Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1262

Dated 14th June 1895

INDEXED.

[Despatch Abstract.]

M.R.RY. C. RAJARATNAM PILLAI.

Declining to interfere on behalfof------appealing against the Board's order reducing him from the post of Deputy Tahsildar and Sub-Magistrate to that of a Taluk Head Accountant in Dindigul taluk, Madura 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.
	3078		95				

5/18—5,000—7-9-9.

(1895.)

REVENUE DEPARTMENT.

Current Number 1187

From

The Board of Revenue,

Land Revenue.

CHIEF SECRETARY 12 MAR. 1895 GOVERNMENT OF MADRAS

1078 20 Oct 92
815/92
1092/86

Dated 8"
Received 13" } Feby. 1895
Enclosures 22. in fil 12/3 Regd 12/3

No. 646

SUBJECT.

Submitting to Government with remarks petition from M.R.Ry. C. Rajarathnam Pillai appealing against the Board's order reducing him from the post of Dy. Tahsildar and Sub. Magistrate to that of a Taluk Head Accountant in Dindigul Taluk, Madura.

1078 20 Oct 92 Rev
815/92 ... Rev
1092/86 ...

ABSTRACT.

Read also Current No. 1738 of 18..

CURRENT NO/2..

Endorsement No. 1045 Mis.

Transferred to the Judicial Department.

W.H.L...
For Under Secy. to Govt.

Fort St. George,
9 March 1895.

To

The Judicial Deptt. with a

Note
not circulated in ...
14.3. with papers 25/3.
US 26/3.
Put up 25/3
1690 put up papers
Put up
20/3

M.N.

APPENDIX I.

THE POLICE AND THE INCENDIARISM.

It will be seen on a perusal of Mr. Francis' letter dated *4th October 1892, communicated to me on the suggestion of the Board of Revenue conveyed in their Proceedings 8-11-92, with his endorsement, dated 28th November 1892, that the charge of maladministration is based entirely on the circumstance that in May and June 1892 there were many fires.

It is a known fact that if there be an unusual prevalence of any particular sort of crime during any particular period in a given place—say Robbery, Murder, Dacoity, &c.—the police is generally blamed. A glance at any review of the Grave Crimes report of any District will show that the Police get credit or discredit for the suppression or prevalence of crimes, unless the Police could make out by statistics that the Magistracy acted against the suppression by over-leniency or by over-scrupulousness to convict.

Not a single case of arsony had been laid before me in 1892 and let off. Hence the Police cannot possibly shift the blame on the Magistracy. They are responsible for the prevalence of crime and their inaction is, in itself, enough to show that Pamban has been thrown into the state of an anarchy as stated by Mr. Francis, and it was they that were to blame for laxity of administration.

2. But here there are facts to prove that the Police were worse than useless. They were not only inert and passive but were also quite active and perpetrating the crime themselves. I invite attention to the depositions of witnesses on which Mr. Francis has based his report—*vide* para. of Appendix II where a substance of their evidence is given.

It will be seen, I beg to repeat, there are both oral and circumstantial evidence to prove that the Police were the offenders in these cases of fire.

(1) **Oral evidence**—all the witnesses examined, except the Apothecary, have deposed that the **Police** SET FIRE at least in a few of the cases. They narrate the motives for such crimes on the part of the Police.

(2) **Circumstantial evidence**—The Head Assistant Collector has admitted the facts,

(*a*) That houses of such persons as had made themselves obnoxious to the Police recently were burnt,

(*b*) That as soon as the Station House Officer and a few Constables were transferred from Pamban, fires ceased.

3. The depositions go to show a most important thing, *viz.* that because in the inquiry by the † Assistant Superintendent of Police into the cause of the first fire, some person gave evidence against the Police, his house was subsequently burnt. This evidence is most significant as it shows how risky, the people at Pamban thought it was for them to come before the Assistant Superintendent of Police and testify to what they had known. Yet a reference to the records of his enquiry will not fail to impress any reader that a case had been actually made out against the Police, although a demonstrative legal proof might be said to be wanting. It is no wonder also that the Police were encouraged the more in their nefarious deeds after they found that the Assistant Superintendant did not go to Pamban at once as one would expect.

4. The Head Assistant Collector speaks of my relation to the Police in para. 8 of his report. He calls a few events, the "*unseemly altercation*" on the night of the 2nd May between me and the Station House Officer and the "*undignified discussion*" in the morning of the 3rd May.

I regret I have to state here with greatest reluctance and deference that there was no '*unseemly altercation*" at all on the night of the 2nd May,—*vide* para. 9 of my explanation dated 17th December 1892 recorded in the Proceedings of the Collector dated 27-2-93—All that took place that night was—

(1) I noticed the fire in the Police line and went there to put it out. Then I noticed the CONSPICUOUS ABSENCE of each and every Policeman from that place.

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* In the copy communicated to me it is dated 30-11-92.

† Some error has inadvertantly crept into the depositions of these witnesses, an error which I could have rectified if I were present then to cross examine. The records of the enquiry by the Assistant Superintendent of Police will shew that some of these were not examined by him and that the witnesses must have meant to say, the persons gave evidence against the Police in the enquiry held BY ME.

On the 3rd May, despatched on the 4th, I merely reported to the Assistant Superintendent of Police and also to the Head Assistant Magistrate in No. 242 about the first fire and the conduct of the Police and in its post cript I reported the 2nd fire and asked for an immediate enquiry by the Assistant Superintendent of Police on the spot. I again telegraphed to the Head Assistant Magistrate on the subject. As neither the Head Assistant Magistrate nor the Assistant Superintendent of Police came up to the spot for the enquiry and as the conduct of the Police was getting worse and worse, I held an enquiry myself and recorded the evidence of these witnhsses which I forwarded to the Head Assistant Magistrate with my letter No. 284 dated 20-5-92.

This omission on the part of the Assistant Superintendent and the Head Assistant Magistrate was in my humble opinion most serious. For if either of them or at least the Inspector had come in and held an enquiry then these, fires would at once have ceased.

