Marine (1898) Department.

G.O., No. 2718 W

DATED 19 October 98

[Despatch Abstract.]

S. V. Ramaswami Aiyangar, late Sub overseer,

N. Arcot Do.

Directing, with remarks, that he should be reinstated in his appointment & that the charge laid against him considered, and Absence that the period be treated as leave to that may be treated as leave to that

E

[N. 6. 2,000—23-10-98.]

BACK PAPERS.

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

FURTHER PAPERS.

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

P.W. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 6668 of 1898, dated 10.9.98, from S.V. Ramaswami Aiyangar the S.E. IV circle.

" " 7812 " 189 , " 17.9.98, " , "

" " " 189 , "

ORDER. No. 2718 W/9 19.10.98

S.V. Ramaswami Aiyangar, a Sub overseer in the Works Asst division, resigned his permanent appointment under Govt. in June 1898. In reporting the cause resignation, the Supdg Engr IV circle made the following remarks:—

"The Krishnama channel, Asst. "Engineer employed on Tirupati "water works, reported that "he could get no work out "of this Sub overseer; that he "habitually absented himself "from work, and was a "hindrance rather than a "help when present. The "Executive Engineer therefore "was asked to frame charges

[P. W. 4. 500—17-6-98.]

"charge showing the main
"entitlement for further em-
"ployment in the Dept.
"Before this could be done,
"the Subscriber tendered
"his resignation, which was
"accepted -

2. After his resignation, the Subscriber applied for the pension due to his 14 years' permanent service, but he was referred to Art. 460 (a) C.S. Regns, under which resignation of the public service entails forfeiture of past service.

3. He now appeals to H.E. the Governor in Council for reinstatement, on the ground that had he known the consequences of his resignation he would not have tendered it, and that having submitted his resignation in ignorance of the rule, he would have withdrawn it, had the Supdt Engrs IV Circle called his attention to the risk he was running of losing his pension - He

he states that he resigned in the hope of being appointed to the temporary vacancy of Upper Subordinate establishment, but the hope was not realized by the Supdt Engrs. Now it is obvious that probably that he resigned to avoid dismissal.

4. Govt. of Pamir No. 246 dated 9th March 1886, makes it incumbent on Heads of Offices to explain clearly to every officer who applies to retire before he is entitled to pension, the effect of such retirement, and require that a written statement should be taken from the applicant that he understands the consequences of his resignation. The provisions of this order were not carried out in the case of S.V.

Ramaswami Aiyangar,
& there was then a
technical defect in
the completion of his
resignation - H.E. the
Governor in Council
therefore directs that
the Sub overseer be
reinstated in his appt,
and that the provisions
of para 49 & 52, Chap
IV, Vol I, P.W. Code
be then put in force
against him - after
charges have
been framed & his
defence taken. the
Superintg. may deal
with the case under
para 51 of the same
chapter.

5. The period between
the Sub overseer's resig-
nation & his reinstate-
ment may be treated
as leave without allowances.

Abdul 14.10.98

S.S. IV circle D 28/10/98
with 3 enclos-

H.K.P. 10.1

Public Works DEPARTMENT.

C. No. 6668 & 7812.

HIS EXCELLENCY THE GOVERNOR.
~~THE HON'BLE SIR HENRY BLISS, K.C.I.E.~~
~~THE HON'BLE MR. GROSE, C.I.E.~~

SUBJECT.

Appeal from S.V. Ramaswami Aiyangar for reinstatement in Govt service

FOR ORDERS.

+ Report dated 4-8-98 forwarded P.W.

Vide note on the file

S. V. Ramaswami Aiyangar, late, a sub-overseer in the North Arcot division, drawing a salary of Rs. 60 per mensem, resigned his permanent appointment in the Government service in June last.

2. In reporting the resignation, the Superintending Engineer IV circle made the following remarks:—

"Mr. Krishnama Chariar, Assistant Engineer employed on Thirupathy water works, reported that he could get no work out of this sub-overseer, that he habitually absented himself from work and was a hindrance rather than a help when present. The Executive Engineer

[P. W. 45. 500—24-3-98.]

