

# COMMITTEE ON PETITIONS

(FIFTH LOK SABHA)

## THIRTY-SECOND REPORT

*[Presented to Lok Sabha on the 11th August, 1976].*



**LOK SABHA SECRETARIAT  
NEW DELHI**

*August, 1976/Sravana, 1898 (Saka)*

*Price: Rs. 1.30*

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COMPOSITION OF THE COMMITTEE ON PETITIONS  
(1976-77)

Shri Bibhuti Mishra—*Chairman*

**MEMBERS**

2. Shri S. C. Besra
3. Shri Ishwar Chaudhry
4. Shri Tridib Chaudhuri
5. Shrimati Sheila Kaul
6. Shri Surendra Mohanty
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12. Shri Biswanarayan Shastri
13. Shri Rana Bahadur Singh
14. Shri Sidrameshwar Swamy
15. Shri Krishnarao Thakur

**SECRETARIAT**

Shri J. R. Kapur—*Chief Legislative Committee Officer.*

# I

## INTRODUCTION

1.1. I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Thirty-second Report of the Committee to the House on the following matters:—

- (i) Representation regarding alleged violation of the provisions of the Delhi School Education Act, 1973, and rules framed thereunder by the Management of the Cambridge School, New Delhi.
- (ii) Action taken by Government on the recommendation of the Committee contained in their Seventh Report (Fourth Lok Sabha) on the representation regarding inclusion of non-teaching employees of Universities and other educational institutions within the purview of Industrial Legislation.
- (iii) Action taken by Government on the recommendations of the Committee contained in their Nineteenth and Twenty-fourth Reports (Fifth Lok Sabha) on the representation regarding apprehended closure of Arrah-Sasaram Light Railway.
- (iv) Action taken by Government on the recommendations of the Committee contained in their Twenty-first Report (Fifth Lok Sabha) on the representations regarding claims against the Railways on account of damage and deterioration of fresh raw mangoes due to delay in transit.
- (v) Action taken by Government on the recommendation of the Committee contained in their Twenty-fourth Report (Fifth Lok Sabha) on the representation regarding sugarcane price etc.
- (vi) Action taken by Government on the recommendations of the Committee contained in their Twenty-fifth Report (Fifth Lok Sabha) on the representation regarding demands of pensioners.
- (vii) Action taken by Government on the recommendation of the Committee contained in their Twenty-fifth Report (Fifth Lok Sabha) on the representation regarding misuse of name and pictorial representation of Parliament House

in contravention of provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950.

(viii) Action taken by Government on the recommendation of the Committee contained in their Twenty-fifth Report (Fifth Lok Sabha) on the representation regarding non-availability of maternity benefits under the Employees' State Insurance Scheme to female workers getting wages exceeding Rs. 500/- p.m.

(ix) Action taken by Government on the recommendation of the Committee contained in their Twenty-fifth Report (Fifth Lok Sabha) on the representation regarding alleged mal-practices by M/s. Kanpur Jute Udyog in respect of recoveries made under Compulsory Deposit Scheme.

(x) Other Representations.

1.2. The Committee considered the above matters at their sittings held on the 18th and 19th June, 1970 and adopted their draft Report at their sitting held on the 6th August, 1976.

1.3. The observations and recommendations of the Committee on the above matters have been included in the Report.

BIBHUTI MISHRA,

Chairman,

Committee on Petitions.

NEW DELHI;

Dated the 6th August, 1976.

## II

### REPRESENTATION REGARDING ALLEGED VIOLATION OF PROVISIONS OF THE DELHI SCHOOL EDUCATION ACT, 1973, AND RULES FRAMED THEREUNDER BY THE MANAGEMENT OF THE CAMBRIDGE SCHOOL, NEW DELHI.

#### A. Petitioners' Grievances and Prayer

2.1. The members of the Executive Committee of the Cambridge School Teachers' Association, New Delhi, submitted a representation (See Appendix-I) dated the 23rd August, 1974 on the above subject. The representation was countersigned by Shri M. S. Sivasamy, M.P.

2.2. Shri M. P. Singh, President, the Cambridge School Teachers' Association submitted a further representation (See Appendix-II) dated the 18th March, 1975, on the subject.

In their representations, the petitioners stated *inter alia* as follows:—

"The employees of the Cambridge School are not being paid the Dearness Pay, Dearness Allowance and Interim Relief as are being paid to Government school employees. Instead, they are being paid Dearness Allowance of 9 per cent of the Basic Pay.

\* \* \* \* \*

The management of Cambridge School is a coterie of near relatives and intimate friends. Shri A. C. Deb is the Secretary. His wife Mrs. R. Deb, his son-in-law Shri Krishna Bans Bahadur and few other relatives and family friends of Shri A. C. Deb form the Managing Committee of the School.

\* \* \* \* \*

It must be ensured that the Managing Committee to be formed under the Act does not become a close preserve of near relatives and family

\* \* \* \* \*

It is reported that a sum of Rs. 12 lakhs from the Cambridge School, New Delhi has been transferred to schools in

Mussoorie/Dehradun which are being administered by the same management.

\* \* \* \* \*

Medical bill presented/preferred by a teacher Miss S. Gupta, has been rejected without assigning any reason. In another case, the payment of the medical bill has not yet been made. No Medical facilities are available to the teachers nor the set rules for re-imburements of medical expenses incurred by them as do apply to the Government teachers in Delhi have been accepted/adopted for the Cambridge School employees”.

**B. Comments of the Ministry of Education, Social Welfare and Culture (Department of Education)**

2.3. The representations were referred to the Ministry of Education, Social Welfare and Culture (Department of Education) for furnishing their factual comments thereon, for consideration by the Committee. In their parawise factual comments (See Appendix-III), the Ministry have stated *inter alia* as follows:—

“The demand of the teachers that whatever emoluments they were getting should be treated as basic pay and the management should give D.A., C.C.A. and H.R.A. over and above that salary, is not tenable. It may thus be observed that the Management has been paying more salary to the employees with effect from 31-12-1973 than what is paid to the employees of the corresponding status in schools run by the appropriate authority.

\* \* \* \* \*

The total emoluments paid to the teachers are higher than those of the Government school teachers.

The school has, however, decided that all employees recruited on or after 1-1-74 i.e. after the enforcement of the Act would receive pay and allowances as are applicable to Government School teachers in Delhi.

\* \* \* \* \*

There is no provision in the Delhi School Education Act, 1973 or the Rules for nominating persons by the Trust or the Society. The Society may nominate any person upto 13 in an unaided school and hence the Department cannot take any action against the Management in this regard.



\* \* \* \* \*

The allegation of the teachers about the transfer of Rs. 12 lakhs of the school fund to its branches in Dehra Dun or Mussoorie pertains to the period prior to the enforcement of the Delhi Schools Education Act and the Rules. At that time, the school was free to utilise its funds in the manner it liked. No action can be taken against it now.

\* \* \* \* \*

The Delhi Administration has reported that the school has started making payments of medical bills of the employees and have given the scales of pay to the staff which have been recommended by the Third Pay Commission."

#### *C. Observation of the Committee*

**2.4. The Committee note the facts furnished by the Ministry of Education, Social Welfare and Culture (Department of Education) on the points raised in the representations and feel that no action is called for on their part in the matter.**

### III

#### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE CONTAINED IN THEIR SEVENTH REPORT (FOURTH LOK SABHA) ON THE REPRESENTATION REGARDING INCLUSION OF NON-TEACHING EMPLOYEES OF UNIVERSITIES AND OTHER EDUCATIONAL INSTITUTIONS WITHIN THE PURVIEW OF INDUSTRIAL LEGISLATION.**

3.1. In their Seventh Report (Fourth Lok Sabha), presented to Lok Sabha on the 30th April, 1970, the Committee had made the following recommendation on the above matters:—

“The Committee have carefully considered this matter in all its aspects. The Committee are in agreement with the views expressed by the National Commission on Labour in recommendation No. 159 of their Report (1969) that the non-teaching staff of the Universities and other educational institutions should be brought within the purview of Industrial Disputes Act, 1947. The Committee, therefore, recommend that Government should initiate suitable Legislative and administrative measures to make this Act applicable to this class of employees.”

[Para 11.8, Pages 42-43, Seventh Report (4 LS)].

3.2. In a communication, dated the 5th August, 1972, the Ministry of Labour and Rehabilitation (Department of Labour and Employment) with whom the question of implementation of the above recommendation was taken up, stated as follows:—

“The Summary was discussed by the Cabinet at its meeting held on July 12, 1972. No final decision was, however, taken at this meeting and the Cabinet desired that the matter regarding special procedure for educational and research institutions should be discussed by the Minister of Labour and Rehabilitation with a group of Ministers. The matter is being processed further.”

3.3. In their communication, dated the 24th April, 1976, the Ministry of Labour have stated that “the matter continues to be under consideration of this Ministry and it may take some more time for a final decision to be taken. Labour Minister has seen.”

3.4. The Committee note the position stated by the Ministry of Labour stating that "the matter continues to be under consideration of this Ministry and it may take some more time for a final decision to be taken". The Committee observe that the Ministry of Labour have not been able to process this matter during the last six years. The Committee urge the Ministry of Labour to expedite the implementation of their aforesaid recommendation and communicate the final decision of the Government on the matter to the Committee at the earliest.

## IV

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN THEIR NINETEENTH AND TWENTY-FOURTH REPORTS (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING APPREHENDED CLOSURE OF ARRAH-SASARAM LIGHT RAILWAY.

4.1. In their Twenty-fourth Report (Fifth Lok Sabha), the Committee, after considering the action taken by Government on the recommendations of the Committee contained in their Nineteenth Report (Fifth Lok Sabha) on the representation regarding apprehended closure of Arrah-Sasaram Light Railway, had observed as follows:—

“The Committee note that the Arrah-Sasaram Light Railway Company, after discussion with the Ministry of Railways, has agreed to withdraw its closure notice and to continue in operation for a period of three years from the 1st April, 1975. The Committee would also like the Government to ensure that this Railway is not closed even after the expiry of present period of three years.

The Committee also note the position stated by the Ministry of Railways that the important reason for the declining passenger traffic on this Railway is the severe road competition and that the State Government have since agreed to limit the number of buses plying on this route at the existing level and to prohibit unauthorised vehicles carrying passengers. The Committee would like to urge upon the Government that while giving effect to this arrangement of limiting the number of buses plying on this route, it should be ensured by the concerned authorities that the travelling public is not put to any hardship or inconvenience.”

[Para 5.3, Page 17, Twenty-fourth Report (Fifth Lok Sabha)]

4.2. In their action taken reply, the Ministry of Railways (Railway Board) have stated as follows:—

“The Ministry of Railways expect that with the financial assistance provided to the Light Railways under the terms

of the agreement entered into with them, their standard of performance will gradually improve. The position will, however, be reviewed from time to time.

The Ministry of Railways have been repeatedly requesting the Government of Bihar to ensure that unauthorised plying of road vehicles on this route is stopped so that the train services of the Light Railway are not subjected to unfair competition. The State Government have recently again stated that they are taking requisite steps in this direction. It is hoped that with regulation of road traffic and improved train services, no inconvenience or hardship will be occasioned to the travelling public."