* It is incorrect to say that I went to the Police station to get constables to extinguish the fire, &c. *Vide* para. 8 of the H. A. Magistrate's report, dated 4-10-92. The fact was that I put down the fire before I went to the Police Station.

(2) I then went to the Police Station and there I missed all Policemen.
(3) Of course, there was none in the Treasury guard too.
(4) Soon after I went into the Station House, I saw none there, but one or two constables were seen coming into the Station House from outside. I asked them for the Treasury guard book and the visiting book, which were handed over to me very politely on the Station House Officer's order for immediate compliance. In the former I made my remarks to the effect that no check was held by the Head Constable at the prescribed hours. Before I wrote a line or two in the other, my wifes health at home required my immediate return home and I left the Station House with instructions to Station House Officer to bring the visiting book next morning to my court. *He did not speak a word against it then and he quietly said he would do so.* HENCE THERE WAS NO UNSEEMLY ALTERCATION THEN AT ALL.

5. On the 3rd May, the Station House Officer, however, failed to do so. I sent for him and he appeared after a great delay, but had not brought the book. Since my meeting him on the night of the 2nd May, he must have consulted others or brooded over the matter himself, the former being more probable and he HAD LEARNT within that short time HOW TO RESIST MY OFFICIAL authority and what IMPUNITY HE COULD EXPECT TO HAVE FOR IT.

From his action on the night of the 2nd May when HE QUIETLY SUBMITTED HIS BOOKS FOR MY REMARKS, AS THE ONE OR TWO LINES THEN ENTERED IN THEM EVIDENTLY PROVE, as compared with that of his next day when he questioned my powers, it is very clear that he must have had encouragements since from somebody in a position to give such to a Station House Officer.

If the Apothecary's conduct in September 1891, had been visited with its due, the Station House Officer would never have ventured to act as he did on the 3rd May.

6. Very likely he remembered the precedent of the Apothecary having openly resisted my official authority in September 1891 and having thus got over very easily the serious charge that had been brought against him then. He knew that the Apothecary went off quite unscathed. He (Station House Officer) came to me on the 3rd May, fully prepared with his new lesson on the ways of warding off the immediate danger by resistance of authority on the spot. What took place on the 3rd May, I have detailed in my explanation of December 1892, which I had to submit to the Head Assistant Collector at the suggestion of the Board of Revenue—*Vide* Boards Proceedings, Dated 8-11-92.

Does this mean want of tact? The Head Assistant Collector states "*no doubt the Sub-Magistrate was right to complain of the very serious irregularity committed by the Constables who should have been on guard at the Treasury.*" But he adds that it is an "*indication of want of tact and judgment*" that I entered upon an altercation with the Station House Officer. In the first place there was no altercation at all and what I termed an "unpleasant conversation" on the 3rd May was the resistance by the Station House Officer of my authority and questioning of my powers. If the Station House Officer, of HIS OWN ACCORD AND FOLLOWING THE EXAMPLE OF THE APOTHECARY IN SEPTEMBER 1891 OR AFTER CONSULTING SOME OTHERS came prepared to question my powers in an open court, how could I have avoided it. I had TOLD HIM THE PREVIOUS NIGHT AND HE HAD AGREED and given me the book and I wrote. Next day I naturally asked him if he had brought the book, and on his saying no, I could not help asking him why. His reply was he had made a reference* to the Assistant Superintendent of Polcie his superior, on the subject. How could I have avoided it. I made a report of this to the Assistant Superintendent of Police and the Head Assistant Collector. If there was any warning at least to the Head Constable from his superiors he would not have ventured to cause subsequent fires. Here too I have not been supported by my superiors.

7. The Head Assistant Collector states that the condition of Pamban at the time may best be seen from the occurrence of fires almost every day and the general panic caused thereby. He concludes from these fires that I was unfit to manage the small town of Pamban. From what has been said before and from my reports of 3rd and 20th May, it will be seen that IN ACTION on the part of the Assistant Superintendent and Head Assistant Magistrate, was, I regret to submit with deference, the CAUSE and NOT my INCAPACITY.

8. In para. 7 of his letter the Head Assistant Collector states "*the result of these quarrels was naturally to divide the inhabitants of Pamban . . . . . into a series of factions . . . .*" He refers to the quarrels with the Port officer, and the Apothecary—for the particulars of which I solicit a perusal of paras 21-29 of the petition and the Appendix II. In the first place I have shown clearly in Appendix II how I am not in the least responsible for these quarrels and how I WAS NOT THE AGGRESSOR OR BEGINNER thereof and also how it

* Whether the Station House Officer had really made a bonafide reference to the Assistant Superintendent or not was a matter which that officer could have easily verified on the receipt of my report of the 3rd May No. 242. There was no such verification as far as I see.

was not possible for me to have avoided them. I have proved that they were all the result of the due discharge of my duties, with reference to petitions of complaints or proposals referred to me for report by the Head Assistant Collector and Migistrate or with reference to criminal cases on my file. I could not but dispose of them or report upon them as best as I deemed fit. If the Port officer or the Apothecary took these my official acts to their heart and hated me and began to work against me, I cannot be held responsible for their acts.

In the next place, I beg to state with greatest reluctance and deference that the Head Assistant Collector's statement that there were *series of factions among the inhabitants* of Pamban is incorrect and perhaps misleading. There WAS NO FACTION AT ALL AMONG THE INHABITANTS. NOR DID THEY DISLIKE ME. They continued to like me in the same degree as they did during my stay from October 1885 up to June 1889 and from January 1890 up to my suspension—the first and second periods of my stay at Pamban.

9. What connection my quarrels granting them had with these fires, has not been worked out or proved by the Head Assistant Collector. The Evidence does not disclose that there were factions among the PEOPLE and persons of one faction burnt the houses of the other nor does it show that factions among PEOPLE were the result of my quarrels.

