

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 761

Press
~~Mis~~

7-8

Dated

9-6-1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 15th June 1858.

No. 7. Read the following letter from W. ROBINSON, Esq., Acting Magistrate of Malabar to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 18th May 1858, No. 75.

SIR,

With reference to the Extract from the Minutes of Consultation, under date the 16th October last, No. 1359, I have the honor to submit the prayer of Nambanoor Komen Nair, that he

Appointments.	Period of service.	Y.	M.	D.	Pay.
Malabar Writer in the Sea Custom Department.....	From 1st November 1823 to 30th June 1828.....	4	8	..	rom 7 to 24 8
Record-keeper in the Magisterial Department.....	1st July to 20th November 1828..	0	4	20	35 0
Huzzoor 2nd Moonshee.....	21st Novr. 1828 to 31st July 1833	4	8	10	35 0
Do. 1st do.....	1st Augt. 1833 to 12th Augt. 1835	2	..	12	42 0
Native Accountant in the Sea Custom Department.....	3th Augt. 1835 to 6th Augt. 1839	3	11	23	70 0
Excluded.....	7th do. 1839 to 10th June 1841..	1	10	3	
Huzzoor 2nd Gomastah.....	11th June 1841 to 20th Feby. 1844	2	8	10	42 0
Do. Head do.....	21st Feby. 1844 to 14th May 1850	6	2	24	60 0
Tahsildar of the Shernaad Talook.	15th May 1850 to 10th Janry 1851	0	7	27	107 0
Do. of the Cootnaad do..	11th Janry. 1851 to 31st July 1853	2	6	21	107 0
Do. of the Walloowanad do..	1st Augt. 1853 to 9th July 1857..	3	11	9	107 0
Do. of the Ernaad do..	10th July 1857 to 18th May 1858.	0	10	8	107 0
		34	6	17	
Deduct period during which Komen Nair was out of employ....		1	10	3	
		Total...	32	8	14

may be relieved from the consequence of having been excluded from the public service for 22 months, from August 1839 to June 1841, so that when seeking his pension, his whole period of actual service of 32 years and 8½ months may be allowed to count. A statement of his services is shewn in the margin.

2. Nambanoor Komen Nair is one of the oldest officers in public employment in Malabar. In 1839, he unfortunately fell under the suspicion of having been concerned in purloining from the Records of the Adawlut Court of Calicut a document, which it was considered "may have been stolen or concealed for the benefit of N. Komen Nair, because its absence was a material hindrance to the ascertainment of the invalidity of his title" to a certain land that he had acquired. He and others were tried before the Criminal Court and acquitted with the remark by the Judge that "such statements as have been made by the witnesses for the prosecution are not to be believed without placing the life, property and honor of every man at the disposal of hireling perjurers." He remarked, however, that the case presented some point of suspicion as against N. Komen Nair.

3. Mr. Wm. Underwood, then Acting Principal Collector, recorded a long memo: on the case and removed him from office.

4. In 1841, Mr. Conolly, then Collector of Malabar, applied for permission to re-employ Komen Nair, remarking that "as he has been punished by loss of appointment for two years, after a service of 22 years, I think there is no objection to his being re-entertained." The Board of Revenue gave its consent, and N. Komen Nair was reinstated in the Sea Custom Department.

5. From that date Komen Nair has served the Government with distinction and devoted fidelity.

6. In 1850 he became a Tahsildar, he enjoyed the full confidence and respect of the late Magistrate, Mr. Conolly, who retained him in talooks requiring special qualities of vigor, decision and tact.

7. Besides other occasions of meritorious service, in 1852, his vigilance prevented a very serious Mopla outbreak. The prompt vigor of this fine old Nair (he is about 60 years of age) put down an incipient outbreak in 1853. When two desperate fanatics took up position in his talook, he immediately turned out his peons, and knowing the disastrous consequences of delay, met on the spot and successfully, their murderous onslaught.

Letter to Board of Revenue, dated 11th June 1841, No. 47.

Extract Proceedings of Board of Revenue, dated 1st July 1841.

Vida Magistrate's report to Government, dated 23rd September 1853, No. 34.

N. B.—An anecdote illustrates the metal of the man. He girt on his own sword and commanded the party, telling the peons that he would cut down the first man that ran.

Fort St. George, Judicial Consultation, 15th June 1858.

Dated 24th September 1856.

1. He was exceedingly earnest in tracing Mr. Conolly's assassins.

8. Mr. Collett's certificate of the esteem he held Komen Nair in, is appended. My experience of him had been the same, and when I returned to Malabar, I lost no time in placing him in the Ernaad talook, and I have felt ever since the fullest confidence that all that an able, earnest and faithful officer can do among its troublesome population will be done.

Dated 23rd November 1857, No. 368.

2. 9. Mr. Thomas' letter is likewise appended. Since this letter was written, I have seen Komen Nair. He then thought of retiring, but I am very anxious that he should not resign till the Ernaad talook, from which the Mopla Tahsildar Kootoossa has recently been removed, recovers its tone; and I have learnt from him that he will continue in the service till his age and infirmities incapacitate him. He only begs that his whole period of service may be allowed to count when he does need to retire, and I venture to hope that I may most earnestly recommend to the favorable consideration of Government, the prayer of one of the oldest and most faithful and respected native officers in the district.

