Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1023

Dated 15th May 1895

INDEXED.

[Despatch Abstract.]

M.R.RY. R.KONETI AIYAR.

Declining to reconsider the orders already passed in the case of---, late Sub-Registrar of Satyamangalam, Coimbatore District.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

(Government order disposing of the case against the petitioner)

GOVERNMENT OF MADRAS.

—o—

Judicial Department

—o—

READ THE FOLLOWING PAPER:—

FROM THE INSPECTOR GENERAL OF REGISTRATION, DATED 27TH OCTOBER 1893
T. No. 3418.

Order 28th November 1893, No. 2492.

The punishment which the Inspector General proposes to inflict upon the Sub Registrar seems to Government to be disproportionate to the gravity of the case. It is clear that the Sub Registrar had no control over his office and that his work was badly performed and his attendance at office in a half naked condition was most unbecoming. For these offences alone the proposed punishment would not be too severe. But, there are further two more serious charges. It is not proved that the Sub Registrar kept money paid to him for copies, but it is not at all improbable that he did and it is natural that distrust should be felt regarding his conduct in this matter because it is certain that there were many suspicious circumstances connected with the supply of the copies. It seems, for instance, clear that Lakshmana Row got information from the office as to the numbers of the documents he wanted and that the date on which the copies were applied for was not correctly recorded. The Sub Registrar's conduct in regard to the receipt of paddy is equally open to suspicion and even assuming that there was no intention of offering or receiving the grain as a present, the fact remains that he demanded a quantity of paddy from a man who had constant occasion to appear in his office and neglected to pay for it until he found that an enquiry had been instituted against him.

2. On the whole it is apparent to Government that R. Koneti Aiyar is unfit to hold the responsible and independent position of Sub Registrar and that he should be transferred to a ministerial post. He should, therefore, be given a clerical appointment, not carrying more pay than he receives at present and in another locality. For one year he should have no promotion at all and he should not be restored to a non-ministerial appointment without the special sanction of government.

3. It would have been more satisfactory if the Registrar, having gone

to Satyamangalam, had stayed there and finished his enquiry and report on the spot; it is not clear why he did not do so.

(True Extract)

(Signed)
A. BUTTERWORTH,
Under Secretary.

(True copy)

———:o:———

II

(The Inspector General's Proceedings, disposing of the case against the petitioner)

Registration Department.

PROCEEDINGS OF THE INSPECTOR GENERAL.

Read the following papers:—

Petition dated 2nd July 1893 from C. Lakshmana Rao, private Vakil, Satyamangalam complaining against the Sub Registrar of the station.

Letters from the Registrar of Coimbatore dated 23rd July and 14th September 1893, Nos. 272 (*a*) and 354 respectively.

———o———

T. No. 2973 dated 16th October 1893.

GUDALUR.

In the beginning of July last, one Lakshmana Rao, a "private" or unlicensed Vakil having complained that irregularities were being committed by the Sub Registrar of Satyamangalam, R. Koneti Aiyar, in levying fees and granting receipts and generally in the conduct of business, the District Registrar of Coimbatore was directed to take a written statement from the complainant, to institute an enquiry into the complaints and report the results. The reports above read have been submitted by the Registrar in compliance with this requisition. The Registrar paid a "Surprise" Visit to the Sub Registrar's Office on the 20th and 21st July, noted the irregularities observed and took the evidence of the clerks of the office and of the witnesses produced by the complainant in respect of the malpractices alleged to be prevailing.

2. The two main charges brought by Lakshman Rao against the Sub Registrar are 1st, that he, Lakshman Rao had paid in the months of March and April last Rs. 40—8—0 for copies of certain registered documents he required in connection with a civil suit, that receipts were granted after great delay for only Rs. 23—2—0 and the remainder was misappropriated by the Sub Registrar, and secondly that

about the beginning of April, he (Lakshmana Rao) was requested by the Sub Registrar to purchase for him 7 salagais of old paddy, that he did so and sent it on to the Sub Registrar, who promised to pay the value as soon as he received his pay for the month of April and that the Sub Registrar did not pay the amount for some months and until he had been served with a registered notice to the effect that a civil suit would be filed against him unless the amount was paid at once.

3. As regards the first charge, Lakshmana Rao's account is that, on the 25th March, when the Sub Registrar was about to proceed to Madras on casual leave after handing over charge of the office to the Stationary Sub Magistrate at Satyamangalam, he gave to the Sub Registrar Rs. 20 and 10 stamp papers of the value of one rupee each in view to obtaining copies of certain registered documents that after the return of Sub Registrar from leave he sent to the Sub Registrar at his request a further sum of Rs. 18—8—0, with 9 stamped papers, that again on the 11th April he gave 2 one rupee stamps and on 13th April, he gave a further sum of Rs. 3—8—0, of which Rs. 1—8—0 was returned for the purchase of two stamps one of one rupee and the other of 8 annas value. According to Lakshmana Rao's statement, the Sub Registrar received in cash Rs. 40—8—0 and 22 one rupee stamp papers and one eight anna stamp paper. The sums specified in the receipts bearing dates 11th and 13th April granted to Lakshmana Rao aggregate Rs. 28—2—0 and Lakshmana Rao allowed the Sub Registrar to take Rs. 1—8—0 at the rate of one anna per copy for "contingencies". There is thus left a balance of Rs. 10—14—0 to be accounted for and on being asked for the refund of this sum, the Sub Registrar told him that he retained it as remuneration for the trouble he took in furnishing the copies.

4. The Sub Registrar denies the charge and states that he was not paid any sums either for "contingencies" or otherwise in excess of those for which receipts have been granted, that the statement of the complainant that money was handed over to him on the 25th March and 5th April is false, that applications were put in only on the 11th and 13th April, when the fees were levied and receipts granted. The allegation as regards the payment made on the 25th March and 5th April rests entirely on the evidence given by the two clerks of the office, who are admittedly on inimical terms with the Sub Registrar. Lakshmana Rao himself made no complaint till the beginning of July when the clerks fell out with the Sub Registrar; and the particulars given in Lakshmana Rao's complaint, which must have been obtained from the records of the office, show that he must have been in communication with the clerks and set up by them to complain. The evidence given by the clerks is also in some respects discrepant. Lakshman Rao stated that, when he gave to the Sub Registrar Rs. 20 and 10 stamped papers on the 25th March he gave him at the same time a piece of paper containing information as to the documents copies of which were required, which he handed over to the 1st clerk. The first clerk

denies having received this paper. The second (temporary) clerk first said that the paper was handed over to the first clerk, but subsequently withdrew the statement. Lakshman Rao in his petition to the Inspector General stated that his formal application for copies was made two or three days after the Sub Registrar's return from leave, but the applications bear date the 11th and 13th April and he has noted acknowledgement of the receipt of all the 21 copies on these dates on the applications themselves. On the other hand 10 stamped papers are shown by the accounts of the stamp vendor to have been purchased from him on the 25th March and 9 more on the 5th April, 2 on the 11th and 2 on the 13th idem, and as pointed out by the Registrar, if the applications had been put in for the first time on 11th April, the copies 21 in number, were prepared and furnished with extraordinary expedition by the 13th April. The clerks state that the copies were really prepared by them sometime before the 11th April, the Sub Registrar having given the particulars of the documents to be copied. It seems probable that none of the persons concerned is telling the whole truth. Lakshmana Rao must have been in communication either with the clerks or the Sub Registrar or both, before he put in his formal application for copies. This accounts for his having appeared before the Stationary Sub Magistrate, when he was in charge and told him that he had to put in an application for copies. He gave in his application of the 11th April the Registration numbers of 8 documents. It is not clear whether he obtained this information from the original documents or whether particulars were furnished to him from the office to save him the charges for a search in the records for the documents, the registration numbers of which were specified in his application. If the latter were the case, it is clear that Lakshmana Rao, the Sub Registrar and the clerks must all have conspired together to defraud the Government Revenue. Lakshmana Rao vaguely states that the receipts for Rs. 28—2—0 dated 11th and 13th April were handed over to him sometime in May or June. As the matter stands, the alleged payment of the sum of Rs. 40—8—0, i. e. Rs. 10—14—0 in excess of the amount for which receipts were granted to the Sub Registrar rests entirely on the evidence of the clerks and Lakshmana Rao, and their evidence for the reasons already stated cannot be accepted as trustworthy.

5. As regards the second charge, the explanation given by the Sub Registrar cannot be considered truthful. He states that he wanted old paddy for his sister, who was ailing, that he asked one Kaliana Goundan to purchase for him 7 Salagais of paddy, that Kaliana Goundan asked his son-in-law, Nanjappa Goundan to see to it, that Nanjappa Goundan again would seem in his turn to have commissioned Lakshmana Rao, his agent to purchase the paddy, that the latter appears accordingly to have sent the paddy and that as he (the Sub Registrar) did not directly deal with Lakshmana Rao, he paid Rs. 42 for the paddy at Rs. 6 per salagai to Nanjappa Goundan and has obtained a receipt from him. When Lakshmana Rao sent a registered notice demanding payment of the value of the paddy, the Sub Registrar informed him by a registered letter that he did not receive any paddy from him and that as he received the paddy from Kaliana Goundan, he had sent the money to him by a money order. Kaliana Goundan, however, returned the money order stating that he never sent any paddy and no money was due to him. The reply of Kaliana Goundan, the Sub Registrar states, he kept in his private box and that it was stolen by the first clerk. The Registrar in his report states that the Sub Registrar had distinctly told him that he asked Kaliana Goundan to get him the paddy, when he came to him in connection with the copies of documents, which were subsquently applied for by his agent Lakshmana Rao. He now states that he does not recollect that he said so and cannot state when he asked Kaliana Goundan. The paddy admittedly was sent to the Sub Registrar's house during the Sub Registrar's absence on leave *i. e* in the end of March or the beginning of April when Lakshmana Rao was arranging to obtain the copies. Kaliana Goundan is father-in-law of Nanjappa Goundan and the manager of his estate and the copies of documents were wanted in connection with a suit relating to Nanjappa Goundan's estate and Lakshmana Rao was an agent of both. From whichever of the three persons referred to the paddy was got, the transaction was an improper one, more especially as they had official business to transact with the Sub Registrar; and the delay in the payment of the value until after an enquiry was instituted by the Registrar into the complaint of Lakshmana Rao renders the Sub Registrar's conduct suspicious. He has also made his case worse by not giving a truthful and straightforward account of what took place and by denying the statement he distinctly made to the Registrar.