10. The Head Assistant Collector's statement about factions may be correct only so far as the few departmental officers of the place were concerned. The Apothecary, who not only defied my Judicial authority and insulted and illtreated me in September 1891 in connection with the complaint of murder and misappropriation of the property of the deceased in-patient Govinda Row, but had also conceived a very strong grudge and enmity towards me from that date, had been trying to set up the police, &c.,. against me. I could fancy that much and I can also understand that some constables and notably the Station House Officer might have yielded to the persuasions of the Apothecary against me. The Head Assistant Collector's statement is true only so far. There is not the least truth in the statement that there were factions among the inhabitants nor in the other statement (which he says he has heard from an unbiased influential person) that some constables sided me.

It is a pity that I could not cross-examine that person nor can I guess now what grounds he had to say that some constables sided me. There is not the least narration of any event in which any constables figure taking part on my side.

If there were indeed any Constables on my side or at least neutral or indifferent to the interests of the Station House Officer I should certainly have succeeded much better in tracing out some of the fires to a full demonstrative proof. The *Police are theoritically the tools of administration in the hands of the* Magistracy. These natural tools I had lost altogether for reasons beyond my control as explained above.

11. The circumstance that the Apothecary resisted me so very badly even in such a grave case against him and that he went off scot-free, at once impressed upon the minds of the Police that I had no support at all in the superior offices even with reference to my most important official complaints, and that the Apothecary, who was triumphing openly on his successful resistance of me in September 1891 had the strongest influence.

This impression did really drive the Station House Officer and his men to the necessity of studying to please or at least not to offend the Apothecary in any way. When. therefore the Apothecary began to work actively against me, and wanted the Station House Officer to help him, it is no wonder that the latter very readily yielded to his wishes. His Constables willingly or unwillingly had to move with their own immediate master the Station House Officer. It will thus be seen that there is only *partial truth* in the statement of the "influential unbiased person," from whom the Head Assistant Collector says he has heard that some Constables sided the Apothecary and some with me. The TRUTH IS THAT NONE SIDED ME but all sided the Apothecary, perhaps thinking that there was no use of their attaching themselves to a fallen reed. They wanted to go in the winward direction and they saw the Apothecary was more powerful and influential.

12. **Most important and Significant Feature**—There is one fact which I regret has not been made at all prominent in the Head Assistant Collector's letter. Although the quarrel or *more properly a difference of opinion on official matters* between me and the Port Officer dates from 1891, yet it did not bear appreciably at least on the condition of Pamban. Similarly the Apothecary's resistance of my powers in September 1891 too did not *directly* bear upon the condition of Pamban.

Demonstrations of want of order in Pamban DID NOT BEGIN at all till the 2nd May 1892, the first instance of fire being on that date and then the occurrences of fire came on in rapid succession with threatening notices and such mischievous displays.

13. Here I am constrained to point out with deference and reluctance that in my humble opinion the Head Assistant Collector's statement that "the climax was reached" is a little capable of misconstruction. There was not a single occurrence of any sort till 2nd May 1892 which may be said to bear upon the condition of Pamban. The official differences

of opinion did not produce any bad result affecting the public at large. Nor did the Apothecary's resistance of September 1891, and there was no other event at all since. There was therefore no progression at all in the general condition of Pamban.

Fires which began on the 2nd May began to multiply and then it was that the town began to feel the panic. They soon found that I was incapacitated from giving them help and protection most needed then. Hence it becomes most necessary for the ends of justice to make out the cause of these fires.

14. **Incendiarism**—The *cause of*—It must be premised in the first place that fires are not uncommon in Pamban during the hot months of every year. It may perhaps be that the first fire of the 2nd May was accidental but my immediate enquiry showed me, however, that it was not and that it was traceable to a Constable—*vide* foot note below. At all events the 2nd fire dated 3rd May and all the subsequent fires were deliberate, as the notices of fire themselves prove.

The Head Assistant Collector very properly states in para. 15 of his letter A that these "threatening notices and the *frequent fires following them and the absence of any detection of the offenders (no one has up to date been arrested in connection with them) threw Pamban village in a state of panic.*"

This is quite true and I am extremely ashamed to own its truth. But then the real point at issue is WHO ARE THE OFFENDERS and WHY WERE THEY NOT TRACED OUT AND ARRESTED.. WHO IS TO BLAME FOR THIS OMISSION ?

Perpetrators thereof—I beg to reply in most humble terms that I am not to blame in the least. I am not expected to do THE OUT-DOOR POLICE EXECUTIVE WORK. And yet I traced out the very first fire of the 2nd May WITHOUT the help of the Police and against their counteracting exertions and framed the records of enquiry and reported* that the FIRST FIRE WAS COMMITTED BY A POLICE CONSTABLE. The Police are the tools of Magisterial Administration and especially in cases like these. When they themselves are offenders, all detection is out of the question.

No. 242. PAMBAN, 3*rd May* 1892.

TO.

THE HEAD ASSISTANT MAGISTRATE AND
ASSISTANT SUPERINTENDENT OF POLICE.

HONORED SIR,

I beg to bring to your honor's notice that last night one of the Police huts was on fire and with the assistance of some of the Mahomedans of the place, I put it out, and seeing that not a single constable was on the spot, except No. 661, who only put in his appearance after the whole roof has been pulled down by the people, I sent the Village Munsiff and the 2nd Clerk to the Station House and followed them myself a little after, to see if there were any constables in it. To my utter surprise I found only one Constable, Govindasawmy Naidoo, chatting with some one on the road opposite the cutcherry, leaving the Treasury unguarded. I stole in without being seen by Govind, who came after me enquiring as to who was it that was going there. I did not answer him until I came near the Treasury room. A few minutes after, about two or three Constables crept in and took their exist a little while after one after another, leaving me and those that accompanied me to guard the Treasury on the plea that they would bring the Station House Officer.

