M.R.O. 1—30,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1166

Press
~~**Mis.**~~

173-174A

Dated 23-8-~~**19**~~1885

27/29

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
23rd August 1865.

Read the following papers :—

No. 173. Petition from LUTCHIMY NARAINA ROW, late Record-keeper in the Bellary Court.

(Here enter 6th June 1865).

No. 174. Letter from the Acting Civil Judge of Bellary.

(Here enter 24th July 1865, No. 47).

No. 174A. ORDER THEREON, 23rd August 1865, No. 1166.

On careful consideration of the reasons assigned by the Acting Session Judge for the dismissal of the petitioner, the Governor in Council has come to the conclusion that those reasons are not sufficient to justify the very heavy punishment which has thus been inflicted on a public servant of 28 years standing. Very high testimony is borne to the capacity and character of the petitioner by several Judges under whom he has served, and His Excellency in Council cannot consider the facts alleged by Mr. Davidson as his grounds for considering the petitioner untrustworthy and inefficient, sufficient to outweigh the testimonials to the petitioner's character which have been given to him by Mr. Davidson's predecessors.

2. The Governor in Council accordingly directs that Mr. Davidson will re-employ the petitioner either as Record-keeper, or in some other situation of equal or nearly equal emolument, assigning to him such duties as he may deem proper.

(True Extract).

Chief Secretary.

To the Acting Civil and Session Judge of Bellary.
,, Accountant General.
To Lutchimy Naraina Row, Madras.

Exd. J. H. Burns.

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To

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,

FORT SAINT GEORGE.

The humble Petition of Lutchimy
Naraina Row, *late Criminal*
Record keeper of the Civil and
Session Court of Bellary.

My Lord,

1. This is an Appeal against the accompanying Proceedings (A) of the High Court at Madras, under date 11th March 1865, No. 1297 of 1865, " declining to interfere on the Petitioner's behalf." Your Lordship's Petioner being aggrieved by those proceedings he cannot refrain from laying the whole records before Your Lordship, and praying that the reasons hereinafter afforded, may be weighed, and such relief granted as the hardship he was met with by the Session Judge's Orders (B) may be wiped, and your Petitioner, placed in the position he was turned out from, upon very slight suspicion—a circumstance opposed to the strict letters of several Circular orders issued by Government in late years.

2. Your Petitioner is aware that the Government cannot interfere with the orders passed by the High Court. This restriction will perhaps be strictly applicable to Civil Cases which may have heen disposed of by them, under Regulations but not to the Criminal matters or the dismissed Criminal officials.

3. This view of your Petitioner is in fact correct, for, the local Government has, it is respectfully submitted, *the reservation of prerogative in a disguised shape.* It is therefore assured to your Lordship that the injustice with which the Acting Session Judge of Bellary Mr. Davidson, has effected Your Petitioner's dismissal, should, for the ends of justice, receive deliberate consideration of Your Lordship, and be set aside, for, otherwise the whole body of officials in general will lose the faith which they are accustomed to repose in the shelter which the English rulers are forever disposed to secure in lively form as regards the prosperity of the Natives, which they had ever tasted in the administrations of Native Princes (Hindoos or Mahomedans.)

4. Before dwelling upon the injustice with which the Session Judge treated Your Petitioner in dismissing him from Office, it is necessary to put Your Lordship in possession of his long service, and the testimonials he holds from the predecessors of the present Acting Judge.

5. On a reference to authenticated copy of the List (C) which the Sub and Civil Judges of the Bellary Court had on their quitting the Court, usually been recording their satisfactions of the conduct and activity of the servants, Your Lordship will observe that your Petitioner was first entertained on the Establishment in 1836, and gradually raised to the Office from which he is now dismissed, that he is a Servant of 28 years, and that he held the last Office for 14 years under *nine* full and Acting Judges, and Sub Judges namely Messrs. 1, Harris, 2, Arbuthnot, 3, Story, 4, Mayne, 5, Goldie, 6. Kindersly, 7, Irvine, 8, Sullivan, and 9, Ratliff, who all presided over the Bellary Bench for one, two, and four years, whose commendations and satisfaction as regards the Petitioner's diligence, activity, zeal, honesty, and efficiency, as will be read by the said List (C.) 28 years

6. During a period of only 3 months, in which the present Acting Civil and Session Judge Mr. Davidson presided over the Court, this Gentleman found faults against Your Petitioner and dismissed him from Office of Criminal record keeper which he held for 14 years, without impeachment, but with praise as would be seen by nine testimonials contained in the list C.

7. The Diary orders (B) dated 8th December, 1864, is the order of your Petitioner's dismissal.

8. The Appeal Petition which, under the existing rules, Your Petitioner presented before Mr. Davidson for submission to the High Court, is marked D.

9. The long letter which Mr. Davidson sent to the High Court when submitting the said Appeal Petition, is marked E.

10. The High Court proceedings which affirmed Mr. Davidson's orders B, is marked A.

11. It remains for Your Petitioner only to point out for your Lordships benign consideration and final decision the most unjust determination which Mr. Davidson at first stated in his Diary B. that " your Petitioner was dismissed for neglect of duty, disobedience to orders, and " general incapacity to perform his duties," and which that Gentleman multiplies *i.e.* exaggerates in his letter E. that " your Petitioner appeared to him as most unsatisfactory way, he detected " Your Petitioner making signs, as he thought, to the assessors, his suspicion was strengthened " by the same being that your Petitioner's conduct was so suspicious, he found it necessary to " prohibit, your Petitioner had imperative orders to bring to notice any Cases in which any " instructions might be necessary to procure further evidence from the Taluk in which Medical " opinion might be requisite, he had repeatedly found faults with him, he fined him 5 Rupees. " In a very important Murder Case he found Petitioner had entirely failed his instructions by " omitting to bring to his notice that certain cloths supposed to be stained with blood required " Medical examination : the omission was intentional, that to this and his unsatisfactory conduct " in general, he determined to remove Your Petitioner," and fills the other portions of the same letter which any tribunals cannot read but with dislike. Summing up his conclusion that if your Petitioner were to be re-employed, his Service may be transferred under one of the said Judges, but that he will regret if re-employed under himself.

12. The High Court, who is the highest power and who ought to have read the Civil and Session Judge's first diary and his swelled letter E with astonishment, had in lieu acceded to the concluding part of his letter in which he expresses his regret were Your Petitioner to return to his post, and so affirmed his proceedings saying that " they see no reason to interfere on the Petitioner's behalf."

13. In this shape of the unheard decision, Your Petitioner has no other alternative than presenting himself before Your Lordship and commenting upon the weakness of the faults, and other uncalled for suspicion and topics with which the Civil and Session Judges letter E is filled, as per following explanations, which, it is hoped, may be considered, and redress granted by issuing necessary instructions to the proper authorities in order that your Petitioner might be declared to be entitled to hold the post he was removed from by order of the Judge.