"Engineer thereupon was asked
"to frame specific charges show-
"-ing the man's unfitness for
"further employment in the
"Department. Before this could
"be done, the sub-Overseer tendered
"his resignation which was
"accepted."

3. This man was formerly a temporary upper subordinate on Rs 60 per mensem with a lien on his permanent post as sub-overseer.

In 1893, it was represented to the Chief Engineer that much inconvenience resulted from the practice of granting lower subordinates liens on their permanent posts for prolonged periods while the men were employed as temporary upper subordinates, because difficulty was felt in procuring suitable men to fill acting posts as lower subordinates. A rule* was then made that no permanent lower subordinate would be given a post as temporary upper

* memo No. 2444 C dy 27.6.93 flagged I

Not now on the file

upper subordinate unless he resigned his permanent appointment, and all temporary subordinates who then held liens on permanent lower posts were called upon to elect between reverting to such posts, and resigning them. ~~to admit of their electing to keep upon subordinates~~ The petition of S. V. Ramaswami Aiyangar, clerk, to revert to his permanent appointment as sub overseer.

He subsequently worked as sub overseer on the Periyar and early in 1895, on his application to be reappointed to a temporary upper subordinate establishment, Col. Pennycuick, then Chief Engineer, offered him a post as temporary overseer on Rs 100 per mensem, on condition that he resigned his appointment as sub-overseer. He declined the appointment on the condition stated and his claims were then considered to have ended.

† No. 425 C dy 4-2-95 flagged A

No. 1427 C dy 3-4-95 flagged J.

Not now on the file

January last he again
pplied to be appointed
temporary upper subordi-
ate with a lien on his
rmanent post, and he was
formed that the concession
uld not be granted.
In June 1898, he petitioned
e undersigned to the effect
at as he had no hope of
ing appointed to the tempo-
ry upper subordinate esta-
ishment with a lien, he
d resigned his permanent
t as sub overseer, and was
pared to accept the tempo-
thy overseership on Rs100 per
nsem previously offered to
m in 1895. The undersigned
then no knowledge of the
mstances in which the
resigned his permanent
; but ~~the latter~~ he was told that
mere fact of his having
signed for reasons of his own
him no claim to a
ot which had been offered
given years previously.

+ No 1345 C dy 5.3.98

No 3341 C dy 26.7.98
George R.
Not now in the file

† No 3101 C dy 7.7.98
George K.
Not now in the file

8

He then applied for the
pension due to his 14 years pe
manent service as subovercee
but he was referred to artic
480 (a). C.S. Regulations, und
which resignation of the pe
service entails forfeiture o
past service.

He now appeals to H.E.
the Governor in Council for
reinstatement, on the ground
that had he known the co
sequences of his resignation
he would not have tender
it, and that having subm
his resignation in ignorance
the rule, he would have
withdrawn it had the
Superintending Engineer IV Ca
called his attention to t
risk he was running o
losing his pension. He
adheres to his statement
that he resigned in the ho
of being appointed to th
temporary upper subord
establishment, but the
port received from the
Superinte

Superintending Engineer shows it
more than
to be very probable that he
resigned to avoid dismissal.

G.O. No. 246 Pension, dated
March 1886 makes it in-
cumbent on heads of offices
to explain clearly to every officer
who applies to retire before he
is entitled to pension, the effect
of such retirement, and the
G.O. requires that a written
statement should be taken
from the applicant that
he understands the consequences
of his resignation.

Unfortunately the provi-
sions of this order in this case
were not carried out by the
Superintending Engineer, and
the petitioner takes advantage
of the fact to claim reinstate-
ment. The papers forwarded
by the Superintending Engineer
however show that the man
was latterly quite useless, and
that the Superintending Engineer
had ordered charges to be framed
against him in view to his

dismissal

+ Flag S

Put-more in the file

TBM
10-7-98

+ Letter of 17-9-98
Page 21
of this file

10

dismissal - that officer state
that he accepted the sub over-
seer's resignation in the belief
that it was tendered to avoid
dismissal.