After a delay of nearly one hour, the Head Constable came to the station, when I sent word that I would seal the box containing the Treasury guard and visiting books, if he did not turn up forthwith, and handed over the books to me. In the former I remarked without going into details that there was no check on the guards. In the latter I wrote little or nothing, but I was obliged to leave the station hearing that my wife was suffering from travail, handing over the book to the Station House Officer on the distinct understanding that he should produce the same during my officer hours. This evening before I left the office I sent for the Station House Officer and asked him for the book; but he refused to produce it and questioned my authority for the same.

I cannot understand the object of the Station House Officer for being so obstinate and impertinent to me His procedure seems to me unprecedented. The Station House Officer being a subordinate of mine, ought not to have disobeyed myorders. I had every right to demand the guard and the visiting books and pass my remarks on the conduct of the Police.

N. B.—Since writing the above my house has been set fire to this morning at about 3 A.M. I leave it to your honor to determine who could be the authors of it. It is easier to imagine than describe who the perpitrators could be As I suspect a good number of persons. I request your honor will be pleased to ask the Assistant Superintendent of Police to institute an enquiry at once.

No. $\frac{284.}{20\text{-}5\text{-}92.}$

TO THE HEAD ASSISTANT MAGISTRATE.

HONORED SIR,

In continuation of my report, dated $\frac{242.}{4\text{-}5\text{-}92.}$ and the Telegram, 7th May 1892, I beg to enclose statements taken from the individuals noted in the margin.

These statements speak of grave irregularities touching the State of the Treasury guard on the night of the 2nd instant and the incendiarism on that and the following nights. I have no doubt that the Police Constable Alagirisamy is much to blame—*vide* statements of Karuppiah, Ponnusamy and the tailor of this place, Vythilingam Pillai. The ill-feeling that exists between him and the Constable No. Muthoosamy, and the unpleasant conversation that took place between myself and the Head Constable of the station touching the authors of the incendiarism will throw a good deal of suspicion on the police. It is my confirmed opinion that the police staff of this station must be weeded out of the bad characters of whom there are at least three. Most of the Constables are young men and pick up quarrel with each other and even with the Head Constable.

The statement given by the jail warder Ponnusamy will show that outsiders—Constables relations—who have nothing to do with the guarding of the Treasury have been sleeping near the Treasury room. There must be some one who is responsible for this and other irregularities pointed out by me in my former report on the subject.

My enquiries and decision about the first fire and my notice of the irregularities of the Police on the night of the first fire, and above all the encouragement which the Station House Officer had apparently received for his venturing to resist my authority openly, following the example of the Apothecary, made the Police at once to combine against me.

The motives for other fires were (1) the diversion of suspicion away from the Police, (2) bringing a discredit on my administration, and (3) private enmities between the Police and the owners of the houses burnt.

If an immediate inquiry had been held by the Departmental heads into the conduct of the Police, and if I had been given a fair opportunity of proving the grounds of my suspicion against the Police, there would have been a sure discovery that the Police were the offenders in all the cases. But the circumstances cannot lie, and there are a few grand circumstances that would certainly bear out the conclusion that the Police were the offenders.

1st Circumstance—The Police did not exert themselves towards the detection of even a single case of fire out of so many.

2nd circumstance—My house being burnt as soon as I suspected the police in connection with the 1st fire and as soon as I attempted to record the serious irregularities of the police on that night.

3rd circumstance—The "*houses occupied by persons who had recently made themselves obnoxious to the police were afterwards set fire to,*" as observed by the Head Assistant Collector in para 10 of his report dated 4th October 1892, No. A.

4th circumstance—"*After the transfer of the former Station House Officer and two of the constables of the station, the incendiarism ceased.*" *Vide* para 10 of the Head Assistant Collector's No. A dated 4-10-92. The last two circumstances I have now given in the words of the Assistant Collector himself.

Under these circumstances it is very clear that the police were THE PERPETRATORS OF ALL THESE FIRES FOR MOTIVES ALREADY ENUMERATED ABOVE.

15. I do bear in mind that I have paid very very dearly already for having stated with reference to one or two cases what I have made myself bold to assert with reference to all. Of course I do not mean to say I testify to my having seen them do so. I press for your Excellency's gracious attention all the circumstantial evidence and submit what I consider as the inevitable or at least the most probable conclusions therefrom.

16. The *Fons-et-origo* of my suspension, degradation, additional degradation and the Collector's determination to get rid of me was my report dated the 3rd May 1892 that I suspected the police and the suspicion on me that I was the cause of the Apothecary's bandy being burnt—*vide* paras 2 and 3 of the Collector's proceedings dated 27th February 1893. The result of my report was that an inquiry was instituted into MY conduct and NOT INTO THAT OF THE POLICE as I expected.

An ASSISTANT SUPERINTENDENT OF POLICE OR A DISTRICT SURGEON HAD HAD NO MEANS OF KNOWING THAT THE PORT OFFICER WAS ONE WHO HAD BEEN OFFENDED WITH ME FOR MY DISCHARGE OF OFFICIAL DUTIES. He was an officer—an *European* officer—of highest pay (Rs. 300) at that place. Very naturally they took him to be an UNBIASED gentleman able to tell them the truth. They very probably derived all their first narration of Pamban fires from him alone or from him and the medical officer of the spot. The result was of course what might be expected. They both became prejudiced against me and very likely warped the Collectors mind and made him to give me a degradation **before** and another **after** the inquiry and also to determine to get rid of me altogether.

But as the circumstances, even the undisputed circumstances speak for themselves I have now ventured to lay before your Excellency in Council what I think is the truth about these fires.