1. Because if the cause stated in the letter E, as if Your Petitioner hinted to the assessors during the time of several Criminal Cases, were true, what made that authority not to dismiss Your Petitioner instantly ; nor to state the same in his Diary. The omission in the first order and adding it in his letter E can be freely meant as no other than an invented plan adopted to strengthen the faults with weightless stain.

2. Because to so many multiplied faults as are filled in his letter E there is not a bit in the Diary. If such had been the recurrences the Judge would have entered them in his Diary B. The bare insertion in the letter E which was prepared with reference to my Appeal Petition D, will be of no weight.

3. Because in reference to the list C it would be read that 9 European Gentlemen who presided the Bellary Court for several years, have respectively declared Your Petitioner as deligent, active, efficient, honest, quick writer, as having knowledge of Regulations and Circulars, as knowing the business of the Criminal Department. Among whom Mr. Ratliff is the principal in recording his opinion, that is, *expresses Your Petitioner is the most efficient Criminal record keeper, he has hitherto met with.* Your Petitioner would here submit and contend freely that whether the majority of applauders who presided the Court for two or four or more years will or not stand good in preference to the exaggerated or invented dissatisfaction uttered by a single Judge (Mr. Davidson) who presided only 3 months. This legal inference cannot go undrawn by Your Lordship by thinking that removing so long servant as 28 years and who is held by several Judges as an intelligent, honest and fit for his duties, is altogether opposed to he late Circular Orders of Government.

4. Because Your Petitioner is in no way guilty in not obeying the Judge's orders in the matter of the cloth stained with blood. The Judge had never given him any imperative order on the subject, nor is any such order entered in the Diary. On the receipt of the Case from Taluq the trial will be commenced, and if the Judge thinks it necessary to get such cloth examined by Medical Officer then it must be done so. Swelling the Judge's letter E with this charge is not right for Your Petitioner cannot do any unless the Judge bids him to do. Charging a Servant with what is not by written diary order is no fault against him.

5. Because the Petitioner was dismissed Mr. Ratliff sent certificates to all servants among whom Your Petitioner too obtained it. This is not a topic to be mentioned in the public records.

Under the foregoing reasons Your Petitioner prays that Your Lordship will be pleased with reference to his long service, to read the testimonials of good conduct, and issue orders in order that he might be reinstated as he has no other means to subsist upon but the employment.

Your Petitioner as in duty bound.

SHALL EVER PRAY.

6th MADRAS,
June 1865.

Lutchmee narainrow

ENCLOSURES.

A.

PROCEEDINGS OF THE HIGH COURT OF JUDICATURE AT MADRAS,
11*th March* 1865.

Read letter dated the 2nd instant from the Acting Civil and Session Judge of Bellary, forwarding a petition from the late Criminal Record-keeper appealing against an order dismissing him from office.

(Here enter No. 1297 *of* 1865.*)*

The High Court see no ground whatever for their interference on the Petitioners behalf.

authenticated Copy of this is kept-

(Signed) P. P. HUTCHINS,
Acting Registrar,
Appellate Side.

(True Copy.)
THOMAS WILKINS,
Deputy Registrar,
Appellate Side.

B.

Extract from the Diary of the Civil Court under date 8th December 1864.

Lutchmee Narain Row, Criminal Record-keeper, is dismissed from office this-day for
1 neglect of duty, disobedience to orders, and general incapacity to perform his duties. Promo-
2 tion will take place in regular succession, and the Moochee will fill the lowest post vacant till
3 further orders.

(Signed.) R. DAVIDSON,
Acting Civil and Session Judge.

8th December 1864.
Copy applied for on the 5th January 1865.
Do. ready on the 9th January 1865.
Do. delivered on the 18th January 1865.

(True Extract.)

R. DAVIDSON,
Acting Civil and Session Judge.

P. Banpoorow,
Sheristadar.

authenticated Copy of this is kept-

C.

Name Lutchmeenarrain Row Age when first entertained.........Years.

Establishment.	Date.	Appointment.	Salary		Period of service in each Appointment.			Remarks regarding punishments severe and formal Reprimands, and all special commendation or marks of approbation.
					Years.	Months.	Days.	
1.	2.	3.	4.		5.			6.
			From					
Late Zillah Court of Bellary....	8th July 1835.	Goomastah.	14 to 21	0 0	7	2	7	
Subordinate Court.......	16th Sept. 1843.	Head Goomastah.	24	8	1	6	21	
Do.	8th April 1845.	Jawabnevis.	28	0	6	5	24	
Civil Court Bellary......	3rd Oct. 1851.	Criminal Record-keeper.	30	0	0	0	0	

Dismissed on the 8th December 1864.

(Certified) by T. J. P. Harris, Esquire, Subordinate Judge, in the yearly statemeut of the services of the establishment, of the Sub Court of Bellary, that Lutchmeenrow is quite qualified for his situation, and that he has alway been steady and zealous in the performance of his duties.

(Certified) by T. J. P. Harris Esquire, on the 26th January 1849, that Lutchmynarrainrow gave the greatest satisfaction, and that he had of late been especially diligent; and active in his work.

(Certified) by the Honorable D. Arbuthnott, Acting Sub Judge on the 2nd May 1849 that Lutchmynarrainrow gave him great satisfaction by the diligent, and zealous discharge of his duties, that his quickness in writing native languages and his knowledge of the regulations and great general abilities render him an excellent and valuable public servant (and that it) would afford him much pleasure to hear of Lutchmynarrainrows promotion in the Court.

Observed by E. Story Esquire, Civil and Session Judge in the Diary of 6th November 1855, that he (felt) it his most pleasing duty to notice (particularly) Lutchmenarrainrow, Criminal Record-keeper (with 3 others), for without the very valuable assistance and (writing) energies of these individuals, the Court would never have been kept so wholly free, as it is, from arrears of every kind.

(Certified) by D. Mayne, Esquire, Officiating Civil and Session Judge, on the 27th May 1856, that Lutchmenarrainrow Criminal Record-keeper, is a very meritorious public officer well acquainted with the duties of his department and familiar with the Criminal law, that he is also quick in cross-examination of witnesses, and that Lutchmenarrainrow has afforded him entire satisfaction.

Lutchmenarrainrow has performed his duties satisfactorily he is an intelligent man and has a fair knowledge of the Circular Orders, and Regulation in the Criminal department.

(Signed) J. H. GOLDIE,
Acting Civil Judge.

21st June, 1860.

Lutchmeenarrainrow has served under me for nearly 6 months, and has performed the difficult duty of recording the depositions in criminal cases. I believe him to be a very honest man.