6. Among the other irregularities alleged those proved are: (1) his omission to report to the Registrar the refund of the excess fee levied in respect of a deed of transfer of a decree of civil Court and credited in Return A (para 11 of the Registrar's second report); (2) the omission to levy the penalty due under section 24 of the Registration Act for late presentation of a court sale certificate and obtain the sanction of the Registrar for its registration (para 15 of the Registrar's report); and (3) the neglect to enter in the original of Return A, the transactions connected with the registration of documents as they occur (para 17 of the Registrar's report). The last mentioned irregularity is a serious one, as return A is intended to be a contemporaneous record of transactions as they take place and registers supplied are bound and regularly paged so as to render subsequent interpolations easy of detection. When the Registrar inspected the office suddenly, he found that the Sub Registrar was working in the office without even a shirt on and his conduct in dispensing with the services of the temporary clerk, when registrations were heavy and there were arrears is unsatisfactory. There are several minor charges brought against the Sub Registrar, which are not proved. They rest on the evidence of the Village Kurnam, who is admittedly on bad terms with the Sub Registrar.

7. On a consideration of the circumstances of the case, and especially, the transactions in connection with the receipt of paddy and delay in the payment of its value, the Inspector General is constrained to come to the conclusion, that the Sub

Registrar is not a trustworthy and efficient officer and that his misconduct should be reported for the orders of Government.

8. The first clerk has already been transferred from Satyamangalam. He appears to have contracted debts in the Satyamangalam Sub District and he should not be allowed to go back to the Satyamangalam office.

(Signed) Srinivasa Raghavaiyangar,
Inspector General of Registration.

(True copy)

III

(Extracts from the report of the Registrar of Coimbatore against the petitioner)

Extracts from para 2 of the letter from the Registrar of Coimbatore to the Inspector General of Registration, Madras, No. 272 (a) dated 23rd July 1893.

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2, I beg to submit the following report of what I noticed:—

(1) The Sub Registrar was in the office without dress not even a shirt on. 5 documents had been registered by 3 P. M.; the permanent clerk was copying the documents registered, the temporary clerk having been dispensed with. The Sub Registrar was indexing the first document registered on the day.

* * * * * * *

(2) Return A— Entries regarding dates of transcription and return of documents were not filled up. The Sub Registrar explained that he was preparing the duplicate copy then and there on which the entries were being made and then transferred to the office copy. The number of unclaimed documents as per return of unclaimed documents on the close of the 19th was put down 10 and of this 5 were of the past month and 5 of the current month but the number as per Return A duplicate was 11 of the current month. It was explained that 6 documents of the current month returned on the 19th were not entered in the Return A.

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(5) Indexes were up to date but the duplicate Index II was copied up to 1048, the last number registered on the 19th was 1069.

* * * * * * *

(Signed) M. NATARARAJA AIYAR
Registrar.

(True Extracts)

IV

(Endorsement on Lakshmana Row's complaint).

M. No. 578.

4th July 1893, Madras.
Referred to the District Registrar Coimbatore for enquiry and report.
(Signed) S. Srinivasa Raghava Aiyangar,
Inspector General of Registration.
4—7—93.

To,
The Registrar of Coimbatore

{ Initialled M. N.
{ 7th July 1893.

(Lakshmana Row's complaint to the Inspector General of Registration, against the petitioner)

"Confidential" Urgent.

To,
The Inspector General of Registration,
Madras.

Most Honoured Sir,

I. C. Lakshmana Row Vakil residing at Satyamangalam Coimbatore District most humbly and respectfully beg to bring the following to your honor's generous and kind consideration.

The Sub Registrar Mr. R. Koneti Aiyer of this place took charge of this place in the month of September last. Since then, his attending office is not according to the time appointed by the Government but is to attend at 3 or 4 P. M. every day. After his airival at the office, he sleeps till 5 P. M. in the office. The Registration of documents is commenced only at 5-30 P. M. So the parties are to suffer and wait till 7 P. M. Those who come for registering documents earlier and those who come later will have to go to their houses at 7-30 P. M. without distinction. By this, the parties are put to greatest inconvenience. If the documents were registered and distributed then and there the parties would have the benifit of going to their respective villages on the very day and thereby the Registration would increase. The parties fear much for coming to the Registration office as they are detained till unusual hours. If they bring bonds for registration he informs them why they should register them and spend money in vain. As the Registration commences at 5-30 P. M there will not be less than 15 documents for Registration. Before commencing registration he rails at the parties for bringing documents in batches and killing him. When he issues receipts for documents he fixes date to receive back the document on the next after registration. If the parties go on the day thus fixed, he informs them that the document will be given a week after. By this time the 15 days period expires

and the parties have to pay a fine of 8 annas or so, but at the same time he promises them that he will get sanction for the refund of ½ of the amount. He says publicly that he has falsely certified that the Indexes &c, have been prepared and examined although they have not been done so for the last 5 or 6 months. He also says that the indexes of the previous months have been prepared by one Vencataramanier acting clerk *lately under his direction.*

2. In the month of March I requested Sub Registrar for certain copies of documents who received from me Rs. 20 in advance for fees and informed me of the fact of his having ordered his clerks to have the copies ready on his return from Madras and the sum thus received as fees was given by me on his way to Madras on the Bhavani Bridge, which was, with the directions to his Head Clerk to be given home to his mother.

3. After his arival from Madras, I put in my application for copies. A few days after he sent words to me that 18½ Rs. more is to be paid for copies. He did not at all give the receipts for the sums received on two occasions and the receipts were not given to me on the day of these two payments and also he *did not at all give me receipts* even when delivered copies. I asked for receipts several times. With greatest hesitation he gave me the receipts for the above 15 days back. In order to convince your honor of the fact that he never gives receipts to parties the fee receipts, I have herewith submitted for your honour's kind perusal (No. 790 of 1893) I found the receipt in the street near his house. If he uses to give the receipts to the parties then and there under strict rules of Government he would not have written on the back of the receipt with red pencil the following in Canarese and Tamil "ಕೊಟ್ಟಿರುವ [illegible] R. K. with his own initials.

4. According to the fee receipts given to me is Rs. 28-2-0. whereas the money given by me is Rs.38-8-0. The remaining Rs. 10—6—0 due to me was not returned to me as yet.

5. I beg to bring to your honor's notice that out of Rs. 10—6—0, Rs. 1—8—0 should he given to him for office contingency as the office contingencies are too low and also he receives from parties applying for copies 1 anna extra saying in the same manner as above but at the same time no receipts are given for that one anna.

6. After the grant of copies to me, he asked me to send him 7 salagais of

paddy for the price of it nearly Rs. 40 which would be returned to him (*me* ?) on the receipt of his pay for April. Accordingly I sent him 7 salagais but he did not do so though I asked him several times for the due.

7. I put in my application to him for two copies of documents on the 27th June 93 and deposited the fees, stamp papers &c on the same date but he endorsed on it as having been received on the 28th.

8. He purposely delayed the grant of copies for the reason of my having asked him the money due for paddy and search fees and also assured that the copies would not be granted soon (delayed 4 days). He has given to parties who applied for copies on the 29th and 30th on the next day and very day *i. e.* 30th; besides he asked me 2 As. extra for the contingencies on the 27th. I told him that I had no money. I use go to the office daily twice or thrice for the copies being prepared. Again he asked me *two annas.* I again told him that if receipts were given to me I would give the sum. Your honor may come to understand how he has acted on my behalf. When I asked him whether it is proper to do so, he replied that the documents only might be given then and there but not the copies.

9. As I go to office for copies being prepared a man of Bhavani applied for copy. Sub Registrar asked him in what year the search should be made; he told him some year but it was not found in two successive years. In the 3rd year it was found. In this case only 1 Rupee was levied. He asked the party also to bring a dozen of papers for his office use. He murmured. The Sub Registrar was telling for his murmur that these days are not for gratitude as a *remission* of ½ Rupee being made for those two years. There are many similar cases like this and says plainly that he never cares for the loss of Government.

29th June 1894

10. I often go to office. When I was in the office one Kakaji Row of this place brought a document for registration. Sub Registrar ordered him to give on (1) Rupee for registering fees. Kakaji Row objected that as the value of the document is below Rs. 50, he told him 12 As. is sufficient and proper registration fee. He again insisted that 1 Rupee should be given, it was done so. When I was present in the office on the 30th June 93, Sub Registrar sent for Kakaji Row to bring the fee receipt. Accordingly he came. Sub Registrar altered it into 12 annas and returned annas four. I do not find any special necessity for the Sub Registrar to alter the amount in the next day after long argument made by the party, and which power of altering rests only with your honor. This plainly stands against the ruling of Government. The receipt thus altered obtained from Kakaji Row is herewith enclosed for your honor's perusal (No. 943 of 1893).

11. I respectfully beg to bring to your honor's notice that on the arrival of parties for registration, he will plainly order them to bring plantain fruits, jack fruits, chillies, Tamarind, ghee and all sorts of eatables and edibles for his use. For such persons who yield to, the documents would be registered at once and though many others are waiting.

12. In conclusion I respectfully crave your gracious honor to have a thorough perusal of my poor and humble petition and render me justice for the good of the public.

I beg to remain,
Most Honored Sir
Your honor's most obedient servant.
(Signed) C. Lutchumana Row,
Vakil.

Satyamangalam prepared 2nd July 1893

3—7—93 at 6 A. M.

Submitted to your honor (Initialled) C. L.

I have 6 or 7 important witnesses to prove all sorts, irregularities &c.

(Signed) C. LUTCHUMANA ROW,
Vakil.

(True Copy)

V

(Deposition of complainant, C. Lakshmana Rao, before M. Natarajier Registrar of Coimbatore on the 20th. July 1893)

Before the Registrar of Coimbatore.