17. **The Apothecary's part.**—The Apothecary who began to hate me in September 1891 for the due discharge of my duties in connection with the complaint referred to me for enquiry and report in two days, regarding the death and property of a deceased inpatient (a pilgrim from Bombay) and whose feelings of vengeance, must have been very much roused up by my having sought some information quasi judicially from the midwife—seems to me to have not been idle on this occasion. *Vide* Paras ~~of~~ 9 & 15 Appendix II

Pity I have not now got information about the exact date on which I sought information from the midwife; but I remember it was at all events BEFORE THE 1ST FIRE and, I

dare say, while the Criminal complaint with reference to which that Quasi-Judicial enquiry was held, was pending on my file towards the close of April and I must have talked to the midwife then and in all likelihood she had informed the Apothecary of it towards the close of April. But the Apothecary did not, I must say, make himself bold to trespass upon my house and assault me then, until he made himself sure of the Station House Officer's co-operation with him against me. He had by the 8th May come to know

(1) That my report against the Police about the first fire was of no avail and that it had shared the fate of my report against the Apothecary himself in September, 1891.

(2) That the Assistant Superintendent of Police or at least the Police Inspector had not yet made his appearance at Pamban, in spite of my report against the Police as being the offenders in the 1st fire nor did the Head Assistant Magistrate come.

(3) That no notice was taken of the Police having burnt my house.

(4) That no notice was taken of the Station House Officer's resistance of my powers on the 3rd May.

(5) That no notice was taken of the neglect of the Police to guard the Treasury on the night of the 2nd May.

The Apothecary thus had become much emboldened and making a previous arrangement with the Station House Officer (I should say) ventured on the 8th May to trespass upon my house and assault me.

18. **Proof.**—That the Apothecary and Station House Officer had joined together against me on the 8th May is evident from the Apothecary's own deposition. *Soon after the trespass and assault, the Apothecary goes direct to the Station House Officer and brings him in his bandy to my house.* This conduct is most suggestive. Granting that I had assaulted the Apothecary and turned him out of my house, and had thus committed a criminal offence, the Station House Officer had nothing to do with it It was not a Police case. It was for the Apothecary to have lodged a complaint to a superior Magistrate. The Police cannot move in this matter. Why did he go to the Station House Officer? Did he record the information then? No. Whydid the Station House Officer come to my house in his bandy then. He knew he could not do anything. The Police have no powers in that case. The whole thing means a combination of the Apothecary, the Station House Officer and their HIGHHANDEDNESS CAUSED, (I am constrained to point out again with reluctance and deference) by the EXTREMELY COLD TREATMENT WHICH MY SEVERAL REPORTS AGAINST THEM BOTH RECEIVED IN THE HANDS OF MY OFFICIAL SUPERIORS.

Am I to blame for this? It will be seen that from that day the Apothecary and Station House Officer joined together and began to devise measures to get rid of me from the place altogether.

19. Even if the Apothecary could be presumed to have not known that the police had no jurisdiction in this case, the Station House Officer knew it and could have undeceived him.

The real object for the Station House Officer coming to my house then was a pre-arranged trap for me, into which I did not fall because I had had its inkling. The trap was that the Apothecary was to pick up the quarrel with me *de novo* after his return from the Station House, but this time *in the open street* and that if I quarrelled in the street the Station House Officer was prepared to charge us both for Affray.

20. The subsequent fires, and notices were the means used to show that I was unfit to manage Pamban. They were the plant to make the Collector and the Head Assistant Collector believe that I was generally unfit.

The STATION HOUSE OFFICER OR THE APOTHECARY AND MOST PROBABLY BOTH OF THEM WANTED TO CREATE A FEW POINTS OF SPECIFIC OFFENCES AS IF COMMITTED BY ME. Of course they would not venture to lodge a complaint against me nor even say so clearly. But the dodge was to create a strong suspicion against me.

21. It was a very well known thing that I and the Apothecary were bad friends. If therefore his bandy be burnt and if his tappals had marks of tampering, some hasty minds might, they expected, begin to suspect that my enmity was the cause. Certainly it did not strike the contrivers of this dodge that it would have been a physical impossibility for a Deputy Tahsildar and Magistrate very well known for upwards of 6 years to each and every soul in the village (1) to go out of his house incognito; (2) to drag the bandy to the seashore;

(3) to take off the wheels; (4) to COLLECT A LARGE QUANTITY OF COCOANUT LEAVES and to fill the bandy and (5) to set fire to it. To take anybody else into his confidence and make him do these things was quite out of the question. No one could at the then state of things be safely taken into confidence; and the police, having assumed a hostile attitude towards me would have been quite on the alert to seize and arrest any wrong doer at once unless he be of their own nest. Hence the attempt to create such a suspicion on me was an utter failure

The dragging the bandy off was not necessary. If I had a remote idea of revenging myself in the least I could have set fire to it where it was during the Apothecary's absence at Tanjore (that being the most convenient time) whither he went to bring down his wife on leave soon after he quarrelled with me. It is very curious why the Head Assistant Collector did not enquire into this matter as he ought since it was apparently one of the causes for my suspension. *Vide* paras 3 and 4 of the Collectors Proceedings, Dated 27-2-93.

22. **Tappals**—The tampering of Tappals of the Apothecary must necessarily be his own act. The Tappals are packed in Ramnad and the bags are received in Pamban. If the Apothecary's covers had been opened, it must be either in Ramnad or en route to Pamban. If at Ramnad that Post office must have marked the usual words "Received torn" at Ramnad. It was not the case. To way lay the postal runner, detain his bag on the high road, open it, and pick up Apothecarie's Tappals alone, open the covers, peruse the contents and replace them &c., was not a likely thing for anybody and much less for a Magistrate. The only way must be tampering in the Pamban Post office after the bag is opened. Unless the Postmaster lent his aid, a systematic or daily tampering of this sort was impossible. The Postmaster was a friend of the Apothecary. At all events, no one would have ventured lto speak to the Postmaster to help him in tamperi ng with his friend the Apothecary' s Tappals. The truth was that the Postmaster's help was courted by the Apothecaary only to certify on the covers addressed to the Apothecary "Received torn"—a simple help which the Postmaster seems to have very readily rendered—I am very very sorry to have to say this against the Postmaster merely in my self defence meaning no harm to anybody.