(Signed) J. R. KINDERSELY,
Acting Civil Judge.

19th December, 1860.

Lutchmenarrainrow Criminal Record-keeper of the Court at this station, has during the time that I have held the office of Judge shown himself active and efficient Public servant.

(Signed) P. IRVINE,
Civil and Session Judge.

BELLARY, *16th April,* 1862.

authenticated Copy of this is kept.

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Lutchmenarrainrow is a first rate Criminal Jawabnevis and has always performed his duties to my perfect satisfaction.

(Signed.) H. E. SULLIVAN,
Acting Session Judge.

8th July 1863.
Copy applied for on the 5th January 1865.
Copy ready on the 9th January 1865.
Copy delivered on the 18th January 1865.

(True Extract.)

(Signed) R. DAVIDSON,
Acting Civil Judge.

Extract from Memoranda of characters for record in the Register of the Servants, attached to the Civil and Sessions Court of Bellary.

Lutchmeenarrainrow.—Is the most efficient Criminal Record-keeper, I have hitherto met with; and, it is no little to his credit, that, during the two years I presided over the Court I never, to the best of my recollection, received, even, an anonymous complaint against him. I had every reason for perfect satisfaction, as to his conduct, and ability.

(Signed) J. RATLIFF,
Civil and Session Judge.

CIVIL AND SESSIONS COURT,
OF NUNDIAL, KURNOOL, *4th*
January 1865.

(True Extract.)

Copy applied for on the 18th January 1865.
Do. ready on the 19th January 1865.
Do. delivered on the 20th January 1865.

(Signed) R. DAVIDSON,
Acting Civil and Session Judge.

D.

TO

THE HONORABLE CHIEF JUSTICE
AND JUDGES OF THE HIGH COURT OF JUDICATURE,
MADRAS.
APPELLATE SIDE.

SHEWETH,

That your humble petitioner feeling very greatly aggrieved and unjustly oppressed by an order passed by the Acting Session Judge of Bellary, under date 8th December 1864, dismissing him from his Office, respectfully begs leave to appeal therefrom on the following grounds.

1st. That the petitioner first entered into the Government service as a Gumastah in the late Zillah Court on the 8th July 1836, and since then he was serving in the said Court and afterwards in the Subordinate and Sessions Courts as Head Goomastah, Javabnevis and Criminal Record-keeper, under several gentlemen, till 8th December 1864, on which date the present Acting Session Judge suddenly and unexpectedly dismissed the petitioner from his situation, the Criminal Record keepership, after he had served for a period of 28 years and 5 months.

2nd. That the petitioner in the most part of his service was performing the business attached to the Criminal side of the Court, under 9 gentlemen, viz: T. J. P. HARRIS. Esq., the Honorable D. ARBUTHNOT, and Messrs. E. Story, D. Mayne, J. H. Goldie, J. R. Kindersly, P. Irvine, H. E. Sullivan, and J. Ratliff. (the last gentleman being the predecessor of the present Acting Session Judge) all of whom were satisfied with the petitioner and were pleased to grant him excellent tertimonials.

3rd. That the period during which the petitioner served under the present Acting Session Judge was only 3 months and 17 days, from the 20th August 1864 on which date he

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took charge of the Court. During the above period this gentleman showed his displeasure towards the petitioner, by imposing a fine of 5 Rupees on him unjustly without any written order being passed, and by recommending the reduction of the petitioner in the Budget Statement for 1864, 1865. The reason of this displeasure the petitioner attributes but to his misfortune.

4th. That on the 8th December when the petitioner was engaged in the performance of his duties as usual, the Acting Session Judge asked him whether he (petitioner) had sent, a cloth in a criminal case, No. 132 of 1864, to the Medical officer, in order to ascertain whether the stain which it bore was of human blood. To this question the petitioner replied that it was not done so. On hearing this the Acting Session Judge assumed an air of indignation and ordered the petitioner verbally to go away as he had dismissed him. And on the 23rd December 1864, the Acting Session Judge delivered in Court a written order, bearing the date of the 8th idem, containing the dismissal of the petitioner from his office. A copy of the order was refused by the Acting Session Judge on the 23rd December, though applied for by the petitioner. The above mentioned case was first brought under trial on the 8th December. No order had been given by the Judge to the petitioner before this to send this very cloth to the Medical Officer. The Acting Session Judge referred on the 8th the said case to the High Court without waiting for the Medical Officer's opinion regarding the stain bearing on it. Afterwards the Medical Officer declared his inability to say decidedly whether or not the stain was of human blood.

5th. That the grounds stated in the order of dismissal are altogether vague and carry no weight with them. The petitioner is therein accused, of neglect in the discharge of his duties of disobedience to orders and of general incapcity to perform his duties. Now under the rulings of Government, neglect and disobedience must be *continuous* and *wilful* and misconduct must be *proved*, before they can warrant a dismissal. It happens every one of the above requirements is totally wanting in the present instance; as no instances of neglect or misconduct are specified or proved. These vague and slender grounds thus adduced without any foundation in justice or reason will further appear as altogether devoid of every requirement of justice, when it is considered that the present Acting Session Judge before he had been full 3 *Months and half* found so strong reason for blasting every prospect of your poor petitioner for ever. The petitioner begs to submit that there is nothing in the record to show that during his service of 28 years he was ever suspended or even fined except on the occasion above alluded to.

6th. That your petitioners dismissal was in itself an unjustifiable one, in as much as it had not received the previous sanction of your Honorable Court; such a previous sanction being necessary for the dismissal of any servant of 15 years standing and drawing a salary of not less than 25 Rupees, according to the rules laid down by Government in its minutes of consulation dated 5th May 1854 Public Department No. 421. Now the period of your petitioners service extends over more than 28 years and his salary was 30 Rupees per mensen.

7th. That the dismissal was a measure absolutely unwarranted by justice and unsupported by reason. The whole proceeding was altogether summary and sudden. There was neither any specification of the grounds upon which the petitioner was deprived of his livelihood, nor a previous demand for explanation or defence from him.

8th. That for these reasons, the petitioner whose poverty and want of other means of livelihood leave him no other alternative in the world but that of starvation or redress from your Honorable Court, humbly and respectfully prays that without a shadow of Justice or proved imputation of guilt, after the best part of his life was devoted to the service of the British Government for upwards of 28 ½ years, so as to enable him to good service Pension on the first rate scale, he will not be left to pine away in indigence and be starved from the effects of palpable and flagrant injustice.

9th. That the evil effects of such summary unjustifiable proceedings are not confined to Petitioner himself but affect the interests of all Public Servants who cannot but be struck with the nature and evil example of such a measure and cannot but feel their confidence shaken and obliged hence forward to regard their continuence in office as *solely* dependant on the *sole will* and *caprice* of their immediate European superior, if due notice and redress are not made.

