

Educational (1904) Department.

ORDINARY MS.

G.O., No. 3/4

DATED 24-5-04

(12)

INDEXED.

CERTIFIED

[Despatch Abstract.]

Petition.

Informing J. R. Venkatarama aiyas late
Subassst. Insp. of Schools, Tindivanam range
that H. E. the Governor in Council finds no
reason to review the orders passed in his
Case.

BACK PAPERS.

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

FURTHER PAPERS.

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

16th May 1904.
900-A

To

His Excellency,

James Thomson, C.S.I.,

Governor of Fort St. George,

M A D R A S.

May it please Your Excellency,

N. With reference to G.O. No.285 misc. dated 9th May 1904, the petitioner most humbly begs to point out that in paras 3, 6 and 7 of his printed review petition dated 19th April 04 (copy herein enclosed) new facts and circumstances which -- afford grounds for a consideration of his case have been disclosed. They have once more been briefly reiterated below:--

(i) The late Mr. G. H. Stuart who was the Departmental head Officer preconceived the idea to ruin the poor petitioner on account of the personal oral complaint of the present -- American Missionary in Tindivanam who just after the late Mr. Stuart left his bungalow after a stay of two days and a half as his guest in March 1903 sent for the poor petitioner and made him revise his original report on the suitability of the old District Munsiff's Court-house in Tindivanam for Mission School purposes.

(Vide petitioner's reports on the subject to the Assistant Inspector of schools, Arcot Division).

(ii) The easy access which the late Mr. G.H. Stuart gave to anything that can be said against the poor petitioner by every one without affording him any proper chance of explaining

explaining the charges and the allegations made against him.

(iii) The collusion of the late Mr. G. H. Stuart with M.R.Ry. M. Singaravelu Mudaliar Avl., the Assistant Inspector of Schools, who in his own report and correspondence admits his own inimical attitude towards the petitioner and the consequent private enquiry behind the back of the accused petitioner by these two prejudiced officers with the premeditated plan of ruining the poor petitioner.

The poor petitioner can even now prove the above facts by records and witnesses. In these circumstances, to have concluded the poor petitioner guilty on the onesided report of the Late Mr. G. H. Stuart and declined to interfere with his order is a grave miscarriage of justice. This is the new fact on which the petitioner now prays for a review of his case.

2. As the poor petitioner was not furnished with copies of necessary papers and as he was suspended and ordered not to go out of Tindivanam, he has not yet been in a position to understand what all has been written against him. Copies of the statement of several witnesses all examined behind the back of the petitioner have not yet been furnished. In Board's Standing orders article 133 (copy herein enclosed) the dismissal of a public servant is compared to the penal sentence of a court of justice. It is the singular misfortune of the unfortunate petitioner that even in the most refined British Administration of His Majesty, a public servant of his stamp should be condemned and sentenced to suffer extreme punishment in public service and that without having been heard by any officer and by the prejudice of the Head of the Department. The most unfortunate petitioner fears that even his voluntary explanation has not been read by any officer and he therefore most humbly craves Your Excellency's mercy for a personal consideration-

*Mr Cardew
and I
spent many
hours over this case
M*

consideration of all his papers as a conscientious judge --
pleading the cause of the accused who is left undefended and
helpless, solely with the object of rendering justice tempered
with mercy.

The petitioner is very sorry he is driven to the necessity
of revealing facts very unpleasant and horrible in his ruined
circumstances and he most humbly begs to be excused for doing
so in self-defence and prays for the report of the late Mr.
G. H. Stuart against the petitioner being viewed with great
caution and suspicion.

The petitioner begs leave to subscribe,

May it please Your Excellency,

Your Excellency's most obedient

and

humble servant,

J. R. Venkataswami aiyar

16th May 1904

Late Sub Assistant Inspector of Schools,

Tindivanam Range.

Copy

19th April 1904

Enclosure A

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To

His Excellency

LORD AMPHILL, G. C. I. E.,

Governor of Fort Saint George,

MADRAS.