23. It is quite possible that the Station House Officer alone managed to create these two items of suspicion against me, aiming thereby at provoking the more, the already irritated Apothecary against me, by raising such suspicions against me in his mind. He *must have known it in as much* as it was in an open SPACE WITHIN ONE FURLONG from the Station House that the bandy was burnt into a BONFIRE. Hence the Station House Officer must be at the bottom. But the probabilities are that both had combined in these two deeds.

24. Instances are not rare in which people write anonymous petitions accusing themselves in order to create suspicions against their enemies—also instances in which men wound themselves to accuse their enemies.

25. **Internal Proof.**—Why were the wheels taken off and thrown out in the sea so as to be secured again? The taking of the wheels for which a screw extractor might have been required must have taken some time and cost some labour of at least two men. If the man setting fire to it were not the Apothecary's well-wisher why should he take that trouble. He might have burnt up the whole.

Now the wheels which are substantial and costly things were secured aside. The springs and iron things which are also costly did not suffer by fire, and were not lost. Only the Bamboo tatty and the seat plank, all within a cost of 5 or 10 Rs. were burnt. If the tatty required a renewal, the actual loss by the fire could not be more than Rupees 5 or 10 including the cost of the seat plank. A loss of Rupees 5 or 10 was not great if thereby he could throw dirt on my moral character.

26. Whether the Apothecary joined or whether the Station House Officer alone did the act, it was impossible to trace out the offender.

27. It will be seen that the Apothecary at last wrote against the Station House Officer. This was also a dodge intended to divert the suspicion that they were combined against me and had combinedly worked against me in the bandy affair and the tappal affair—an instance of the nature of sending anonymous petitions against one's self.

28. Under these circumstances it is clear that the Station House Officer and Apothecary were to blame for the incendiarism and the consequent panic.

APPENDIX II.

MALADMINISTRATION.

1. **Origin**.—That which acted as an immediate cause for the formation of the theory of maladministration and for the Collector beginning to institute an inquiry into it is, as far as I can see, the very circumstance which I intended for the improvement of the administration.

By the beginning of May 1892 the local Police had become so very bad that I could not but report their conduct in their real colours—*vide* foot note to para 14 Appendix I. I had to report that some members of the Police had been committing crimes of mischief by fire. This led to an inquiry by the Assistant Superintendent of Police. As required for the ends of justice (never minding the official courtesy) it must be expected that the Assistant Superintendent of Police had me at his side when he made inquiries; But the sad truth is that he did not care to have me with him at all. The result was that he could not come to the right decision at which I had arrived by my inquiries. He did not even care to examine the witnesses I had examined and at last he decided the Police were not blame for the fires.

This one-sided decision tended to turning the tables against myself and also to more fires. The Assistant Superintendent seems to have persuaded the Collector to believe that the Police were not to blame for the sad state of affairs in Pamban in May and June 1892 but that I was the cause and that my house was burnt down owing "to the *unpopularity existing between myself and the people of Pamban"—*vide* para 2 of the Collector's proceedings dated 27th February 1893. The Collector has deputed his Head Assistant Mr. Francis to proceed to Pamban and hold an inquiry into my conduct and not into the conduct of the Police as might in fairness be expected.

On the 15th August 1892, the Collector wrote to the Board of Revenue (*vide* his letter No. 146) about my maladministration and directed the Head Asssistant Collector to inquire and report thereon. Owing to unavoidable causes perhaps, the Head Assistant Collector could not go to Pamban till 21st September 1892 and he spent four or five days there holding inquiries into the matter.

2. **Procedure**.—The Head Assistant Collector first procured my absence† from Pamban notwithstanding the clear benign rules of the Government of India to the effect that the accused must be present at the inquiry and should have opportunities of cross examining the witnesses—*vide* para of the petition.

He next got into the company of Mr. Carlyon the Port Officer, who as will be seen below, had very unreasonably conceived a hatred towards me and who was therefore very likely to have not given Mr. Francis an impartial account of Pamban and of myself.

Whether Mr. Francis did or did not actually allow himself to be led away by Mr. Carlyon, his rowing together in one boat and his moving and talking together (it must be remembered that he was the highest European Officer on the spot drawing Rs. 300) and above all his having insisted upon my absence from Pamban combined with my prejudged suspension,—all contributed to create an impression on the minds of all the people of Pamban that the Collector and his Head Assistant had resolved to get rid of me at all events and that the Port Officer was specially consulted for it. This impression, which was created not only by all the circumstances but also by my bad friends on the minds of neutral people of Pamban, had had a very bad influence on the result of the inquiry.

3. **Witnesses**.—As far as I know, the Apothecary, the Union clerk and the Sub-Jail Warder were examined on the 22nd September 1892.

(1) The Apothecary spoke of three things in the main *viz* (*a*) of his quarrel with me on the 8th May (*b*) of my having signed a Mahazar and (*c*) of the burning of his bandy and tampering of his tappals by somebody.

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* This is neither corroborated by the Head Assistant Magistrate who made the inquiry—Vide para 10 of his report of 4th October 1892—nor by the depositions of witnesses examined by him.

† Rajaratnam Pillai, Sub-Magistrate of Pamban is informed that the undersigned intends to visit Pamban island on the 16th September next in order to hold inquiry under the orders of the District Magistrate into certain matters in which his behaviour is called in question.

2. He considers that it is expedient that the Sub-Magistrate Rajaratnam Pillai should be absent from the island during the course of the enquiry and accordingly here by directs him to leave it without delay and before the 16th September.

(Signed) W. FRANCIS,
12th September, 1892.

(2) The Union clerk spoke of the quarrel of 8th May.

He spoke of the (*a*) occurrence of fires within that month or two (*b*) of one Vaithilingam's house having been burnt as he "had given evidence against the police" and (*c*) of no one having been arrested for the fires.

(3) The Sub-Jail Warder spoke to a constable having burnt a house and the bazaar rumours. He added that on the transfer of the Station House Officer and other constables from Pamban, the fires ceased.

On the 23rd September a 4th witness Kalimuthu Pillai was examined.