10th. That the copy of the order of dismissal and those of the statement of service and testimonials held by the petitioner are herein enclosed.

11th. And that your petitioner in conclusion humbly awaits the redress of injustice in humble confidence of a deleberate and favorable consideration being given by your Honorable Court and of his restoration to his former employment and livelihood, thus obviating the hard necessity of unsupportable indigence and ruin under unjust oppression.

For any remarks made by the Civil Judge on this petition of Appeal, the Petitioner most humbly begs leave to state that he shall personally answer them at the time of hearing in the High Court.

Your petitioner as in duty bound.

BELLARY,
February 1865.

SHALL EVER PRAY.

E.

No. 28.

CIVIL AND SESSIONS COURT,
Bellary, 2nd March 1865.

FROM

R. DAVIDSON, ESQ.
Acting Civil and Session Judge of Bellary.

TO

P. P. HUTCHINS, ESQ.
Acting Registrar of the High Court of Judicature, Madras.

SIR,

I have the honor to enclose a petition from my late Criminal Record Keeper Lutchmee Narrain Row appealing against an order of dismissal passed by me on the 8th December last, and beg to inform you that the following are the circumstances under which the occurrence took place.

2. On my assuming charge of this Court in August last, I found that the Petitioner, as Criminal Record Keeper, was in the habit of conducting cases under trial at the Sessions, and in what appeared to me in a most unsatisfactory way. I more than once also fancied I had detected him making signs as I thought to the assessors, and my suspicion was strengthened by the same thing being brought to my notice by others in Court, indeed his conduct was so suspicious and unsatisfactory that I found it necessary to prohibit his interfering in any way with cases under trial beyond allowing him to read over to witnesses their Taluq depositions.

3. His duty between the Session was confined to preparing, for my perusal, the cases committed to the ensuing Session before they came on for trial, and he had imperative orders to bring to my immediate notice, before the commencement of the Session, any case in which my instructions might be necessary to procure further evidence from the Taluq, or in which a Midical opinion might be requisite, when, after perusal of the records, I decided what step should be taken, and thus avoided any unnecessary delay in bringing a trial to a close, after its commencement.

4. I had however repeatedly to find fault with him and not until after having warned him probably eight or ten times, and accepting his faithful promise of amendment in future, did I carry my threat into effect by fining him five Rupees for disobedience to orders, and general neglect of duty, even this failed in its desired effect, for I had again to feel dissatisfied with him, and during the trial of a very important Murder Case in the December Session, I found that the Petitioner had entirely neglected my instructions by omitting to bring to my notice that certain cloths supposed to be stained with blood required Medical Examination and though I may be in error, my impression is that the omission was intentional, if it was not so, it evinced the most thorough contempt of Orders and neglect of duty on the Petitioners part. For this and his unsatisfactory conduct in general I determin-

ed to remove him, as I found he totally disregarded all admonition, and, instead of being any assistance was a positive obstruction in the Court. I therefore dismissed him from his post on the 8th December, and then and there in Court that same day recorded my reasons for doing so, and not on the 23d December as Petitioner alleges. I have no recollection of his applying for a Copy on the 23d (on which day the Court closed for the Christmas recess) and I find in reference to the stamped paper annexed to the petition, and in which my reasons are recorded, that the application was made on the 5th January 1865 that the Copy was ready for delivery on the 9th Idem and was delivered on the 18th Ditto when applied for.

5. The Petitioner lays great stress, at Paras 2 and 6 of his Petition, on the fact of his service extending over a period of more than 28 years, yet though a Brahamin he has never risen to an appointment of higher emolument than Rupees 30 per Mensem, the salary which he was drawing when dismissed. He has also appended Copies of testimonials from some of the Judges under whom he formerly served which no doubt faithfully represented the opinions entertained by them of the Petitioner at the time they were written, but I would remark that Mr. Ratliff's was written at Kurnool on the 4th January after the Petitioners dismissal and after his having paid him a personal visit at Kurnool. I have however always hitherto been in the habit of forming my own opinion of my subordinates, without reference to what others may think of them, and I am not prepared to defer to others in my estimation of the Petitioner.

6. A reference to the Budget will show that I recommended a reduction in the Vernacular staff only in the event of Government being unwilling to sanction the eutranced remuneration of Rupees 100 per mensem which I proposed should be given to the Government Vakeel, whose duties at this station, where the Number of Cases each Session ranges from 15 to 20, are very heavy, and are inadequately remunerated at the present salary of Rupees 21 per mensem.

7. Para 4 contains an entire mis-statement of facts cleverly put. The Petitioner knows perfectly well that he himself could not possibly have sent the cloths to the Medical Officer for examination and is well aware that his fault lay in having wholly omitted to bring to my notice, as he was bound to do the fact of there being any cloths connected with the case requiring Medical examination. As the Petitioner is the only man whom I remember to have dismissed during the last ten years, I may possibly have omitted in his case some of the formal requirements set forth in Paras 5, 6, and 7 of his Petition and with reference to Para 9 I have great hopes that the example made of the Petitioner will have the effect of keeping the rest of my establishment on their good behaviour. even were the fact of the Petitioners being the only case of dismissal by me within ten years, not a sufficient guarantee to the well conducted that their continuation in office is not solely dependent on my sole will and caprice but on their good behaviour.

8. I will only add that I was informed by an European Official of high standing in the District, that the first tidings he heard of the Petitioners dismissal, was from the Villages, while on a tour in the District, who welcomed the news triumphantly, saying that there would now be no impediment to their obtaining justice, a very significant fact should the High Court desire to have the Petitioner re-employed, I beg that his services may be placed at the disposal of one of those judges named in Para 2 who will appreciate them. I entertain a very poor opinion of the Petitioners integrity and general qualifications and should deeply regret his being replaced in his former important and responsible position in this Court.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) R. DAVIDSON,
Acting Civil and Session Judge.

P. S. He is related to and connected with the Nazir, Civil Record keeper and a Vakeel B. Raghavendra Row, of the Civil Court.

(Signed) R. DAVIDSON,
Acting Civil and Session Judge.

(True Copies)
Lutchmeenarainrow

STAMP DEPT OFFICE
6 FEB
18 5

Proceedings of the High Court of Judicature at Madras, 11th March 1865.

Read letter dated the 2nd instant from the Acting Civil and Session Judge of Bellary forwarding a petition from the late Criminal Record-keeper appealing against an order dismissing him from office.

(Here enter No. 1297 of 1865)

The High Court see no ground whatever for their interference on the Petitioner's behalf.

