

45
Educational (1897) Department.

ORDINARY MS.

G.O., No. 248

Dated 29. 4-97

2/3/97

INDEXED

7-10

[Despatch Abstract.]

Stating that in the circumstances re-
ported the Gmt has no objection to
the confirmation of J. Shanmukham
Pillai in an appointment in which
he acted on the 1-7-94.

245/97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
-	638	Ed	12 10 96				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C ^{No}	693/95		20 3 63 29/6/97				

Edl
Local & Municipal

Educational (1897) Department.

CURRENT No. 456.

638/96 Label
Subd. No. 1.

From

The Board of Revenue, Land
Revenue, Madras.

SECRETARY TO GOVERNMENT
10-488-1313
No. 1307
LOCAL & MUNICIPAL DEPARTMENT

Order
mis

N^o 248 d 29-4-97.
HS
29/4/97
In ~~accord~~ the circumstances
now reported the Govt has no
objection to the confirmation of
J. Shanmugham Pillai in the
Appointment in which he was acting
on the 1st July 1894.

Dated 7th April 1897.

Received 10 }
Registered 13 } 4. 97.

Enclosures

Spare copies

SUBJECT.

Note. The case is clearly set forth
in the Bd's No.

Submitting to Govt. Review petition
from Shanmugam Pillai, late acting
gumastah, Polur Taluk, North Arcot
District, with the recommendation
that in the circumstances now set-
forth the orders already passed by
Govt. in his case may be reconsider-
ed.

MA
23/4/97

27/4/97

To

The Bd's Secy (L.R.) No
with original enclos. ret'd.

Recd 575/97

28/4/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

15
Copies of recommendations made by his Master on the applications of Your
Memorialist when vacancies occurred praying for confirmation.

—:0:—

I. Submitted for favourable consideration. The applicant is willing and hard working
in the discharge of Public duties and I am fully satisfied with his work.

WANDIWASH, } (Signed) V. RAJAGOPAL,
30-4-94. } Tahsildar, Wandiwash Taluk.

II. Submitted for favourable consideration. The applicant has done good work in re-with
durkash which were left in a great confusion by his several predecessors. He
therefore deserves encouragement.

WANDIWASH, } (Signed) V. RAJAGOPAL,
5-10-94. } Tahsildar, Wandiwash Taluk.

III. Submitted for favourable consideration. The applicant is a hard working man and
has been acting as Gumastah for the past 3 years. He deserves confirmation.

WANDIWASH, } (Signed) V. RAJAGOPAL,
21-4-95. } Tahsildar, Wandiwash Taluk.

19.

Copies of recommendations made by his masters on applications praying for confirmation.

I. Submitted for favourable consideration. He seems to be a sharp and young man; but Durkast work here is too many for one to cope with when another is given assistance as I mean to do shortly, he may give satisfaction.

Wandivash } (SIGNED) V. BASHIYIM IYENGAR
17-8-95 } Acting Tahsildar.

II. Submitted for favoarble consideration and orders. Shunmugam Pillai has been working under me in Polur for the last 10 months or so and has given me complete satisfaction.

Polur } (SIGNED) AGYANASAMI
4-7-95 } Tahsildar.

6/12/97
2/12/97

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226
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456

4. That Your Excellency's Memorialist continued to hold this acting appointment till the 12th Nov. 1896 when he was ordered to be relieved from his acting appointment vide G. O (an authenticated copy of which is enclosed herein) It is against this decision that this Review petition is presented to Government and your humble Memorialist solicits a reconsideration of his hard and pitiful case.

5. That the circumstances connected with his deplorable case are briefly represented below.

In the Government order, it is remarked that "the acting appointments in which Shunmugam Pillai has served since July 1894 lasted in any case more than 3 months; he should not have been appointed to them without the sanction of the Government. The fact that he has acted for a considerable period irregularly gives him no claim to exemption" your Excellency's humble Memorialist begs to submit that as per conditions laid down in note 1 to the preamble to the Public Service notification that persons who held acting appointment on the 30th June 1894 (before the receipt of the said notification) are eligible for confirmation in that appointment in which they are officiating if they fall permanently vacant before the termination of the acting incumbency. As per this order no Government sanction, your Excellency's Memorialist begs leave to submit, was necessary and accordingly he believes that the District officers obtained no Government sanction for the considerable period in which your Excellency's Memorialist had acted. Your Excellency's Memorialist was transferred from Wandiwash where he held a *sub-protem* appointment prior to the Public Service notification to Polur with a reversionary *lien* on his former *sub-protem* appointment at Wandiwash. Since your humble petitioner had this *lien*, he could, in the ordinary course, revert to his previous appointment in Wandiwash on the expire of his acting one at Polur. The *sub-protem* appointment at Wandiwash actually fell permanently vacant very recently in the month of October 1896. Fairly speaking, the appointment at Wandiwash should have been confirmed on your humble Memorialist on the occurrence of the vacancy in October '96 since he had a prior *lien* on it. The very fact that your petitioner had a *lien* on that appointment shows he could, as he ventures to think, have been confirmed in that appointment without prejudice to the wordings contained in note 1 preamble to the Public Service notification. It is immaterial that your petitioner acted, at the time the vacancy occurred in Wandiwash, in a different appointment at Polur since the *lien* on the previous appointment at Wandiwash, in fact, continued and was never cancelled.

