M.R.O. 1—77,006—8-6-37.

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(2) Date of repair 16.10.39.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 471	Press / Mis.
30-31.	
Dated 23-11- 1870.	

30-31 8/9

Not to be folded or roughly handled

No. 471.

FROM

THE HON. R. S. ELLIS, C.B.,
Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to forward, for the orders of the Viceroy and Governor-General in Council, a petition from Mr. G. W. Ireland, in which he appeals against the decision of this Government rejecting his claim to pension.

2. I am also instructed to transmit copy of the Orders of this Government in the case, and to state that His Excellency the Governor in Council adheres to the opinions there expressed.

Dated 27th April 1870, No. 174.

I have the honour to be,
Sir,
Your most obedient servant,

FORT SAINT GEORGE,
23*rd November* 1870.

Chief Secretary.

TO

HIS EXCELLENCY THE RIGHT HONOURABLE THE VICEROY OF THE
GOVERNMENT OF INDIA IN COUNCIL,
Fort William.

The humble and respectful address of GEORGE WILLIAM IRELAND, late Distraining Officer in the Quit Rent Department in the Madras Collectorate.

VERY RESPECTFULLY SHOWETH,

That your Lordship's petitioner being aggrieved with the unjust and unfavourable decision passed by the Madras Government depriving him of the superannuation pension to which he is fairly entitled for his faithful services rendered in several responsible duties which devolved on him, simply owing to the ungrounded and unfavourable reports made by the late Deputy Collector, Rungasawmy Iyengar, through the interference of the petitioner's inveterate enemy the late Tahsildar, Sambaseeva Moodelly, your petitioner, who has none but your Lordship from whose gracious hands he could look for justice, takes the liberty of laying before your Lordship in Council the full particulars of his case, that your Lordship may, after patiently perusing them, be pleased to pass such proceedings as your Lordship in Council may deem just and benevolent.

2. That petitioner has been a Government servant unintermittedly for the past 24 years, and for the last 17 years of which he has filled the office of Distraining Officer in the abovenamed Department, with what credit to himself the enclosed copies of testimonials will show. That, when the income-tax came in force in January 1861, application was made by the Commissioners to the then Collector of Madras to allow your petitioner to execute the income tax warrants in addition to his ordinary duties, and the sanction of Government having been obtained for the disbursement of his salary in the latter office (under Madras Government Proceedings, dated 15th May 1861, No. 1030) your petitioner continued to perform the double duties, and to give satisfaction to all his superior

Officers, till the abolition of the income-tax, and consequently his duties were thenceforth confined to those of the latter office, which he continued to perform with assiduity up to March 1868.

3. That petitioner, on the 5th March 1868, had the misfortune to be arrested for debt and confined in the Debtors' Jail at Madras, and, presuming on his long and faithful service, he then applied to the Deputy Collector of Madras for leave on urgent private affairs for three months, to enable him to arrange with his creditors. That, on the 16th of the same month, the Deputy Collector, in an Official Memorandum, declined to accede to petitioner's request, "in consequence of the then (present) pressing state of business in the Office," and intimated that petitioner was removed from his office, but would be permitted to send in his papers for pension.

4. That your Lordship's petitioner appealing to the Madras Government against the unjust proceedings of the Deputy Collector of Madras, the honourable Government were pleased to obtain a report from the Collector on the subject and then favoured the petitioner with an indefinite reply to the effect "that, as petitioner had been re-employed in the license-tax department, Government do not consider that further interference is called for." This reply actually left petitioner's case in the same stage as it was when he petitioned, as it expressed no decision upon the merits of his appeal.

5. That, in November 1868, petitioner accepted the appointment of Inspector of License-tax under the impression that it was a Government situation and that it would maintain his unbroken service entitling to pension, and he was confirmed in this impression by the tenor of the endorsement above alluded to; and petitioner would here submit that the bare fact of his re-entertainment in that Department in a responsible capacity dispenses with all argument as to the "misconduct" attributed to petitioner in the report of the Examiner of Claims upon which the last Order of Government is unfortunately based. Petitioner is at a loss to account for this disastrous opinion otherwise than by the following circumstances, coupled with the fact that continual animosity unfortunately existed between petitioner and the late Tahsildar, P. Sambaseeva Moodelly, who was virtually the ruling officer in the Deputy Collector's Department and by whom the Deputy Collector was influenced in all his proceedings. This Officer's misdoings and shortcomings were, since, the subject of special investigation, which has resulted in his dismissal from office.