**4.3. The Committee note that steps are being taken by the Ministry of Railways to improve the train services on the Arrah-Sasaram Railway Line. The Committee also note that the Government of Bihar are taking measure to stop plying of unauthorised road vehicles on this route. The Committee are, however, of the view that unless the efficiency and speed of the trains on this line are increased, there would continue to be a severe competition to these slow moving trains from the speedier road traffic. The Committee, therefore, urge that in order to improve the functioning of this Railway, urgent steps should be taken by the Ministry of Railways to increase the efficiency and speed of the trains running on the Arrah-Sasaram Railway line. The Committee also desire that the feasibility of the conversion of this narrow-gauge railway line into broad-gauge line may be considered by the Government of India. The Committee would like to be informed of the final decision taken on this matter in due course.**

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FIRST REPORT (FIFTH LOK SABHA) ON THE REPRESENTATIONS REGARDING CLAIMS AGAINST THE RAILWAYS ON ACCOUNT OF DAMAGE AND DETERIORATION OF FRESH RAW MANGOES DUE TO DELAY IN TRANSIT**

5.1. In their Twenty-first Report (Fifth Lok Sabha), the Committee, after considering the representations regarding claims against Railways on account of damage and deterioration of fresh raw mangoes due to delay in transit and the factual comments and oral evidence of the Ministry of Railways (Railway Board) thereon, had recommended as follows:—

- “2.40. The Committee find that many consignments of raw mangoes booked from different stations in South India to Ahmedabad get delayed in transit by either being detained or allowed to remain uncared for or unattended to, at intermediate stations, yards or junctions, with the result that such wagons are delivered quite late beyond the normal or reasonable transit time. The consignments of raw mangoes, on delivery after 9th day are not found to be in good condition and deterioration sets in their condition.
- 2.41. The Committee urge the Ministry of Railways (Railway Board) to take adequate steps while dealing with the movement of the consignments of raw mangoes to ensure that they are not allowed to be delayed at any of the intermediate station or yards etc. and thus the chances of their deterioration due to delay in transit are minimized.
- 2.42. The Committee note that in some cases, the consignors/consignees also take quite a long time in loading/unloading the mangoes wagons. There were as many as 46 cases in 1968 and 45 cases in 1969, where the loading/unloading of wagons was delayed by consignors/consignees.
- 2.43. The Committee would, therefore, at the same time, like to emphasize on the petitioners that they should extend their full cooperation to the Railways by not delaying the loading/unloading of wagons at the time of booking/delivery, as it not only causes damage/deterioration to the

consignments of raw mangoes but also blocks the movement of wagons and their full utilization.

2.44. The Committee note that different Civil Courts of Ahmedabad had expressed different opinions in their judgements regarding normal transit time. The Committee feel that the Ministry of Railways (Railway Board) should work out the normal and reasonable transit time for the movement of consignments of raw mangoes from different stations to Ahmedabad, keeping in view the judicial pronouncements on the subject, the targets laid down by the Railway Administration and also the requirements of the traffic. The Committee hope that the normal time limit thus worked out will help in quick disposal of compensation claims and avoid delay in transit to consignments of raw mangoes.

2.45. It was complained by the petitioners in their representations that their compensation claims were pending since 1968. The Committee are constrained to note that 76 cases of 1969, five cases of 1970 and 127 cases of 1971 were still pending with the Western Railway in July, 1973, for want of settlement. The Committee are not happy with this state of affairs. They desire that all the pending compensation claims, except those which are *sub-judice* should be settled expeditiously. The Committee also urge that in future the compensation claims should be allowed to linger on so long as it not only results in unnecessary correspondence but also results in avoidable litigation. As regards the cases pending in Courts, the Committee hope that the Ministry of Railways (Railway Board) would try at their end for early disposal of these cases, preferably by compromises, out of Court, with the petitioners.

The Committee would like to be informed of the progress made in this matter at the earliest.

2.46. According to the petitioners, it was the policy of the Western Railway to repudiate the compensation claims in the first instance, in a routine manner without looking into the merits of the cases. It was further complained by the petitioners that the cyclostyled rejection letters stated *inter alia* that the Railway did not take the liability for transportation of goods by a particular train or delivery within a definite period. The Ministry of Railways (Railway Board) had refuted this allegation and had asserted that every compensation claims was examined on

merits and after judging the merits of the case, a decision to reject or accept the claim was taken. The Committee would, in this connection like to draw the attention of the Ministry of Railways to the following observations made in para 4608 of the Report of the One-Man Expert Committee on Compensation Claims (Lal's Committee):—

'One more point to be emphasized is that even when the claims are rejected on sufficient grounds, letters of repudiation sent to the claimants should be made as convincing as possible by giving full facts and points of law. This would minimise the chances of the claimants going to the Court.'

2.47. The Committee hope that the Ministry of Railways (Railway Board) will enjoin upon the various Railway Administrations to follow the above observations of the One-Man Expert Committee in letter and spirit, while dealing with compensation claims.

2.48. The Committee note from the evidence of the representatives of the Ministry of Railways (Railway Board) that certain varieties of mangoes booked from stations on the South/Central Railways, attained full maturity latest by the middle of May and that after that the process of ripening on the tree itself started. Therefore, the mangoes booked after middle of May were ripe to various degrees and could not be called raw mangoes. Such mangoes did not stand the normal transit in covered wagons and deteriorated on account of their inherent vice. Mangoes booked in June and earlier part of July were almost ripe and deteriorated much quicker. The Committee also note that according to provisions of the Indian Railways Act, 1890, the Railways could not refuse the booking of a consignment except when certain special packing conditions were lacking.

2.49. While the Committee appreciate that the Railways cannot refuse the booking of a consignment except when certain special packing conditions are lacking, they will very much like the Ministry of Railways (Railway Board) to analyse the figures of compensation paid by them for damage/deterioration in the condition of mangoes consignments with a view to find out the proportion of compensation claims paid for damage/deterioration of consignments booked in June and earlier part of July to the total amount of compensation claims paid on this account.



The Committee would also like the Ministry of Railways (Railway Board) to find out some ways and means to check the incidence of damage/deterioration of consignments booked during this part of the year. The Committee would like to be apprised of the result of the above analysis and steps taken by the Ministry of Railways (Railway Board) in this direction.

- 2.50. During the evidence before the Committee, the petitioners as well as the representatives of the Ministry of Railways, had submitted that since 1971, the Ministry of Railways (Railway Board) were trying to improve their performance as was borne out by the figures for the years 1971 to 1973. In the year 1971, 24 per cent of the consignments were partially delayed and damaged while in the year 1972 it came down to 7 per cent. In the year 1973, it was only 2 per cent. The Committee are glad to note this improvement in the performance of Railways and hope that the Ministry of Railways (Railway Board) will continue their efforts to improve their performance so that the figures of delay and damages are brought down to the minimum extent possible.
- 2.51. The Committee note from the evidence of the representatives of the Ministry of Railways (Railway Board) that the transit particulars of consignments booked at owners' risk rate are given to the consignors only in cases of non-delivery of consignments, loss or damage or pilferage. Transit particulars are not given in the case of delay in transit. According to Section 74 of the Indian Railways Act, 1890, the onus of proving that the delay was on account of the negligence of the Railways, is on the claimant who prefers the claim. The Committee, therefore feel that the Ministry of Railways (Railway Board) should give transit particulars in cases of delay in transit also to the consignors so that they may be in a position to prove that the delay in transit was due, not to normal operational reasons but, to negligence on the part of the Railways. It would be unfair to expect the consignors/consignees to prove negligence on the part of the Railways without knowing the relevant transit particulars.
- 2.52. The petitioners had complained in their evidence before the Committee that perishable goods like mangoes were not getting facilities they deserved. It was also submitted by them that perishable goods might be treated at par

with the explosive goods in regard to their transportation. The Committee, in this connection, would like to stress upon the Railways that perishable goods like mangoes should be provided all facilities which they deserve. The Committee would also like the Ministry of Railways (Railway Board) to examine the feasibility of treating the perishable goods at par with the explosive goods or on any other priority basis in regard to their transportation."

[Paras 2.40 to 2.50, pages 16—19, Twenty-first Report (Fifth Lok Sabha)].

5.2. The Ministry of Railways (Railway Board) with whom the above recommendations of the Committee were taken up for implementation, have stated as follows:—

- "(i) *Paras 2.40 and 2.41*: As a result of the steps taken by the Railways there has been an appreciable improvement in the position and the Committee on Petitions have expressed satisfaction on this improvement *vide* para 2.50 of the Report. However, it has since been reiterated to the Railways that there should be speedy movement of Consignments of mangoes from the forwarding station to the destinations and to achieve this purpose it should be ensured that such consignments are not delayed either in the various yards or stations enroute.
- (ii) *Para 2.44*: The normal transit time fixed for movement of Parcels including perishables in 400 kms. per day over broad gauge and 240 kms. per day over metre gauge plus one day for every break of gauge point and one day from the day of booking to the date of arrival. However, instructions have since been issued by the Ministry of Railways that the norm of the transit time of such consignments should be fixed, based on the actual receipt of the mango consignments in good condition at destination and this norm should be kept as a general guide line for settling the claims received from the parties on account of damage/deterioration to the consignments.
- (iii) *Para 2.45*: The statement of the petitioners that certain claims of their pertaining to the year 1969, 1970 and 1971 were pending settlement with the Western Railway in July, 1973 is not correct. These claims had already been finally decided by repudiation as would be evident from the remarks (*see* Appendix IV).

- (iv) *Paras 2.46 and 2.47:* The allegations of the petitioners that it was the policy of the Western Railway to repudiate the compensation claims in the first instance in a routine manner without looking into the merits of the case has already been refuted. It is, however, submitted that the recommendations of the One-Man Expert Committee on compensation claims that the letters of repudiation sent to the claimants should be made as convincing as possible is being scrupulously followed.
- (v) *Paras 2.48 and 2.49:* An analysis of particulars of the mango consignments received in deteriorated condition was made with a view to ascertain the proportion of consignments received in damaged/deteriorated conditions to the total number of consignments booked in 1974. The results are as follows:—

Month of booking	No. of wagon load consignments booked	Delivered under clear receipt	Delivered on assessment of damage
April, 1974 . . . . .	43	43	Nil
May, 1974 . . . . .	7	7	Nil
June, 1974 . . . . .	355	208	147 (41.43)
July, 1974 . . . . .	329	177	152 (46.2%)
August, 1974 . . . . .	7	7	Nil
	<u>741</u>	<u>442</u>	<u>299</u>

It will be seen that all the consignments booked in the months of April and May, 1974, arrived at Ahmedabad without any damage or deterioration. Out of the 355 consignments booked in June, 1974, 147 were received in a damaged condition. Out of the 329 consignments booked in July, 1974, 152 were delivered on assessment. The percentage of consignments received in damaged condition with reference to the total number of consignments booked was 41.4 per cent in June and 46.2 per cent in July. These figures would confirm that mangoes attain full maturity by the end of May and the process of ripening starts after that. The consignments booked in June and July thereafter are not sufficiently raw to be in a position to stand the normal transit in covered wagons.

It is, therefore, essential that the condition of the mangoes booked after the end of May is properly checked and the position recorded in the forwarded note.

Only 7 consignments were booked in the month of August, 1974. The mango season was particularly over by that time and the consignments booked were from the off season crop. However, it being the slack season, the consignments could be carried to destination earlier than the normal transit period as under:

Two consignments: Transit time 5 days excluding the date of booking.

Four consignments: Transit time 6 days excluding the date of booking.

One consignment: Transit time 7 days excluding the date of booking.

- (vi) *para 2.51*: The Committee on Petitions has observed that the Railways should give transit particulars to the claimants in the case of delay in transit so that they may be in a position to prove that delay in transit was not due to normal operational reasons and was due to negligence on the part of the Railways. In accordance with the extant provisions of law as contained in Section 76(F) of the Indian Railways Act transit particulars ought to be furnished to the claimant only when the consignment involved is not delivered to the consignees. It is pointed out that this section is not applicable to the cases of damage/deterioration due to alleged delay in transit. However, it may be stated that transit particulars are examined before finalisation of claims on account of damage/deterioration and if it is found that the damage/deterioration was due to delay in transit only and not due to inherent vice of the commodity or negligence or omission on the part of the consignor/consignees, such claims are entertained. The question of the consignors proving negligence on the part of the Railway arises only when the case goes to the Court.

In the court all the information available with Railway Administration is disclosed and plaintiff get further opportunity to point out negligence, if any, on the part of the Railways.

However keeping in view the recommendations/observations of the Committee on Petitions, instructions have since been issued to the Railways that in respect of consignments which are damaged or deteriorated for which the party has preferred claims, factual information about the

transit time of the consignments involved should be given to the consignor/consignee if the specifically request for such information.