(4) He said he remembered many fires in the town. He added that "*the bazaar rumour was that the Police had something to do with it.*" He explained the motives which actuated the Police to commit such crimes in each case. He added that the house of a certain person was burnt because he gave *evidence against a certain constable,* that of the Sub-Magistrate's because he had some difference with the Police and that his bazars were burnt because of the altercation he had with one Muthusawmy—a Constable—in connection with a Nuisance case. If this and other witnesses had been examined before me subject to the likelihood of their being contradicted and cross-examined by me and explaining themselves, more VALUABLE INFORMATION WOULD HAVE BEEN ELICITED FROM THEM.

This charge of maladministration RESTS THEREFORE ENTIRELY ON THESE FOUR PAPERS and is reported fully in the letter No A. (confidential) dated 4th October 1892, of the Head Assistant Collector Mr. Francis. ALL THE ACTS AND OMISSIONS OF MINE DURING MY TENURE OF OFFICE AT PAMBAN have been picked up and put together to make out a charge of maladministration against me.

It must be remembered that I joined Pamban as Sea Customs Superintendent Deputy Tahsildar and Magistrate in October 1885 and I continued in it till June 1889 *i.e.*, for nearly 4 years: during this long period there was not the least stir of this sort against me, I was not found to be unpopular nor wanting in administrative tact, (as opposed to office management). In fact there was not the least whisper against me in that direction. I was again sent to Pamban in 1890 by *special choice* and I continued there till my suspension on, 15th August 1892. This period of nearly 32 months may be divided for convenience sake into two periods (of 16 months each)—thus my stay in Pamban may be said to be made up of three periods.

Period I.—From October 1885 to June 1889—3 years and 8 months.

Period II.—From January 1890 to April 1891.

Period III.—From May 1891 to August 1892.

5. The Records will show that there was not the least whisper against me during the 1st and 2nd Periods *i.e.*, for about 5 years of my stay at Pamban. Nor was there any such during the 7 months of my stay at Mudukolathur a decidedly heavier charge of a Deputy Tahsildar and Magistrate.

Whispers against me began about April or May 1891 and Mr. Francis says "*the internal condition of Pamban has during the past year* gone *rapidly from bad to worse.*" Mr. Wynne had reported against me in May 1891 and Mr. Francis apparently went to Pamban for inquiry in September 1892 with a prejudged opinion of me based on Mr. Wynne's letter and the information given him by the Heads of Revenue and Police Departments, which is generally done by the officers of older standing to a new comer. Mr. Francis was particularly in need of information about me, as directly he took charge of the Division he was deputed to inquire into my conduct.

Mr. Francis has, let it be granted, made out in his letter A. of 4th October that the internal condition of Pamban had actually become bad, yet the main question still remains to be solved, *viz* who *is responsible for it.* No doubt Mr. Francis says that I was responsible, but DOES NOT in my humble opinion, which I beg to express with reluctance and deference, PROVE THAT I AM RESPONSIBLE. He, however, enumerates all the events that he *heard had transpired during the last of the three periods of my stay at Pambam *i.e.* since April 1891: and enumerating them all he has added without stating reasons that I am responsible and expressed his inference that "it seems doubtful whether an officer against whom these things can be said should be entrusted with the responsible position of a Deputy Tahsildar and Magistrate."

* Vide para 6 of his letter.

6. It was no doubt my own misfortune however, that Mr. Francis, while reviewing the events of the last period of 16 months, did not pay the least attention to what Pamban was in my hands during next previous 16 months and again during the period of 14 months comprised in my first period. Nor does he review my incumbency at Mudukolathur.

If he had done so, he would have certainly arrived at quite a different conclusion.

Concrete Events.—As, however, the Head Assistant Collector has enumerated all the events of that period and arrived at his conclusions against me therefrom, I beg to explain each of these events and submit for your gracious Excellency in Council's kind consideration, how each of these events prove in my favour rather than against me or prove at all events that I am not at all to blame for any one of them.

(A) Port Officer 1st Event.—Mr. Francis says I contrived to pick a quarrel with the Port Officer. It must be remembered that the depositions of his iniquiry alluded to above do not contain a word about it. Most unfortunately for me, he does not give the particulars of the quarrel, which given, I flatter myself with a hope that your Excellency in Council will at once acquit me honorably of any indiscretion in this matter.

Sometime after Mr. Carlyon, the Port Officer, joined Pamban a proposal to change a *status quo* came up to me from the Collector for my opinion. The work connected with the survey of boats at the Sub-ports had, before Mr. Carlyon's arrival, always been done by the Sea Customs Superintendent. No defect in the working of that system was ever felt or pointed out. Mr. Carlyon reported for the change of this system for the transfer of that work from the Customs Department to the Marine. These proposals could have been disposed of by the Collector himself on the general principles that a professional Department is always considered to be better than the non-professional one. But that *the proposal was referred to me for my opinion*: I thought it fit to express my opinion honestly according to what I deemed fit or what my actual experience had dictated.

In doing so, I had a very unpleasant duty to perform. For Mr. Carlyon had in his report cried down the work of Sea Customs Superintendents (not mine alone) and had tried to prove that the Sea Customs Superintendents were by education and training UNFIT ABSOLUTELY to conduct that sort of work. When the proposal with such sweeping remarks against the Superintendents came up to *me for my opinion,* I was constrained to state in my reply that as far as my personal experience of that sort of work was concerned, I had never felt myself unequal to the work required. I stated that only an ordinary knowledge of Arithmetic and strong common sense was all that was required.

7. It may be that the Port Officer was quite right in thinking that the work would be done better by the Marine Department than the Customs. But when I was asked my opinion, I had to say whether as a matter of fact as opposed to reasoning the Customs Department did feel any difficulty. I understood that the Collector would not have referred it for any opinion at all except it be for the expression of my opinion based on matters of facts and experience, and I felt myself justified in saying that I felt no practical difficulty in doing that work and that want of professional knowledge was never felt to be an obstruction to that sort of work. In support of this opinion I had to say reasons which in my opinion was that the work required only a COMMON SENSE AND KNOWLEDGE OF ARITHMETIC.