Lakshmana Row of Satyamangalam states :—I paid Rs. 20 to the Sub Registrar of Satyamangalam for certain copies with a note detailing the date of the documents of which I required copies and the names of parties &c. with ten stamp papers when he was just going to Madras on the 25th March 1893. I did not get receipt for the amount at the time. I paid on the 5th April 1893, Rs. 18—8—0 and 9 stamp papers of 1 Rupee each as the Sub Registrar sent words to me that the money and stamp papers I already gave were not sufficient for the copies I required. No receipt was given to me on the said date 5th April 1893 for the Rs. 18—8—0 or the Rs. 20 already paid. On the 11th April I gave again 2—1 Rupee stamp. I paid Rs. 3—8—0 for 2 copies on the 13th April; next day the Sub Registrar gave me Rs. 1—8—0, and asked me to get 2 stamp papers one for one Rupee and 1 for 8 annas. The copies were delivered to me 20 at one time and the rest on another occasion all before the 15th April. Even then the receipts were not given to me and the Sub Registrar said that the receipts were ready but would give me after seeing them. The receipts were given to me about the 15th May or June. For the Rs. 33-8-0 I paid, I got receipts for Rs. 28-2-0. The Sub Registrar said that Rs. 1-8-0 was taken for office contingences. I said he might take Rs. 1-8-0 as he told me that the office contingent allowance is very small and that he is therefore levying 1 anna per copy and wanted me to pay that Rs. 1—8—0 at the rate of 1 anna. When I asked the Sub Registrar to give me the balance he said that I might go to his house and settle accounts at night. When I went to him, he said that there was no balance as the same was taken by him for his troubles. I presented an application for 2 copies of documents on the 27th June and paid Rs. 3 with 2 stamp papers. No receipt was granted to me on that date and I was told to come next day. I

went to office next day and he gave me receipt that day dating it as 28th June 1893. He told me to take the copies on the 29th June. When I went that day he told me that the copies were not ready. On the morning of the 30th June as he was in the office I asked him for copies again. He told me that they were not ready even then and asked me to come that evening. When I came in the evening he said they were not ready. I told him that he gave the copies applied for on the 29th or 30th to 2 other people on that day and why my copies were not ready. Then he gave me the copies. He was telling people that he would make delay in granting me the copies. When the copies were delivered the Sub Registrar asked me 2 annas for contingencies at the rate of one anna per copy. I said I would give if he were to give me receipt. As he did not give me receipt I did not pay the 2 annas and I received the copies. The Sub Registrar asked me sometime in April I do not remember the date to get him 7 salagais of paddy for sale. I told him that the cost would be Rs. 40—4—0. He told me he would pay the money in May as soon as he would get his April pay, and wanted me to send the paddy. I got him the paddy accordingly. About the 15th May I asked him to give me the money. He told me he would send the money as soon as he got his pay. As he did not send the money, I went and asked him several times in vain. I sent him a notice on the 5th July 1893, by post registered, saying that if he did not pay within 7 days, I would sue him in Court. He gave me reply notice registered No. 581 on the 7th July 1893 stating that he did not ask me to get him paddy and that I did not get him any paddy but that he had told my client Kaliana Gounder to send him paddy and that he appeared to have sent it and that he would settle the matters with him. When I enquired my client about the paddy I learned that he did not send any paddy but got a money order for Rs. 40—4—0 from the Sub Registrar and that he returned the money without taking the money order endorsing on it that no money was due to him. The money order was sent by the sub Registrar on the same date the 7 th July on which a reply notice was sent to me with a registered letter No 582.

One Kakajee Rao registered a document on the 29 June 1893. It was registered as No. 943 of 1893. The Sub Registrar demanded R 1 fee. Kakaji Row said it was only 12 As. as it was below Rs. 50. The Sub Registrar said that there was new rule and he must pay one rupee. So Kakaji Row paid Rs. 1—0—0. Next day the Sub Registrar sent for him and gave him four annas and corrected the receipt and the entry on the document. He abuses parties whenever large number of documents were presented. He attends office late and also sleeps there till 5 P. M. He comes to office without dress. One Bowani man applied for copy on the 30th June 1893 and wanted to search for 3 years. The Sub Registrar took only one Rupee and gave him the copy but got half a quire of papers for office contingencies. I happened to be present in the office when above things occurred. In one of the copies granted to me No. 33 of 1884, 7 annas is levied for 564 Tamil words and 18 English words and in another copy No. 239 of 1882, 8 annas is levied for 342 Tamil

and 12 English words. The Sub Registrar has registered a sale certificate dated 4th February after 4 months time without fine, on the 4th July as No. 964 presented by certain man of Palladam Taluq. I have produced 24 receipts for the Rs. 38—8-0 and Rs. 3—8—0 paid on the 13th April. Out of the Rs. 3—8—0, I received Rs. 1—8—0 for stamp.

Answers to the Sub Registrars questions :—I went away without receipt for the money paid on the 27th June 1893 as the Sub Registrar told me to come next day and as I had already paid the money into his hands and presented the petition and 2 stamps and as I did not want to quarrel with the Sub Registrar although he refused to give the previous balance to me. When the Sub Registrar refused to pay the balance about the 15th May or June, I did not complain at once as I wanted to get more copies for my client and as I did not want to quarrel with him and as I also thought whether I could not get the money smoothly. I paid Rs. 20 to the Sub Registrar though he was going to Madras, as he had told me when I informed him on the 24th March 1893, that I wanted a number of copies for my client, that he was going to Madras, and that I might pay him the money lest he might not lose the commission and that he would get the documents searched by the clerks. He himself sent words to me and wanted me to pay the money to him. So I paid the money on the 25th at 3 P. M. near the bridge and the Sub Registrar told the clerk Vencatasubbiah to take the money and leave it with the Sub Registrar's mother or have it in the house and asked the clerk to search for the documents and have them ready. After paying the money to the Sub Registrar and delivering the stamp papers, I had 2 quires of demi papers and asked him to take them also. He said that I need not give them as he would get the paper himself out of contingencies. I then went with the paper to the Sub Magistrate and asked him to give instructions to the clerk to prepare the copies and wanted to give him the paper. He said he did not know anything about the copies as I said I had paid the money to the Sub Registrar. The clerk Vencatasubbayya was also present with Sub Magistrate taking his signatures on some papers. Both the clerks were present when I paid Rs. 20 near the Bridge and Rs. 18—8—0 in the office. The Sub Registrar sent a note to me through his peon Venkataraman intimating Rs. 18—8—0 was required.

(Signed) C. LUKSHUMANA ROW,
Vakil.

20—7—93.

Read over to Lakshumana Row and admitted by him to be correct.

(Signed) M. NATARAJAIER,
Registrar.

20th July 1893.

(True Copy)

VI

(Deposition of complainant's 1st witness V. Venkatasubbayya, 1st or (permanent clerk) of Satyamangalam Sub Registrar's office)

Before the Registrar of Coimbatore.

Statement by V. Venkatasubbayya clerk of Satyamangalam S. R. O. states :—I and the temporary clerk S. L. Venkatasubbayya were present when Lakshmana Row private Vakil gave Rs. 20 for copies required, to the Sub Registrar when he was about to start for Madras, on the 25th March 1893 near the bridge of Bowani river at about 3 P. M. The Sub Registrar handed over the money Rs. 20 to me and told me to keep it. I do not remember whether he told me to leave the money in his house. I now remember that he told me to leave the money in his house. But I did not do so and had the money with me and gave it to the Sub Registrar when he returned from Madras. I do not remember the date. He did not tell me to prepare the copies. Lakshmana Row handed over to me 9 or 10 stamp papers in the presence of Sub Registrar. I took the papers as the Sub Registrar told me to have them. Laksmana Row handed over certain papers to the Sub Registrar. I did not know whether it was an application for search and copies. I did not know whether the Sub Registrar handed over the said paper to any body before the Sub Registrar left the place. When the Sub Registrar received the money Rs. 20, he had delivered over the office charge to the Sub Magistrate. After the Sub Registrar returned he gave us a list of documents and asked us to prepare copies and we wrote the copies in 2 or 3 days. After the receipt of Rs. 20 and after the Sub Registrar left the place, I had been to the Stationary Sub Magistrate to attend upon him to register documents, then Lakshmana Row came there with a bundle of papers and asked me to take them to prepare the copies. I said we had other work and the copies would be prepared after the arrival of the Sub Registrar and did not take the papers as I was busy then. Lakshmana Row brought the papers again 2 or 3 days after to the office and told me to have them with the stamp papers. After the Sub Registrar returned from Madras, he sent words to Lakshmana Rao through the peon that Rs. 18—8—0 was required and asked him to get it. Lakshmana Row brought the Rs. 18—8—0 and paid it to the Sub Registrar. I do not know whether the Sub Registrar gave receipts to Lakshmana Row. When I went to the Sub Magistrate on the 25th March after the Sub Registrar left the place for Madras I do not remember whether the Sub Magistrate registered any documents or whether they were returned as it was too late. I do not remember having counted the number of words in any of the copies granted to Lakshmana Row. I did not know whether the Sub Registrar granted the fee receipt to Lakshmana Rao for copies on the dates on which the copies are entered in returns or on the date on which they were delivered. After the copies were granted the Sub Registrar one day in May or June last asked the temporary clerk to bring the receipts for copies as Lakshmana Row came and asked for them. The Sub Registrar first asked the night-watch to bring the receipts;

he said he could not find them, then the temporary clerk was asked to find them out. He went into the record room and brought them. There were about 15 or 20 receipts and they were handed over to Lakshmana Row. After Lakshmana Row received the fee receipts for copies, he came to office one day and asked the Sub Registrar to pay the balance of money. The Sub Registrar told him to go to his house and that he would give him the balance there. The Sub Registrar borrowed Rs. 50 from Muthanna Aiyar alias Kamakshi Sastriar in November last at my request and gave me the same as loan. I have discharged that debt by monthly payments and out of my pay. There was a Civil warrant against me for the debt I owed to Monigar Pongalappa Gaundan of Kasippalayam, hamlet of Tadappalli, and I wanted to pay the debt and requested the Sub Registrar to give me a loan. He said he would get me the money and sent words through the temporary clerk and got me the money. Lakshmana Row wrote certain application for copies on dictation by the Sub Registrar in the office. I do not remember the date or the month. The applications were in connection with Rs. 20 and Rs. 18—8—0 received from Lakshmana Row. The four tatties now in the office were sent to the Sub Registrar by the Monigar of Sikkarasampalayam. A man brought them saying that the said Maniyagar sent them. Padmanabha Aiyar Karnam of Mudukkanthurai once brought document written by him with a party. There was mistake in the date. The Sub Registrar asked Padhmanabha Aiyar to get a red pencil for that mistake. He went and brought a pencil saying that he purchased it for 2 annas. The Sub Registrar did not pay for it. The Sub Registrar got 50 young cocoanuts from Kuppaiyar Kurnam of Kavalipaliyam when his sister Giriammal was sick about a month ago. The night watchman Sitharaman was sent for to bring them. I did not know whether he sent money for the cocoanuts, When I was with Stationary Magistrate on the 25th March Lakshmana Rao came and told him that he had paid Rs. 20 money for copies and wanted them to be prepared soon. He replied to Lakshmana Row that he did not know anything about the copies and that Lakshmana Row might ask the Sub Registrar when he returned. I used to keep private accounts of the Sub Registrar. I do not keep them for the last 2 months. On the 30th June Lakshmana Row complained to the Sub Registrar that those who applied for copies after him got them while he was not given the copies. The Sub Registrar told him that they were ready and asked him to take them. The Sub Registrar wanted him to pay 2 annas for contingencies which Lakshmana Row said he would pay if receipts were given him. The Sub Registrar also told him that copies were not important and the copying of documents should be first got through and then only copies would be prepared, when Lakshmana Row complained of the delay. The Sub Registrar attends the office between 2 and 3. He used to lie down when he feels sick using the table cloth for bed. He was lying down in the office when the Registrar came to office yesterday.