(Signed) P. P. Hutchins
Acting Registrar.
Appellate Side.

(True Copy)

Deputy Registrar,
Appellate Side.

ed to remove him, as I found he totally disregarded all admonition, and, instead of being any assistance was a positive obstruction in the Court. I therefore dismissed him from his post on the 8th December, and then and there in Court that same day recorded my reasons for doing so, and not on the 23d December as Petitioner alleges. I have no recollection of his applying for a Copy on the 23d (on which day the Court closed for the Christmas recess) and I find in reference to the stamped paper annexed to the petition, and in which my reasons are recorded, that the application was made on the 5th January 1865 that the Copy was ready for delivery on the 9th Idem and was delivered on the 18th Ditto when applied for.

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7. Para 4 contains an entire mis-statement of facts cleverly put. The Petitioner knows perfectly well that he himself could not possibly have sent the cloths to the Medical Officer for examination and is well aware that his fault lay in having wholly omitted to bring to my notice, as he was bound to do the fact of there being any cloths connected with the case requiring Medical examination. As the Petitioner is the only man whom I remember to have dismissed during the last ten years, I may possibly have omitted in his case some of the formal requirements set forth in Paras 5, 6, and 7 of his Petition and with reference to Para 9 I have great hopes that the example made of the Petitioner will have the effect of keeping the rest of my establishment on their good behaviour. even were the fact of the Petitioners being the only case of dismissal by me within ten years, not a sufficient guarantee to the well conducted that their continuation in office is not solely dependent on my sole will and caprice but on their good behaviour.

8. I will only add that I was informed by an European Official of high standing in the District, that the first tidings he heard of the Petitioners dismissal, was from the Villages, while on a tour in the District, who welcomed the news triumphantly, saying that there would now be no impediment to their obtaining justice, a very significant fact should the High Court desire to have the Petitioner re-employed, I beg that his services may be placed at the disposal of one of those judges named in Para 2 who will appreciate them. I entertain a very poor opinion of the Petitioners integrity and general qualifications and should deeply regret his being replaced in his former important and responsible position in this Court.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) R. DAVIDSON,
Acting Civil and Session Judge.

P. S. He is related to and connected with the Nazir, Civil Record keeper and a Vakeel B. Raghavendra Row, of the Civil Court.

(Signed) R. DAVIDSON,
Acting Civil and Session Judge.

/True Copies/

Lutchmeenarainrow

STAMP DEPT ... 6 FEB 1865 ... MADRAS

Proceedings of the High Court of Judicature at Madras,
11th March 1865.

Read letter dated the 2nd instant from the Acting Civil and Session Judge of Bellary forwarding a petition from the late Criminal Record-keeper appealing against an order dismissing him from office.

(Here enter No. 1297 of 1865.)

The High Court see no ground whatever for their interference on the Petitioner's behalf.

(Signed) P. P. Hutchins
Acting Registrar.
Appellate Side.

(True Copy)

Tho [illegible]

Deputy Registrar,
Appellate Side.

Exd. J.J.

~~18~~ 7

3

STAMP DEPARTMENT
AUG 19
1864
BELLARY

Extract from the Diary of the Civil Court under date 8th December 1864.

1 Lutchmee Narain Row, Criminal Record Keeper is dismissed from office this day for neglect of duty, disobedience to orders, and general incapacity to perform his duties. Promotion will take place in regular succession, and the moochee will fill the lowest post vacant till further orders.

8th December 1864. (Signed) R. Davidson.
Acting Civil and Session Judge.

(True Extract)

Copy applied for on the 5th January 1865
Do ready on the 9th January 1865
Do delivered on the 10th Do Do

R. Davidson

Acting Civil and Session Judge.

T Bamporow
Sheristadar

Tore corrections

D.

B

Exd ML Hollett

P Banpoorna
Sheristadar

In No 1297/65.
B
Enclosure No 2
In a letter from the
Acty Civil & Session
Judge of Bellary dated
24th March 1865, No 1028.

In No. 1320/65.

Order accompany
Petitioner from his
office.
Enc rel to Dist
... 1865
[illegible]

6

[illegible] OF MADRAS 18 5

Additional Stamp No 1297 of 1865.

In no. 1320 of 1865.
Copy of the
Proceedings
interfere
tioner's behalf
11th March 1865

17 9

4

STAMP DEPARTMENT
AUG 19
1864
BELLARY

Name Lutchmeenarrainrow Age when first entertained — Years

	Establishment	Date	Appointment	Salary		Period of service in each appointment			Remarks regarding punishments, severe and formal Reprimands, and all special commendation or marks of Approbation
						years	months	days	
	1	2	3	4		5			6
1	Late Zillah Court of Bellary	8th July 1836	Goomastah	From 14 to 21	〃 〃	7	2	7	(Certified) by T. J. P. Harris Esquire, Subordinate Judge in the yearly statements of the services of the establishment of the Sub Court of Bellary, that Lutchmunrow is quite qualified for his situation, and that he has always been steady and zealous in the performance of his duties.
	Subordinate Court	16th Sepr 1843	Head Goomastah	24	8	1	6	21	
	Do	8th April 1845	Jawabnevis	28	〃	6	5	24	
	Civil Court Bellary	3d Octr 1851	Criml Record keeper	30	〃	〃	〃	〃	
2		Dismissed on the 8th December 1864.							(Certified) by Do Do on the 26th January 1849, that Lutchmynarrainrow gave him the greatest satisfaction, and that he had of late been especially diligent, and active in his work.
3	10	8	8 1¼ Sheets	3	1	2	1	1	(Certified) by the Honorable D.

31

A In no. 1320 of 1865.

Authenticated Copy of the High Court Proceedings declining to interfere on the Petitioner's behalf

Dated 1st March 1865

F 1174

№ 3036

40 10

STAMP DEPARTMENT
AUG 19 1864
BELLARY

Arbuthnott Ag Sub Judge on the 2nd May 1849 that Lutchmynarrainrow gave him great satis
-tion by the diligent, and zealous discharge of his duties, that his quickness in writing native langu
and his knowledge of the regulations and great general abilities render him an excellent and
4 valuable public servant, (and that it) would afford him much pleasure to hear of Lutchmynarrain
promotion in the Court..

Observed by E. Story Esquire Civil and Session Judge in the Diary of 6th November 1855, that he
5 felt (it his most pleasing duty to notice) particularly Lutchmenarrainrow, Criminal Recor
6 Keeper (with 3 others), for without the very valuable assistance and (the exerting) energies of these se
7 individuals, the Court would never have been kept so wholly free as it is, from arrears of
every kind..