The question for decision
now is, whether the petitioner
should be restored to the ser-
vice on the ground that a
written statement was not
taken from him.

If so, his conduct should
be watched, and a report
on his work should be
submitted by the Superin-
tending Engineer after a stated
period, say, six months or
a year.

A.S.H
8.10.98.

W.

Cr I have known this man
for years, & he has always
been quite useless - The Dept
is well rid of him, & I
strongly recommend that his
request be refused

7.10.98

I think the request cannot, under the circum-
stances, well be to accept this man's
retirement, & re-instate him, and to
frame charges against him, as originally
intended.

A.S.H 10.10.98

SBW

...ic Works (1898) Department.

CURRENT No. 7812

From The Supg Engineer 4th Circle

Order

No. 501/45.

Dated 17th September 1898

Received

Registered 20-9-98

Enclosures 3 5

Spare copies

SUBJECT.

S. V. Ramasawmy Iyengar Sub overseer

Reports with regard to the circumstances of resignation of —

0454 23. H.E. 7/1988 M1. W. 98

PAPERS.

No.	Date.
3754C	26-8-98
5739C	26-8-98
3577C	12-8-98
3342C	26-7-98
3101C	7-7-98
1345C	5-3-98
254C	16-1-96
190C	11-1-96
1427C	3-4-95
965C	11-3-95
4250C	4-2-95
4104C	17-12-94
1938C	17-5-94
5944	3-3-94
4448C	22-12-93

& file

FURTHER PAPERS.

No.	Date.

Madras
10th August 98

To
His Excellency the Governor in Council
Through
The Chief Engineer in Southern
& Government
P.W.D.

Your Excellency,

I beg respectfully to set forth that I am qualified in 1884 at the Civil Engineering College Maddas for the grade of Overseer and that I have since then remained in P.W.D as Subovereer I have thus secured 14 years permanant service

2. In recognition of my service in the Valley of Periar in 1888 and 1889 and in consideration of the support of my Superior officers, Col J. Pennycuick R.E. in 1895 offered me a post on the temporary upper subordinate Establishment on Rs 100 involving the resignation of my permanant post of Subovereer

I declined the offer then with the expectation that if I would wait I could secure a lien on the lower subordinate grade. In May 1895 Mr. W. B. Devinton as Exe: Engr. Coimbatore Division did try his best to secure a lien for me as it can be seen from the recommendation about me which runs thus.

"If it is true, as stated by the applicant, that some of the lower subordinates had been made temporary upper Subordinates with a lien on their lower Sub-ordinate grade I recommend the same concession be granted to the applicant s/d W B Devinton Exe: Engr."

4 I learned to wait from 1895 to 1898 and in January 1898 I sent in an application to the present chief Engineer for the post of a temporary upper subordinate offered to me in 1895 and to grant the concession of a lien. This application although supported by my superior officers (which Mr. Pennycuick in reply to my telegram dated 8th January 1896 expressed that he should have) has elicited a reply from the chief Engineer who in his No 1345 C of 5th March 98 had to repeat the order dated 4th Feb. 1895 and to decline the concession of a lien in the event of my appointment to the temporary upper Subordinate Establishment

5 In this predicament, I had no other alternative but to tender my resignation in the hope that I would be favoured by the Chief Engineer with the post of temporary overseer on Rs 100 offered to me in 1895

6. I have however been sadly disappointed. The Chief Engineer to whom I applied for the said post has stated that

that my services are not
now required vide No 3101C
dated 7th July 1898.