Answers to the Sub Registrar's questions :—I went away to Trichinopoly during the Easter Holidays notwithstanding the Sub Registrar had told me not to leave the station during the holidays as I heard that my daughter was dangerously ill at Trichy. I wanted to take permission of the stationary Sub Magistrate in charge. As he had gone to bed I left words with the Sub Magistrate's peon and the temporary clerk, went away and was absent for 2 days 30th and 31st March. I had been entrusted with the collections money and permanent advance money by the Sub Magistrate and they were with me. He left the money with me telling me that I was responsible for the money and the records. He left also the keys with me. I gave them to the Temporary clerk when I went to Trichinopoly but I did not give the money to him. I returned on the 1st April and gave the permanent advance and other money to the Sub Registrar including Rs. 20 Lakshmana Row's money and the Sub Registrar's own money. His own money was what he told me to collect from Hotel Rangayyar who owed him money He told me to get the money and pay for his house expenses and keep the balance. I returned this after giving him an account verbally.

(Signed) V. VENKATASUBBIAH,

Read over to the deponent and signed by him.

(Signed) M. NATARARAJA AIYAR
Registrar.

21st July 1893.

(True copy)

VII

(Deposition of complainant's third witness S. L. Venkatasubbiah, who was temporary clerk of Satyamangalam Sub Registrar's office, till 14th July 1893.

——:(o):——

Before the Registrar of Coimbatore.

Statement of S, L. Venkatasubbiah late temporary clerk of Satyamangalam Sub Registrar's office.

I was present when Rs. 20 was paid by Lakshmana Row to the Sub Registrar on the 25th March when he was about to start for Madras near the river bridge. Lakshmana Row gave the money saying that he wanted some copies of documents. He also gave some stamp papers. I do not remember how many. The Sub Registrar handed over the money and the stamp papers to clerk Venkatasubbaiyer and asked him to give the money to the Sub Registrar's mother. No application for copies was given by Lakshmana Row that day with the money but he gave a chit which was also handed over to Venkatasubbiayar, I did not know what chit it

was. The Sub Registrar sent words to Lakshmana Row after he returned from Madras to pay Rs. 18—8—0 for the copies saying that Rs. 20 was not sufficient. Lakshmana Rao paid the money Rs. 18—8—0. No fee receipt was given to Lakshmana Rao for Rs. 20 or 18—8—0 when he paid them. The Sub Registrar gave a list of documents the copies of which were required by Lakshmana Row and we prepared the copies. I did not count the number of words in the copies nor did I search for the documents in the registers. No receipts were granted to Lakshmana Rao even on the day the copies wore delivered tc him. Receipts were delivered to him in June last when Lakshmana Rao came and asked for them. The Sub Registrar told Seetharaman first to find out the receipts and bring them. He did not find them. Then the Sub Registrar told me to search for them in almirahs. I did not find them in the almirahs, but found them in the dealwood case and brought them to the Sub Registrar who gave them to Lakshmana Row. They were folded as a bundle. There might have been about 20 receipts. Lakshmana Rao asked the Sub Registrar to pay him the balance, after deducting the amount entered in the receipts out of Rs. 38—8—0 paid by him. The Sub Registrar replied to him that if Lakshmana Rao were to go to him that night he would see the accounts and give the balance "I do not remember whether the chit referred to above was given to clerk Venkatasubbaiya on not." (he made the above statement after having read the statement before signing it).

(Signed) L. VENKATASUBBAIYA,

Was read by the deponent and signed

(Signed) M. NATARAJIER,
Registrar.

(True copy)

VIII

(Extract from Return A. of Satyamangalam Sub Registrar's office for (April) 1893)

A.

Daily account of fees realized on Registrations in Books I, III and IV. in the office of the Sub Registrar of Satyamangalam for April 1893.

* * * * * * * *

12th No Registrations.

* * * * * * * *

(Signed) R Koneti Aiyar,
Sub Registrar

1st May 1893.

(True Extract)

IX

(True translation of the 1st application for copies made by Lutchumana Row)

(Initialed) *R. K.* 11—4—93.

To

M. R. Ry

Sub Registrar of Satyamangalam Taluq.

The very humble petition of C. Lakshmana Row agent of Nanjappa Gounden ryot Kongarapalayam &c Ditto Taluq.

I request that orders might be issued to give copies of the undermentioned documents.

			Tamil words.
Document No. 74 of 1865 and Document No. 88 of do. ...	2		{487 {327
Document No. 72 of 1866	1		375
Documents Nos. 42 and 48 of 1868	2		{507 {724
Document No. 124 of 1883	1		564
Documents Nos. 38 and 289 of 1884	2		{467 {357
Total	8		3,808

11th April 1893 (Signed) C. Lutchumana Row agent for Nanjappa Gounden 11—4—93

Received all the eight copies of documents

(Signed) C. Lutchumana Row agent for Nanjappa Gounden 13—4—93

(True Translation)

X

(True Translation of the 2nd application for a general search and for copies made by Lakshmana Row)

(Initialed) *R. K.* 11—4—93.

To,

M. R. Ry.

Sub Registrar of Satyamangalam Taluq.

The petition of Lakshmana Row agent of Nanjappa Gounden ryot Kongarapalayam.

I request that orders should issue for searching and reading out documents executed in favour of Kongarapolayam Nanjappa Gounden son of Sinnathambi Gounden in the years 1865 and 1866 and from 1870 to 1882.

(Signed) C. Lutchumana Row agent for Nanjappa Gounden

11th April 1893.

11—4—93

		Tamil words.
Of the documents you have read out.		
Nos. 89 and 72 of 1865	2	345, 387
No. 134 of 1866	1	477
Nos. 24 and 27 of 1870	2	573, 505
Nos. 69. 70 and 148 of 1872	3	503, 602 and 567
No. 146 of 1876	1	467
Nos. 43 and 530 of 1877	2	521, 433
Nos. 239 and 1322 of 1882	2	342, 547
Total	13	6,269

11th April 1893 (Signed) C. Lutchumana Row

11—4—93

All the thirteen copies received.

(Signed) C. Lutchumana Row agent

13—4—93

(True Translation)

XI

(True Translation of the 3rd application for a copy made by C. Lutchumana Row)

(Initialed) *R. K.* 13—4—93

To

M. R. Ry

Sub Registrar of Satyamangalam Taluq.

The petition of Lakshmana Row, Vakil for Nanjappa Gounden, ryot, Kongarapalayam.

I beg to request that orders might issue for giving me a certified extract copy of the undermentioned document, *viz:*—

I beg to request that orders might issue for giving a certified extract copy of No. 776 of 1889.

Tamil words 352

13th April 1893 (Signed) C. Lutchumana Row
Agent for Nanjappa Gounden
13—4—93.

Received one document.

(Signed) C. Lutchumana Row.
13—4—93.

(True Translation)

XII

(True Abstract of the receipt given by Nanjappa Goundan to the petitioner)

The receipt written and given by Nanjappa Goundan to R. Koneti Aiyar Sub-Registrar of Satyamangalam on the 6th August 1893.

On my father-in-law Kaliana Goundan's telling me that you had asked him to send you some old paddy. I purchased through my agent Lakshmana Row and sent you 7 salagais of old paddy at Rs. 6 per salagai and I have this day received Rs 42, the price thereof.

(Stamped one anna)

(Signed) [illegible],

(True Abstract)

Madura
14th March 1895

Koneti Aiyar.

R2737

APPENDIX

(ENCLOSURES I TO XII).

TO THE MEMORIAL.

(DATED 14TH MARCH 1895.)

FROM

R. KONETI AIYAR,

Head Clerk,

District Registrar's Office,

Madura.



TO

HIS EXCELLENCY

THE RIGHT HONOURABLE

THE GOVERNOR IN COUNCIL,

Fort Saint George,

Madras.

To

HIS EXCELLENCY THE RIGHT HONORABLE

THE GOVERNOR IN COUNCIL,

Fort Saint George,

MADRAS.

The humble petition of R. KONETI AIYAR,
late Sub Registrar of Satyamangalam,
and now Head Clerk, Registrar's Office,
Madura,

MOST RESPECTFULLY SHEWETH :—

1. That Your petitioner most humbly prays Your Excellency in Council to reconsider the Proceedings of Government and G. O. of the 28th November 1893, No. 2492*, Judicial, in the circumstances and for the reasons hereinafter stated and more especially because the enquiry made by M. R. Ry. M. Nataraja Aiyar Avergal, the District Registrar of Coimbatore, into the charges brought against Petitioner, (the chief basis for the above G. O.), was incomplete and one-sided.

* Enclosure I.

2. That also in the above mentioned G. O., the Government were pleased to order* that Petitioner should for (only) one year have no promotion at all and as Petitioner was reduced to the grade of a clerk from 16th December 1893, more than one year and two months have now passed away and Petitioner begs to submit that the severe punishment of reduction accorded to him may now be reconsidered and modified, especially in the light of the facts and circumstances hereinafter set forth.

* App. page 1. Lines 29—30.

3. That, in craving the attention of Your Excellency in Council to the incompleteness and one-sidedness of the enquiry conducted against Petitioner, Your petitioner trusts he may be permitted to state briefly the charges formulated against him by the Government in the said G. O., and to answer them in detail and show how these charges were founded not on any fact or evidence proved or brought forward in the said enquiry but only on the reports of the said Registrar, who had formulated many things as proved against Petitioner, while really they had not been so proved.

4. That no previous notice whatever was given to Petitioner about the enquiry, in order that he might have been ready with his witnesses to disprove the charges against him, but on the contrary the Registrar, 'paid a surprise visit'* to his office for the enquiry.

* App. page 2. Lines 25—26.

The enquiry was also not completed at Satyamangalam. Petitioner *was not at all examined* by the Registrar and his statement recorded. Nor were any of his witnesses, whom he offered to produce within a reasonable time, examined.

In this connection, Petitioner begs to submit that Government too have been pleased to remark to the same effect in para 3 of the above G. O.,* that 'it is not clear why the Registrar did not finish his enquiry and report at Satyamangalam itself.'

* Enclosure I.

5. That while thus Petitioner was never examined by the Registrar and no statement whatever taken from him, the Registrar was pleased to report* that Petitioner had distinctly told him (Registrar) that one Kaliyana Gounden had spoken to him (Petitioner) about some copies before the complainant had applied for the same.

* App. page 5 lines 4—7.

This unfounded statement of the Registrar was the chief thing that influenced * the Inspector General of Registration to report Petitioner's case to Government.

* App. p. 5 lines 19—21 and App. p. 5 line 40.

This in itself is sufficient to show the inaccuracy of the Registrar's report on which the above G. O. has been based.

6. That, further in the enquiry, the complainant was allowed to put *leading questions* to his witnesses in their *examination-in-chief*, and also to suggest answers to them when they knew not what answer was expected of them.

When V. Venkatasubbiah, the first clerk of Satyamangalam Sub-Registrar's Office and the 1st witness examined by the complainant, stated in reply to one of the questions put to him by the complainant that Petitioner handed over 20 Rs. to him on a certain date in March 1893 and told him to keep it*, while the complainant had stated both in his complaint and deposition that Petitioner had given the money to the clerk with instructions that the same should be

* App. page 13, lines 9—10.

given to Petitioner's mother†, the complainant was allowed to ask the clerk whether he did not remember that Petitioner had directed him to give the money to Petitioner's mother. Witness thereon replied that 'he did not so remember',‡ whereon the complainant was again allowed to suggest the required answer, 'What, do you not remember? Please try to remember it,' and this brought the witness round and made him say 'I now remember that he (Petitioner) told me to leave the money in his house.'*

† App. p. 8, lines 11—12 and p. 12, lines 19—20.