- (vii) *para 2.52*: Regarding the observations of the Petitions Committee that Railways may examine feasibility of treating perishable goods at par with the explosive goods or to give such consignments any other priority, it may be stated that the consignments of mangoes are already being treated as perishable and receive priority over other commodities so far as movement of wagon is concerned. Every care is also taken to ensure that the wagons containing mangoes are pushed ahead as early as possible. It will not be equitable to treat the consignment of mangoes at par with explosive goods as the two commodities fall under different classification and conditions of booking applicable to these two are quite different. It is pertinent to point out that freight on explosives is charged on a much higher rate while the consignment of mangoes are booked on a specially reduced station to station rate. Thus the consignment of mangoes already enjoy a priority so far movement of wagons is concerned”.

**5.3. The Committee note the action taken by Government on their recommendations contained in the Twenty-first Report.**

## VI

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FOURTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING SUGARCANE PRICE ETC.

6.1. In their Twenty-fourth Report (Fifth Lok Sabha), the Committee, after considering the representation regarding sugarcane price etc. and comments of the Ministry of Agriculture and Irrigation (Department of Food) thereon, recommended as follows:—

“From the factual comments furnished by the Ministry of Agriculture and Irrigation in regard to various points raised in the representation and after considering all the aspects of the matter, the Committee are of the opinion that the price paid to the cane-growers is not adequately remunerative and it does not afford them sufficient incentives. The Committee, therefore, recommend that Government should endeavour to see that higher price is paid by mill-owners to the cane-growers, without raising the price of the levy sugar.”

[Para 4.4, page 11, Twenty-fourth Report (5LS)]

6.2. The Ministry of Agriculture and Irrigation (Department of Food) in their action taken reply dated the 27th April, 1976 have stated that “the recommendation of the Committee on Petitions has been noted and will be kept in view while taking decisions in future”.

6.3. The Committee note the reply of the Ministry of Agriculture and Irrigation (Department of Food) on their earlier recommendation.

6.4. The Committee recommend that the process of determining percentage of recovery of sugar from sugarcane should be checked daily by a Central Government chemist in each sugar factory so that the sugarcane growers are assured of correct fixation of price for the sugarcane supplied by them to the sugar factories and payment thereof.

6.5. The Committee feel that the question of outstanding arrears of payment to the sugarcane growers by the sugar factories is assuming large proportions. The Committee are of the view that if the dues of the cane-growers are not paid by the sugar factories within a reasonable period, say within three months from the date of supply of sugarcane to the factories, the factories should also pay to the cane-growers interest on the outstanding dues at the rate at which the nationalised banks advance loans to public. The Committee recommend that Government should take necessary legal and administrative measures in this regard.

## VII

### **ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FIFTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING DEMANDS OF PENSIONERS**

7.1. In their Twenty-fifth Report (Fifth Lok Sabha), the Committee considered a representation regarding demands of Government pensioners and the factual comments of the Ministries of Finance (Department of Expenditure) and Health and Family Planning (Department of Health) thereon and made certain recommendations.

7.2. The Ministries of Finance (Department of Expenditure) and Health and Family Planning (Department of Health) were requested to implement the recommendations of the Committee. The recommendations of the Committee and action taken replies thereon furnished by the Government are given below seriatim:—

#### **Recommendations in paras 2.7 and 2.8 of the Twenty-fifth Report**

- “The Committee note the factual comments furnished by the Ministry of Finance (Department of Expenditure) and the Ministry of Health and Family Planning on the points raised by the pensioners.

In view of the fact that the Ministry of Finance (Department of Expenditure) have, *vide* their Office Memorandum dated the 4th September, 1975, sanctioned five instalments of additional dearness allowance to the Central Government employees, the Committee recommend that necessary orders for additional instalments of dearness allowance due to Central Government pensioners may also be issued expeditiously. In this connection, the Committee note that there is a difference between the grant of dearness allowance to serving Government employees and grant of relief to pensioners inasmuch as an instalment of dearness allowance becomes due to serving Government employees after 8 points rise in the cost of living index whereas in the case of pensioners, the relief becomes due after 16 points. The Committee desire that necessary orders for the financial relief to the Central Government pensioners should be issued simultaneously with the orders relating to grant of

additional dearness allowance to serving Central Government employees wherever feasible and, in any case, soon after the issue of such orders for the Central Government employees.

In regard to grant of relief to pensioners who are in receipt of family pension, the Committee note that the matter has been deferred by Government for the present because of constraints on financial resources. The Committee, however, would like to reiterate their earlier recommendation made in their Twenty-third Report that this category of pensioners is equally in need of relief and Government should devise ways and means to find resources to grant relief to these pensioners who are in receipt of family pensions.

#### **Reply of the Government**

The Finance Minister in his Budget has announced the grant of an *ad hoc* relief of 10 per cent of pension, subject to a minimum of Rs. 10 and a maximum of Rs. 50 p.m. with effect from 1st October, 1975. It has also been announced that the family pensioners will also get this relief in addition to the relief granted earlier to the pensioners, *w.e.f.* 1st October, 1975. The orders on the subject will be issued shortly.\*

#### **Recommendation in para 2.9 of the Twenty-fifth Report**

The Committee further note that the question regarding grant of relief to displaced pensioners of the Central Government and of undivided Provincial Governments of the areas now forming part of Pakistan and who are residing in India is under consideration of the Government. The Committee would like to urge upon the Government to expedite their decision in the matter.

#### **Reply of the Government**

The orders in this regard have already been issued *vide* this Ministry's office Memo. No. F. 13(8)-EV(A)/74, dated the 26th May, 1975.

#### **Recommendation in para 2.10 of the Twenty-fifth Report**

The Committee note that the scheme of commutation of pension is being reviewed by the Government as recommended by

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\*The orders have since been issued by the Ministry of Finance (Department of Expenditure) *vide* their O.Ms. No. F. 13(6)-EV(A)/76, dated the 5th and 6th April, 1976.



them earlier in their Eighteenth Report. The Committee desire that the Government should expedite their decisions in the matter.

### **Reply of the Government**

The matter is already under consideration of Government.

### **Recommendation in para 2.11 of the Twenty-fifth Report**

In regard to the demand of pensioners for amendment of the Pensions Act, 1871, the Committee note that liberalisation of the pension rules, including raising of existing scales of pensions, can be achieved by amendment of the Central Civil Service (Pension) Rules, 1972, or by issue of executive instructions and that for that purpose, it is not necessary to amend the Pension Act, 1871. The Committee also note that the Government are already considering a proposal for amending Section 4 of the Pensions Act, 1871, in accordance with the recommendations of the Law Commission contained in their Fifty-third Report giving a right to pensioners to sue the Government in matters relating to pensions. The Committee hope that the Government would expedite their consideration of the matter.

### **Reply of the Government**

The question of amending Section 4 of the Pensions Act, 1871 in accordance with the recommendation of the Law Commission to give a right to pensioners to sue the Government in matters relating to pensions is already under consideration in consultation with the Ministry of Law and the Department of Personnel. The Department of Personnel have intimated that the question of including the right of the pensioners for representing before the proposed Administrative Tribunals is being considered by them separately, and if an affirmative decision is taken it may not be necessary to amend Section 4 of the Pensions Act, 1871. The decision in this regard is being awaited.

### **Recommendation in para 2.12 of the Twenty-fifth Report**

The Committee note that although the Central Government Health Scheme has been in operation in Delhi since 1954, it has not yet covered all the Central Government employees due to lack of resources. The Committee also note that the Central Government Health Scheme has been extended to the general public in 14 dispensaries in Delhi and New Delhi and that State Government Pensioners can join that scheme as members of the general public provided they are residing within the jurisdiction of those 14 dispensaries. The Committee recommend that the Ministry of Health and Family Planning should examine the feasibility of extending the benefits of the Central Government Health Scheme to the State Government.

pensioners in all the CGHS dispensaries, whether they are located in Delhi/New Delhi or elsewhere, as distinct from extension of that scheme to the general public.

### **Reply of the Government**

The recommendation contained in para 2.12 of the 25th Report of the Committee on Petitions has been considered in this Ministry carefully. The Central Government Health Scheme is primarily intended for Central Government's servants. The above Scheme has been extended to the Central Government servants after their retirement in order to provide them medical facilities. Due to lack of resources this Ministry have not been able to cover all the Central Government servants under the said Scheme, in the cities where the C.G.H.S. has been extended. The Planning Commission has not agreed for the inclusion of any other category of employees under the above Scheme till all the Central Government servants are covered.

In view of the position stated above, it is not possible to extend the CGHS Scheme facilities to the State Government pensioner for the present.

**7.3. The Committee note the implementation by Government of their recommendations regarding payment of instalments of Dearness Allowance to Government pensioners which had fallen due after the 1st April, 1974 and relief to family pensioners and displaced pensioners. The Committee also note that it is not feasible for the Central Government to extend Central Government Health Scheme facilities to the State Government's pensioners for the present.**

**As regards the questions of restoration of commuted pensions and amendment of the Pensions Act, 1871 which are still under consideration by Government, the Committee desire that Government should expedite their decision on those matters and intimate the same to the Committee in due course.**

## VIII

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FIFTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING MISUSE OF NAME AND PICTORIAL REPRESENTATION OF PARLIAMENT HOUSE IN CONTRAVENTION OF PROVISIONS OF THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950.

8.1. In their Twenty-fifth Report (Fifth Lok Sabha), the Committee, after considering the representation regarding misuse of the name and pictorial representation of Parliament House in contravention of the Emblems and Names (Prevention of Improper Use) Act, 1950 and comments of the Ministry of Commerce thereon, observed as follows:—

“The Committee note that as recommended by the Committee in their Fifth Report (Fourth Lok Sabha), majority of States have agreed to making offences under the Emblems and Names (Prevention of Improper Use) Act, 1950, cognizable and that Government propose to amend the Act accordingly. The Committee recommend that Government may expedite introduction of necessary legislation in Parliament.”

[Para 3.9, Page 12, Twenty-fifth Report(5LS)]

8.2. The Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation), with whom the above recommendation of the Committee was taken up for implementation, have stated as follows:—

“The recommendations of the Committee on Petitions in their Fifth Report (Fourth Lok Sabha) for declaring as cognizable the offences committed under the provisions of the Emblems & Names (Prevention of Improper Use) Act, 1950 have been examined in depth in consultation with the concerned Ministries of the Government of India. Whilst the Ministry of Law have no objection to declaring offences under the Act cognizable, the Ministry of Home Affairs have expressed reservations in regard to such a declaration. That Ministry have stated that this legislation has been enacted to prevent the commercial exploitation of emblems and names held in esteem by the Nation. Contravention of

the provisions of this Act, are more often as a consequence of misguided zeal and patriotism. This misguided zeal often motivates persons, ignorant of the provisions of this law, to associate emblems and names with their ventures. The Ministry of Home Affairs are of the view that it would not be the intention underlying this legislation to punish people for their zeal and patriotism, *albeit* misplaced. That Ministry are also of the view that offences which are mostly punishable with fines only, are generally not made cognizable. Making such offences cognizable would mean that even for minor contraventions of a technical nature, subordinate police officials would have the power to prosecute and register cases. Such action would not be in consonance with the spirit of the law.

This Department accept the advice of the Ministry of Home Affairs and consider that the existing safeguards in the Act are adequate and therefore, it would not be desirable to proceed with amendment of the Act to make contraventions cognizable. However, to ensure proper compliance of the provisions of this Act, it has been decided that more wide spread publicity in this regard would be made and the State Governments requested to maintain close vigilance in the matter to prevent misuse of emblems and names held in esteem by the Nation."

**8.3. The Committee note the position stated by the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) conveying the views of the Ministries of Law and of Home Affairs on the question of making violations under the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950, as cognizable offences. The Committee, after careful consideration of all aspects of the matter, agree that contraventions of the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950, need not be made cognizable offences so that no harassment is caused to the public at the hands of subordinate police officials in cases of minor contraventions of a technical nature. The Committee, however, desire the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation) to take a serious view of the cases of violations of the provisions of the said Act brought to their notice and pursue them vigorously. The authorities concerned should also be urged to exercise utmost vigilance in the matter to prevent any misuse of the emblems and names held in esteem by the nation. The Committee would like to be apprised of the instructions issued to the authorities concerned by the Government in this respect.**

## IX

### ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FIFTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING NON-AVAILABILITY OF MATERNITY BENEFITS UNDER THE EMPLOYEES' STATE INSURANCE SCHEME TO FEMALE WORKERS GETTING WAGES EXCEEDING RS. 500 P.M.