7. Having failed in the
direction I applied to the
Chief Engineer for pension due
to my 14 years qualifying
service under Government.
Here again I had another
disappointment. I have been
told that under article 460
C.S.R I have forfeited my
past service by my resignation

8. Now I beg to submit
to your Excellency that had I
known that such was the con-
-sequence of my resignation,
I would not, have tendered it in
the first place. Having Sub-
-mitted my resignation in ignorance
of the rule, I would have
withdrawn my resignation if
my Superior, the Supdg: Engr: of
IV circle before passing order
accepting my resignation
called my attention to the risk I
was running in the way of losing
my pension. I now understand
that this procedure the Supdg: Engr:
should have adopted according
to Govt order No. 762 W dated 22d
March 1886

9. I beg that, under the cir-
cumstances, your Excellency will
be graciously pleased to save
me from the consequences of an
act done by me in ignorance of
rules, and permitted by the Supdg:
Engr: in violation of the Govt order
quoted above

10. I beg that
(a) I may be reinstated, or
(b) I may be given pension

for

SUPG. ENGINEER'S OFFICE, P.W.D. No. 29 AUG. 98 FOURTH CIRCLE.

for the 14 years devoted service in the Valleys of Wynaad and Periar, which, having seriously shattered my health, should not, I beg respectfully to submit, be left unrewarded

II In conclusion I beg to state that your Excellency will see from my resignation letter (original) and the Exc: Engrs: Endorsement No 284 dated 9.8 301 dated 22d May 1898 S.E that I never intended to forego my pension

I beg to remain
your Excellency
your Excellency's most obedient Servant

T. Ramaswami Aiyangar
Late Submerser
Chandragiri

Dated 22-8-98

Public Works (1898) Department.

CURRENT No. 4.5 6668 28/8/98

SUPG. ENGINEER'S OFFICE, P.W.D. No. 29 AUG. 98 FOURTH CIRCLE.

No: 3739C- dt 26 Aug: 98.

From T. V. Ramaswami Aiyangar

Dated 10th August 1898.

Received 10

Registered

Enclosures

Spare copies

SUBJECT.

Praying for reinstatement or grant of pension.

Refered to the Suptg. Engineer IV circle. for favour of report as to whether the provision of G.O. No. 762 W dated 22 June 1886 were carried out before the Subordinate's resignation was accepted - the circumstances of his resignation were stated in the Suptg. Engrs return No. 424 C dated 4 August 1898. or grant of pension.

AdK 19-8-98.

H. Bellenden
Chief Engr

O.L-S. 299. 28/8/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

ment.

No. 501/W

Superintending Engineer's
Office: 4th Circle: 17th September 189

From

A. H. Garrett Esq.
Superintending Engineer
IV Circle.

To

The Chief Engineer.
P.W.D.

Sir,

Enclosures 3.
1. Chief Engr's End. No. 3739C/26-8-98.
1. A.A.D.'s letter No. 301/22-5-98 with 1 enclosure
1. Do No. 274/5-5-98.

In reply to your No. 3739/C. dated 26th August 1898, I have the honour to state that the provisions of G.O No. 762 W, dated 22nd March 1896 were not attended to, the circumstances of the Sub-Overseer's resignation being as follows:-

In his No. 274 S.E. dated 5th May 1898 the Executive Engr. North Arcot Division asked me to transfer S.V. Ramaswamy Aiyar

1886

original enclosed.

as he did no work, and was continually absenting himself without leave.

3. I found that the Sub-Overseer's record was not a good one, in as much as my predecessor in February 1897 declined to pass his second increment on the ground that he had not rendered satisfactory service, and I therefore instructed the Executive Engineer to bring specific charges against the man with a view to getting him dismissed.

Shortly after this I received a letter (herewith forwarded in original with resignation) from the Executive Engineer giving cover to the Sub-Overseer's resignation which I accepted in the belief that it was tendered to avoid dismissal.

5. I request that the enclosures to this letter may be kindly returned, and I enclose the Sub-Overseer's petition to His Excellency the Governor.

I have the honor to be,

Sir,

Your most obedient servant

A Rumsey.

Superintending Engineer

IV Circle.

16998