MAY IT PLEASE YOUR EXCELLENCY,

THE most deplorable and critical petition of T. R. Venkatarama Aiyar, a dismissed Sub-Assistant Inspector of Schools, who was drawing Rs. 125 a month, most humbly and respectfully prays for a kind review of the Proceedings of the Madras Government No. 114, dated 19th February 1904, rejecting his appeal against the order of dismissal passed upon him by the late Director of Public Instruction, in the light of the undermentioned circumstances in his favour. He hopes from your Excellency's humanity and the well known benevolence of your Excellency's disposition to partake of that Royal nature to spare and forgive which brings happiness upon the oppressed and the distressed.

2. The petitioner served your Excellency's Government as Sub-Assistant Inspector of Schools Tindivanam and elsewhere faithfully and honestly and he counts a service of about 23 years. At the request of some native gentlemen of Tindivanam, most of whom are pleaders, he helped them in working up the old school of Audinarayana Aiyah, which is now known by the name of "Victoria Native Primary School". He simply taught the teachers of the school the method of imparting sound instruction so as to awaken the real interest of the pupils and never took an active part in the management.

3. Your Excellency's petitioner has now to express in brief the fact of the present American Missionary as manager of the Mission Lower Secondary and Primary Schools in Tindivanam having succeeded in bringing the late Mr. G. H. Stuart to Tindivanam and got him preside over the meeting on the occasion of the prize distribution on the 9th March 1903. His honour lived with the Missionary, visited all the four Mission Primary Schools in Tindivanam but did not visit the Victoria Native Primary School notwithstanding the humble request of the managing members. It is this very Missionary who applied to the same Director of Public Instruction for a building grant of the old District Munsiff's Court-house in Tindivanam. The petitioner was personally directed to recommend the application which was immediately done on the personal and written modified requisition of the manager. The unusual expression of his Honour's Countenance and the

manner the poor subordinate petitioner was then received made him think that some unusual steps to undo him would be taken in spite to him and the Missionary.

4. Mr. Singaravelu Mudaliar, Assistant Inspector of Schools, the next superior of your Excellency's petitioner, took exceedingly undue advantage of his honour Mr. Stuart's displeasure towards the petitioner and found an occasion to work out the ruin of the subordinate for the preconceived spite. His inimical attitude towards the petitioner prior to the complaints will best be seen by a perusal of copies of his D/O letter dated 22nd March 1903 and the reply hereto submitted. On three pseudonymous petitions containing charges of the most trumpery description and got up by the malevolence of the petitioner's own subordinates who were all reported against in the strict discharge of petitioner's duty and on the statements taken behind his back without notice of the enquiry, the Assistant Inspector of Schools somehow penned a lengthy report, which, if perused, will be a sufficient proof of his vindictive spirit.

5. The petitioner's full explanation was not taken by either of the two officers, no necessary papers were given him even when repeatedly requested, no opportunity to cross-examine the witnesses, no permission to appear by a pleader were given the petitioner and he was not asked to enter upon his defence as enjoined by the rules prescribed by Government. The repeated cravings of the petitioner that the Assistant Inspector of schools was highly prepossessed and prejudiced were not at all attended to. The authors of the pseudonymous petitions on which the report of the Assistant Inspector of Schools hinged, were purposely avoided being traced out and the superior officers did not care or even attempt to find out whether there really existed persons bearing the names subscribed in the pseudonymous petitions.

6. It can further be explained that the statements alluded to in the Assistant Inspector's report were not taken in an open enquiry and in the presence of the petitioner affected by them. The makers of these statements are mostly persons drawing very low salary and in the good grace of the Assistant Inspector of Schools. If the charges were true, there would have been complaints long before the date of Mr. Stuart's visit to the Tindivanam Mission Schools or as soon as the alleged subject matter of the charges were said to have been committed and not after a sufficiently long interval and immediately after the visit of the late Director of Public Instruction. The subordinates who made the statements were influenced by the promise of promotion or confirmation as also the immediate superior who was since confirmed in this division.

7. The Assistant Inspector of Schools, who originally enquired into the matter, as well as the late Director of Public Instruction found nothing which could not be believed against the petitioner though both have by official record expressed their real appreciation of the work of the petitioner. The late Mr. G. H. Stuart stayed here for two days and a half and every day he spent more than four hours with the Assistant Inspector of Schools in private but gave the petitioner no opportunity to explain his case. Neither of the two officers cared or attempted

to find out that through no fault of the petitioner, coloured circumstances in the shape of charges have been brought about and that coincidences of circumstances have been fabricated most effectually to effect the ruin of the petitioner. The utter disregard of the rules and procedure prescribed for an enquiry into matters like the dismissal of a public servant with long service rightly calls forth the correction of your individual Excellency.