‡ App. p. 13, lines 10—11.

* App. page 13, lines 11—12.

There are too many examples of this kind to be enumerated here in detail.

The said clerk who was the chief witness for the complainant was allowed to be present in the office on the first day of the enquiry and overhear the whole of the complainant's deposition, which he was to corroborate the next day.

When the temporary clerk was reading his deposition before attesting the same, he, the 1st clerk, was also permitted to read it along with him and when it was found out between them that the latter (the temporary clerk) had stated * that a certain chit (or note) had been handed over by Petitioner to the 1st clerk, while the 1st clerk had denied † the receipt of the same, the temporary clerk was allowed to retract his statement and the retraction duly recorded ‡ by the Registrar at the close of his deposition.

* App. page 15. Lines 36—37.

† App. page 13 Lines 17—19.

‡ App. page 16. Lines 18—20.

Also as the complainant stated * that Petitioner had asked him to pay Rs. 1—8—0 towards contingencies at the rate of one anna for each copy, thus making it to appear as if he had received 24 copies while he had really applied for † and received only 22 copies, Petitioner asked the complainant as to the exact number of copies taken by him and when the complainant replied that he got 24 copies, the answer was refused to be recorded.

* App. page 10. Line 37.

† Enclosure IX to XI.

7. That the first charge formulated by Government against Petitioner is that 'he had no control over his office'*

* App. page 1. Line 11.

Both the clerks were natives of Satyamangalam and so had much influence over the people there. They used to levy illegal fees from the people resorting to the office and when Petitioner found this out and tried to put an end to the same, the clerks quarrelled with him * and induced Lakshmana Row to bring this complaint. †

* App. page 3. Lines 33—34.
† App. page 3. Line 36.

Petitioner and his predecessor in office had represented on several occasions to the Registrar, the advisability of transferring the 1st clerk from Satyamangalam but with no effect.

Petitioner was a Sub-Registrar and in independent charge of offices for a period of nine years from January 1885 to December 1893 and it was never, during all that time, remarked against him that he failed in exercising due control over his office.

8. That the second charge against Petitioner is that 'his work was badly performed'. *

* App. page 1. Lines 11—12.

The irregularities in Petitioner's work, noticed in the Inspector General's Proceedings'* are,

* Enclosure II.

Irregularity.

(*a*). Petitioner's having refunded the excess fee levied in respect of a document, without reporting the same to the Registrar. (App. page 5, lines 22—24).

Explanation.

The omission to do so was no irregularity inasmuch as the refund was made before the money was brought into account, in which case no report to Registrar is necessary under the existing rules.

(*b*). Petitioner's having admitted another document to registration, without levy of penalty under Section 24. (App. page 5, lines 25—27).

The omission to notice that penalty was due on the document under reference, was owing to the quarrel which took place on the day of the presentation of the document, between Petitioner and his clerks, about which a separate report was submitted to the Registrar with the result that the clerks were transferred. At the worst, such omissions are merely punished departmentally by making the officer at fault pay the penalty due, which in this case was only Rs. 2.

(*c*). Petitioner's having failed to enter certain transactions in Return A., connected with the registration of documents as they occur, which has been remarked upon as a serious irregularity by the Inspector General of Registration. (App. page 5, lines 28—29 and line 30.)

For each document registered, the following particulars have to be entered in Return A:—The date of its execution, the date of its presentation, the date of its transcription, the date of its return, its nature and value, the clauses of the Registration or other Acts under which it was registered, its classification in the Returns M. O. & Q. and the value of the stamp on which it is engrossed. The only entries in this Return, which Petitioner had not made, when the office was suddenly inspected by the Registrar, were the entries connected *with the dates of transcription and return of six documents* * which had been returned late on the previous day, and surely Petitioner begs to submit that the omission of these six entries is not so serious a mistake as to warrant Petitioner's reduction to the grade of a clerk.

* App. page 6, lines 29—30.

(*d*). Petitioner's having dispensed with the services of the temporary clerk when registrations were heavy and there were arrears in his office (App. page 5, lines 34—36.)

Work was then slack at Satyamangalam and there were no arrears whatever, as noticed* by the Registrar himself, when he inspected the office. There were no arrears in copying, nor in indexing, nor even in duplicate Indexes except for 20 numbers in Index II, which was work for the clerk or for Petitioner for about half an hour. In having, therefore, dispensed with the services of the temporary clerk, Petitioner acted only in the interests of Government, as strict orders have been passed by the Inspector General of Registration against the employment of temporary agency, except when absolutely necessary.

* Enclosure III.

Thus it will be seen that the irregularities noted as such against Petitioner are really no irregularities.

9. That the 3rd charge against Petitioner is that he was working in the office without dress. *

(* App. page 1, lines 12 to 13).

As it was Petitioner's tiffin hour (3 P.M.),* when the Registrar arrived at the office, Petitioner had just then taken off his dress to go into the adjoining room for his tiffin, but unfortunately that very moment the Registrar arrived and Petitioner then resumed his dress and waited on him.

* (App. p. 6, line 17.)

In having thus taken off his dress to go in for tiffin, Petitioner meant no disrespect either to his position or to the parties resorting to the office, as he did so only to satisfy his religious scruples, which forbid taking meals with dress on.

10. That the 4th charge against* Petitioner is that though it was not proved that he kept money paid to him for copies, still it is not at all improbable that he did so keep the money.

* App. p. 1, lines 14—15.

With respect to the details of this charge, Petitioner begs to submit that there are many inconsistencies, discrepancies and contradictions between the complaint, the complainant's deposition, the depositions of the witnesses for the complainant and the Registrar's reports on the case, as gathered from the Inspector General's Proceedings, and these are noticed below :—

Complaint.	*Complainant's deposition.*	*Depositions of the two witnesses.*	*The Registrar's reports on the case, as gathered from the Inspector General's Proceedings.*
(*a*) The sum said to have been advanced is Rs. 38-8-0. (App. p. 8, line 27).	The sum is here stated to be Rs. 42, another payment of Rs. 3-8-0 being also mentioned and included. (App. p. 12, lines 3 and 4).	Both these make out Rs. 38-8-0, as the money advanced. (App. p. 13, lines 7 and 30, p. 15, line 30 and p. 16, line 3).	The amount advanced is here stated to be Rs. 40—8—0. (App. p. 2, line 31).
(*b*) The sum said to have been disbursed to the complainant out of the above sum is Rs. 28—2—0, in the shape of fees receipts. (App. p. 8, line 26).	The disbursement is here made out as Rs. 29-10-0, fees receipts for Rs. 28-2-0 and a cash disbursement of Rs. 1-8-0 for stamps. (App. p. 10, lines 34 and p. 12, lines 4—5).	Both these speak only to the handing over of the fees receipts to Lakshmana Row. They do not mention any payment in cash nor do they state the amount for which fees receipts were given. (App. p. 14, line 3 and p. 16, line 13).	The disbursement in the shape of fees receipts is alone taken into account but instead of the correct total Rs. 28-2-0, the total of receipts is made out to be Rs. 29-10-0 *i. e.*, 40-8-0 *minus* Rs. 10-14-0, the balance said to be due. (App. p. 4, lines 27—28).
(*c*) The balance due by Petitioner to the complainant is stated to be Rs. 10-6-0. (App. p. 8, line 27).	The sum is here made out as Rs. 12-6-0, (Rs. 42-0-0 *minus* Rs. 29-10-0). (App. Page 12, lines 3—5 and p. 10, line 34.)	These have not stated the exact amount said to be due by Petitioner to the complainant, but they say that Petitioner had to pay the balance of money between Rs. 38—8—0 and the amount shewn in the fees receipts. (App. p. 14, lines 4-5 and p. 16, lines 14—16).	The balance is here struck out as Rs. 10-14-0. (App. Page 4, lines 27-28).
(*d*) Petitioner is stated to have sent *words* to the complainant requiring the 2nd payment of Rs. 18-8-0. (App. p. 8, line 14).	Petitioner is herein stated to have sent a *note* to that effect. (App. Page 12, lines 30-31).	These witnesses say that (only) *words* were sent. (App. p. 13, line 28 and p. 16, line 1).	This discrepancy has not been noted. (Enclosure II).
(*e*) No mention whatever is made about the supply of stamp papers in in-	It is stated that stamps were supplied in 4 instalments, 10 on the	The witnesses speak only to the first delivery of stamps. (App. p.	The whole number of stamps (23) is herein made out as having been de-

Complaint.	*Complainant's deposition.*	*Witnesses' depositions.*	*Registrar's reports.*
stalments. (Enclosure IV).	25th March, 9 on the 5th April, 2 on the 11th April and 2 more on the 14th April, thus making out as if 21 stamps alone were supplied till the 13th April 1893. (App. Page 10, lines 22, 24, 28, and 29).	13, lines 14—15 and p. 15, line 33).	livered by the 13th April (App. Page 4, lines 7-9).
(*f*) The total number of copies taken by the complainant is not stated. (Enclosure IV).	The number is made out as 24, for Petitioner is said to have asked Rs. 1-8-0 for contingencies at the rate of 1 anna per copy. (App. Page 10, line 37).	The number is not mentioned also by the clerks. (App. p. 13, line 21 and p. 16, line 6).	The number of copies granted is stated to be 21. (App. Page 4, line 11). *Note*:—The real number is 22. (Enclosures IX to XI).
(*g*) The complainant has not mentioned anything about having given Petitioner a note containing particulars of documents, copies of which he wanted but he has simply stated that he put in his application for copies after Petitioner's return from Madras (*i. e.*, after 31st March 1893). (App. p. 8, line 13).	He has not here stated anything about the application for copies but he has stated that he gave Petitioner on the 25th March, a note containing the particulars of documents, copies of which he wanted, which note Petitioner is said to have handed over to the 1st clerk, before he left for Madras (App. Page 3, lines 38—40).	The clerks state nothing about the applications but they speak of the complainant's having given the note to Petitioner. The 1st clerk says that the same was not handed over to him, while the 2nd clerk who deposed to the contrary at first, afterwards retracted the same. (App. p. 13, lines 17—18 and p. 15, lines 36—37 and p. 16, lines 18—20).	This discrepancy has been noted. (App. Page 3, line 38 to Page 4, line 2.) *Note.*–The complainant has really put in 3 applications for the copies, two on the 11th and one more on the 13th April, (Enclosures IX to XI) and he has nowhere explained how these applications came to be in his handwriting and filed in the records.
(*h*) The complainant has not stated the number of instalments in which the copies were delivered to him. (Enclosure IV).	He here states that the copies were given to him in two instalments, 20 at one time and the rest on another occasion, all before the 15th April. (App. Page 10, line 31).	The clerks make out only one instalment. (App. p. 13, line 37 and p. 16 line 8).	The copies are stated to have been delivered on two different dates, 11th and 13th April (App. Page 4, lines 5—7). *Note*:—They were delivered in only one instalment, on the 13th