9.1. In their Twenty-fifth Report (Fifth Lok Sabha), the Committee, after considering the representation regarding non-availability of maternity benefits under the Employees' State Insurance Scheme to female workers getting wages exceeding Rs. 500 p.m., and the factual comments of the Ministry of Labour thereon, had recommended as follows:—

“The Committee note with satisfaction that the Employees' State Insurance Act, 1948, has since been amended by the Employees' State Insurance (Amendment) Act, 1975, which has raised the wage limit for entitlement of maternity benefits under that Act from Rs. 500 to Rs. 1000. However, the Committee observe that women employees drawing wages exceeding Rs. 1000 and employed in establishments covered under the Employees' State Insurance Act, 1948, will still be without maternity benefit. On the other hand, women employees drawing wages exceeding Rs. 1000 and employed in establishments which are not covered under the Employees' State Insurance Act will continue to get the maternity benefits under the Maternity Benefits Act, 1961, inasmuch as there is no wage limit for coverage under the Maternity Benefits Act. The Committee feel that this anomalous position should be rectified by suitable amendment of the Maternity Benefits Act, 1961, so that payment of maternity benefits to the women employees employed in factories and establishments covered by the Employees' State Insurance Act, 1948 is not subject to any wage limit.”

9.2. The Ministry of Labour, with whom the above-mentioned recommendation of the Committee was taken up for implementation, have in their reply, dated the 12th February, 1976, stated as follows:—

“A Bill to amend the Maternity Benefit Act, 1961 so as to provide for payment of maternity benefit in accordance with

the provisions of the Maternity Benefits Act, 1961 to women employees employed in factories or establishments to which the Employees' State Insurance Act, 1948 apply and whose wages exceed the amounts specified in that Act has been introduced in the Rajya Sabha on 22nd January, 1976. In this connection, a copy of the Maternity Benefit (Amendment) Bill, 1976, as introduced in the Rajya Sabha is enclosed. The Bill is likely to be taken up for consideration in the next session of Rajya Sabha."

9.3. The Maternity Benefit (Amendment) Bill, 1976, to the above effect, has since been passed by both Houses of Parliament and assented to by the President and has become an Act.

9.4. The Committee note with satisfaction that Government have taken action in pursuance of their recommendation and necessary legislation has since been enacted by Parliament.

**ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION OF THE COMMITTEE CONTAINED IN THEIR TWENTY-FIFTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING ALLEGED MAL-PRACTICES BY M/S. KANPUR JUTE UDYOG IN RESPECT OF RECOVERIES MADE UNDER COMPULSORY DEPOSIT SCHEME.**

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10.1. In their Twenty-fifth Report (Fifth Lok Sabha), the Committee, after considering the representation on the above subject and the factual comments of the Ministry of Finance (Department of Economic Affairs) thereon, had observed as follows:—

“The Committee desire that the final outcome of the action taken by Government against M/s. Kanpur Jute Udyog Ltd., Kanpur, may be intimated to the Committee.”

[Item 9, Pages 51—53, Twenty-fifth Report (5 LS)].

10.2. The Ministry of Finance (Department of Economic Affairs) with whom the matter was taken up, stated as follows:—

“The Court has taken cognizance of our complaint filed against M/s. Kanpur Jute Udyog (Prop. Jaipur Ltd., Kanpur as well as Shri A. P. Jain, Managing Director of the Company and Shri C. P. Tewari, Chief Executive (Works) of the Company for violating the provisions of Additional Emoluments (Compulsory Deposit) Act, 1974. Summons are being served on the above mentioned persons.

In so far as the realisation of money that ought to have been remitted under the Act with penal interest is concerned, the Recovery certificate was forwarded to the Tehsildar, Kanpur, for realising the amount as arrear of land Revenue. No amount is reported to have been realised so far.”

10.3. In their subsequent communication, dated the 28th June, 1976, the Ministry of Finance (Department of Economic Affairs) have stated as follows:—

“It is now reported by the Regional Provident Fund Commissioner, Kanpur, who is the nominated Authority under

the Additional Emoluments (Compulsory Deposit) Act, 1974 that M/s. Kanpur Jute Udyog, Kanpur has on 22-4-76 remitted to his office the amount of Rs. 92,842, which it had deducted from the emoluments of their employees on account of additional dearness allowance for the period from August, 1974 to May, 1975.

In so far as prosecution under the Act is concerned (for the failure of the Company to remit the amount in time), complaint was filed in the Court of Chief Judicial Magistrate, Kanpur in July, 1975. The matter is now *sub judice*."

**10.4. The Committee note the position stated by the Ministry of Finance and desire that the outcome of the complaint against the Company for its failure to remit the amount in time filed in the Court of the Chief Judicial Magistrate, Kanpur, may be intimated by the Ministry to the Committee in due course.**



**XI****OTHER REPRESENTATIONS**

11.1. During the period under report, the Committee have considered eight other representations and letters addressed to the House, the Speaker or the Committee, by different individuals which were inadmissible as petitions.

11.2. The Committee observe that through their intervention, petitioners have been provided expeditious, partial or complete relief or that the Ministries/Departments concerned have explained satisfactorily the position in respect of their representations (See Appendix V).

NEW DELHI;  
The 6th August, 1976.

BIBHUTI MISHRA,  
Chairman,  
Committee on Petitions.

## APPENDICES

### APPENDIX—I

(See para 2.1 of the Report)

[Representation dated 23-8-1974 regarding alleged violation of the provisions of the Delhi School Education Act, 1973, and rules framed thereunder by the Management of the Cambridge School, New Delhi]

#### CAMBRIDGE SCHOOL TEACHERS' ASSOCIATION

Ring Road,  
New Delhi—110024.

23rd August, 1974.

The Chairman,  
Petitions Committee,  
Lok Sabha,  
Parliament House,  
New Delhi.

Respected Sir,

We submit the following petition for your favourable consideration and pray for justice in your honourable hands.

This petition relates to violation of the Delhi School Education Act, 1973 and the Rules framed thereunder, which came into force from 31-12-1973, by the management of Cambridge School, Ring Road, New Delhi—110024, a recognised unaided private school.

#### *Violation of Section 10(1) of the Act:*

(The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority).

The employees of the Cambridge School are not being paid the Dearness Pay, Dearness Allowance and Interim Relief as are being paid to Government school employees. Instead, they are being paid Dearness Allowance of 9% of the Basic Pay. It may be:

recalled that in addition to the existing DP, DA, & IR, Government have announced immediate release of 18% (upto 1-4-1974) of the total of Basic Pay+DP+DA+IR to their employees in the Government schools. The City Compensatory Allowance of 6% of Basic Pay instead of 8% on Basic Pay plus Dearness Pay; similarly, House Rent Allowance of 15% is paid only on basic pay instead of 15% of Basic Pay plus Dearness Pay to Cambridge School employees.

Annexure I and II\* are appeals sent by the Principal, Cambridge School to the parents, detailing the reasons for the enhancement of the school fees with retrospective effect from 1-7-1973 for which the approval of the Director of Education had also been obtained. Though it is categorically mentioned in these two appeals that the additional money collected is meant for the increased salaries to the employees, it has not so far been done. This is also in gross violation of Section 176 of the Rules which reads: 'Income derived from collections for specific purposes shall be spent only for such purpose'. The following statistics substantiates this contention of the employees of the Cambridge School:

Additional Fees Realised From Parents For Payment of Additional Salaries to Staff During 1973-74	Rs. 2,40,000/-
Amount paid As Additional Salaries To The Staff	Rs. 68,000/

It is gross violation of the Delhi School Education Act and the Rules framed thereunder mainly on the ground that this money additionally collected from the parents has neither been spent on the payment of increased salary to the employees nor on the provision of greater educational facilities for the students. This is proved from Annexure III—a copy of letter dated July 29, 1974 sent to the Principal, Cambridge School, New Delhi by the teachers individually and from Annexure IV\*—a petition dated 19th July 1974 sent by the Parent Teacher Association, Cambridge School, New Delhi.

Shri A. C. Deb, the Secretary of the Cambridge School Management was drawing Rs. 900/- p.m. as salary when he was the Principal of the School. Now, he draws Rs. 1,000/- pm. as pension with other benefits like free house with water & electricity, car, telephone etc.

#### *Violation of Section 5(1) of the Act:*

(Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the Managing Committee of every recognised school

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\*Not enclosed.

shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school).

The management of Cambridge Schools is a coterie of near relatives and intimate friends. Shri A. C. Deb is the Secretary. His wife Mrs. R. Deb, his son-in-law Shri Krishna Bans Bahadur and few other relatives and family friends of Shri A. C. Deb form the Managing Committee of the School.

The very same members of the Managing Committee of Cambridge School or their wife/husband constitute the Managing Committee of Children's Little Theatre, against the management of which there have been serious allegations of misappropriation of public funds.

If the Directorate of Education, Delhi Administration is to be guided by such management at present functioning, then it will be obvious that the rules will weigh heavily in favour of the present management. It must be ensured that the Managing Committee to be formed under the Act does not become a close preserve of near relatives and family friends.

#### *Violation of Rule 177 (3)*

Funds collected for specific purposes.....shall be spent solely for the exclusive benefit of the students of the concerned school and shall not be included in the savings referred to in sub-rule (2).

It is reported that a sum of Rs. 12 lakhs from the Cambridge School, New Delhi, has been transferred to schools in Mussoorie/Dehra Dun which are being administered by the same management.

#### *Violation of Rule 182*

(Every Managing Committee shall allow a school managed by it to function normally and smoothly and shall not cause any situation by which or due to which, the normal and smooth functioning of the school may be hampered nor shall it interfere in the day to day affairs of the school)

This rule is observed more in breach than in compliance. There is day to day, in fact hour to hour interference from the Secretary Shri A. C. Deb. He has displaced the Acting Principal from his room in the School and occupied it himself. He is attending the School every day like the Principal and the teachers. He goes round the school any number of times during the school-hours without the Principal accompanying him. He takes classes some times. While the

teaching is going on in a class, he distributes toffees and chocolates to the students. In the presence of the students he misbehaves with the teachers and humiliates them.

The teachers, duly qualified for teaching particular subjects, are not permitted to take up those subjects. For example, Mrs. S. Rahi, M.A., B.T., in History was asked to teach Mathematics. Now after her transfer to a Branch School, an untrained M.A. teacher is taking up History. With or without the permission of the Board, untrained teachers are allotted subjects different from their specialisation. Shri M. S. Bindra has been re-employed after retirement (now aged 65 years). The services of one trained graduate teacher, Miss Neelam, have been terminated without assigning any reason. Similarly, the services of a trained Hindi teacher, Mrs. Parshad have been terminated while one untrained teacher, wife of another teacher, Shri P. C. Deva has been appointed to teach Hindi. Thus while another untrained teacher has been employed to teach Hindi on whole-time basis in one school, a trained Hindi teacher with about 20 years service to his credit is being made to teach half day each in two different branches of the school. Mr. Deva has thus been rewarded for his anti-teacher loyalties. While Mrs. S. Varma, an untrained M.A. has been confirmed, other untrained M.A. qualified teachers with more years of service remain unconfirmed. Some of them have been directed to acquire training within a period of three years failing which their services will be terminated. It is an enigmatic situation that, on one hand, untrained teachers despite long years of unstinted service are thus being served with this kind of notice, fresh appointments of untrained graduate teachers are being made at the same time. One Mr. Hazra has been declared surplus by readjustment of time-table aimed at reducing the teaching periods in that subject: though he has completed two years' of service, he is not yet confirmed and apparently, time-table adjustment is a mere cover up to deny him his due confirmation and instead elbow him out of the service. His fault seems to be that he ventilated his feelings and grievances against the management openly for the just and legal demands of his brother teachers. Mr. I. D. Tyagi, likewise, is being harassed with threatening letters every now and then for the simple crime of having asked for his retrospective confirmation and C.P.F. deductions as he has put in 10 years of devoted service though not confirmed as yet.