8 Certified (by D. Mayne Esquire, officiating Civil and Session Judge, on the 27th May 1856, tha
Lutchmenarrainrow Criminal Record Keeper, is a very meritorious public officer well
acquainted with the duties of his department and familiar with the Criminal law, that he is
also quick in cross examination of witnesses, and that Lutchmenarrainrow has afforded him
entire satisfaction..

Lutchmenarrainrow has performed his duties satisfactorily he is an intelligent man
and has a fair knowledge of the Circular orders and Regulations in the Criminal departmen
21st June 1860 (Signed) J. H Gold
Ag C Ju

Luchmanarainarow has served under me for nearly
6 months, and has performed the difficult duty of recording the depositions in criminal c
cases_ I believe him to be a very honest man-. 19th Decr 1860 (Signed) J. R. Kindersely Ag

Lutchmenarrainrow Criminal Record keeper of the Court at this station, has during the time
that I have held the office of Judge shown himself active and efficient public servant
Bellary 16-4-62 (Signed) P. Irvine
Civil and Session Judg

STAMP DEPARTMENT NOV 23 1864 BELLARY

Lutchmenarain Row is a first rate Criminal Jawabnevis and has always performed his duties to my perfect satisfaction..

(Signed) H. E. Sullivan
Ag Session Judge

8 — 7 — 63

Copy applied for on the 5th January 1865
Copy ready on the 9th January 1865
Copy delivered on the 10th Do — Do

Sheristadar 3 sheets eight corrections

(True Extract)

Acting Civil Judge..

Exd. Wd Hd Clerk

३५२५३

[illegible]

Samuel Norton & Co.

[illegible]

STAMP DEPARTMENT
JAN 2
1865
BELLARY

5

Extract from Memoranda of Charcters for record in the Register of the Servants, attached to the Civil and Sessions Court of Bellary.

Leutchmeenarrainrow. Is the most efficient Criminal Record Keeper, I have hitherto met with, and, it is no little to his credit, that, during the two years I presided over the Court, I never, to the best of my recollection, received, even, an anonymous Complaint against him. I had every reason for perfect satisfaction, as to his conduct, and ability.

(Signed) J. Ratliff
Civil and Session Judge

Civil and Sessions Court
of Nundial - Kurnool - 4th January 1865.

(True Extract)

Copy applied for on the 18th January 1865
Do ready on the 19th Do Do
Do delivered on the 20 Do Do

Ag Civil and Session Judge

Corrections none

Exd Kd Hd Clerk

[illegible]

H. Morton

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 18 [illegible]

P Banpoorar

Sheristadar

No. 1320 of 1865.

Forwarded to the Ag. Civil & Sessions Judge of Bellary who will report the circumstances connected with 1st the neglect of duty, 2nd the disobedience to orders, for which, as stated in the Ag. Civil Judge's letter to the Registrar High Court dated 2nd March 1865, the Petitioner was dismissed from office.

Mr Davidson will also report whether the Petitioner had an opportunity of justifying or accounting for what appeared. This disadvantage; In the event of the Petitioner not having had such opportunity of making his defence, Mr Davidson will call upon the Petitioner to submit his defence at once, and in forwarding it to Government, will report, with reference thereto, whether he considers the Petitioner should be permanently excluded from the Public Service or whether a more lenient punishment may not be sufficient.

By order.

Fort St. George
4th July 1865.

F. Brandt.
Ag. Under Secry. to Govt.

of the High Court and some
others papers connected with
his case

Judl. No. 1320 of 1865
Pro: of Aug 1.

From Lutchmy
Naraina Row
late Criminal
Record Keeper of
the Civil & Session
Court of Bellary

No. 1166

Dated 6th June 1865
Received 7th do do
Three Enclosures.
No. 1628

For the various reasons
herein adduced, Petitioner
prays for an order of Govt. to
re-instate him in the Office
of Criminal Record Keeper
of the Civil and Session
Court of Bellary, from which
he was dismissed unjustly.
Annexes copies of his several
Testimonials, the decision

I hardly see how the Govt. can well interfere when
the High Court has said that it does not appear that they
any grounds upon which
it should recommend a change
of sentence. It strikes me
that the sentence was a heavy one
and I think the ~~[illegible]~~ petitioner might be employed elsewhere
but I would not like to send him back to Dawson GD

Judicial Department

No. 1628

From the Acting Civil Judge of Bellary
Dated 24th July 1865

For Orders

Minute:-
Lachmee Narain Row complains of dis=
ssal from office on the 28 Decr. 1864,
y Mr. R. Davidson, then & now acting
Civil & Session Judge of Bellary.

At the time of dismissal the
Petitioner L. N. Row had been twenty
Eight (28) years in the service of Govt.

When his dismissal was
ordered by the Actg. Judge, that officer
had been 4 months & 9 days in charge
of the Court from which he ejected the Petr.

In the order of dismissal the grounds taken by the C. & S. Judge are three:

(1) neglect of duty.
(2) disobedience of orders.
(3) general incapacity".

The Petr. appealed to the High Court against his dismissal. The H. Court called on the C. & S. Judge to state the grounds of his act and on the explanation submitted to them, disposed of the Petr's appeal by stating that they "see no ground whatever "for their interference on Petr's behalf".

Dissatisfied with the resolution of the High Court, the Petr. now solicits redress from the Government.

Under these circs. it seems necessary carefully to analyze the reasons assigned by the C. & S. Judge to justify the measure which has turned adrift a man who has served the Govt. for the long period of twenty eight years, and so far

as the papers show, with credit to himself and with satisfaction of those who preceded Mr Davidson in the office of Judge at Bellary.

As regards the Petr's alleged "general incapacity": I feel unable to admit the charge agst him; because (without attaching undue weight to the declarations of former Judges of the Bellary Court) I observe that in the public Register, Petr. is described as "well qualified" for his office — "steady & zealous" — "especially diligent & active in his work." —

another Judge certifies in similar terms, and testifies to "his knowledge of the Regulations" and "to his good general abilities"; — & to his being "an excellent ~~& valuable~~ servant".

A third Judge has received "very valuable assistance" from the Petr. without whose "untiring energies" the Court files could not have been kept free from "arrears of long [illegible]"

A fourth Judge states that Petr. is well acquainted with his duties, & familiar with the Criminal Law & quick in the examination of witnesses.

repeatedly

a fifth Judge says Petr. has done his duty satisfactorily & possesses a fair knowledge of Circular orders

a sixth testifies to the performance by Petr. of "the difficult duty of recording depositions in criminal cases".

a seventh that Petr. has shown himself an active & efficient public servant

an eighth that Petr. "has always performed his duties to his (the Judges') perfect satisfaction"

The above opinions, I would observe, are extracted from an official report of the qualifications of the public servants employed in the Court; they are not characters framed on the application of the producer of the document. I am therefore unavoidably driven to the conclusion that the present C.S. Judge after only a period of 4 months & 9 days' acquaintance with the Petr., has formed an incorrect estimate of Petr's official capacity; when this estimate ~~[illegible]~~ is placed in contrast with the favorable opinion of his ability wh. Mr Davidson's 8 predecessors are shown to have taken; and, certainly, in what is now alleged agst Petr. on this score, I can trace no fact which indicate official ineptness arising from deficient ability.