8. The first charge against the petitioner is, as alleged, that he employed one Vaithinatha Aiyar as temporary clerk in his office with a single clerk and drew pay for him for 19 days as such, while he was employed as a teacher in the Victoria Native Primary School, Tindivanam.

The second charge is, as alleged, that the petitioner examined and passed grants for a school in Nagar knowing that it had been closed. Your Excellency's petitioner is quite innocent of the above charges, as his appeal will show and his simple innocence can be explained only in this way;

"In order to effect the ruin of a poor servant, his box is opened with a false key and a quantity of goods taken from his master deposited in it." There has been only one sided representation all through from the immediate superior.

9. Your Excellency's humble petitioner has had the happiness of serving His Royal Highness' Government loyally for about 23 years and now in his 48th year of mature age is turned adrift with no ostensible means of support and even without being heard by any officer. He has been inevitably driven to the length of expressing that the superior officers in the Department have placed a blind reliance upon the dictum *"facts cannot lie"* which has played a mischievous effect in the administration of justice in the case of the petitioner. That facts can awfully and cruelly lie is illustrated above by the case of the servant. The ruined petitioner most respectfully prays for a personal interview to represent some more of his grievances. His address is 8 Eswaran Covil Street, Tindivanam.

As your Excellency with the prerogative of Royal mercy is the only asylum for relief to persons in the petitioner's ruined circumstances, he looks up with great anxiety and prays that your Excellency may be graciously pleased to order at least a monthly pension for the petitioner's family support and thereby render justice to the petitioner's simple innocence.

The petitioner begs leave to subscribe.

May it please your Excellency,
Your Excellency's most obedient and
humble servant,

S. M. Vindrasan aiyar

Late Sub-Assistant Inspector of Schools,
Tindivanam Range.

Standing Orders

of the

Board of Revenue,

(Vol. I)

133. Enquiries in cases of misconduct:--pp. 397.

2. Rules for the conduct of enquiries:--

(1) An enquiry in judicial form should precede an order or recommendation for dismissal, or other serious punishment. The charge against a public servant, whether it be inefficiency or misconduct or any other ground of dissatisfaction -- should be reduced to writing and communicated to the accused for such explanation as he may have to offer.

(11) The accused should be brought before the enquiring officer in person, and should be told of the charge he has to meet, and of the evidence and arguments in support of the charge, before he is required to defend himself.

(111) The evidence, in whatever form received, should be noted and explained to the person charged.

All evidence, which, in the opinion of the enquiring officer conduces to moral conviction, is admissible, but the decision should be based solely on the evidence admitted. The accused should be allowed reasonable time to place on record a full written statement for the defence.

He should likewise have access to the records in his case, and to all documents which he may wish to consult, provided that no original --

papers

SUBJECT.

Submitting Review, appealing to the Prerogative of mercy, and humbly explaining the Petitioner's simple innocence of the two unfounded charges based on Pseudonymous petitions with devout prayer for a personal interview to represent the facts on the side of the Petitioner in as much as the Proceedings against him are onesided and as such, in the interest of Justice, necessarily call forth Your Excellency's kind notice and consideration.

papers are removed from the precincts of the office on any pretext.

- (iv) When passing orders, the authority holding the order should always record in English, in his own handwriting, a statement showing briefly but clearly, the charges brought against the accused official, the evidence supporting those charges, the defence put in by the accused in respect of each charge, and the opinion of the enquiring authority on each charge.

3. Previous good character:- In passing orders consideration should be given to the previous character of the subordinate concerned, and specially to any specific instances of good service that may have been officially noted in his favour. Apart from the question of evidence, it will be good for the Public Service, if subordinates are able to feel that a good character and acts of good service stand them in real stead when their conduct is exposed to question.

4. Previous bad character:- The admission of evidence of previous bad character requires great caution, for if one fault is taken as evidence of another, there is the danger of the first punishment of a small fine expanding by a sort of natural growth in to dismissal.

