.

(sd) P. I. Cremor
for Examiner, P.W. Accounts
Madras.

Triplicane 2535
7th July 1893.

To The Examiner
Public Works Accounts, Madras

Sir

With reference to your letter No 15 D
dated 3rd July 1893. informing me that
the extension of leave asked for —
cannot be granted, I beg to bring to —
your kind notice that I am fully
aware that I have no claim in the
office but to secure for myself an
appointment elsewhere, I beg to be granted
an extension of leave for a year
of course on the distinct understanding
that I have no claim on any appointment
in the office. As I am over 25 years —
without a formal line, I am prevented from
entering service again by age bar. If this
leave cannot be granted I humbly —
request of you at least to throw
me out in the present reduction
as

as thereby I would be benefitted to some extent without any material prejudice to office.

I beg to remain
Sir
your most obedient Servant

(Sd) V Raghavachariar

2535

From I. S. Sherlock Hubbard Esq.
Examiner P.W. Accounts
Madras

To The Rly.
V. Raghavachariar.
Triplicane

No 105-D Madras 10th July 1893.

In reply to his letter of 7 inst, — V. Raghavachariar is informed that the concession asked for, cannot be granted.

(sd) D J Cremen
for Examiner P.W. Accounts
Madras.

Triplicane
14th July 1893.

To
The Examiner
Public works Accounts
Madras

Sir

In acknowledging the receipt of your letters No 15D & 105D dated 3rd and 10th July 1893 respectively intimating that the Extension of leave cannot be granted, I beg to bring to your kind notice that my object in applying for the leave was to secure an appointment in some other Department. Not having as yet succeeded in my attempt I beg to request that I may be granted either an extension of leave, for a period of one year more or permission to rejoin my duties in your Offie. As my leave expires on the 15 inst and as 16th is Sunday I am prepared to join Offie either tomorrow or on Monday according as I may be directed to do.

I beg to remain
Sir
Your most obedient servant
(sd) V. Raghavachariar.

2535

From S. S. Sherlock Stubbard Esq.
Examiner of P.W. Accounts
Madras

To
Mr. R. Ry
V. Raghavacharier

No 219 D Madras 19th July 1893.

In reply to his application of
14th July 1893, V. Raghavacharier is
referred to this office No 366 C —
dated 22nd July 1892, informing him
of the grant of a years leave without
allowances on the distinct understanding
that he had no lien on any appointment
and was not to return to office. No
further communication will receive
attention.

(Sd) P. I. Cremor
For Examiner P.W. Accounts
Madras.

2535
9

To

His Excellency the
Right Honorable Beilby
Baron Wenlock G. C. I. E
Governor of Fort saint George.

Through the Secretary
to Government
Public Works Department
Madras.

The humble petition
of V. Raghwachariar —
clerk office of the Examiner
of Public Works accounts
most respectfully showeth.

That petitioner was
appointed as a clerk
in the office of the Examiner
of Public works accounts
in july 1887.

(2) That on the 13th July 1892
petitioner

petitioner with a view
to better his prospects
in any department
submitted his resignation
not being aware at the time
that his resignation would
entail not only the
forfeiture of his past
service but also the
necessity for his exemption
from the age bar in case
he is reappointed in any
department of Government
and his resignation was
accepted.

(3) That on 18th July 1892
that is, as soon as he
came to know that the
consequences of his
resignation would be
so detrimental to him
petitioner requested
the

the Examiner to cancel
his resignation and
give him leave for
one year within which
period petitioner thought
that he would be able
to secure employment
in any other departments.

(4) That the Examiner
was pleased to cancel
his order accepting
petitioner's resignation
and granted him leave
for one year but
saddled it with this
condition.

(1) That he should not
return to office on the
expiry of the one year,

(2) that he should have
no claim on any appoint-
ment in the office.

(5) That petitioner
did

did not object to these conditions at the time as he did not wish to displease his superior officer by appearing to be too importunate.