6. That the circumstances of petitioner's case are briefly these:—In March 1867, when petitioner was in arrears on an interval of
1866 to March 1867, during which he contracted debts for the subsistence of himself and family. The actual amount lost by his suspension was Rupees 935, which necessitated proportionate liability. On this liability, he was arrested in March 1868, which arrest took place in the office at the direct instigation of the Tahsildar. For some time previous to petitioner's arrest, the Tahsildar had been at work seeking out petitioner's creditors and inducing them to press their claims, so that petitioner should never return to office. Placed in this predicament, petitioner was necessitated to apply for three months' leave on private affairs, in order to arrange with his creditors, to which indulgence he was entitled by the rules of the Uncovenanted Service, and which was refused and by the suggestion of the Tahsildar, coupled with the Deputy Collector's recommendation of petitioner's summary removal from office. This recommendation was based on the Deputy Collector's assertion that petitioner was always "involved in debts," and was consequently "disabled from attending regularly to his duties."

7. That petitioner respectfully submits that, if there was any truth in the allegations of the Deputy Collector to the Collector of petitioner's irregular attendance, there should have been some previous warning given him, or his remissness should have been specially brought to the Collector's notice, in which case, if the charge was well grounded, some punishment would have been assigned, or petitioner would have constantly applied for leave to which he was entitled; but petitioner only availed himself *twice* of privilege leave during the whole period of his service and applied for the first time for leave on private affairs consequent upon the emergency last stated; but even that was refused on the suggestion of the Tahsildar. Petitioner's case is thus attributable solely to misfortune and in no wise to "misconduct" as stated by the Examiner of Claims in his report. In the usual course, the recommendation of the Deputy Collector was confirmed by the Collector without any inquiry and without affording petitioner the opportunity of an explanation.

8. That petitioner's claim to pension having been entertained, not by one, but by three successive Collectors, as will be seen from Mr. Fane's endorsement, ordering petitioner to submit his application for pension accompanied by a medical certificate, as also by petitioner's application to Mr. Thornhill, Mr. Fane's successor, which was duly forwarded and supported by Mr. Blair, the present Acting Collector. These three Officers were favourably disposed to recommend petitioner for pension together with arrears. Petitioner is proud to have earned this sympathy from the Collectors, who were the highest, as they were the best, judges of petitioner's previous good conduct, qualification, and merits, solely by his assiduity, departmental honesty, and consistent character; this will be corroborated by a reference to the correspondence which passed between the Collector, the Board of Revenue, and the Madras Government when Mr. Pelly's scheme for the revision of the Revenue Settlement was introduced in 1862. In that correspondence, favourable mention is made of petitioner, and his salary specially augmented from Rupees 70 to 85, which, singularly, none of his predecessors ever enjoyed.

9. That, as petitioner further deems it most expedient to bring to your Lordship's notice the fact of the situation of Distraining Officer in the Deputy Collector's Department having been abolished under the orders of the Madras Government since his wrongful dismissal, upon the detection of a defalcation in the collections of about Rupees 12,000, to which the Heads of the Department were privy, as will be observed from the Proceedings of the Board of Revenue on the subject, petitioner also begs to observe that, if his application for leave for three months was acceded to by the late Deputy Collector, he should have been entitled to *one-half* instead of *one-third* pension as recommended by the Collector of Madras, without the prescribed medical certificate, on the abolition of the appointment; but, unfortunately, the animosity existed between him and the late Tahsildar, and through whose influence the Deputy Collector sought petitioner's ruin.

10. That petitioner, therefore, takes the liberty of citing three cases, out of several instances of Government servants criminally punished, those of Singaroovaloo Moodelly, Teagaroya Pillay, and Mr. F. Pereira (the first, a clerk in the office of the Superintendent of Stamps, who was once dismissed from public service owing to his having been an accomplice in a bribery case against the Manager, Mr. Clarke; the second, the Tahsildar of the Ahtoor Taluq in the Salem District, was also removed from the public service upon clear conviction of bribery against him; and the third was the Head Clerk in the Superintendent of Family Payments and Pensions Office at Madras, who had the audacity to purloin public records to afford private information to certain native petition writers—this individual was also removed from the public service); but the whole three have subsequently obtained their allotted pensions, and petitioner begs to state that, if a minute search is made among the records of the Madras Government Office many other cases more disgraceful than the above will unmistakeably be found.