Complaint.	*Complainant's deposition.*	*Witnesses' depositions.*	*Registrar's reports.*
			April. (App. Page 17, lines 16—18 and Page 18, lines 11—13 and lines 29—31).
(*i*) The complainant states that Petitioner had *informed him on the 25th March, of having ordered his clerks* to have the copies ready on his return from Madras. (App. p. 8, lines 8—10).	He here states that *in his presence, on the 25th March, Petitioner ordered his clerks* to search for the documents and have them ready (App. Page 12, lines 20—21).	The second or temporary clerk has not deposed to anything about this (Enclosure VII) but the 1st clerk has expressly stated that Petitioner *did not tell him* on the 25th March to prepare the copies. (App. p. 13, line 14).	This discrepancy has not been noted. (Enclosure II).
(*j*) The complainant does not state anything about having spoken to the Stationary Magistrate about the copies on the 25th March 1893. (Enclosure IV).	The complainant states that he asked the Stationary Magistrate on the 25th March to give instructions to the clerk to prepare the copies and wanted to give him some blank papers for their preparation but that the Magistrate replied that he did not know anything about the copies. (App. Page 12, lines 24—26). *Note*:—The Stationary Magistrate when written to *by the Registrar himself* has distinctly denied that the complainant asked him to expedite the preparation of copies (Vide his Letter filed with the records of the case).	The 1st clerk states that he had been to the Stationary Magistrate in charge, to register some documents and that the complainant came there and offered the papers to himself and not to the Magistrate. (App. p. 13, lines 23—24). *Note.*—The Stationary Magistrate, when written to by the Petitioner, has stated that the clerk did not attend on him on that day, as he registered no documents that evening, and Petitioner's letter and the Magistrate's endorsement thereon to the above effect are filed with the records of the case.	It is here stated that Lakshmana Row appeared before the Magistrate while he was in charge, and simply 'told him that he had to put in an application for copies.' (App. Page 4, lines 16—18). *Note*:—The Stationary Magistrate, when written to by Petitioner has denied this statement, as will be seen from his endorsement on Petitioner's letter referred to in the previous column.
(*k*) The complainant has stated in the complaint that he asked for receipts several times	The complainant here does not state that he asked for receipts several times but he simply	The 1st clerk stated *twice* that he did not remember whether Petitioner gave receipts to	The vagueness of the complainant's deposition has alone been noted. (App. Page 4, lines 25-26).

Complaint.	*Complainant's deposition.*	*Witnesses' depositions*	*Registrar's reports.*
and they were delivered to him (only) *15 days back*; and as the date of the complaint is 2nd July 1893, this will make it as if the receipts were handed over to him on the 18th June 1893. (App. p. 8 lines 17—18).	says that the receipts were given to him about the 15th May or June. (App. Page 10, lines 33—34).	Lakshmana Row, the complainant, (App. p. 13, lines 30—31 and lines 35—37), but was afterwards led by means of leading questions and suggested answers, as explained under para 6 of this petition, to state that the receipts were handed over to the complainant some day in May or June. (App. page 13, lines 37 *Seq*). The 2nd clerk has stated that the receipts were given in June. (App. page 16, lines 8—9).	
(*l*) In this, the complainant says nothing about Petitioner's having told him that he (Petitioner) had taken balance-money for his troubles. (Enclosure IV).	In the deposition he states that on the day the receipts were given to him, he asked for balance-money; but he was asked to come that night to Petitioner's house for settling the accounts and there, Petitioner told him that he had taken the balance-money for his troubles. (App. Page 10, lines 33-40).	The 1st clerk has stated that the balance-money was claimed by Lakshmana Row on some day after the delivery of receipts to him (App. page 14, lines 4—5). The 2nd clerk says the balance was claimed the same day on which receipts were granted. (App. page 16, lines 13—15).	There is no mention of this discrepancy. (Enclosure II).
(*m*) In the complaint, he says nothing about Petitioner's having purposely told a falsehood that certain copies applied for by him on the 28th June were not ready on the evening of the 30th June and that after being remonstrated	In the deposition he has stated that Petitioner told him so. (App. page 11, lines 5—8).	The 1st clerk says that when complainant asked Petitioner about copies, he replied (at once) that they were ready. (App. page 14, lines 30—32). The 2nd clerk has not stated any thing about this. (Enclosure VII).	There is no mention of this discrepancy. (Enclosure II).

with, Petitioner said that they were ready. (Enclosure IV).

Thus there are inconsistencies, contradictions and discrepancies as regards both essential and non-essential details of this charge against Petitioner. Even as regards *the amount said to have been advanced and the sum alleged to be due*, there are discrepancies.

11. That in addition to these inconsistencies, contradictions and discrepancies there are also several improbabilities, absurdities and suspicious circumstances connected with the story of the prosecution about the advance of fees to Petitioner, as detailed below :—

(*a*) The money is stated to have been advanced in March * and misappropriated in April 1893, † but no complaint was made till July 1893 ‡.

* App. page 10, lines 20 to 23.
† App. page 10, lines 32 *seq.*
‡ App. page 10, line 10.

(*b*) The only witnesses produced by the complainant were Petitioner's two clerks, * who had quarrelled with him † and so were not good witnesses against him.

* App. page 12, lines 29 to 30.
† App. page 3, lines 33—34.

Though there were fellow passengers with Petitioner in the transit bandy in which Petitioner left for Erode on the 25th March and though there were parties who registered documents &c. in the office on the 5th, 11th and 13th April, still none of them were produced and examined in support of the complainant's story of having advanced fees and stamp papers on those dates.

(*c*) The complainant has nowhere explained why he did not and could not have applied for copies on the 25th March 1893 in the regular way. He has applied for and obtained, in the usual way, copies of several documents in Petitioner's office both before and after that date and some of these applications are now filed with the records of the case. The complainant states in his deposition that he told Petitioner* on the 24th March that he wanted to apply for some copies and also that he was in possession of all information connected with the same.† If this had really been the case, then he had ample time between that date and the evening of the 25th March, to have prepared a regular application for the copies and presented the same to Petitioner at the office with the necessary fees and stamps (22 in number) and so there could have been no necessity whatever for him

* App. p. 12, lines 14—15.
† App. p. 10 lines 21—22.

to have come (as he has stated) in a hurry, and delivered only a portion of money and a portion of stamp papers to Petitioner, just at the time of his leaving for Madras.

(*d*) The complainant applied for a general search for a number of documents on the 11th April and so he could not have been in possession of their registration numbers &c. on the 25th March and therefore, his statement that he gave to Petitioner on the 25th March a note containing the particulars of all the copies he required, is false *in toto*.

(*e*) Also the copies applied for and received by him were 22 in number (8 as per Enclosure IX, 13 as per Enclosure X and 1 as per Enclosure XI). For these only 22 stamp papers were necessary at the rate of one stamp paper for each copy. (Art 22 Clauses (*a*) and (*b*) of Schedule 1 of Act I of 1879). But the complainant has stated that for these 22 copies, he gave Petitioner 23 stamp papers* (10 on the 25th March, 9 on the 5th April, 2 on the 11th and 2 more on the 14th of the same month). Why he thus gave one more stamp than was necessary, has not been anywhere explained. Further all these copies were delivered to him on the *13th April* as per his own endorsement on his three applications for copies*, and therefore why he should have given 2 stamp papers to Petitioner on the *14th April* (next day) is not clear. If these two stamps were therefore rejected out of account, then it is made out as if 21 stamps were used for 22 copies, which is also more absurd than the statement that 23 stamp papers were used for 22 copies.

* App. p. 10, lines 20—30.

* App. p. 17, lines 16—18, p. 18 lines 11—13 and lines 29—31.

(*f*) If, as the complainant says, he had really given fees and stamps on the 25th March and had been delayed for the receipt of copies till the 13th April (19 days), the complainant would certainly have complained about the delay then and there, seeing that he did not patiently endure a delay of 3 days * made in granting him some copies he had applied for on the 28th June 1893.

* App. page 9, lines 7—16.

(*g*) One of the complainant's witnesses, a stamp vendor of Satyamangalam, has simply proved that certain stamp papers were sold by him to Lakshmana Row (complainant) on certain dates * but he has not proved the delivery of these stamp papers to Petitioner on those dates.

* App. page 4, lines 7—9.

Neither has the complainant produced the copies granted to him to prove that it was on the stamp papers thus purchased from the vendor that the

copies had been written and the fact of his not having so produced the copies will be seen to be very suspicious when it is considered that these copies were only in his possession as agent of Nanjappa Gounden and he has intentionally withheld producing them, while he has taken care to pick up and produce a *spoilt* fee receipt found in the refuse near Petitioner's house.*

* App. p. 8, lines 20—25.

The real fact is that these stamp papers were not those he gave for the copies, but were stamps the complainant had purchased for other uses on those dates. There is a very big civil suit* in connection with the estate of the complainant's Principal and copies are frequently applied for and affidavits filed by the complainant with respect to the same. There is also another vendor of stamps at Satyamangalam and also vendors near Satyamangalam and Lakshmana Row seems to have got the stamps given for copies from one of those. But as he had purchased certain stamp papers from the said stamp vendor on certain dates, he framed the story of the advance of fees to accord with the same and got the clerks to depose to the truth of his story, as he could prevail on no one else at Satyamangalam to speak to any falsehood against Petitioner who was very popular there.

* App. Page 5. Line 13—14.

(*h*) The complainant has not anywhere satisfactorily explained why he did not insist on his being given and obtain even informal receipts for the moneys said to have been advanced to Petitioner on several dates.

Even the *note** alleged to have been sent to the complainant by Petitioner on the 5th April, stating that Rs. 18—8—0 more were required, has not been produced.

* App. Page 12. Lines 30—31.

These improbabilities, absurdities and suspicious circumstances would, when considered along with the inconsistencies, contradictions and discrepancies noticed in para 10 supra, conclusively prove that this story about the advance of fees to Petitioner is false *ab initio*.

12. That Government have been pleased to observe in connection with this charge that there are several suspicious circumstances connected with the grant of copies but have instanced only two as such, *viz*, that it is clear that Lakshmana Row (complainant) got information from the office as to the (registration) numbers of the documents he wanted and also that the date on which the copies were applied for was not correctly recorded. *

* App. page 1, lines 18—20

With respect to the first statement, Petitioner humbly begs to submit that the complainant knew the numbers &c of a few only of the documents, copies of which he required, and he gave the same in one of his applications (Enclosure IX), as observed * by the Inspector General of Registration, in his Proceedings on the case. Particulars of other documents were not in his possession and for these, he applied to Petitioner for a general search in the records (Enclosure X). He paid the proper fees for the same and when the documents found on the general search were read out to him, he chose the particular ones, copies of which he wanted, and put down their registration numbers at the foot of the application.*

* App. page 4, lines 18—19.