6. In the circumstances stated above, your Excellency's Memorialist here begs leave to submit that he had, till the receipt of the G. O. on the 12th Nov. 1896 annulling his appointment, a *lien* on the *sub-protem* appointment in the Wandiwash Taluk, to which he was appointed long before the receipt of the public service notification, your humble Memorialist's transfer from Wandiwash to Polur in Sep 1895 was, he submits, entirely a mistake on the part of the authorities. There was no fault on his part. If he had committed any, he would naturally have been deprived of the *lien* on his *sub-protem* appointment at Wandiwash.

7. Your Excellency's Memorialist would, however, beg leave to submit that since his entertainment in the Public Service in 1891 he had not the good fortune to receive an impartial and equitable treatment in the way of promotions. From facts set forth below, your Excellency in Council will observe that outsiders and juniors in the service were provided with promotions and pukka appointments while the petitioner's claims were repeatedly overlooked. If an impartial justice was meted out in his case, your petitioner would have been provided with an appointment on Rs. 15 permanently as vacancies arose from 1892 to 1894 and there were 7 pukka vacancies as stated below.

(a) In No. 1 Your Excellency's Memorialist was given an acting appointment in the month of January 1893 vice Krishnasami Sastri on deputation as acting Head Gumastah in the Wandiwash Taluk as per exhibit No. 2 in which capacity he was eventually confirmed in the month of July 1893 vide exhibit No. 3. Your Excellency's Memorialist should have been, in the ordinary course, confirmed in that acting appointment he then held. But to his dire misfortune No. 1 another Varadachari, a junior and who till then had no permanent appointment, was permanently appointed in his place and sent to Polur in another acting vacancy which was filled up by his junior very recently. Your Excellency's Memorialist continued in the same appointment till September 1893. In September 1893 one Natasa Aiyar, also an outsider, ousted your Petitioner while the latter (your petitioner) was put as temporary Loan's clerk from 1st October 1893 in which capacity he continued till the 1st November following when the office of Loan's clerk was abolished. Natasa Aiyar, an outsider, could have been posted as a temporary Loan's clerk and Your Excellency's Memorialist allowed to continue as acting clerk on Rs. 15 vice Varadachari. But for reasons entirely beyond his comprehension your Excellency's Memorialist was disturbed from his previous acting appointment in October 1893 in favour of Natasa Iyer an outsider.

(b) In No 2 again one Ekambara Aiyar a permanent clerk on Rs. 15 in Wandiwash Taluk retired and in the natural course of events a selection to fill up the vacancy could have fallen upon your petitioner he having acted in the same Taluk on Rs. 15 from 1st January 1893. But no, to Your Memorialist's misfortune one Rangasami Iyengar, also an outsider and junior and who held no permanent appointment whatever previously, was appointed to fill the vacancy; he was however sent to Arni as acting Head Gumastah vice Vejiaraghva Chetti on deputation as Head Gumastah in Polur Taluk and Your Excellency's Memorialist made to continue at Wandiwash vice Ekambara Aiyar retired. This acting appointment could have been given to Rangasami Iyengar and Your humble Memorialist confirmed long ago in 1893.

(c) No. 3 Ramabadra Iyer was quite unconnected with this Department and was provided with a Shroff's place on Rs. 15.

(d) No. 4 one Panchapakasa Aiyar, who was a resident of Tiruvadi of the Tanjore District and perfect stranger to this District, was permanently posted as 2nd clerk in the Stationary Sub-Magistrate's Office at polur.

(e) No. 5 one Nagojee Row was also an outsider and junior. He was brought down here by the late Deputy-Collector and was appointed a clerk on Rs. 15 in the Deputy-Tahsiidar's Office, Arni.

(f) No. 6 one Lukshman Row was the son-in-law of the Arni Jaghirdar's uncle; he was holding a pukka appointment in the Cudappa District. Owing to the feverish and unhealthy climate of that District, he was given a clerk's place on Rs. 15 in Polur Taluk.