5. Removal on suspicion:-

- (1). In some cases a compromising suspicion may in itself be sufficient reason for removing a subordinate from the service of Government. If so, it should be stated, and there should be no pretence of proof when there is only suspicion. The subordinate should not be dismissed with disgrace, but allowed to resign, or simply

relieved

relieved of his office. And in such cases, it is more necessary than ever that the exact case against him should be carefully recorded, in order that he may, if possible satisfy any other employer.

- (11). If a man has earned or nearly earned his pension his would not be a proper case for removal on suspicion. He would necessarily be an old Servant of Government who has reached a time of life when it would be most improbable that he could turn to any other occupation for a livelihood. The sudden beggary of a man whose working days are drawing to a close is as serious an exercise of power as the Penal Sentence of a Court of Justice and should not be inflicted on him on principles.

(True Extract)

J. R. Vinubhavanam

Late Sub. Assistant Inspector of Schools

17/10/03 Tindivanam

papers are removed from the presence of the office on suspension.

- (iv) When passing orders, the authority holding the enquiry should always record in English, in his own handwriting, a statement showing briefly and clearly, the charges brought against the accused official, the evidence supporting those charges, the defence put in by the accused in respect of each charge, and the opinion of the enquiring authority on each charge.

3. Previous good character:- In passing orders considering character should be given to the previous character of the subject. Good service that may have been officially noted in his favour. Apart from the question of evidence, it will be good for the Public Service, if authorities are able to feel that a good character and note of good service stand them in real stead when their conduct is exposed to question.

4. Previous bad character:- The examination of evidence of previous bad character requires special care. For it is found in cases as evidence of another, there is the danger of the first examination of a right place depending on a word of natural growth in to discredit.

3. Removal on suspicion:-

- (1). In some cases a compromising suspicion may in itself be sufficient reason for removing a subordinate from the service of Government. If so, it should be stated, and there should be no pretence of proof when there is only suspicion. The subordinate should not be dismissed with disgrace, but allowed to resign, or simply relieved.

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could turn to any other occupation for a living.
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exercise of power as the Penal Sentence of a
Court of Justice and should not be inflicted
on a pensioner.

(True Extract)

15/10/03
Sd/- Assistant Inspector of Police
J. B. Van der ...

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From

M.R.Ry. T. R. Venkatarama Aiyar,

Late Sub Assistant Inspector of Schools,

Tindivanam Range.

To

His Excellency,

James Thomson C.S.I.,

Governor of Fort St. George,

M A D R A S.

Dated 16th May 1904.

S U B J E C T.

Pointing out the new fact of the late Mr. G. H. Stuart having pre-
conceived the ruin of the unfortunate petitioner and that on account
of the report of the Local American Missionary against the petitioner
and humbly soliciting the favour of justice by reviewing the order once
passed.



GOVERNMENT HOUSE.

May 19 1904

My dear Taylor

I am desired by
His Excellency the
Governor to ask of the
papers connected with
the enclosed petition.

Yours sincerely
L. W. G. G. G.

Educational Departt

The papers connected with Mr. R. Venkatarama Aiyar's appeal against the Director's order dismissing him from service and his subsequent review petition are herewith

M. 80. No 114201 dt 19-2-04
N. " " 185 " " 9-5-04.

Submitted. H. 20.5.04
By 79/574

filed

The papers are submitted to H. S. the Director through the Private Secretary.

20.5.04

It may be told that H. S. is no reason to review the order passed in his case

4
21.5.04

Plan draft accordingly

22.5.04

A draft is submitted below for approval.

By 23/5/04

filed H. 20.5.04

By 24.5.04

1,200-7-10-03.

C. No. 900-A, From ~~the~~ Mr R.Ry. T.R. Venkataswami No. _____, dated 16 - 5 - 1904

24/5/4

No. 314, dated 24-5- 1906

Mr. J. R. Venkatarama Aiyar
is informed that His Excellency
the Governor in Council finds no
reason to reissue the orders ~~passed~~
in his case.

✓ No 2

24 5-09

Hy
zu T. 4

23/5/4

Tc

Mr. T. R. Venkataswami aiyer

26/5
7/2

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

190 .

READ AGAIN G.O., No. _____, DATED
 190 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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