11. That your Lordship's petitioner, under all the circumstances of his unfortunate case, most respectfully but earnestly submits that your Lordship in Council will, after perusing patiently the whole of the records connected with his case and calling for the orders in the Madras Government Office on the subject of the petitioner's pension, be pleased to issue just and equitable orders conferring on your Lordship's distressed petitioner the one-third pension of Rupees twenty-seven and odd, with arrears from the date of his application, to which he has already been recommended by the Collector of Madras, whose application for pension was accompanied with a medical certificate, declaring petitioner's further inability to serve any longer. Being now out of employ for upwards of twenty months, coupled with old age and sickly state of health; burthened with a large family solely depending on petitioner; undergoing the severest pangs of misery imaginable; anticipating a fervent but earnest hope of realizing that justice which His Lordship in Council is always ready to render to those who are injured and are in need; and under such impression petitioner takes the liberty of intruding on your Lordship's valuable moments with his distressed and aggrieved case for your favourable consideration, to relieve him and his large family from utter starvation, for which act of justice and Christian benevolence your Lordship's petitioner, as in duty bound, shall ever pray.

MADRAS, SAINT THOME,
13*th October* 1870.

(Signed) G. W. IRELAND.

Exd. J. H. Burns.

1870.

FINANCIAL DEPARTMENT

From

The Chief Secretary to Government,

Fort Saint George,

To

The Secretary to the Govt. of India,

Financial Department.

ated 23rd November 1870.

d.

No. 471.

Enclosure.

Forwarding petition from Mr. G. W. Ireland, appealing against the decision of this Government rejecting his claim to pension.

2290.
10 Encl.
27-10-70.

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To

The Honorable R. S. Ellis. C. B.
Chief Secretary to Government
Fort St. George.

Honorable Sir,

That in obedience to the orders of the Government of India directing me to submit the accompanying Appeal for reversing the unfavorable decision passed by the Madras Government declining to grant me either pension or gratuity, I beg leave to submit herewith the above Appeal to the address of His Excellency the Viceroy and Governor General of India in Council.

I beg to acquaint you that from the circumstances narrated in the accompanying Appeal that the injustice done to me by the Madras Government is clearly exhibited. I therefore most humbly solicit that you will be pleased to submit this Appeal before the Right Honorable the Governor in Council for a just reconsideration of the case or forward the same to its proper destination with all the original records of the several cases quoted by me in this Appeal that the Government of India may be enabled to pass a decision favorable to me.-

I beg

I beg to remain
Honorable Sir,
Your Most Obedient Servant.

J. W. Nolan

Madras,
St. Thomé,
13th October 1870.

Petn Dept

dispo 30/5/70
Withdrawn
Despatch No: 1 dated 11th
Decision

Financial Department.

No. 471.

To

The Secretary to the Government
of India.

Fin'l Department.

Sir,

I am directed to forward for the orders of the Viceroy and Governor General in Council a petition from Mr. G. W. Ireland, in which he appeals against the decision of this Government rejecting his claim to pension.

2. I am also instructed to transmit copy of the orders of this Government in the case and to state that His Excellency the Governor in Council adheres to the opinions therein expressed. A.S.

Dated 27th April 1870
No. 174.

Fort St George
23d Nov. 1870

Appeal petition to follow.

Petn Dept

Fin'l Dept
No. 2290 of 1870
From Mr. Secy Ireland
To Govt Municipal dept
67
Transmg petn of
Dated 15th Jan. 1870
Recd 27th Jan.
to Govt Madras
No. 452
Dated 23d Nov. 1870
Recd 30th
Forwarding for orders of the Govt of India the petition of Mr. G. W. Ireland addressed to the Right Honble the Governor General in Council claiming to be entitled to a pension with a memorial addressed to the Right Honble the Secretary of State for India praying that his claim may be decreed and pension granted to him.

114/10.
22

30.

on the memorial to be forwarded to the said authority with all the records of the cases quoted therein

18 . Department.

No.

To

The Secretary to the

Government of

Department

Dated 187 .

1870.

Financial DEPARTMENT

I

From

The Offg. Secretary to Government,
Fort Saint George,

To

The Secretary to the Govt. of India,
Financial Department.

Dated Nov. 23 1870.

Rec'd.

No. 471
Enclosures

Nos. 30. 31

Forwarding petition from Mr. G. W. Island, appealing against the decision of this Govt., rejecting his claim to pension.