(g) No. 7 C. Krishnasami Aiyar, a junior, was provided with a pukka clerkship on Rs. 15.

(h) Your humble Memorialist begs to submit that all the above said persons had no *locus standi* in this District and were more or less outsiders and juniors and these stepped into these 7 vacancies some favouritism and the claims and hard service of Your Excellency's Memorialist had been repeatedly overlooked; your humble Memorialist had been doomed to suffer in the acting appointment owing to simple reason that he had not the fortune of having some one of his caste man at Head quarters to back his claims up or to represent his claims when filling up the vacancies. If any of these 7 vacancies had been bestowed upon him, Your Excellency's Memorialist would not have lost the benefit of the examination, which he had passed and which was then in force prior to the receipt of the Public Service notification. Your Excellency's Memorialist begs again to submit that in his case particular there was grave injustice shown since Your humble Memorialist is a Non-Brahman.

8 It is only after the advent of the present impartial Deputy Collector M. R. Ry. Ramasesha Aiyar Avl. some justice was shown to the petitioner. This Officer was pleased to make a reference to the Collector urging that the wordings of para I note 1 of the preamble of the Public Service notification could in no way affect Your Excellency's Memorialist being confirmed on Rs. 15 and in which representation the Collector and the Board agreed and recommended Your Memorialist's confirmation on Rs. 15; but to Your humble Memorialist's misfortune, Your Excellency Government took a different view of the said recommendation and passed an order adverse to Your Excellency's Memorialist. When the previous papers regarding Your humble petitioner's case were placed before Government it was apparently not in full possession of facts set forth above and it was not able to arrive at a fair and just conclusion of his unfortunate and pitiful case.

9. During the term of nearly 5 years official career of Your Excellency's Memorialist, he always rendered a diligent and faithful service to Government and pleased the various masters under whom he served as would be evidenced from copies of the enclosed testimonials.

10. Your Excellency's Memorialist therefore most earnestly entreats Your Excellency in Council to graciously condescend to accord a compassionate and benevolent consideration to the facts and circumstances above set forth and be pleased to restore him to his *sub-protem* gumastah's appointment in Wandiwash Taluk to which he had a lien from which he was unjustly ousted and transferred to Polur and sanction his confirmation as recommended by the Collector and the Board in the said appointment, which was given in favour of junior about a month ago or at least to exempt him from the Examination rules in force as recommended by the Board and thus afford him relief, a favour for which he as in duty bound shall ever pray.

He begs to remain

Most respectfully showeth

Your Excellency's Most humble and obedient servant

J. Shanmugam

Late acting Gumastah, Polur Taluk,
North Arcot District.

31-12-96
Arni

Page 9 of this file.

Mr 15-17 of this file.



PROCEEDINGS OF THE BOARD OF REVENUE
(Land Revenue)

No.1312 Misc., dated 7th April 1897.

Read the following :-

1. Again Board's Proceedings No.4252 Misc., dated 16th September 1896, submitting for the orders of Government letter from the Collector of North Arcot recommending that Shanmugam Pillai, acting gumastah, Polur Taluk, who has passed the Middle School Examination in the First Class may be confirmed in a Rs.15 appointment for reasons stated.
2. Again Board's Proceedings No.4749 Misc., dated 20th October 1896 communicating to the Collector of North Arcot for information and guidance G.O. declining to exempt Shanmugam Pillai, acting Gumastah, Polur Taluk, from the Examination rules
3. Following Endorsement of the Collector of North Arcot, Dis. No. 176 of 1897, dated 18th January 1897, on petition from T. Shanmugam Pillai, late acting Gumastah of Polur Taluk, North Arcot District, dated 31st December 1896:-

"Submitted with reference to Board's Proceedings No.4749 Misc., dated 20th October 1896."

.And the following Reference thereon dated 20th February 1897:-

"The petition from Shanmugam Pillai will be returned to the Collector, North Arcot, for report at a very early date, on the following points :-

- (1) whether it is a fact, as stated in paras 2 & 3 of the petition, that petitioner was appointed as subprotem gumastah in Wandiwash taluk on or about 20th November 1893, and if so, what was the exact date of that appointment;
- (2) what was the month and day of the Deputy Collector's

8/10/97

7
206
8
456

disposal No.584/Ind. of 1895, by which the petitioner was appointed as Subprotom Gumastah, Polur Taluk, (p.9 of petition file).

(3) whether it is a fact, as stated in para 5 of the petition, that the Subprotom appointment at Wandiwash actually fell vacant in the month of October 1896, and whether it was the occurrence of this vacancy that led to application being made to Government for the exemption of the Petitioner.