The Headmistress of the Branch School in Bazaar Marg (Mrs. P. Marwah) is only a matriculate and draws a salary of Rs. 1250/- without handling even junior classes, while another trained graduate teacher (Mrs. U. Sharma) teaching higher classes for over

23 years of service in the main school is getting only Rs. 780|- p.m. Under Mrs. Marwah, a sweepress, who was getting barely Rs. 20|- p.m. for the past eight years was removed from service at short notice without assigning any reason simply because she asked for regular salary. In 1966, there was a charge of embezzlement of Rs. 18,000|- against this Headmistress, which had been hushed up. She happens to be the wife of a Senior Police official of Delhi (Dy. S.P.). Similarly, another teacher (Mrs. Chadha), wife of another Senior Police Official of Delhi, has been promoted in clear supersession of many senior teachers with 20 to 25 years of service. It is widely believed that yet another embezzlement of Rs. 20,000|- in the main school in 1970 was also hushed up under similar circumstances.

Annexure V\* is a circular of the Principal, Cambridge School to all the parents, announcing the cancellation of the annual examination and promoting en-masse all the students on the basis of their class work. The reason extended was threatened DTC strike, which in absence of any such notice by the DTC themselves was a mere pretext, if not a bogey, to fleece the parents of additional examination fees/charges paid on one hand and depriving their wards the mental satisfaction of proving their efforts and capabilities in the annual examination besides passing on the buck to teachers for non-holding of examinations and thereby demoralising them and denigrating them in the eyes of the parents and public at large.

*Violation of Rule 51: (Facilities to be provided by a school):*

Annexure IV\* from the Parent-Teacher Association of Cambridge School furnished a positive proof of the alleged violation of this rule.

*Violation of Rule 125: (Additional Benefits to the teachers):*

Medical Bill presented/preferred by a teacher, Miss S. Gupta, has been rejected without assigning any reason. In another case, the payment of the medical bill has not yet been made. No medical facilities are available to the teachers nor the set rules for re-imburements of medical expenses incurred by them as to apply to the Government teachers in Delhi have been accepted/adopted for the Cambridge School employees.

Section 24(4) of the Act speaks of withdrawal of recognition, if the management fails to comply with the directions of the Department. No other penalty has been proposed in this provision as applying to the Recognised Unaided Schools in Delhi. The provision to take over

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\*Not enclosed.

the management of the school on the grounds of non-compliance of the directives has also been watered down by Section 20(1) under which the management can be taken over for a period of only three years.

It is prayed that suitable action may be taken against the management of Cambridge School who has so grossly violated the provisions of the Act of the Parliament, the Delhi School Education Act and the Rules framed thereunder, as has been narrated above. We seek the redressal in the hands of your august Committee for justice and fairplay.

In the end, we submit that the officers of the Directorate of Education, Delhi seem to act in collusion with the management of the Cambridge School. One, Shri T. N. Bhatt, an Assistant Director of Education, Delhi Administration, who was one-time Headmaster under Shri A. C. Deb, Secretary of the School Management, is alleged to be advising the management openly. He was representing the management at their negotiations with the parent representatives (*viz.*, M/S O. N. Sharma and S. S. Bhagat) of the Negotiating Committee held on 31-5-1974 for settlement of their dispute with the teachers over the immediate release of pay and allowances as enjoined by the Act. Claiming all knowledge and expertise in matters of interpretation of the said Act in his capacity of an officer in the Directorate of Education, he is alleged to have been adamant that the Cambridge School teachers are not entitled to get a penny more under the Act than what the Management had offered already and gave such interpretation and meaning to the provisions thereunder as were clearly and unambiguously prejudicial to the pecuniary interest of the School employees. Painfully to our knowledge and our utter dismay, he was introduced by the Secretary of the Management as their Adviser, which Mr. Bhatt did not choose to contradict for reasons best known to him and it was only a pointed query as to his status as an educationist in his own right that exact nature of his duties and position in the Education Directorate could be ascertained. More often than not, when some officers of that Directorate are approached for redressal of grievances by Cambridge School employees, it is disconcerting to note and hear them advocating the stand taken by the Cambridge School Management.

We have mentioned this only to emphasise the fact that from your good-self alone, do we hope to get justice and redressal of our genuine and lawful grievances against the powerful and all-maneuvering management in the Cambridge School, whose influence and reach and the capacity to violate the provisions of the Act enacted by our august

Parliament seems to know no bounds. We pray that the Committee should come to our protection and secure for us our legitimate rights and dues as enshrined in the said Act.

Yours faithfully,

Members of the Executive Committee of the Cambridge School Teachers Association, New Delhi-110024.

S. No.	Name	Years of Service in the school (in years)
1.	Sd/- M. P. Singh	10½
2.	Sd/- U. Sharma (Mrs.)	23½
3.	Sd/- A. Dhawan (Mrs.)	10
4.	Sd/- V. S. Rahi	20
5.	Sd/- P. M. Raizada (Mrs.)	17½
6.	Sd/- S. Taneja (Mrs.)	12
7.	Sd/- T. C. Arya	10
8.	Sd/- S. K. Mudgil	19
9.	Sd/- Mrs. I. Kalucha	15
10.	Sd/- Mrs. K. Dhingra	25
11.	Sd/- Mrs. S. Dutta	15
12.	Sd/- Mrs. S. Batra	15
13.	Sd/- H. Singh	9
14.	Sd/- O. P. Gupta	7
15.	Sd/- S. K. Mazumdar	15
16.	Sd/- Mrs. L. L. Talwar	10½
17.	Sd/- Mrs. G. John	24
18.	Sd/- Mrs. S. Sharma	10
19.	Sd/- Mrs. J. Sharma	9
20.	Sd/- Mrs. P. Dayal	7
21.	Sd/- I. D. Tyagi	10½

Sd/- M. S. Sivasamy,  
Member of Parliament  
Division No. 488  
28-6-1974.



## APPENDIX II

(See para 2.2 of the Report)

[Representation dated 18th March, 1975, regarding alleged violation of the provisions of the Delhi School Education Act, 1973, and rules framed thereunder by the Management of the Cambridge School, New Delhi].

CAMBRIDGE SCHOOL TEACHERS ASSOCIATION (REGD.)  
(CAMBSTA)

Ring Road, Srinivaspuri, New Delhi-110024

Ref. No. 292/CTA/MS-75

Date 18th March 1975

The Chairman,  
Petitions Committee,  
Lok Sabha,  
Parliament House,  
New Delhi.

Respected Sir,

We submit the following petition for your favourable consideration and pray for justice in your honourable hands.

This petition relates to lapses on the part of the aforesaid School Management and the Directorate of Education, Delhi and the resultant job insecurity for the hitherto *bonafide* employees on the regular establishment of Cambridge School posted under proper orders of the Principal to work in the four branches of the school.

### *Factual Position:*

The Cambridge School is an unaided, non-minority, recognised private composite school teaching upto Higher Secondary stage. It functioned for over 30 years at No. 2, Daryaganj Delhi, until it acquired its own building in Srinivaspuri New Delhi-24 in early sixties. It has four branches situated at 77 Daryaganj, 107 Daryaganj, Rohtak Road and Bazar Marg (Old Rajinder Nagar), Delhi. It is worthy to note that these Branches were never treated as separate entities either for the purposes of the students, staff or the management itself in administrative, financial or any other matter while the sole authority of the entire school vested in the Principal and/or the Secretary of the School Management. The Principal fixed the

fees for the composite school and any raise thereof with the prior approval/sanction of the Education Directorate (The latest being in July, 1973), collected all the revenues and funds, standardised school uniform and syllabi, controlled admissions and promotions, regulated examinations and furnished prescribed returns to the Education Directorate covering all the students and the staff of the main school and the branches. Furthermore, right from the advertisements of vacancies, receipt of applications, interviews, selection, appointments/posting/transfers/promotions/confirmation joint maintenance of CPF accounts in the POSB and withdrawals (temporary or final), revision/raise of pay scales/allowances, income tax deductions have all along been centrally controlled by the Principal/Secretary of the said school. Even the salary cheques drawn in favour of individual staff members or for those paid in cash are jointly signed by them.

Formerly, the said school was getting year to year recognition from the Education Directorate and secured the permanent one only in 1971 and the related returns furnished by the School authorities and accepted by the Directorate invariably covered all the students and staff of this composite school including its branches. The Delhi School Education Act, 1973 passed by the Parliament was promulgated on the 9th of April, 1973 to provide for better organisation and development of school education in the Union territory of Delhi and the rules framed thereunder brought the said school as well under the purview of provision of the said act, *inter alia*, extending the benefits and privileges to all the regular employees of the school with effect from 31st December, 1973 (letter dated 27th December, 1973 addressed to all the employees of the Cambridge School by the Secretary of the Management refers).

*Problems:*

Whereas the aforesaid facts bring themselves to bear on the composite nature of the Cambridge School inclusive of its branches, which were all along an integral part of the School. The Directorate of Education seems to have introduced an element of uncertainty afresh by underlining that earlier recognition was extended to the Middle Department housed in the School premises at Srinivaspuri and not to its branches which could have been treated as composite school only if they had been located in the same premises. The School Management have thereupon decided to declare all the four branches as separate entities, which being non-recognised tend to become non-entities, the moment their viability-economic or otherwise by chance or design is declared to be doubtful or negative, besides the total loss of service/seniority/privileges/protection under the DSE Act 1973, of the employees posted in the branches.

You will very kindly appreciate, Sir, the natural suspicion and fear in the minds of the Cambridge School employees in particular the affected ones, of *malafide* acts of repression, harassment and any and every kind of punitive action by the School Management once they have succeeded in ensuring the withdrawals of legal protection, more so, when they find that the management have not only not clarified the factual position to the Directorate of Education as to the branch staff being in the regular employ of the Cambridge School or still better save the school branches from the disgrace of derecognition by simply assuring the Directorate that in near future they would find ways and means of transferring these branches to the common premises at Srinivaspuri say by deciding to run the school in two shifts.

*Demands:*

We, therefore, beg of you, Sir, to very kindly intervene and issue such directions to the Directorate of Education and the Management of the Cambridge School as to maintain *status quo ante*, thereby ensuring that the length of service, seniority and all the rules prescribed under the DSE Act, 1973 will be equally applicable to all the employees of the aforesaid composite school. The School authorities be further directed to run the school in two shifts at Srinivaspuri, New Delhi like many Government Schools, which shall incidentally make available play grounds and lab. facilities to the students and ensure job security of the entire staff.

We shall be grateful to your kind self for timely help and protection.

Yours faithfully,  
Sd/-

(M. P. SINGH),  
President Cambsta.

## APPENDIX III

(See para 2, 3 of the Report)

[Comments of the Ministry of Education and Social Welfare (Deptt. of Education) on the representation regarding violation of provisions of Delhi School Education Act and Rules framed thereunder by Management of Cambridge School, Ring Road, New Delhi.]

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F. No. 44-17/74-UT. 1

Government of India

Ministry of Education & Social Welfare  
(Deptt. of Education)

New Delhi, the                      February, 1976.

### OFFICE MEMORANDUM

**SUBJECT:** Representation regarding alleged violation of provisions of Delhi School Education Act and Rules framed thereunder by management of Cambridge School, Ring Road, New Delhi.

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The undersigned is directed to refer to the Lok Sabha Secretariat (Committee Branch-I) U.O. No. 53/CI/74/R-111 dated the 2nd September, 1974, on the above subject, and to furnish the parawise comments on the above mentioned representation as under:—

*Para 1—Violation of section 10(1) of the Act*

(The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority).

The employees of the Cambridge School are not being paid the Dearness Pay, Dearness Allowance and Interim Relief as are being paid to Government school employees. Instead, they are being paid Dearness Allowance of 9 per cent of the Basic Pay. It may be recalled that in addition to the existing DP, DA, and IR, Government have announced immediate release of 18 per cent (upto 1-4-1974) of the total of Basic Pay plus DP plus DA plus IR to their employees in the Government schools. The City Compensatory Allowance of 6 per cent

of Basic Pay instead of 8 per cent on Basic Pay plus Dearness Pay similarly, House Rent Allowance of 15 per cent is paid only on basic pay instead of 15 per cent of Basic Pay plus Dearness pay to Cambridge School employees.