Then, as regards the neglect of duty: for such as it is represented to have been, the C.S. Judge, on his own showing, punished the Petr. by fine & by assigning to him work of a less important character than that wh. he found him discharging when he (Mr D) assumed charge of the Court. It seems to me, then, to be scarcely just now to heap that on to the disobedience of order, for wh., as I take it, the Petr. has been dismissed, & to wh. point, in reality, the question before Govt. appears to me to have been narrowed. — Mr D. states that this was the "immediate cause of

repeatedly

his dismissing the Petr.—

Mr D in his letter to Govt. says that the Petr. "kept him in the dark as to certain "clothes believed to be stained with "blood, having been forwarded to the "Court for medical inspection in a "murder case".—

In his explanatory comm. to the High Court Mr D mentions that the Petr. "omitted to bring to his (Mr D's) notice that "certain clothes supposed to be stained "with blood required medical examn."

In either case, as it appears to me, Mr D abdicated his own proper judicial functions by assigning to a native subordinate a duty of this kind. It was inseparably connected with the S. Judge's own examination of the complainant and witnesses at the trial, & might or might not have been necessary, according to the testimony given for the prosecution.

The Petr. is stated by Mr D to have been unable "to explain his conduct"— that is, to have been unable to ~~excuse~~

says any

excuse himself for not instructing the Sessions Judge, his superior judicial officer, that, in a solemn trial for murder in the Session Court, that which ought to have been done—which, most undoubtedly, it was the Session Judge's own special duty to have formed his own judgment about & have done without any prompting.

Mr D— suggests that this neglect was "intentional" on Petr's part; but does not support his hypothesis by any statement of how or why the neglect could have benefited Petr. so as to induce the intention—and I really cannot imagine any kind of interest connected with such neglect, in a criminal trial presided over by a Gentleman of Mr D's independence of character and natural acuteness &c., by possibility could be of advantage to the Petr.—

Assuming that Mr D. was fully satisfied that Petr. was, with an evil object, making signs to the assessors and that he (Mr D) had unmistakeably seen him doing so, the Petr's dismissal ought thereon to have been instantaneous. But—

Mr. D's reports in regard to this matter are, I observe, very inconsistent, to say nothing of its not being mentioned in the order of dismissal. In his letter to the H. Court Mr. D only "thought" he saw Pet. make signs. In his comn. to the Govt. the point is left in no doubt whatever. Mr D. says he "detected him" doing so and then refers to a Police Inspector having "caught him playing the same trick on another occasion.

Assuming that it was so & that there were grounds for supposing that the assessors had been influenced by Pet. into giving an unjust verdict, certainly Mr D. should not have kept him in any position about the Sessions Court, and that he did so retain him shows, to my mind, that at the time of the supposed occurrence Mr D's belief was not very strong on the point, and, as he first reported, that he simply "thought" he had seen something of the kind done.

Again

Again; if there had, in truth, been collusion between the assessors (on a trial and an officer of the Sessions Judge's establishment, I cannot at all comprehend why that officer should have been so stupid as to make the collusion apparent by signs!! Any collusion that might have been effected, would, I apprehend, have been either to secure a conviction of the accused, or their acquittal; but a sign or a wink from a Court servant would scarcely have aided such collusion. And, at the best, a Sessions Judge is not bound to accept the verdict of assessors, whom he overrules if he differs with them in their conclusions. So that sign or no sign by the Petitioner, (although if made it was disrespectful to the Court) — I cannot but believe that the S. Judge has treated the matter with an importance to wh. it was not entitled. But I also doubt the fact and it strikes me very forcibly that such was Mr D's own view when he first wrote about it to the H. Court —

It cannot be held by the Govt. in any degree to affect the case of the Petitioner, that Mr Davidson has in a period of ten years dismissed only the Petitioner. The case of the latter should rest on its own merits.

Doubtless it is well that public officers should form their own opinion of their own subordinates, but when a gentleman holding the important position of a C & S. Judge has to determine what punishment to award to a man who has been 28 years in the service of Government, it is only becoming, I consider, that previous good conduct should be weighed in the scale and that the opinion of the punishing officer's predecessors should receive some slight attention & respect.

In regard to the fact of the testimonial given by the immediate predecessor of Mr Davidson, to the Petr. some days after the dismissal I am

his valuation of the latter; I can only say that it seems to me to be quite natural that the Petr. should have sought the testimony in his favor of his last employer, if he deemed it likely to be of a favorable kind, and to that, too, as well as to the opinions of the other Eight C & Session Judges under whom the Petr. had served, I think some value should have been allowed by Mr Davidson in punishing the Petr.

As respects the information &c. Mr D has told the H. Court (para 8 of his letter) he received in respect of the sensation created in the district by the Petr's dismissal, I must say I think it will be an act of serious injustice to a dismissed public servant to allow his case to be prejudiced by what was not before the punishing officer when punishment was awarded, and I must add that I greatly doubt whether any "European official of high standing" was likely to have got at information of the kind which he

would be willing to declare had reached him from an impartial quarter.—
Finally, what are we to think of the gentlemen who have presided over the Bellary Court for years past; if we are to accept accurate the assertion that now the Petitioner had gone there would be no impediment to the people of the District obtaining justice.— and yet Mr D— has put forward before the High Court, this cock & bull story as one of the reasons for supporting in an "ad misericordiam" manner, that the Petr be not ordered to be re-employed.—

It is painful to me to differ from so high an authority as our High Court in the matter of justice to an individual; but I am forced to the conviction that Mr Davidson has been hasty and inconsiderate in so severely punishing the Petitioner and I must record my belief that the Government should order his restoration to office, leaving it to the of C.A.S. Supt to render his services available in that department for wh in Mr D's opinion Petr is most eligible

9th August 1865.

173 A

Judicial 1865 Sept.
Pro: of Aug.

Minute by the Honorable H. D. Phillips

Dated 9th } August, '65 –
Recd 26th }

No 1809

Containing his views on the dismissal by Mr R. Davidson Civil and Session Judge of Bellary of Lutchmee Narrain Row the Criminal Record Keeper of his Court.–

No 47

Civil & Sessions Court, Bellary
24th July 1865.