4. Also Endorsement of the Collector of North Arcot, Ref. on Cur.No.455/ver of 1897, dated 16th March 1897.

Resolution

Submitted to Government with reference to its order No.638, dated 12th October 1896.

3. The Petitioner's case, as now presented, differs materially from the form in which it was submitted by the Collector in his letter dated 24th August 1896, which led to the passing of the order quoted above. In that letter the Collector reported on the petitioner's case as follows:-

" (Petitioner) has been acting as Gumastah on Rs.15 continuously for upwards of 3 years, having been appointed as such in several arrangements since July 1893. The acting appointment which he now holds is consequently a different one from that which he held on 1st July 1894".

3. A statement showing the different arrangements from 20th November 1893 to July 1896 in which the petitioner was employed as an acting Gumastah is given in the margin. It will be seen from this statement that the petitioner, who is No.8 in the statement, was appointed

Name & designation	20th Nov. '93 to 2nd Jany: 95	3rd Jany: '95 to 14" Sep: 1895.	15" Sep: '95 to July '96.
Acting Gumastah in Wandiwash Taluk on 20th November 1893, in the chain of arrangements consequent on the deputation of one -----	1. Clerk, Hd: Asstt. Collector's office-----	"	"
	2. V. J. iendira Rao, Permanent Hd: Gumastah, Polur Taluk office	Ag. for No. 1.	Ag. for No. 1.
	3. Vijiaraghavulu Chetti, Hd: Gumastah, Arni Dy: Tahsildar's office	Ag. for No. 2.	Ag. for No. 2.
	4. N. S. Rangaswami Aiyangar, Gumastah, Wandiwash Taluk office-----	Ag. for No. 3.	"

5. Nagoji Rao, Abkari clerk, Arni Dy: Tahsildar's office-----

6. Venkatachari, Abkari clerk, Wandiwash Taluk office-----

7. B. V. Krishnaswami Aiyangar, clerk, Polur Taluk office-----

8. Shunmugam Pillai (Petitioner)

"

"

"

Ag. for No. 4

Ag. for No. 3

Ag. for No. 5

"

Ag. for No. 6.

On leave for two years

Vijiendra Rao, Permanent Head Gumastah of Polur Taluk. The petitioner continued to hold this acting appointment in Wandiwash Taluk (notwithstanding an intermediate change in one of the links

of the arrangement which did not affect the petitioner) till 14th September 1895, when he was appointed Acting Gumastah, Polur Taluk, in the place of one B. V. Krishnaswami Aiyangar who had been granted leave for two years. At the same time he was allowed a "reversionary lien on his acting appointment at Wandiwash, became permanent in July 1896, and in connection with it, it was sought to give effect to the petitioner's reversionary lien.

4. The Government declined, however, to sanction the petitioner's exemption (Vide G.O., No.638, dated 12th October 1896). It observed that "the fact that the petitioner had acted for a considerable period irregularly gave him no claim to exemption". It will be seen from the statement in paragraph 3 above, that there was no irregularity in the petitioner's acting appointment until 14th September 1895, and that although he was then shifted to another appointment without Government sanction, yet he was expressly allowed a lien on his original acting appointment at Wandiwash. In this connection the Board would invite the attention of Government to the wording of the 1st Proviso to the Public Service Notification:- "Nor shall they (the rules) apply to persons acting in appointments for which, though qualified under the rules in force on the 30th June 1894, they may not be qualified under the present Notification, such persons being eligible for confirmation in the appointments in which they are officiating, if they fall permanently vacant before the termination of the acting incumbency." This Proviso appears to

have been inserted with the express object of preserving all rights to permanent appointment which were created before 1st July 1894; if this view is correct the petitioner, who held such a right uninterruptedly from November 1893 up to the date of the Government Order of October 1896 referred to above, would seem to be entitled to the benefit of the proviso. At any rate it is clear that the petitioner would not have been shifted from his acting appointment in the Wandiwash Taluk, if it had been foreseen that he would in consequence forfeit his claim to a permanent appointment in the Government Service. Under these circumstances, the Board recommends a reconsideration of the orders already passed by Government in this case.

(True Copy & Extract)

Reel
Secretary.

To
The Secretary to Government, ^{Edl} ~~Edl~~ Department, with petition & Enclosures. & Collector's letter, dated 16-3-97, Ref. on Cur. No. 455/ver of '97 (with enclosures) in original to be ret'd.

Md. R. H.

Given for copying 3/5
3/5
1897

G.O., No. DATED

No.

TO C. No

OF GOVERNMENT

OF GOVERNMENT.

MENT WITH DITTO.

APERS (NOT FILLED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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