*Comments:* No doubt section 10(1) says that the scales of pay and allowances etc. of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority, but in case of the recognised unaided schools which do not get any grant from the state it has been accepted that the total emoluments of the employee in the school including all allowances etc. should not be less than those of the employees of the corresponding status in Government schools. The Government of India have clarified this position. It would, therefore, not be proper to count each item of allowances and the basic pay separately in regard to this school because this school had always paid consolidated salary to its staff. The demand of the teachers that whatever emoluments they were getting should be treated as basic pay and the Management should give D.A., C.C.A. and H.R.A. over and above that salary, is not tenable. It may thus be observed that the Management has been paying more salary to the employees w.e.f. 31-12-1973 than what is paid to the employees of the corresponding status in schools run by the appropriate authority.

The latest position in this regard as intimated by the Principal/Manager is that even prior to 31-12-1973 the following scales of pay were being given to their teachers:

- (i) Post Graduate Teacher 560—30—650—EB—40—850—EB—50—1000—EB—50—1150.
- (ii) Trained Graduate Teacher 440—20—500—25—600—EB—30—900.
- (iii) Junior Physical Training Instructor 340—20—500—EB—25—675—EB—30—735.

In addition to the scales as mentioned above, all the employees have been allowed the following allowances:—

- (i) H.R.A. @ 15 per cent of pay,
- (ii) C.C.A. @ 6 per cent of pay,
- (iii) D.A. @ 6 per cent of pay (8 per cent to those in receipt of less than 300/- as pay).

D.A. was subsequently raised to higher percentage. The present rate of D.A. is 27 per cent to those in receipt of pay of more than Rs. 300 and 36 per cent to those in receipt of pay upto Rs. 300.

Thus it would be seen that all the employees of the school who were in service on 1-7-1973 are in receipt of the above pay scales with 48 per cent of allowances. The total emolument paid to the teachers is higher than that of the Government school teachers.

The school has, however, decided that all employees recruited on or after 1-1-1974 i.e. after the enforcement of the Act would receive pay and allowances as are applicable to Government School teachers in Delhi.

The table given below would show the minimum and maximum emoluments which the teachers and other staff of the school are getting:—

Category & Basic scales	Cambridge School		Govt. school	
	Minimum	Maximum	Minimum	Maximum
1	2	3	4	5
PGT (Old Teacher) 560—1150 (Cambridge School) 550—900 (Govt.)	829	1,635	815	1,332
TGT (Old Teacher)(Camb.) 440—900 School, 440—750 (Govt.)	651	1,332	651	1,111
Undergraduate (Old Teacher) 340—735 (Cambridge School)				
Primary 330—560 (Govt.)	519	1,088	508	829
PGT (appointed after 1-1-74) 550—900	815	1,332	815	1,332
TGT (appointed after 1-1-74) 440—750	651	1,111	651	1,111
Primary Teachers 330—560	508	829	508	829

*Scales of pay applicable to Non-teaching staff.*

1. Office Assistant Senior	330—15—360—20—500—25—700
2. Office Assistant Junior	270—15—360—20—540
3. Drivers	260—6—360—8—350
4. Carpenter	Do.
5. Jr. Lab. Assistant	290—6—326—EB—8—390—EB—10—500
6. Nurses/Compounder	330—20—450—30—480
7. Lower Grade Staff (Class)	196—3—232

Para 2—Annexure I and II are appeals sent by the Principal, Cambridge School to the parents, detailing the reasons for the enhancement of the school fees with retrospective effect from 1-7-1973 for which the approval of the Director of Education had also been obtained. Though it is categorically mentioned in these two appeals that the additional money collected is meant for the increased salaries to the employees, it has not so far been done. This is also in gross violation of Section 176 of the Rules which reads:

‘Income derived from collections from specific purposes shall be spent only for such purpose’. The following statistics substantiates this contention of the employees of the Cambridge School:—

	Rs.
Additional fees realised from parents for payment of additional salaries to Staff during 1973-74 . . . . .	2,40,000
Amount paid as additional salaries to the staff . . . . .	68,000

It is gross violation of the Delhi School Education Act and the Rules framed thereunder mainly on the ground that this money additionally collected from the parents has neither been spent on the payment of increased salary to the employees nor on the provision of greater educational facilities for the students. This is proved from Annexure III—a copy of letter dated July 29, 1974 sent to the Principal, Cambridge School, New Delhi by the teachers individually and from Annexure IV—a petition dated 19th July, 1974 sent by the Parent Teacher Association, Cambridge School, New Delhi.

*Comments:* The Management of the School has informed the Delhi Administration that they have collected an amount of Rs 1,52,000/- only during the year 1973-74 and the emoluments paid to the staff members was to the tune of Rs. 1,13,000/- besides this they had paid Rs. 25,000/- more in the form of one increment to the members of the staff.

The permission to raise the fees was given by the Delhi Administration on 20th July, 1973 i.e. before the enforcement of the Delhi School Education Act in the U.T. of Delhi. The discrepancy in the amount as alleged by the teachers and given by the school is because the teachers have included the collections made by the school from all its branches which happened to be unrecognised, while the school has given the collections raised from only the main school which stands recognised by the Delhi Administration.

The School has also included in the expenditure the salaries of the staff and other fringe benefits to them. The version of the Management is that they have already given those scales of pay to their staff which had been recommended by the Third Pay Commission.

As regards the balance of collections is concerned, the facts will be verified after the school accounts have been audited.

Para 3—Shri A. C. Deb, the Secretary of the Cambridge School Management was drawing Rs. 900/- p.m. as salary when he was the Principal of the School. Now, he draws Rs. 1000/- p.m. as pension with other benefits like free house with water & electricity, car, telephone etc.

*Comments: Payment to the Secretary of the School*

The present Secretary of the school has been the Principal of the school earlier and whatever the school is giving is in the form of pension to him. This decision was taken by the Board of Governors prior to the enforcement of the Delhi School Education Act and, therefore, nothing can be done in this regard.

So far as the question of pension to Shri Deb is concerned, the Governing Body of the school vide its Resolution No. 14 passed at a meeting of the Board of Governors of the Society held on 9-4-66, decided as follows:—

“In partial modification of the decision of the Governing Body dated 6th February, 1966, the meeting decided that the pension to be paid to Mr. A. C. Deb, retired Principal of Cambridge School, New Delhi, would be Rs. 1000/- per month w.e.f. the date of his retirement and would be payable out of the school funds. The other benefits sanctioned to him in the earlier resolution would remain as decided in last meeting.

It was decided that in view of the fact that Mr. A. C. Deb would be using the accommodation at 82, Jorbagh, New Delhi, partly for the office of the Society, of the rent of Rs. 450/- per month payable for the house Rs. 200/- he charged for the portion used for office purpose and the balance of Rs. 250/- towards rent for his residence. The water and electricity charges were also to be distributed in like manner. The Secretary was also permitted to appoint a typist clerk and a peon who would both travel with him whenever necessary”.

Para 4—Violation of Section 5(1) of the Act.

(Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the Managing Committee of



every recognised school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school).

The management of Cambridge School is a coterie of near relatives and intimate friends. Shri A. C. Deb is the Secretary. His wife Mrs. R. Deb, his son-in-law Shri Krishna Bans Bahadur and few other relatives and family friends of Shri A. C. Deb form the Managing Committee of the School.

The very same members of the Managing Committee of Cambridge School or their wife/husband constitute the Managing Committee of Children's Little Theatre, against the management of which there have been serious allegations of misappropriation of public funds.

If the Directorate of Education, Delhi Administration is to be guided by such management at present functioning, then it will be obvious that the rules will weigh heavily in favour of the present management. It must be ensured that the Managing Committee to be formed under the Act does not become a close preserve of near relatives and family friends.

*Comments:* The School has already submitted its scheme of Management and it has also been approved by the Delhi Administration (Education Department). The nominees of the Director and the School Advisory Board have also been given on the Managing Committee. There is no provision under the Act or the Rules for nominating persons by the Trust or the Society. The society may nominate any person upto 13 in an unaided school and hence the Department cannot take any action against the Management in this regard.

As regards the Managing Committee of the Children's Theatre, the Delhi Administration has nothing to do as it does not concern the School and as such no comments are offered. The Delhi Administration cannot take any action against the Managing Committee of the School which is beyond the sphere of the Delhi School Education Act and the Rules framed thereunder.

*Para 5—Violation of Rule 177 (3)*

**Funds** collected for specific purposes... shall be spent solely for the exclusive benefit of the students of the concerned school and shall not be included in the savings referred to in sub-rule(2).

It is reported that a sum of Rs. 12 lakhs from the Cambridge School, New Delhi has been transferred to schools in Mussoorie/Dehra Dun which are being administered by the same management.

*Comments:* The allegation of the teachers about the transfer of Rs. 12 lakhs of the school fund to its branches in Dehra Dun or Mussoorie pertains to the period prior to the enforcement of the Delhi School Education Act and the Rules. At that time the school was free to utilise the funds in the manner it liked. No action can be taken against it now.

*Para 6—Violation of Rule 182*

(Every Managing Committee shall allow a school managed by it to function normally and smoothly and shall not cause any situation by which or due to which, the normal and smooth functioning of the school may be hampered nor shall it interfere in the day-to-day affairs of the school).

This rule is observed more in breach than in compliance. There is day-to-day, in fact hour-to-hour interference from the Secretary, Shri A. C. Deb. He has displaced the Acting Principal from his room in the school and occupied it himself. He is attending the School every day like the Principal and the teachers. He goes round the school any number of times during the school hours without the Principal accompanying him. He takes classes some times. While the teaching is going on in a class, he distributes toffees and chocolates to the students. In the presence of the students he misbehaves with the teachers and humiliates them.

*Comments:* The allegation is against the Honorary Secretary of the School. The Principal who could complain against any interference by the Management has not done so. Now a new Principal has been appointed and he too has not made any complaint regarding any interference by the Management.

*Para 7—*The teachers, duly qualified for teaching particular subjects, are not permitted to take up these subjects. For example, Mrs. S. Rahi, M.A., B.T., in History was asked to teach Mathematics. Now after her transfer to a Branch School, an untrained M.A. teacher is taking up History. With or without the permission of the Board, untrained teachers are allotted subjects different from their specialisation. Shri M. S. Bindra has been re-employed after retirement (Now aged 65 years). The services of one trained graduate teacher, Miss Neelam, have been terminated without

assigning any reason. Similarly the services of a trained Hindi teacher Mrs. Parshad have been terminated while one untrained teacher, wife of another teacher, Shri P. C. Deva has been appointed to teach Hindi. Thus while another untrained teacher has been employed to teach Hindi on whole-time basis in one school, a trained Hindi teacher with about 20 years service to his credit is being made to teach half day each in two different branches of the school. Mr. Deva has thus been rewarded for his anti-teacher loyalties. While Mrs. S. Varma, an untrained M.A. has been confirmed, other untrained M.A. qualified teachers with more years of service remain unconfirmed. Some of them have been directed to acquire training with a period of three years failing which their services will be terminated. It is an enigmatic situation that, on one hand, untrained teachers despite long years of unstinted service are thus being served with this kind of notice, fresh appointments of untrained graduate teachers are being made at the same time. One Mr. Hazra has been declared surplus by readjustments of time table aimed at reducing the teaching periods in that subject: though he has completed two years' of service, he is not yet confirmed and apparently, time table adjustment is a mere cover up to deny him his due confirmation and instead elbow him out of the service. His fault seems to be that he ventilated his feelings and grievances against the management openly for the just and legal demands of his brother teachers. Mr. I. D. Tyagi likewise, is being harassed with threatening letters every now and then for the simple crime of having asked for his retrospective confirmation and C.P.F. deductions as he has put in 10 years of devoted service though not confirmed as yet.

*Comments:* The allegation of the teachers has been looked into by the Education Officer of the Delhi Administration and the facts as reported by him are as follows:—

- (i) Mrs. S. Rahi and Mr. Hazra have already preferred an appeal in the Delhi School Tribunal and their cases are *sub-judice*. It may, however, be pointed out that it is upto the Principal of the school to give any subject or any class to the teachers whom he considers suitable. It is up to the Central Board of Secondary Education to raise an objection if there is any case about the unsuitability of a teacher teaching that subject.
- (ii) So far as appointment of Mr. M. S. Bindra is concerned, he has been withdrawn from the rolls of the staff and

the society has now kept him under their service for maintenance of accounts of their society.