* App. page 18, lines 1—8

Out of the 24 receipts produced * by the complainant, 2 receipts were granted for the fees paid for the general search and 22 were granted for the fees paid for the 22 copies. In this department, a separate receipt is granted for the fees paid for each copy though several copies may be applied for by the same person.

* App. page 12, line 3.

If there had been really a corrupt understanding between Petitioner and the complainant, then the complainant would certainly have been given the registration numbers of *even the 13 documents* thus found on general search and so would have been spared the fees paid for the general search and shown in the two fees receipts granted for the same.

13. That with respect to the other point noticed, *viz.*, that the date on which the copies were applied for was not correctly recorded, Petitioner begs to submit as follows :—

This remark seems to be founded on the following words * in the Inspector-General's Proceedings :—"And as pointed out by the Registrar, if the applications had been put in for the first time on 11th April, the copies 21 in number were prepared and furnished with extraordinary expedition by the 13th April. The clerks state that the copies were really prepared by them some time before the 11th April, the Sub-Registrar having given the particulars of the documents to the copied."

* App. page 4, lines 9 to 14.

There was nothing extraordinary in the preparation of these copies between the 11th and the 13th April, as will be seen below :—

These 22 copies were prepared by two clerks in 2 days, *i.e.*, on an average at the rate of less than 6 copies for each clerk for each day and surely writing less than 6 copies of documents in one day is not a very extraordinary work for a clerk, with not much of other work to do.

On the 12th April, no documents at all were presented for registration (Enclosure VIII) and there were also no arrears at the office, the annual Returns and Reports due for 1892—93 having all been despatched by the 10th April. Also on the 13th April, no documents were presented for registration till about 3-30 P. M.

Further, these copies were of the ordinary length of a small document, consisting on an average of only 474 Tamil words*, counting each English figure in the document as one Tamil word.

* Total Tamil	words in 8 copies	(Encl. IX)		3,808
Do.	do.	13 copies	(Encl. X)	6,269
Do.	do.	1 copy	(Encl. XI)	352
Grand total 22 copies	...	...	...	10,429
Average for one copy	...	...	...	474

And the two clerks of the office, especially the 2nd or temporary clerk, were very efficient in Tamil work.

These had, between them both, on the afternoon of a single day, 24th August 1892, copied into the Registers as many as 23 documents of the same average length as the copies granted to Lakshmana Row; and preparing certified copies on loose sheets is far easier than the work of transcription of documents in bound registers where mistakes in copying have to be carefully guarded against.

The 2nd clerk also prepared in only one day, between the 23rd and the 24th January 1893, a copy consisting of 7,713 Tamil words or equal to $\frac{7,713}{474}$ or a little more than 16 of the copies granted to Lakshmana Row and the application for this copy is also filed among the records of this case.

Further, both the clerks have nowhere in their depositions stated that the copies were prepared by them some time before the 11th April. (Enclosures VI and VII). All that they have said* is that Petitioner gave them a list of the documents copies of which were required and they prepared the copies.

* App. page 13, line 20 and page 16, lines 4—6.

In fact, the first clerk has deposed that he and the temporary clerk wrote the copies in 2 or 3 days* and Petitioner begs to submit that, according to the Records also, it will be seen that they were really so prepared in 2 or 3 days (between 11th and 13th April).

* App. page 13, line 21.

Further, the complainant is a man impatient of any delay. When the copies he had applied for on the 28th July were delayed for about 3 days, owing to the extreme pressure of other work at the time, he came to office daily twice or thrice* to ask Petitioner that they should be prepared as early as practicable. And surely if these 22 copies had really been ready some time before the 11th April, he would certainly not have waited till the 13th to receive them.

* App. page 9, line 12.

Thus it will be seen that these two facts, viz., that complainant got certain information from the office without payment and that the applications for copies were wrongly dated, mentioned as suspicious, are not really so.

14. That, in this connection, Petitioner humbly begs to submit that with respect to the paddy affair also, there are inconsistencies, contradictions and discrepancies between the complaint, the complainant's deposition, the Registrar's reports on the case (as gathered from the Inspector General's Proceedings) and the receipt produced by Petitioner from the complainant's principal, as shown below :—

	Complaint (Enclosure IV.)	*Complainant's deposition. (Enclosure V.)*	*Registrar's reports as gathered from the Inspector General's Proceedings. (Enclosure II.)*	*Receipt. (Enclosure XII.)*
(*a*)	The complainant here states that after the grant of copies to him (13th *April*) Petitioner asked him to send some paddy and he accordingly sent it. (App. Page 8, Line 34 *seq*).	The complainant here states that it was on some day in *April* (he does not remember the date) that he was asked by Petitioner to send him some paddy and he so sent it. (App. Page 11, Lines 12-15).	The paddy was sent to the Sub-Registrar's house during the absence of the Sub-Registrar on casual leave, *i.e.*, at the end of *March*, Petitioner having been on casual leave for 5 days from the 26th to the 30th March, (App. Page 5, Lines 9—10).	Nanjappa Gounden (the complainant's principal) has plainly stated here that it was he that sent the paddy and that he so sent it under instructions from his father-in-law Kaliana Gounden, whom Petitioner had asked for paddy. (App. Page 18, Lines 34-40).
(*b*)	The price of the paddy is stated to be nearly 40 Rupees. (App. Page 9 Line 1).	The price is here stated to be Rs. 40—4—0. (App. Page 11, Lines 13-14).		The real price was Rs. 42. (App. Page 18, Lines 38—39).

Thus even in a place where a corroboration can be expected, *viz.*, in the receipt given by his own principal, the complainant's words have been flatly and fully contradicted. It has also been noticed, under para 11—(j) of this petition,

that his statement has been contradicted by the Sub Magistrate in a point where, if true, the same could have been corroborated.

15. That if proper opportunities had been given to Petitioner and his witnesses examined, he would have fully proved the real character of the complainant.

The complainant was once in the Government service as a copyist and was dismissed from the same for having divulged some secrets. He was afterwards employed in the relief works, where also he wrote false accounts, and was summarily turned out. Though he calls himself a vakil, still he has only a smattering knowledge of English, is a mere writer of petitions and lives upon doing so and upon the small pay allowed to him by his principal.

He owns no lands whatever and has contracted heavy debts.

He has written several petitions of this sort against officials and he is well-known throughout the District for his *sinister* qualities.

16. That the 1st and chief witness against Petitioner, *viz.*, V. Venkatasubbayya, the then first clerk of the Satyamangalam Sub Registrar's Office, is also a man of very low character.

He has contracted* large debts in the Satyamangalam Taluq and civil warrants have been out against him†.

* App. p. 6, line 4.

† App. p. 14, line 9.

As pointed out in the note under para 11—(j), this clerk's statement has been contradicted by the Sub Magistrate's in the only place where it could have been corroborated by other trustworthy and independent evidence.

Further, this clerk has stated a very glaring and manifest falsehood in his deposition. *He deposed that Petitioner was lying down in the Office* when Registrar inspected it suddenly on the 20th July, but the Registrar has himself stated that Petitioner was indexing† the 1st document registered on that day.*

* App. p. 14, lines 38—39.
† App. p. 6, lines 19—20.

17. That the 2nd or temporary clerk, who was the 2nd witness against Petitioner, had been* summarily removed from his appointment by Petitioner only 6 days before the enquiry.

* App. p. 5, lines 34—35.

18. That Petitioner therefore begs to submit that no weight whatever can be attached to the evidence of such men as the complainant and his witness-

es, more especially as they contradict each the other's statements and also there are contradictions even in their own.

And so this charge too against Petitioner has to be dismissed as false and groundless.

19. That the 5th charge * formulated by Government against Petitioner is that his conduct in regard to the receipt of paddy is open to suspicion, inasmuch as the same was received from a man who had constant occasion to appear in his office and the payment for the same was neglected till the institution of a complaint.

* App. page 1, lines 20—25.

The above remark of Government seems to be founded on the following words in the Inspector General's Proceedings :—"Kaliana Gounden is the father-in-law of Nanjappa Gounden and the manager of his estate and the copies of documents were wanted in connection with a suit relating to Nanjappa Gounden's estate and Lakshmana Row was an agent of both. From whichever of the three persons referred to the paddy was got, the transaction was an improper one, more especially as they had official business to transact with the Sub-Registrar *".

* App. page 5, lines 11 to 16.

Kaliana Gounden is not the Manager of Nanjappa Gounden's estate, as Nanjappa Gounden is not a minor but a major, managing his own affairs.

Lakshmana Row is not the agent of Kaliana Gounden but is the agent of Nanjappa Gouden, having obtained a general power of attorney from him and he has described himself as such in all *his three applications* for copies, (Enclosures IX to XI).

Kaliana Gounden is not a native of the Satyamangalam Sub-District, but belongs to Karattupalayam, a village attached to the Gobichettipoliem Sub-District ; and he never appeared before Petitioner at Satyamangalam, either as a party or as a witness to any document, so long as Petitioner was there as Sub-Registrar.

So Petitioner, who was in pressing need of some old paddy for his only sister who was very much ailing and did not like to deal in the same with any one belonging to his own Sub-District, asked Kaliana Gounden to send him some, and arranged to pay for it on receipt.

Unfortunately, however, Kaliana Gounden having had pressing business of his own elsewhere, went to attend to them, and left instructions with his son-in-law about the paddy.

The son-in-law (Nanjappa Gounden) sent the paddy to Petitioner's house ; and as the same was received during Petitioner's absence at Madras,* Petitioner had no means of knowing the exact quantity and price of the paddy and also the person who had sent it.

* Page 5, lines 9 and 10.

Nanjappa Gounden also did not inform Petitioner thinking that Kaliana Gounden would settle the matter.

Kaliana Gounden also did not write to Petitioner thinking that Nanjappa Gounden himself would settle the matter.

Petitioner, who had written to Kaliana Gounden and had not received any reply, waited to see him in person and settle the affair with him.

Thus the price of the paddy remained unpaid for a short time and it will be seen that the delay was owing to circumstances over which Petitioner had no control.

Petitioner acted *bona fide* in the matter, as will be seen from his acknowledging the receipt of any paddy, seeing that Lakshmana Row had no witnesses whatever to prove its receipt by Petitioner, and also from his having sent a money order to Kaliana Gounden at once, on learning that its price was about Rs. 40—4—0.

The money order sent to Kaliana Gounden was returned to Petitioner, with a request that the matter should be settled with Nanjappa Gounden, as the latter had really sent the paddy.

