there soon thereafter ill (since then reported to
June be dead), half a dozen other
loss persons having already joined the
C.S. majority
on (3) that, according to Art. 463 (6) of
grou the C.S.R. "unauthorised leave of
kin absence in continuation of an "authorised
app leave of absence" so long as the officer
ond of the absence is not substantially
by filled up" entails no forfeiture of
mu paid service, and
wa (4) that, in Art. 266 of the C.S.R.
pa which says that "an officer who
go remains absent at the end of his leave
the on medical certificate ceases to have
to a lien on any appointment" contains
s a clear proviso to the effect "that
g these provisions have no effect on the
liability of an officer overstaying
leave in regard to the forfeitures
of the past service, the rules as to
which are contained in Art. 463 (6)"
quoted above;

and requested the Collector that,
in consideration of the 20 years' service
which he had put in, he might be
reinstated under the proviso to Art.
463 (6) of the C.S.R. and that the period
from the termination of his sick
leave to his return to duty might
be

Flagged B

be considered as extraordinary leave
without allowances under Arts. 264
and 372 of the C.S.R. On this petition
the Collector made the following endorse-
ment Dis. No. 2775/Auth. dated 8th August
1896. "The reasons for overstaying
may be true, but there was no urgent
necessity either for leave or to
overstay. Furthermore petitioner
did not join immediately on learning
that the extension of leave had been
refused. I decline to condone the
absence by treating it as leave on
loss of pay. If Government desire it
it can condone it under Art. 464
of the Civil Service Regulations
hereafter."

The memorialist on receipt
of this endorsement submitted a
petition to Government on the
16th October 1896 praying for
restoration of appointment. The
Collector forwarded it herein his No.
6024/Ven dated 19th October 1896. It
was returned to the petitioner for
resubmission with certified copies
of the records (G.O. No. 1746, Routine,
dated 30th Oct. 95). In the same G.O.

the Collector was also directed to forward the petition with such records as were not submitted by the petitioner, but which should properly be consulted in the disposal of the petition, through the Accountant-General. The petition was submitted accordingly with the necessary records, through the Accountant-General with the Collector's No. 6407/Ver dated 13th December 1895, in which he stated

(1) that, on a previous occasion when the petitioner was absent on leave on medical certificate for one year from 9th May 1892, she overstayed her leave for 38 days (9th May to 15th June 1893), which were accordingly converted into leave on loss of pay;

(2) that the petitioner, as will be noticed by this long leave of absence, was a malingerer and altogether useless as a public servant; and

(3) that he (the Collector) had no intention to debar the petitioner from future employment, that he in fact asked the petitioner if he would accept an appointment, but that the petitioner was only willing to accept a permanent appointment

Flagg C

Flagg D

appointment on condition of his being given the past service which he has forfeited.

The Accountant-General forwarded the petition with the following endorsement (No. 3542 of 13.12.95):-

"Forwarded with the remarks that as K. Venkataramiya once obtained the leave on medical certificate for 2 years granted to him by the Collector of Kistna, he has forfeited his appointment as 5th Vernacular Accountant in the Collector's office, and as that appointment has been permanently filled up he has forfeited his previous service also. If Government see fit to reinstate him in the public service it can do so under Sub. 463 (6) of the Civil Service Regulations declaring that his previous service or any part of it shall not be forfeited."

When the petition was received by Government, it was found that the appeal petition itself was by a slight oversight left behind and the Collector was therefore asked to forward it in G.O.R. No. 164 dated 21st Jan.

the 1896 On receipt of the petition
the Govt in its order Nov 1893 Mis
dated 17th March 1897, transferred
the petition for disposal to the
Board of Revenue, Land Revenue,
to whom the memorialist should
at
have applied first for restoration.
The Board of Revenue in its Proc. No.
907, Revenue and Res. dated
27th March 1896 and 7th May 1896
respectively returned the petition and its enclosures
to the Commissioner with the ordinary stamp affixed
in receipt of the petition and
enclosures duly acknowledged the Board
in their reference dated 4th September Flagged E.
1896 requested the Collector to state
whether the case attached in para 2 of
his letter No. 6407/Ver dated 24th Flagged C
November 1895, he was prepared
to offer the petitioner a suitable
appointment under the Public Service
if it did not appear from the records
that any promises actually offered
the petitioner. To this reference
Collector in his letter No. 5265/Ver
dated 5th November 1896 replied
[illegible] that it would be to the advantage
the public service if such
[illegible]
Flagged H.