I have much pleasure in complying with the request of N. Komen Nair, Tahsildar of the Vuluvana talook, and certifying that during the enquiry regarding the proceedings of the murderers of the late H. V. Conolly, Esq., he afforded me great assistance, and conducted that part of the enquiry entrusted to him with much diligence and success.

As he had previously been also employed under me as Tahsildar while I was in charge of the Special Assistant's Division, I am enabled to bear my testimony to the care and diligence with which he conducted his general duties. I believe that I may safely add that he has deservedly earned for himself a general reputation for integrity and freedom from corrupt motives, a reputation unfortunately not very common among our public servants.

(Signed) CHARLES COLLETT,
Sub Collector of Malabar.

Madras, September 24th 1856.

(True Copy.)

(Signed) W. ROBINSON,
Acting Magistrate.

From E. G. THOMAS, Esq., Special Assistant Magistrate: to W. ROBINSON, Esq.,
Acting Magistrate, Calicut, dated Munjerry, 23rd November 1857, No. 368.

SIR,

I have the honor, with reference to your letter, No. 4875, dated 28th Ultimo, to inform you that I have made Comen Nair, Head of Police of Ernad, acquainted with the opinion of Government regarding his conduct in the case of the Moplahs lately deported.

2. He is of course much gratified by the notice that has thus been taken of his endeavours, and in reply to an order from me to him on the subject, he says, you will observe, that if the Government are disposed to confer on him any further special mark of their regard, he would request to be allowed to retire on his present salary.

3. This is by no means the first occasion on which Comen Nair has distinguished himself in his Police duties, and earned complimentary orders from his superiors.

4. In 1852 his vigilance prevented an outbreak in Cootenad, which had been planned by the notorious Mombara Tangul.

5. In 1853, without the aid of troops, and supported only by talook peons and villagers, he surrounded, and on their rushing out, killed 2 desperate Moplahs, who, after having murdered a Nair, had come to their usual determination of dying with arms in their hands as fanatics.

6. In the enquiry in 1855 regarding the localities where the murderers of Mr. Conolly had found shelter, he acted I believe, with such vigour as to leave little for Mr. Collett to re-investigate as in other talooks, and in the subsequent levying of fines from the criminated Amshoms, I know that his conduct was highly approved of by Mr. Clarke and brought by him to the notice of Government.

Fort St. George, Judicial Consultation, 15th June 1858.

7. It may not be out of place here to mention that this officer is well known to have frequently spent his own money when necessary in the inquiries he had on hand, where he has had to give subsistence money to poor informers, who have been employed by him tracking up criminals, &c.

8. During the time he has served under me, he has fully kept up the high character he had formerly earned of an active Police officer and has also exerted himself much (before the transfer of the Public works) in carrying out several Engineering works in dreaded (because) feverish localities.

9. His activity as a revenue officer has also been brought on former occasions conspicuously to the notice of Government.

• To be returned. 10. I forward a Memorandum* given him by Mr. Collett, expressing his regard for him.

11. He has, as you are aware, been temporarily suspended many years ago, but if, in consideration of his conduct in the case under notice, and for many years back, and the long period of his service (39 years and 6 months) Government are disposed to overlook this circumstance and grant him some mark of their approval, I believe none can be so grateful to him at the age of 56, and complaining of temporary loss of memory, &c., as the permission to retire, as he requests, with a pension equalling his present salary.

(True Copy.)

(Signed) W. ROBINSON,

Acting Magistrate.

No. 8.

ORDER THEREON, No. 761; dated 9th June 1858.

In Extract Minutes Consultation, No. 1359, dated 16th October last, the Government expressed their high satisfaction with the praiseworthy and prompt proceedings of Koma Nair, the Tahsildar of the Ernaad Talook in preventing a premeditated Mopla outbreak, and the Acting Magistrate was invited to recommend any further mark of the approbation of Government which he might wish to propose.

2. Mr. Robinson now recommends that on Koma Nair's becoming entitled to a Superannuation Pension, his claim to that privilege may not be considered vitiated by the fact of a certain break of 22 months having occurred in his service in the years 1839-41.

3. The Government observe that by para. 3 of the Honorable Court's Despatch to the Government of India in the Financial Department, No. 75 of 1858, dated the 15th August, it is laid down, that, "if an Uncovenanted Servant be dismissed for misconduct, and be subsequently re-admitted to employment, his first service is not to count for pension." The present applicant, they remark, was dismissed by the Acting Principal Collector Mr. W. Underwood, on suspicion of having stolen or concealed a certain document from the records of the Court, a charge on which Koma Nair was acquitted by the Criminal Judge, before whom he was formally tried; and shortly afterwards the Board of Revenue are found giving their consent to his reinstatement in the public service on the application of the late Mr. Conolly.

