

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1164	Press Mis.
3-4		
Dated	2-8-	19-1864

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
2nd August 1864.*

N^o. 3. Read the following Proceedings of the Board of Revenue, dated 22nd July 1864:—

Read letter from H. G. SMITH, Esq., Acting Collector of Cuddapah; to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cuddapah, 15th July 1864, No. 100.

In transmitting copy of a report from Mr. Molony, the Joint Magistrate, on the misconduct of the Sub-Magistrate of Peelair, I have the honor to state that I have confirmed his dismissal, and request that measures may be taken to prohibit his re-employment in the public service.

2. It is with regret that I have to bring to the special notice of the Board that this individual was promoted over many honest and deserving public servants, simply because he had passed the Special Test examination, which clearly shows that Academical honors do not provide a safe-guard against dishonesty.

From F. B. MOLONY, Esq., Joint Magistrate of Cuddapah; to H. G. SMITH, Esq., Acting Magistrate of Cuddapah, dated Cuddapah, 15th July 1864.

You are aware that the Sub-Magistrate of Peelair, Coimbatore Rama Row, was suspended for three months in April last, for leaving the District without leave, and shirking his duty when ordered to proceed to Danamcheruvu on emergent business.

2. I regret now to have to report that his conduct as Sub-Magistrate of Peelair is proved to have been such as to render his immediate dismissal absolutely necessary. The chief case of misconduct proved against him, and in this instance it is of a peculiarly gross nature, is as follows.

3. Rama Row enters in his Diary of proceedings that he was at Peelair and held office there on Monday, 1st February, and that he was also there on the preceding and subsequent days, though he enters that he did no business on Tuesday.

4. The entry on Monday is to the effect that he held office at Peelair and took a deposition from one Bogum Rami, who appeared to complain against one Cumsala Billavanadhum of an offence punishable under Section 406 of the Indian Penal Code.

5. This deposition is found by me not to be written on office paper, but on a piece of Note paper of the same description as a piece on which Bogum Rami has written a Vakalutnamah to one Voilpaul Rama Row.

6. Bogum Rami swears that she gave no deposition and made no complaint officially in the matter at all; but that on the 1st February Rama Row came to her house at Madanapalli, and that when she mentioned to him that she had advanced some gold to Billavanadhum to make her some ornaments, and that he had run off without giving her either the gold or the ornaments, Rama Row told her to get two sheets of paper and that he wrote something she does not know what on one, and told her to sign it. She says she did so, and also another paper which was then blank. These are of course the deposition and the Vakalutnamah found by me to be on Note paper and signed by Bogum Rami, who states that when she had signed them Rama Row told her he would get her ornaments for her.

7. She swears she never went to Peelair and had no intention of making a Magisterial complaint. There is overwhelming evidence to prove that Rama Row was in Madanapalli on the 1st February and at Rami's house.

8. He has therefore deliberately falsified his Diary. He has left his station without leave. He has taken proceedings when no complaint was made to him. He has induced Rami to sign a blank paper and has filled it up as a Vakalutnamah in favor of a person. Rami swears she does not know.

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9. Rama Row then commenced proceedings under Section 403 of the Penal Code against Cumsala Billavanadhum and apprehended him on warrant, though he knew very well that even had the complaint been regular the cause of complaint had not arisen in his jurisdiction, and that he had no business to entertain it. Subsequently Rama Row altered the charge to one under Section 403, though had the former proceedings been correct the case was emphatically one under Section 406 and the other Section had nothing to do with it, and at last he dismissed it as a Civil Suit in which he had no jurisdiction.

10. The case was thrown out by the Sub-Magistrate on 2nd April after having been kept on the file by him for two months. No notice of its disposal by Register of preliminary inquiry or otherwise was sent to me till he had received two orders from me on the subject. Such is this case in which Rama Row has so grossly misconducted himself. For his errors of procedure he cannot even plead ignorance as he has passed the special test, and of course nothing could excuse his other conduct in the matter.

11. This is not the only matter against him, but I have not been able to take his own statements as regards the others, because though ordered not to leave my office till the whole had been inquired into he has absconded, and I am unable to find out where he has gone.

12. In no less than 21 cases disposed of by Coimbatore Rama Row in his capacity of Sub-Magistrate of Peelair, no Calendars or Registers of preliminary inquiry have been forwarded to me as directed by the High Court. For this, Rama Row cannot plead ignorance, as in some cases he has sent them correctly, and having had considerable experience in my own office he is well acquainted with the procedure. These were all decided between the 9th April and the date of his leaving his station without leave, which was the 19th April.

13. There were 10 preliminary inquiries undecided on his file when he left, and 7 cases triable by himself; some of those were of long standing and might easily have been settled had any trouble at all been taken about them.

14. Such misconduct as this seems to me to make it impossible that Coimbatore Rama Row should ever be employed again in the public service, and I would beg to recommend that a Notification to that effect be circulated to all public officers, or published in the Official Gazette for general information.

(True Copy.)

(Signed) H. G. SMITH,
Acting Magistrate.

Ordered to be submitted to Government in view to the usual Notification being published in the Government Gazette.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. D. Sim, Esq., Secretary to Government, Revenue Department, with enclosure.

No. 4. ORDER THEREON, 2nd August 1864, No. 1164.

The Honorable the Judges of the High Court.
The Civil and Sessions Judges.
The Agents to the Governor.
The Judges of the Small Cause Court.
The First Judge of the Madras Court of Small Causes.
The Inspector General of Police.
The Commissioner of Police.
The Inspector General of Jails.
The Magistrates of Police.

Ordered to be communicated to the authorities and officers noted in the margin, in view to its being made generally known that Coimbatore Rama Row, late Sub-Magistrate of Peelair in the Cuddapah District, is not to be re-admitted into the public service without the special sanction of the Government.

2. Ordered, also, that these Proceedings be communicated to the several Departments of the Secretariat for the same purpose.

*Proceedings of the Madras Government, Judicial Department,
2nd August 1864.*

3. With reference to the concluding part of Mr. Smith's letter, the Government observe that the examinations afford no test of character, and that Rama Row ought not to have been employed or promoted unless believed to be trustworthy.

(True Extract.)

J. D. SIM,
Secretary to Government.

To the Honorable the Judges of the High Court.

" Civil and Sessions Judge of
" Agent in
" Judge of the Small Cause Court of
" First Judge of the Madras Court of Small Causes.
" Inspector General of Police.
" Inspector General of Jails.
" Commissioner of Police.
" Magistrates of Police.
" Revenue Department.
" Military do.
" Public Works do.
" Public do.
" Educational do.
" Political do.
" Financial do.
" Financial Railway do.
" Marine do.

Exd. J. Tulloch.

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L. Ramas Row,
Sub Magistrate of
Pohlain, Cuddalore.

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PROCEEDINGS OF GOVERNMENT

No. 1164

Mad 1864. Department

29 Aug 1864

[Faint handwritten notes and signatures]