Copy

persistent malingerer in as the
the petitioner should be got rid
off, especially as there would be
no injustice in such a course
owing to his having so failed
his appointment throughout his
career de laborate, viz absenting
himself without leave
(2) that when the Treasury Deputy
Collector wrote to him on the 11th
November 1895 to say that the
petitioner was willing to accept
a post provided it was permanent
and he was given the usual service
had forfeited, he refused to
condone the offence, though the
Government might do it with
approval and (3) that all the Destruction
Medical and Sanitary officers
who examined the petitioner
certified him unfit for
Government Service as will be
seen by the certificate attached;
the best course would be to refuse
to employ him, but allow him the
retiring or whatever pension he
might be entitled to if Govern-
ment would be good enough to
condone the breaks in his service

Copy

2015(9)

On receipt of this letter, the Board
(vide Proceedings No. 5432, Mis. 7
dated 4th December 1896) passed
the following order:-

"The Board agrees with the
Collector that the best course would be
to allow the petitioner to retire
on such pension as he may be
entitled to. For this purpose he
will be formally restored to
his appointment and the period
of his absence from duty will be
treated as leave without allowance
but will not count towards
pension (vide Art. 461 C.S.R.).
A medical certificate declaring
him permanently incapacitated
for service having been produced
no fresh certificate is necessary".

Accordingly the pension papers
of the memorialist were sent up
and an invalid pension of Rs 3:8-
per mensem has been granted
to him with effect from the 1st June

Now in the memorial under
consideration, the memorialist
appeals against the decision
of the Board directing him to
retire on pension treating
the period of his absence from
duty

Flagged G

duty before their formal restoration
as leave without allowance. He
consequently prays that Government
will be pleased to sanction for him
arrears of pay from 1st June 1895
to 11th November 1896 and if so
facto to allow him the benefit of
counting service during the period.
In support of this prayer, he
says, that since the Board has
seen the injustice of the Collector's
order and the propriety of
reinstating petitioner it is
but just and proper that he
should be allowed pay and
service for the period he was
obliged to be absent from duty
owing to the unjust action of the
Kistna Collector. In forwarding
this memorial, the Collector of
Kistna states in endorsement
(1) that, barring the absence of
the memorialist since 1st June
month is the date as appointed
him pleased to grant leave
and (2) that the date 1st June
1896 (the date from which the
memorialist claims arrears of
pay) is a mistake for 25th June
1895 as his dues have been pai

He has done nowork all this time!
Ille 30/8/97

Order towards Non-Optee pension.
Ille 30/8/97

Flagged A

Encls rels.

for the latter date ...

The Board in forwarding their memorial remarks that in the petition on which they recommended the retiring and that his prayer for the payment of arrears of pay does not deserve the favourable consideration ...

The Board's Proceedings No. 5182, dated 9th December 1896, according to G. O. No. 339, Pension, dated 28th April 1897 cancelled the Collector's order appointing Tirukhumanda Pandi permanently in the place of the memorial list. Consequently ... the right to the statement of the Collector that T. Krishnamurthi was counting service during the period is not correct, it is submitted that ... in consideration of the formal nature of the reinstatement he cannot be deprived of his pay during the period ... Board of Revenue in disposing of this appeal (memorial) to it ... fully instructed that the 18 months period of his absence from duty ... he was treated as on leave without allowances.

Flagged G

Flagged H

allowances without being counted towards pension.

Submitted that the case is plain. Memorialist was a malingerer who has continually over stayed his leave. He does this

G.P.K. 27.8.97.

once too often for the Collector refuses in the last occasion to overlook the overstay & appts. somebody else permanently to his place. His action however causes petitioner his appt. & post & accordingly the Bd thereby formally reinstates him thereby virtually cancelling the Collector's order of permanent appt of another. The reinstatement was ordered merely to enable the petr to draw a pension for his past service which has been sanctioned. Reinstatement appears now to be lapsing during the time he was out of employ is this entirely independent

Therefore draft order is submitted for approval

G.O. No 1717 dt 8 Sept. 97

The Govt declines to comply with the request.

V.77. 20/9/97

Yes, it was distinctly ordered that he was not to be paid for this period.

7/9/97

To the Bd L.R. Encls rets. 11.9.97 4/9/97

When given for copying ____
When copied ____ } 189
When examined ____
When signed ____

READ AGAIN G.O., No. 189 DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
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