4. Under these circumstances, the Government are of opinion that the rule referred to does not take away Koma Nair's claims to pension, a decision they have had much pleasure in arriving at, in view of that individual's exemplary conduct and valuable services during the whole period of the Mopla insurrections in Malabar, more particularly in the case of the intended fanatical outbreak reported on by the Acting Magistrate in his letter of the 8th October last.

5. Seeing then that the recognition of Koma Nair's claim to pension, will give him no more than he would be entitled to under the ordinary rules and cannot be regarded as involving any special mark of Government approbation, it will now be for the Acting Magistrate to propose any such mark as may seem to him fitting to be conferred by Government on Koma Nair for his services as above alluded to.

(Signed) T. PYCROFT,

Chief Secretary.

I have much pleasure in complying with the request of P. Kamen Nair, Tahsildar of the Valuvanad Taluk, and certifying that during the enquiry regarding the proceedings of the murderers of the late A. W. Conolly Esq^r he afforded me great assistance and conducted that part of the enquiry entrusted to him with much diligence and success.

As he had previously been also employed under me as Tahsildar while I was in charge of the Special Assistant's division, I am enabled to bear my testimony to the care and diligence with which he conducted his general duties. I believe that I may safely add that he has deservedly earned for himself a general reputation for integrity and freedom from corrupt motives, a reputation unfortunately not very

very common among our public
servants-

Signed/ Charles Collett

Sub-Collector of Malabar

Madras 2
Sept^r 24, 1886-3

(True Copy)

W. J. Mearns

Acting Magistrate-

Comptroller P. H.

Judicial Dept

No 761

Emg. 2/9 June 1858

the following cases } were entered No 75
Ag. Maje of Malabar } 6/10th May/58

In C.M.C. No 1359, 2/10th October
last, the Govt expressed their high satis-
faction with the praise worthy & prompt
proceedings of Kona Nair, the Taluk
dar of the Ernad Talook in preven-
ting a premeditated Mobla out-
break, and the act. Maje was invited
to recommend any further mark of
the approbation of Govt wh. he might
wish to propose.

2. Mr Robinson now recommends
that on Kona Nair becoming
~~part of~~ entitled to a
superannuation Pension, his claim
to that privilege may not be conside-
red vitiated by the fact of a certain
breach of 22 months having occurred
in his service in the years 1839-41.

3. The Govt observe that by Para 3 of the
Hon. Comr's despatch to the Govt
of India in the Financial Dept
No 75 of 1855 d/ the 15th August, it
is laid down, that, "if an unconvinc-
ed servant be dismissed for miscon-

Aug 29. 1858. O.C. No 1359/1858
Para 8

No 8

Dept

In a letter from the
Acting Magistrate of
Malabar dated 18 May
1858. No 95-

Copy of a certificate
sent from the sub-
collector of Malabar
to the Hon. Comr
Nair -

9/10/58
In No 914

34th December.

"discharged, & he subsequently readmitted

"to employment, his first service is
"not to count for Pension". The

present applicant, (key remarks),
was dismissed by the Acting Penes-
-pal Coler. Mr W. Underwood, on

suspicion of having stolen or con-

-cealed a certain document from

the records of the Court, a charge

on which Koma Nair was acquit.

by the Criminal Judge, before
whom he was formally tried; and

shortly afterwards the H^{on} of Rev.

are found giving him consent to

his reinstatement in the public

service on the application of the

late Mr Conolly.

4. Under these circumstances,

the Govt are of opinion that the

rule referred to does not take any

into consideration Koma Nair's claims to Pension,

and a decision they have had much

pleasure in arriving at, in view

of his individual's exemplary

conduct & valuable services

during the whole period of the

6
displeasure in
Malabar, more particularly
in the case of the intended
fantastic outbreaks reported on
by the Act Magt in his letter
of the 2nd October last.

5. Seeing then that the
recognition of Koma Nair's
claim to Pension ^{with provision} is no more
than he would be entitled
to under the ordinary rules
and cannot be regarded
as involving any special
mark of Govt. approbation - it
will now be for the Acting Magt
to propose any such mark
as may seem to him fitting
to be conferred by Govt on Koma
Nair for his services as above
alluded to.

Council
8 June 1858.

To the Act Magt Malabar - Disptd 14th.

Para 8.

Re. Sp. 11. 15 June.
Audited, 1858 at present.

Feb 7/61

Abstract of Mr. M. J. Bond:

279: 8m2/30

1395

Under circumstances:
 so detailed as to convince:
 on that, that will stand
 down by the Gentle
 Court that it, on record:
 a moment before, the
 diminished misconduct
 and he be subsequent by
 readmittal to employment.
 must his first services
 is not to be count for
 service does not take
 away from Rome's Honor
 the Steward of the
 Earned Stabbs' Service

to mention, in whose
service that has been a
great. Call upon the
acting Magistrate of
Chatham Co. for more
any mark of the ap-
probation of Govt. as
most seem to him
fitting to be conferred.
our Roman then for
the valuable service
rendered by him

c 29 May
23 June