(6) That during the period of his leave petitioner tried his best to get employment in all possible quarters but did not succeed.

(7) That as the one years leave granted to petitioner was about to expire on the 15th July 1893 petitioner brought it to the notice of the Examiner on the 29th June 1893 that he had not succeeded in securing an appointment elsewhere and therefore

therefore applied for an extension of his leave for another year pointing out to him that his object to ask really not to return to that office but to secure an employment elsewhere for which it was necessary that he should have a hien on some appointment somewhere, if he is not to lose his past service of five years and if he is not to seek exemption from the 25 years rule on his retirement.

(8) But the Examiner refused to grant the extension without assigning

assigning any reasons although thereby the two conditions that he had imposed on the grant of the original leave to petitioner viz that he should not return to duty in that office & that he had no claim on any appointment in that office would not in any way be affected.

(9) That petitioner again represented his hard case to the Examiner on the 7th July last & and begged that he might at least be thrown out in the impending reduction of that office establishment so that petitioner might have the benefit of his five years service under Government but even this was refused without

without any reasons being assigned.

(10) That driven to desperation petitioner addressed the Examiner for the third time praying that if the leave could not be granted, he might be permitted to rejoin his duties as his leave was about to expire in a day or two. but even to this last and earnest appeal for mercy, no heed was given and petitioner was informed that he had no lien on any appointment and that no further communication from him would receive attention.

(11) It is against this last order that petitioner begs

begs to submit his appeal to your Excellency on the following grounds. in the hope that your Excellency might deem fit to grant in consideration of the petitioners peculiarly hard case.

(12) In the first place when the Examiner cancelled his order accepting petitioner's resignation in July 1892 he was aware that Government would not take any advantage of a man's resigning his appointment simply out of ignorance of the pension rules in the Civil Service regulations especially as petitioner is now given to understand that there is an order of

of Government enjoining all heads of Departments to explain to persons tendering a resignation of their appointment, the Consequences as regards claims to pension, past service etc of such resignation and to direcing them to obtain formal declarations from the officials concerned to the effect that they are aware of the consequences of their resignation.

(13) Petitioner's only object in asking for a long leave was to save his past service and this the Examiner well knew. Petitioner acquiesced

acquiesced in the
condition that he should
not return believing
that he would be given
longer leave if necessary.
He is even now prepared
to take longer leave
and he does not insist
on rejoining but having
once had the leave
petitioner contends
that he has a right
to rejoin if no further
leave is granted. He
can be removed from
the office only for a fault
of his and it is no
fault not to have se-
cured an appointment
elsewhere. Petitioner
begs to observe that
stipulations between
the head of an office
and

and a subordinate
that the latter shall quit
the service at the end
of a definite period
are not recognised
by the rules of the public
service. The stipulation
which was entered into
by him under the impression
already stated cannot
be regarded as a
constructive resignation
because a formal
resignation alone is
recognized by the rules
of the service.

(5) In the next place
the Examiner's order
granting petitioner one
year's leave without
giving him a lien on
any appointment whatever
is ultra vires. The very
fact

fact that leave is granted to a certain person implies that such leave is with reference to some particular appointment. when the Examiner formally superseded his order accepting the resignation he had restored petitioner to the particular appointment which he held at the time of the resignation. He had no authority to cancel the resignation and grant leave and at the same time to declare that petitioner should have no lien on any appointment. Petitioner contends that he had no right to prevent petitioner from rejoining his duties at the expiry of his leave as it is opposed to all rules to grant a mere leave and

and also to forbid him from rejoining his appointment at its expiry. Such an order petitioner begs most respectfully to point out is not at all different from compelling the petitioner to resign his appointment, a punishment (for it is nothing less than a punishment) which petitioner had done nothing to merit. The statement in petitioners first application to the Examiner for one years leave to the effect that he would get employment elsewhere within the period of his leave cannot by any rule

rule of construction he held to mean a promise that if he did not succeed in getting such employment within that period he should forfeit his employment. If such had been petitioner's intention he would have declared it most explicitly. His object in asking the manner to cancel his resignation was not to impose any conditions upon himself, but simply to point out to his superior offices that what he had done was done in ignorance of rules and that as soon as he got the order

order accepting his resignation and spoke to his friends about it they pointed out to him that he had done what he ought not to have done to gain his object viz to better his prospects as his resignation instead of bettering his prospects had made them worse by entailing the loss of all claim to gratuity for his past service as well as by throwing in his way the bar to his re employment on the ground of his being over 25 years of age.