- (iii) Miss Neelam has not been working in the recognised school and hence Miss Neelam has the right to go to the Court of Law if she has any agreement contract with the school.
- (iv) So far as Mrs. Prasad is concerned, it has been found that she has resigned from one branch of the school on 1st July, 1973.
- (v) The w|o Mr. P. C. Deva and the other teacher who has been referred to have been teaching in the Branch school and were employed also by the society in the branch schools which are unrecognised and, therefore, the Delhi School Education Act and the Rules do not apply to unrecognised schools.
- (vi) So far as Mrs. S. Verma is concerned, she no doubt is an M.A. but untrained. However, according to the qualifications prescribed by the Central Board she is entitled to teach on the basis of her long experience. It is for the Board to raise an objection if they consider her to be unqualified but they have not done so.
- (vii) Mr. Hazra, as has been stated above has filed an appeal with the Delhi School Tribunal. His case is *sub judice* and we cannot make any comments till it is decided.
- (viii) Shri I. P. Tyagi has been working in one of the Branch schools which is not recognised. He has been working in this unrecognised branch prior to the enforcement of the Delhi School Education Act, and, therefore, does not fall within the purview of the Act.

A copy of the letter of the Principal giving details of the fact of Mrs. Rahi and Shri Hazra is enclosed (See Annexures).

*Para 8*—The Headmistress of the Branch School in Bazar Marg (Mrs. P. Marwah) is only a matriculate and draws a salary of Rs. 1250/- without handling even junior classes, while another trained graduate teacher (Mrs. U. Sharma) teaching higher classes for over 23 years of service in the main is getting only Rs. 700/- p.m. Under Mrs. Marwah, a sweeprss, who was getting barely Rs. 20/- p.m. for the past eight years was removed from service at short notice without assigning any reason simply because she asked for regular salary. In 1966, there was a charge of embezzlement of Rs. 18,000/- against this Headmistress, which had been

hushed up. She happens to be the wife of a senior Police Official of Delhi (Dy. S. P.). Similarly, another teacher (Mrs. Chadha), wife of another Senior Police Official of Delhi, has been promoted in clear supersession of many senior teachers with 20 to 23 years of service. It is widely believed that yet another embezzlement of Rs. 20,000/- in the main school in 1970 was also hushed up under similar circumstances.

*Comments:* The Delhi Administration has stated that Mrs. Marwah is the Headmistress of the Branch School which is unrecognised though the Management has extended all the benefits of salary and allowances etc. to the teachers of the branch schools as well and have allowed them the benefit of C.P.F. though legally they were not entitled to it.

It may be submitted that virtually the Management of this school had been under impression that their branch schools were the wings of the main school and since the main school stood recognised by the Education Department and the Central Board, these branches could also be treated as recognised and under this impression they had extended the same benefits to the employees of these branch schools which were given to the employees of the main school, but ever since the Education Department pointed out to the Management that the branch schools were separate entities and did not stand recognised by the Education Department, the Management treated them as unrecognised schools. The Principal of the school, on behalf of the Management has assured the Department that they are actively considering getting these branches recognised by the appropriate authority and they do not intend to cause any harm to any employee or student of any of the branch schools nor are they going to reduce their emoluments etc.

The latest position is that on account of her husband's posting abroad, she is no longer in service. So far as the allegation of embezzlement is concerned, a report of the Principal is given below:—

“During the year 1966, in one of our Primary Schools an office clerk, named Mr. Subramaniam, was working. Without the knowledge of the Headmistress, Mrs. P. Marwah, this person had entered into some sort of misappropriation of school money, which was soon detected by the Headmistress. Immediately action was taken and as a result of which the misappropriated amount of Rs. 800/- had been realised from the Clerk and his surety and thus the loss was made good. The Clerk was dismissed from service.

Mrs. P. Marwah, one of our very competent Headmistress, after over 20 years of meritorious service, resigned her post on account of her husband's posting abroad. She is no longer in the service of the school".

*Para 9—Annexure V* is a circular of the Principal, Cambridge School to all the parents, announcing the cancellation of the annual examination and promoting *en-masse* all the students on the basis of their class work. The reason extended was threatened DTC strike, which in absence of any such notice by the DTC themselves was a mere pretext, if not a bogey, to fleece the parents of additional examination fees/charges paid on one hand and depriving their wards the mental satisfaction of proving their efforts and capabilities in the annual examination besides passing on the buck to teachers for non-holding of examinations and thereby demoralising them and denigrating them in the eyes of the parents and public at large.

*Comments:* It has been no doubt a great mistake on the part of the officiating Principal to cancel the promotion examinations of students last year without obtaining the approval of the Director of Education and promote the students also. The officiating Principal probably acted with the advice of the Management.

The mistake was committed by the Officiating Principal who is no more there. The school Manager has, however, been instructed not to allow such mistakes to be committed in future. The whole episode is a *faith accompli* and, therefore, it cannot be remedied now.

*Para 10—Violation of Rule 51:* (Facilities to be provided by a school).

Annexure IV from the Parent-Teacher Association of Cambridge School furnished a positive proof of the alleged violation of this rule.

*Comments:* The parents have no doubt brought out certain points in their memorandum dated 19th July, 1974 under which certain shortcomings have been pointed out. Some of the points do require attention of the Management. The school has already been inspected and the Management had been asked to look into the shortcomings and remove them.

The latest position is that the school has done its level best to provide all possible facilities for the education and co-curricular activities in the school. If any further shortcomings are brought to the notice of the Department, the Management would immediately be asked to remove them.

*Para 11—Violation of Rule 125: Additional Benefits to the teachers.*

Medical Bill presented/preferred by a teacher, Miss S. Gupta has been rejected without assigning any reason. In another case, the payment of the medical bill has not yet been made. No medical facilities are available to the teachers nor the set rules for re-imburements of medical expenses incurred by them as do apply to the Government teachers in Delhi have been accepted/adopted for the Cambridge Schools employees.

*Comments:* The Delhi Administration has reported that the schools has started making payments of medical bills of the employees and have given the scales of pay to the staff which have been recommended by the Third Pay Commission.

Though no final rules have yet been given to the unaided schools for reimbursement of medical charges etc., yet the school has been allowing the reimbursement of medical bills to their staff.

*Para 12—Section 24 (4) of the Act speaks of withdrawal of recognition, if the management fails to comply with the directions of the Department. No other penalty has been proposed in this provision as applying to the Recognised Unaided Schools in Delhi. The provision to take over the management of the school on the grounds of non-compliance of the directives has also been watered down by Section 20(1) under which the management can be taken over for a period of only three years.*

*Comments:* Teachers want an amendment in the Delhi Schools Education Act. This will be done if considered necessary.

*Para 13—It is prayed that suitable action may be taken against the management of Cambridge School who has so grossly violated the provisions of the Act of the Parliament, the Delhi School Education Act and the Rules framed thereunder, as has been narrated above. We seek the redressal in the hands of your august Committee for justice and fair play.*

*Comments:* The teachers want redressal of their grievances at the hands of the Petition Committee of the Parliament and hence no comments can be given. It may, however, be assured that the Department will take all possible steps to see that the school manage-

ment complies with the directions of the Department and the provisions of the Delhi Education Act and the Rules.

*Para 14*—In the end, we submit that the officers of the Directorate of Education, Delhi seem to act in collusion with the management of the Cambridge School. One, Shri T. N. Bhatt, an Assistant Director of Education, Delhi Administration, who was one-time Headmaster under Shri A. C. Deb, Secretary of the School Management, is alleged to be advising the management openly. He was representing the management at their negotiations with the parent representatives (*viz.*, M/s. O. N. Sharma and S. S. Bhagat) of the Negotiating Committee held on 31-5-1974 for settlement of their dispute with the teachers over the immediate release of pay and allowances as enjoyed by the Act. Claiming all knowledge and expertise in matters of Interpretation of the said Act in his capacity of an Officer in the Directorate of Education, he is alleged to have been adamant that the Cambridge School teachers are not entitled to get a penny more under the Act than what the Management had offered already and gave such interpretation and meaning to the provisions thereunder as were clearly and unambiguously prejudicial to the pecuniary interest of the School employees. Painfully to our knowledge and our utter dismay, he was introduced by the Secretary of the Management of their Adviser, which Mr. Bhatt did not choose to contradict for reasons best known to him and it was only pointed query as to his status as an educationist in his own right that exact nature of his duties and position in the Education Directorate could be ascertained. More often than not, when some officers of that Directorate are approached for redressal of grievances by Cambridge School employees, it is disconcerting to note and hear them advocating the stand taken by the Cambridge School Management.

*Comments:* It is pointed out that Shri T. N. Bhatt had nothing to do with giving of any advice against the Act or the Rules to the Management. The allegations seem to be baseless.

*Para 15*—We have mentioned this only to emphasise the fact that from your goodself alone, do we hope to get justice and redressal of our genuine, and lawful greivances against the powerful and all-manoeuvring management in the Cambridge School, whose influence and reach and the capacity to violate the provisions of the Act enacted by our august Parliament seems to know no bounds. We pray that the Committee should come to our protection and secure for us our legitimate rights and dues as enshrined in the said Act.

*Comments:* No Officer of the Department has ever acted in collusion with the Management nor has ever take any sides with them



The Education Department of the Delhi Administration is to implement the provisions of the Act and the Rules in letter and spirit but it cannot take any action which it is not legally competent to take.

Sd/-

(S. M. S. Chari)

*Joint Educational Adviser.*

To

The Lok Sabha Secretariat,  
(Committee I Branch),  
New Delhi.

## ANNEXURE I TO APPENDIX III

### LIST OF TEACHERS WHOSE SERVICES WERE TERMINATED/ RETIRED/DISMISSED AFTER 31ST DECEMBER, 1973.

1. *Dismissals*: Nobody has been dismissed.

2. *Retirement*: Mr. Raghubir Dayal, the Principal, retired with effect from 30th June, 1974 on completion of the period of his contract. He was over 60 years of age.

Mr. N. K. Bose retired as he was a super-annuated employee and was employed on a temporary basis.

Mr. J. P. Renu retired as he was a super annuated employee, and was employed on a temporary basis.

3. *Termination*: Mr. S. K. Kapoor, Mathematics teacher, was employed on probation. His services were terminated before the completion of probation period of one year as his conduct had been found unsatisfactory. He had been virtually warned several times before termination. However, no permission from the Directorate of Education was sought, as the termination took place before the completion of probation of one year.

Mr. P. K. Hazra, Art Teacher, was employed on a temporary basis with effect from 1st February, 1972. He was rendered surplus on reorganisation of the school time-table in May, 1974. He was, however, provided with an alternative job in one of our Primary Schools for one year on humanitarian grounds and on mutual agreement by creating a temporary post. He has since moved the Delhi School Education Tribunal and the case is pending with the Tribunal.

Miss Veena Kapoor, P.T.I., was employed against a temporary post. The post has been abolished. Besides, Miss Kapoor's work was unsatisfactory and she had no control over the students. Miss Kapoor worked in this school for less than two years. She had been warned several times verbally about her poor performance. Taking into consideration the requirement of the new 10 + 2 Scheme of Education a new post in a higher grade has been created. Miss Kapoor has also moved the School Education Tribunal and the case is still pending.

Apart from the above teachers, whose services were terminated, some short-term appointments were made to fill temporary or short vacancies on a time-bound basis. They left on the expiry of the term of their appointment. Such cases do not fall under either of three categories.

Sd/-(B. K. Nair)  
Principal.

September 10, 1975.

## ANNEXURE II TO APPENDIX III

Extract taken from D.O. No. 6111/75 dated the 28th August, 1975 from Shri B. K. Nair, Principal, Cambridge School, Srinivaspuri New Delhi to Shri J. N. Dayal, Deputy Director of Education, Delhi.