From,
R. Davidson Esquire,
Ag. Civil & Session Judge of Bellary

To,
The Honorable A. J. Arbuthnot,
Chief Secretary to Government,
in the Judicial Department –
Fort St George –

Sir,

I have the honor to furnish the information called for in the order of Government No $\frac{1320}{1865}$, so far as my memory serves me, after a lapse of about eight months.

2. As mentioned in my letter to the High Court, I had repeatedly occasion to find fault with Lutchmee narrain row, for the way in which he performed his duties, besides which he was seldom able to afford me any information on most ordinary subjects with which he ought to have been familiar. I had moreover detected him making

[illegible]

[illegible]

signs just as the Aſseſsors were about to deliver their verdict, and I had little doubt as to the object, but as I could not *prove* his intention, and felt certain of a denial *I said nothing*; the Court Inspector however, in total ignorance of my suspicion, discovered him playing the same trick on another occasion, just as the Aſseſsors were about to deliver their verdict, and as I could no longer entertain any reasonable doubt as to his intention, I determined to place it beyond his power to do mischief, by prohibiting the practice which my Predeceſsor had allowed Lutchmenarrainrow to follow, of interfering greatly with cases while under trial *in Court*, and I therefore restricted him while in Court, to administering oaths, and reading over to witneſses the depositions they had given before the Committing officers.

1111
left him
in office

3. For the ten or twelve days therefore of each monthly Seſsion he had next to nothing to do; and his work during the interval of a fortnight, or more, between each Seſsion, consisted chiefly in abstracting the records of cases committed to the ensuing Seſsion, so that I might be able to judge before hand, whether or not it was neceſsary to call up further evidence from the Talugs, or adopt other neceſsary measures, and he had my most positive injunctions to bring to my immediate notice without fail, every occasion on which weapons or cloths believed by the Committing officer to be stained with blood, were forwarded with under trial cases, so that I might lose no time, if I considered it neceſsary, either in submitting them for inspection to the local Medical officer, or to the Chemical Examiner at Madras as the case might be, and it is obvious that if Lutchmenarrainrow either designedly, or from careleſsneſs, disobeyed these positive and very simple orders, he had it in his power practically to thwart the object which the Court had in view of providing against an undesirable delay in bringing a trial once commenced, to an early close. He had also to read a few ordinary Urzees, and the records of cases in which appeals

had been preferred from the Magistrates' decisions, and my orders were that he was to produce the records as soon as they arrived, so that appeals might be disposed of without delay. His work was therefore on the whole exceedingly light, and I had reason to expect that it would be well performed by a man of Lutchmenarrainrow's experience; such was not the case, and notwithstanding the positive orders and the repeated warnings I had given him, he on one occasion kept me in profound ignorance for, I believe I am right in saying, some weeks, as to an appeal case being ready for disposal, and as he could afford no satisfactory explanation, I fined him five rupees, to which punishment no exception was taken at the time, nor afterwards, until he appealed against my order of dismissal dated the 8th December 1864. .... The immediate cause of my dismissing him, was his total inability when called upon by me at the time, to explain his reason for again setting my most positive orders at defiance, by keeping me wholly in the dark as to

How can this have been? Clothes in kind are sent to Court as evidence in [illegible] [illegible]. It is the S. Judge who has to determine whether under the circs of the case as adduced medical inspection is necessary.

to certain cloths believed to be stained with blood having been forwarded to the Court for medical inspection in a murder case. It so happened that there was not on this occasion any necessity to send the cloths to the Chemical Examiner at Madras, but he did not know this; had it been otherwise a delay of probably ten days or a fortnight would have resulted, to the no small inconvenience of all parties concerned. I at once called upon Lutchmenarrainrow to explain his conduct, he stated his inability to do so, and merely begged to be again forgiven, this I declined. and as Government desire to know whether I am of opinion that a more lenient punishment than permanent removal from the Service may not suffice, I feel bound to state with regret that to the best of my belief and opinion Lutchmenarrainrow is not a fit person to be entrusted with any responsible appointment under Government, and I could not therefore conscientiously advise his re-employment.

Lutchmenarrainrow's private and self entailed suffering is not, in my opinion, to be compared to the public boon which has resulted from his dismiſsal, and the effect on the other Ministerial servants of the Court, has been most marked and beneficial.- Had Lutchmenarrainrow been young, inexperienced or overworked his case might have been different, he has not, however, urged any such excuse in mitigation; I bore with him patiently till I felt perfectly satisfied his longer continuance in Office, could only be tolerated at a great public sacrifice which I was not prepared to make, and I therefore after having duly weighed all the circumstances which I have detailed above, adopted the extreme measure of dismiſsing him from Office.

I have the honor to be,
Sir,
Your most obedient Servant

Civil & Seſsions Court
Bellary 24 July 1865

N. Hamilton
Ag Civil & Seſsion Judge

Exd H.L. Hd Clerk

Judicial 1865 Deptt.
No. 81.
From,
The Ag Civil Judge
of Bellary.
To,
The Chief Secretary to Govt.
Judicial Deptt.

Dated 24th July 1865
Recd 3rd ―

No 47.
Enclosures 1, 2, 3 & 4.
(Enclosures returned)

No 1628 A

Furnishing Explanation called for on certain points connected with the dismissal of Lutch Naraina Row, late Criminal Record Keeper.

For orders

174

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Petition Lutchmy Narraina Row - late Record keeper in the Bellary Court - D/ 6 June 1865

Read also the following letter from the Acting Civil Judge of Bellary.

(D/24 July 1865 No 47.)

Order thereon. 23rd August 1865 No. 1166.

On careful consideration of the reasons assigned by the Acting Session Judge for the dismissal of the Petitioner, the Governor in Council has come to the conclusion that those reasons are not sufficient to justify the very heavy punishment which has thus been inflicted on a public servant of 28 years standing. Very high testimony is borne to to the capacity and character of the Petitioner by several Judges under whom he has served, and His Excellency in Council cannot consider the facts alleged by Mr Davidson as his grounds for considering the Petitioner untrustworthy and inefficient, sufficient to outweigh the testimonials to the Petitioner's honesty and efficiency, which have been given to him by Mr Davidson's predecessors.—

2. The Governor in Council accordingly directs that Mr Davidson will re-employ the Petitioner either as Record Keeper or in some other situation of equal or nearly equal emolument, assigning to him such duties as he may deem proper.

The Actg. Civil and Session Judge of Bellary.—
Acct. General
Lutchmy Naraina Row – Madras

desp^d 26/8

13 – orders only
2 & 3 Ex orders
for office – & Copies

Restoration of Letchmy Narrain Row to his situ-
-ation in the Bellary Court

Pro: Spargo
Judicial 1865. Department.

No. 1166.

PROCEEDINGS OF GOVERNMENT.

Dated 23d August 1865.

173@174.A.