The matter was then arranged with Nanjappa Gounden and the price thereof (Rs. 42 and not Rs. 40—4—0 as stated by the complainant) paid to Nanjappa Gounden and a receipt obtained from him.

The receipt is filed among the records of the case and an abstract translation of it has been printed in the Appendix (Enclosure XII).

From the above facts, it will be seen that this charge also against Petitioner fails.

20. That Petitioner therefore begs to submit that it will be clear that the complainant has neither proved nor established any charges whatever against him.

21. That if the Government be still pleased to consider otherwise, Petitioner begs to submit that the disgrace which Petitioner has undergone in having

been made to do the duties of a clerk for more than one year and two months, may be considered as more than sufficient punishment for the same.

22. That Petitioner has been in the Government service continuously from May 1878 and thus has had nearly seventeen years' approved service.

23. That Petitioner begs to submit, therefore, that a good case has been made out for reconsideration of the charges considered in the G. O.* of the 28th November 1893.

* Enclosure I.

24. That Your Petitioner therefore humbly craves Your Excellency in Council will be graciously pleased to reconsider the above charges accordingly, and be pleased to order his restoration to his former post of 5th Grade Sub-Registrar, *viz.*, on the same pay Rs. 40 as he is now drawing, with such arrears of emoluments (pay and commission) subsequent to 16th December 1893, as to Your Excellency seems fair.

For which act of charity, justice and grace, Your Petitioner, in duty bound,

SHALL EVER PRAY.

Madura
14th March 1895

Meonetyar

Victoria Press, Madura—10—1895.

R2737

FROM

R. KONETI AIYAR,

Head Clerk,

District Registrar's Office,

Madura.

TO

HIS EXCELLENCY

THE RIGHT HONOURABLE

THE GOVERNOR IN COUNCIL,

Fort Saint George.

Madras.

DATED 14TH MARCH 1895.

Received

1895 Jud. Dept. Judicial No. 2 To 0. No. 2110.

MARCH.

SUBJECT.

Soliciting Memorialist's restoration to his former office.

(P)

4/4/95.

Memorandum

~~Respected Sir~~

I beg to offer the following remarks on the petition of R. Koneti aiyar addressed to Government.

Para 1. How incomplete and one sided — The complainant and witnesses were examined in the presence of the Sub Registrar who was allowed to put questions and answers to the same recorded. The sub Registrar was furnished with copies of their statements and asked to submit his explanation.

Para 3. I have not formulated anything against the sub Registrar except on facts proved and on inferences drawn from circumstances elicited during the enquiry and gathered from office records and also from answers given by the Sub Registrar verbally to certain questions put to him by me during my visit to Satyamangalam

Para 4. (1). For an enquiry into the complaint of this sort Proceedings G. No. 2239 dated 9th June 1891, Circular No. 18 of 1891 contemplate only a "Surprise visit" and I also understood that the directions given me in D.O. letter meant that

(Reprinted in Manual)

I should do so.

(2). The enquiry was completed at Satyamangalam, as all the witnesses produced by the Complainant were examined there in the presence of the Sub Registrar. The Snb Registrar himself did not offer to give any ~~explanation~~ statement then and there though he was present and heard what the witnesses stated. I did not think that I would be justified in calling upon the Snb Registrar to state what he had to say. He did not tell me that he has got witnesses to disprove the allegations of the Complainant. If he had really told me this and if I had refused to examine them, he would have certainly mentioned this fact in the explanation he submitted; nor did he make a representation when he was called upon to submit his explanation that he had witnesses and that they should be examined.

Para 4 (3). The remark of Government means that I should have taken down the explanation of the Snb Registrar then and there and submitted my report, whereas I gave time to the Snb Registrar to submit his explanation furnishing him with copies of statements, which circumstance helped the Snb Registrar to obtain receipt for the price of paddy and submit it with the explanation.

Para 5. The Snb Registrar told me 'so' when I asked him when and where he asked Kalianna Kownden to send paddy and on what business he had come to the Snb Registrar at the time. Paras 9 and 10 of my report will show how the Snb Registrar waded his explanation on this point in his 1st letter and how when asked again evaded by answering that he did not recollect where and on what occasion he asked Kalianna Kownden to send him paddy and that he did not recollect his having told me anything.

Para 6. The enquiry was only a departmental one. If Sub Registrar had objected to any leading question, due consideration would have been given to his objection.

Snb para Last - I do not think I refused to record any answer given to the Snb Registrar's questions.

Last but one - I have stated the contradictions about the chit in Para 5 of my report.

Para 7. True. the Snb Registrar's predecessor complained about the 1st clerk and suggested his transfer which was intended to be effected when the new scheme was to be introduced; but the Snb Registrar did not complain to the Registrar about this clerk, till June a month before this complaint. His explanation paras 4 to 7 will show what relations existed between this clerk and the Snb Registrar (Vide also appendix Page 14, lines 5 to 13.).

Para 8,(a) The money was brought to account and the fee receipt was granted. The fee

was corrected in both. When once the money is brought to the account the report is necessary.

(d). His explanation referred to in para 4 will show that he dispensed with the services of temporary clerk without reason and the work was not got through promptly and that he wanted a temporary clerk but not the man whom he removed (Vide concluding portion of Para 4 of my report).

14 Sep 93 No: 354

Para 9. If the explanation now given had been a fact, why was it not given in the explanation he submitted. If the Sub Registrar had to satisfy his religious scruples, what necessity was there to take off the dress in the office room before going into the adjoining room where he was to take tiffin. To the best of my recollection, the Sub Registrar had to sit before me without dress on for a little while till he could send for the same from home and put them on by going into the adjoining room. I did not see the dress in the office room nor did the Sub Registrar put them on immediately I entered the office.

Para 10. The contradictions are noted in paras 5 and 6 of my report.

(j). The Sub magistrate's reply is commented upon by me in para 7 of my report.

Para 11. Vide my report Paras 7 and 8. That the statements of the clerks and the complainant on this point were contradictory and could not be relied on is set forth in the concluding part of Para 4 of the Proceedings.

Para 12. Last sub para - If the application be for 13 documents with reference to the number of each document as in the other case, the search fee would have been Rs 13 as so many single searches, but by puting in an application for a general search, the search fee was only Rs 10-0-

Para 13. The suspicion is based upon circumstances detailed in Para 8 of my report (latter portion).

Para 14. The Registrar's report that the paddy was sent to the Sub Registrar during the absence of the Sub Registrar on casual leave is in accordance with the Sub Registrar's own statement in his explanation.

Para 15. The petitioner's antecedents have nothing to do with the conclusions drawn from other circumstances.

Para 16. That the evidence of the clerks cannot be trusted has been clearly noted in the concluding sentence in Para 4 of the Proceedings.

Sub Para last - It was not improbable that the Sub Registrar got up and stood just before the Registrar entered in.

Paras 17 and 18 - call for no remark as they are only repetitions.

Para 19. Kalianna Sowndon was the agent. By

with reports of the Collector and

his relationship to Sanjappa Sowndon as his father-in-law, he is interested in Sanjappa Sowndon's affairs. Lakshmanakas was also agent when Kalianna Sowndon was agent. The Snb Registrar did not say in his explanation nor in this petition when and where he requested Kalianna Sowndon to send him paddy and on what business he had come to him on the occasion. He also evaded giving his answer on this point by saying that he did not remember having told me anything about it. The Snb Registrar says in para 7 page 19 of the present petition that the money order sent to Kalianna Sowndon was returned to him with a request that the matter should be settled with Sanjappa Sowndon as the latter had really sent the paddy" while in his explanation before submitted he said Kalianna Sowndon returned the money order and that he went to him on the 6th August (after ~~any~~ enquiry in July last) and on learning from him that it was Sanjappa Sowndon that sent the paddy he settled the matter with him and got a receipt. He did not submit a copy of his letter to Kaliyanna Sowndon sent with the money order and said that ~~the copy of the Snb's letter to~~ Kalianna Sowndon's Snb's reply Snb which he had kept in his private box was stolen away by his clerk. That the Snb Registrar's explanation

was not satisfactory and that the circumstances elicited thereon a great suspicion in the paddy affair is set forth in para 9 of my report and Para 5 of the Proceedings.

14 Sept 93
No: 354

I beg to remain
Respectful Sir
your most obedient
Servant
Mohd Sajeer
Reporter

1st April 1895
Kaccheloe

Madura Registrars office
Dated 20th March 1895

CORRENT. No. 2/1895

No. 1892.

From,

A. S. Venkata Row
Registrar of Madura

To.

The Inspector General of
Registration
Madras

Sir,

I have the honor to request that the accompanying petition (with enclosures) of A. Koneti anjar the Head clerk of this office may be submitted to Government for their favorable consideration

I have &c.
(Signed) P. S. Rama Rao
offg Registrar
for Registrar

G. O. No. 1636 dated 17th April 1895
Madras

Submitted for the orders of Government.

2. A memorandum by the Registrar of Coimbatore containing brief remarks on the arguments adduced in the memorial accompanies.

3. I see no reason to reconsider the opinion I expressed before and I have no recommendations to make on behalf of the memorialist.

G. Gunnana Rapsmanyer
Inspector General of Regn

To The Chief Secretary
to Government

with reports of the Collector recommend

CURRENT NO 2110

Judicial (1895) Department

"Registration"

2492-28-11-93 ka

From

The Inspector General

Of Registration

Madras,

To

The Chief Secretary

to Government

Ootacamund

Dated 17
Despd
Received 27th
Regd 29th

} April 1895.

G.O. No: 1636

Enclosures Three Four

No:

Submitting a memorial from R. Kineti Aiyar, Head Clerk, Dt: Registrar's office, Madura, praying for restoration to his former post of Subregistrar of the 5th Grade with arrears of pay, together with a memorandum containing remarks on the above memorial by the Dt Registrar of Coimbatore in whose district the memorialist had been employed as Subregistrar of Salem and Ongalam.

UNDER SECRETARY
27 APL 95
PUBLIC ETS DEPTT

G.O. No. 2492 28.11.93 ka

Order
Mis dt 15th May 1895 No 1023

The Govt. sees no reason to reconsider the orders already passed in the petitioner's case.

D
7.5.95

Ag
14/5/95

To

The Inspector General of Registration, Madras.

DESPATCHED
22 MAY 95

Copy to Dt Registrar of Coimbatore with Encl: nil.

Note

Attention is invited to the notes in G.O. of 28 Nov: 93 No 2492, and, in the Registrar's memo: shows that there is nothing substantial in the present petition worthy of consideration: & the Inspector states that he has no recommendations to make on the petitioner's behalf: It is nearly 18 months since the order issued, against which this "revision petition" is preferred; & having regard to the clement nature of the order, it is submitted that there is no reason to reopen the matter.

MR
7.V.95

D
7.5.95

When given for copying _____
" copied _____
" when examined _____
" when signed _____
} 189

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
A = Copy in full.
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