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Only one teacher Mrs. S. Rahi was transferred from Cambridge School, Srinivaspuri, to our Primary School on Bazar Marg (Rajinder Nagar) since on the revision of the school time-table in July, 1974 on the Government School pattern, a teacher was rendered surplus. Originally Mrs. Rahi was appointed to work in our Primary School, 107-Daryaganj, Delhi and worked there till 1964 when one was transferred to this school. I may point out that even at this school she only worked in the Primary section and never in the Middle Department. Besides, Mrs. Rahi is getting all benefit which are available to trained Graduate Teachers. Before the revision of the time-table each teacher was taking only 28/30 periods per week and now they have to take 36 periods per week out of 48. However, Mrs. Rahi has moved the Education Tribunal and verdict is awaited.

Similarly, one of Art teachers, Mr. P. K. Hazra, was also found surplus, because formerly each of the 4 Art teachers was taking only 24 periods and after the revision we increased the load to 36 periods for each Art teacher. But on compassionate grounds he was provided with a job on the terms and conditions as before one year at one of our Primary Schools in order to help him to find a job for himself. He being an Art teacher his services cannot be utilised in any other capacity. He has also moved the Educational Tribunal, but no decision has come as yet.

I may mention here that Mr. Hazra was given the appointment for one year in one of our Primary Schools by mutual agreement to help him and a post was temporarily created. This period expired on 30th June, 1975 and we have not appointed anybody else in his place. Besides, Mr. Hazra has been guilty of assaulting the Principal on 25-3-75 and the case is pending against him with the Police.

## APPENDIX IV

(See para 7·2 of the Report)

[Statement furnished by the Ministry of Railways (Railway Board) regarding settlement of claims on mango consignments since 1969]

Year	No. of claims received	No. of claims paid	No. of claims repudiated	Remarks
1969	227	145	82	In 45 cases out of these 82 the consignments had suffered detention at the booking and/or destination station at the instance of the consign or/consignee for the purpose of loading and unloading. This detention ranged from 10 hrs. to 48 hrs. and was to a great extent responsible for the deterioration of the fruit. As the railway administration could not be considered responsible for such deterioration, the claims were repudiated. In the remaining 37 cases there were no detention on account of negligence on the part of the railway servants for which railway could be considered responsible and the claims were repudiated.
1970	20	15	5	The examination of the transit particulars of 5 cases revealed that there were no detentions for which the railway could be held negligent and the claims were repudiated.
1971	159	36	123	In these 123 cases there were no detentions for which the railway servants could be held negligent and the claims were repudiated.

## APPENDIX V

(See Para II.2 of the Report)

[Other representations on which the Committee's intervention has procured expeditious, partial, or complete relief to petitioners or the Ministries/ Departments concerned have explained the position satisfactorily.]

Sl. No.	Name and address of the Petitioner	Brief Subject	Facts perused by the Committee
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### *Ministry of Supply and Rehabilitation (Department of Rehabilitation)*

1.	Smt. Lachmibai Tanwarma], B. K. No. 523, Room No. 3, Ulhasnagar-2 Distt. Thana.	Issue of intimation/ recovery schedule in respect of Room No. 2 BK. No. 523, Ulhasnagar.	The recovery schedule showing the adjustment of Rs. 550.55 having been carried out from CAF No. B/T/UT/2379/IVNT towards the cost of Room No. 2, Barrack No. 523, Ulhasnagar, has already been sent to the Administrator Ulhasnagar Township with a copy to Smt. Lachmibai. (The petitioner was informed accordingly)
2.	Sh. Vishindas Wadhmal Barrack No. 53, Room No. 5, Ulhasnagar, Distt. Thana.	Adjustment of cost and rent arrears of Room No. 4 and 5 BK. No. 378 & BK. No. 382 Room No. 10, Ulhasnagar Township from C. A. F. No. B/ T/ UT/ 138/ IVNT/ PC No. 12977.	<p>The necessary enquiries made in this behalf have disclosed that the following adjustments stand carried out from CAF No. B/T/UT/138/IVNT/PC No. 12977:—</p> <p>BK. No. 378, Room No. 4, Ulhasnagar-I—Rs. 1116.70</p> <p>BK. No. 378, Room No. 5, Ulhasnagar-I—Rs. 1000.70</p> <p>BK. No 382, Room No.10 Ulhasnagar-I—Rs. 1037.20</p> <p style="text-align: right;"><b>TOTAL Rs. 3154.60</b></p>

A copy of the recovery schedule in token of having carried out the above mentioned adjustments was forwarded to him *vide* letter No. S.C. III/TRC/ASO (PO. II) PC. 12977/76-1612, dated the 20th April, 1976. In view of this, he is advised please to approach the

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Administrator, Ulhasnagar Township, Distt. Thana, for further action, if any (The petitioner was informed of the above position by the Department).

3. Sh. Chandiram Gianchand BK. No. 325-B, Room No. 8, Ulhasnagar-2, Distt. Thana. Issue of intimation of adjustment of Rs. 1850.00 from CAF No. B/Thana 22489/489. The Deputy Chief Settlement Commissioner (General) in the Settlement Wing of this Deptt. to whom the matter was referred has reported that CAF No. B/Thana/22489/489 was filed by Shri Vasdev son of Shri Chandumal against verified claim of Rs. 6,600.00 and that the compensation of Rs. 3,073.00 admissible stands paid to him in the following manner:—

(a) Rs. 227.00- adjusted towards arrears of rent.

(b) Rs. 1870.00- adjusted towards cost of BK. No.626 Camp No. 2, Kalyan.

(c) Rs. 976.00 paid in cash.

(Thus the entire compensation having already been paid to the claimant, there is no balance at his credit for carrying out the desired adjustment.)

The petitioner was informed of the above position by the Department.

4. Smt. Parmeshwari Nandumal BK. No. 1252 Room No. 1, Ulhasnagar-4. Issue of intimation/ recovery schedule in support of an adjustment of Rs. 990.00 having been carried out from CAF No. B/T/U/T/4635/IVNT towards the cost of Room No. 1. Bk. No. 1252. The Deputy Chief Settlement Commissioner (General) in the Settlement Wing of this Deptt. to whom the matter was referred, has intimated that an amount of Rs. 1097.00 was found refundable to claimant Shri Jethanand Lakhraj on his CAF No. B/T/UT/4635/IVNT, according to the 'No Refund Certificate' issued by the Administrator, Ulhasnagar Township, District Thana. On this amount of Rs. 567.70 was adjusted towards the conservancy charges of Bk

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			1281/8, Kalyan Camp 4. Thus the balance left was R. 529.30 at the credit of the claimant which was adjusted towards property No. 1252/1, Kalyan Camp. 4.
			Smt. Parmewsari Nandumal is being informed of the position separately and advised to approach the Administrator, Ulhasnagar Township, Distt. Thana in the matter.
5. Sh. Gobindram Lalchand, Building No. 26, Room No. 902 and 906, Chembur Colony, Bombay-14.	Issue of Intimation/ recovery schedule in respect of adjustment of Rs. 344.82 from CAF No. B/PM/20388/373 towards the cost of rent of Room No. 902, Building No. 26, Chembur Colony, Bombay.	The Regional Settlement Commissioner (Central), New Delhi to whom the matter was referred has reported that the CAF No. B/PM/20388/373 was filed by Smt. Nirmalabai Rijhumal and is a fully paid case. Neither the adjustment indicated by him was carried out earlier nor it is possible to do so now as no more compensation is due to the claimant against her compensation case referred to above.	
<i>Ministry of Finance (Department of Revenue and Insurance).</i>			
6. Sh. B.G. Rao, V.K. Bldg., No. 1, 3rd Floor/No. 27, Forjett Hill Road, Bombay-36.	Payment of difference in Gratuity.	Shri B. G. Rao retired from service with effect from 3-6-1973 and was to be governed for payment of all retirement benefits as per the rules prevailing in his parent Company viz. "Concord Insurance Co. However, the Personnel Committee of the General Insurance Corporation Board as a benevolent measure recommended for <i>ex-gratia</i> payment of difference to the Clerical and Subordinate Staff who retired or died during the period 1-1-73 to 26-5-74 as if they had given an option to be governed by the General Insurance (Rationalisation and Revision of Pay Scales and Other Conditions of Service of Supervisory, Clerical and Subordinate Staff) Scheme, 1974. This recommendation was, however, subject to the condition that the above concession was not to be mad	

applicable for payment of any difference in Gratuity arising as a result of payment of difference in salary. Both the above recommendations were approved by the General Insurance Corporation Board. In view of this position, the General Insurance Corporation of India were fully justified in rejecting the demand for payment of difference in Gratuity to Shri B. G. Rao. We fully endorse the decision of the General Insurance Corporation of India. The General Insurance Corporation of India have already informed to Shri B. G. Rao of the above position *vide* their letter No. Personnel/SCS/26/918 dated 26-11-1975.

- 7 Shri K.N. Modawal, Resident Secretary, National Federation of Insurance Field Workers of India, H-29, Tropical Building, Connaught Circus, New Delhi. Alleged imposition of unilateral and arbitrary working conditions on insurance field workers. The decision regarding framing of conditions of service of field workers has been taken after due consideration. A copy of the Life Insurance Corporation, Development Officers' (Alteration of Remuneration and Other Terms and Conditions of Service) Order, 1976 notified since is sent herewith for perusal. The delay in sending the reply is regretted.

*Ministry of Education and Social Welfare (Deptt. of Education)*

- 8 Shri N.K. Gupta, Civil Engineering Deptt. Hindustan Aeronautics Limited (Korapur Division), P.O. Sunabeda-2, Distt. Koraput. Payment of certain dues of late Dr. M. L. Gupta, Reader and Head of the Deptt. of Agriculture Extension R. B. S. College, Agra. The Ministry have forwarded copies of letters\* No. 5618 dated 13-4-1976 and 5780 dated 22-4-1976 received by them from the Principal of Raja Balwant Singh College, Agra, which state as follows:—

- (i) Dr. Gupta expired on 17-11-1967; he was unmarried. He nominated his elder brother, Shri Purushotam Saran, as his heir for purposes of his Provident Fund. Unfortunately Shri Purushotam Saran also died after some time and his widow Smt. Tarawati Devi Gupta took sometime in obtaining the certificate of succession

† Translation. Original in Hindi.



from the Court. She could get it on 17-12-1971 from Munsif Magistrate, Agra. On the basis of this certificate all his dues (including Provident Fund, the balance of salary and other dues) amounting to Rs. 4213.01 after deducting therefrom the dues of college were paid to Smt. Tara Devi Gupta in two instalments, the first instalment of Rs. 2056.53 on 5-1-72 and the second instalment of Rs. 2156.48 on 24-1-72.

Late Dr. Madan Lal Gupta purchased National Saving Certificates out of amount of his Provident Fund during his tenure of service, but these did not mature at the time when the amount of Provident Fund and other dues was paid to Smt. Tara Devi Gupta. The National Saving Certificates were encashed for Rs. 5032.52 and Smt. Tara Devi Gupta is being regularly contacted for making payment of this amount of Provident Fund to her.

An amount of Rs. 4400/- has been sanctioned as a gratuity of Late Dr. Gupta *Vide* letter No. Arth. 1/404 48-53-1/10-19/75-76 dated 3-3-76 of Additional Director of Education (U.P.) (Arth Vibhag) Allahabad. This amount has been received in the college on 31-3-76. The payment of this gratuity amount is being made by order of Additional Director of Education, U.P. Allahabad to dependent brothers Shri Rajendra Kumar, Shri Devendra Kumar and sisters Smt. Usha Rani and Kumari Sarita Devi.

- (ii) The payment of the National Saving Certificates, which were purchased by Late Dr. Gupta out of his Provident Fund, has been made on 20-4-76 to Smt. Tara Devi Gupta—Rs. 3382.52 in cash

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and Rs. 1856.26 in form of National Saving Certificates.

The payment of the gratuity amount of Rs. 4400/- has been made on 19-4-76 under order of Additional Director of Education (U.P.) to Shri Rajendra Kumar Gupta, Shri Devendra Kumar Gupta, Smt. Usna Rani Gupta, and Kumari Sarita Devi, at the rate of Rs. 1100/- to each one of them.

[The petitioner was informed accordingly.]

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