Petitioner therefore prays that

(1) Petitioner

P. W. CURRENT No ~~7582~~ 7843/ee

(1) Petitioner may be ordered to rejoin his duties or

(2) The Examiner may be authorised to grant him leave for another year so that he might seek employment elsewhere.

or

(3) Petitioner may be thrown out in the impending reduction of the Examiner's office without prejudice to his past service and his re-entertainment in public service.

The petitioner begs to remain

your Lordships most obedient Servant.

Encls 8 V. Raghavachariar.

17. Sugnachariar Shut

Rec'd ~~4.9.93~~ 13.9.93 Triplicane

Dated 17th August 1893.

Madras.

19/9

With disheart

19

No 3023 C d/6. September 1893

To C

You favour of remarks.

H 1.9

DLW 21.9.93 D.W.

DLW

No 928 DD 12-9-93 13.9.93

W. The petitioner is entirely out of court. He admits that on the 13.7.92, "with a view to better his prospects in any department, he submitted his resignation." It was an act of great leniency to allow him to withdraw that resignation and to have a year's leave without pay; but it does not follow that, because he was thus leniently dealt with, he is entitled to any further concession.

2. That any public servant who be allowed to make a convenience of Govt is distinctly opposed to C.S.R. 222, and it was for this reason that the grant of a year's leave was coupled with the conditions specified in para 4 of the petition.

3. I may add that his work while in this office was not such as to justify any further consideration being extended to him.

Recd 21—8

DLW K—8

Madras 23-9

J 12/9

C.

17

M 30232 6.9.93

Government of Madras.

DISPOSAL.

1893.

P. W. DEPARTMENT.

No. dated

CURRENT No. 7843

From The Examiner P.W. Accts
Madras.

ENCLOS. 8

No. 928 D
Dated 12.9.93
Received 13.9.93

SUBJECT.

V. Raghavachariar, Late clerk in the office of the Examiner of P.W. accts: Remarks on petition from —— praying that he may either be permitted to rejoin his appointment or granted leave for another 2 years.

29—1,000—16-8-93.

Offs. 290

18

P. W. DEPARTMENT.

READ the following:—

From the Examiner, P.W. Accts: No 928 Dy 12.9.93

FOR ORDERS.

The effect of the Exam.r's action seems to have been that the respdt was allowed to be defunct for a year during which the means was to be absent without leave in hope of his getting a chance of rejoining the permanent Establishment & say that the Petr was not aware of the effect of the resignation w.h was absolute in its terms.

Under Sir Interim
Mss
25 Sep.

pell
19.9.93

W.

Refer for the Examiner's remarks

Mss
21 Sep

Attention is invited to the remarks endorsed on the obverse of the petition which are those of the Examiner.

JH/19.9

JH/22.9

pell
12.4.93

W.

V. Raghavachariar
late Clerk. Exr Office
Petitioner

PUBLIC WORKS DEPARTMENT.

No 2535 W dt 4. October 1893.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Petition from V. Raghava Chariar, late clerk in the office of the Examiner of P.W. Accounts, dated 17th August 1893.

Office Note from the Examiner, P.W. accounts, No 9282 dated 12th Septr. 1893.

His Excellency the Governor in Council, after consideration of the circumstances of the case, declines to interfere on the petitioner's behalf.

DESPATCHED
5 OCT. 93

To

V. Raghava Chariar
The Exr. P.W.A.

375 290
Hm 29/9
Km 28/9.