8. **2nd Event.**—There was another occasion when the Port Officer seems to have had reasons to be annoyed at my conduct. He prosecuted certain Boatmen for the violation of certain provisions of the rules. I was of opinion that the Provisions relied on for the prosecution did not apply to the cases and I had to let off the boatmen. The Port Officer held that my view of the law was wrong and made references to the District Magistrate, Mr. Wynne, who agreed with me in my view of the law. Thus it will be seen that even if I had erred in my view of the law, the error was one in which the District Magistrate too fell. But the Port Officer was so much annoyed at it that he made a special motion to the Advocate-General through the Presidency Port Officer and I hear that the matter eventually went up to the High Court.

There were many cases of prosecution of boatmen by the Port Officer and whenever there were grounds, the boatmen were convicted and sentenced severely, but whenever the law did not permit me I could not convict, and this seems to have annoyed the Port Officer.

Beyond these two events I am not aware of any events in which I may be said to have quarrelled with the Port Officer. Mr. Francis does not STATE WHAT HE MEANS, AND THE RECORD OF INQUIRY TOO INTO MY CONDUCT does not contain a word about it. Hence I am left to guess, what the Head Assistant Collector means—all I can guess is these two occasions on which I had to differ officially from him in the proper discharge of my duties and if he thought himself annoyed at these official expressions of opinion I must only look for my support in my own Departmental heads or in the hands of the Government.

Unless my hands are strengthened and my acts—official acts—supported so far as they are BONA FIDE *whether actually right or wrong, administration must become impossible.*

If specific cases in which I let off the boatmen were wrong, it was open for the Port Officer to have pointed out my failure to the superior Magistrate and asked for justice. Whenever he did report specific cases, the District Magistrate upheld my opinion. Mr. Francis speaks of " acrimonious tone" of my letters. I am unable to guess what this refers to. As far as I am aware, I have taken special care to see that no expression likely to give offence to anybody was ever used in my correspondence, and if the Head Assistant Collector refers by this expression to my having frankly stated that the work of Survey of Boats required only a common sense and a knowledge of Arithmetic, I leave it to your Excellency in Council to Judge and decide whether my words are offensive, and if they were, whether I would have intended any offence to an European Officer, of the Port on Rs. 300.

These two events dispose of the charge of my having picked a quarrel with the Port Officer. Then comes in the Apothecary.

9. **Apothecary 3rd Event.**—There was a petition presented by one Nagu Ayyar to the Head Assistant Magistrate in which there were allegations to the effect that the Apothecary killed one Govinda Rao, an in-patient (a pilgrim from Bombay) and that he had misappropriated his property. This was referred to me for INQUIRY AND REPORT WITHIN TWO DAYS, evidently under Sec. 202 of the Criminal Procedure Code.

Here was a serious charge of murder and misappropriation of property. The Head Assistant Magistrate had EVIDENTLY SO FAR BELIEVED THE STORY OF THE PETITION that he had thought it necessary to refer it to me for inquiry and report WITHIN TWO DAYS. I had therefore to pay it the most serious attention, and I therefore immediately went into the Hospital and wanted to hold an immediate inquiry. The Apothecary got annoyed and behaved in such a manner as to render it necessary for me, in THE INTEREST OF THE DIGNITY OF THE MAGISTRATES OFFICE, TO LEAVE THE HOSPITAL AT ONCE.

Here I invite attention to my report dated 4th September 1891, to the Head Assistant Magistrate as per margin and I beg to leave it to your Excellency in Council whether the Apothecary's conduct under the circumstances did not amount to an OBSTRUCTION TO A MAGISTRATES LEGAL DISCHRGE OF his FUNCTIONS IN A CASE OF MURDER and misappropriation of property.

In obedience to your honor's endorsement on one Nagoo Iyer's Petition implicating the Apothecary of the Civil Dispensary of this place to make INQUIRIES AND REPORT on the death of one Govinda Row in that Hospital WITHIN TWO DAYS, I respectfully beg to state that in order to avoid delay, I had been to the Hospital myself this evening, and finding that the Apothecary was not there I stopped there and sent for him through his peon. On his arrival I began to put him *questions touching the aforesaid Govinda Row's* PROPERTY AND DEATH and asked him to show me the books wherein I could see the daily medicine given him and his property entered. He complied with my request to a certain extent, but all of a sudden *wanted to know under what* AUTHORITY I STEPPED INTO THE HOSPITAL. In reply to this I told that every one had a right to go to the Hospital and as a Magistrate I had much more right to do, ESPECIALLY AS I CAME TO INQUIRE REGARDING THE DEATH OF ONE GOVINDA ROW. I also SHEWED HIM THE FIRST PARA, of your honor's order directing me to inquire and report within two days. He GOT UP AT ONCE AND TOLD ME TO LEAVE HIS OFFICE AT ONCE, AND THAT I HAD NO BUSINESS TO ENTER HIS HOSPITAL IN HIS ABSENCE. I returned at once and issued summons to him to attend with his books to-morrow. I have also issued summons to the Manudar, Nagoo Iyer.

I shall make a further report in the matter. I beg to submit that at about 3 P.M. to-day the Apothecary sent me the four gold ear-ornaments of the deceased and one brass lotah with a book; but I returned it saying that unless the weight of the gold ornament were entered in it, I could not receive them. This looks very suspicious and to a certain extent confirms the statement in the Petition, especially as the Apothecary has sent in the things about ½ an hour after I had orders to enquire into the case, and after the lapse of more than four months.

On my further inquiry I made an impartial report dated, 9th September notwithstanding the treatment the Apothecary had given me in the previous week in connection with the case. I reported that the complaint seemed *to be a pseudonymous one*, and that as re- gards the allegation that the in-patient was killed by wrong medicines, I *frankly stated that i could not* be a *Judge of the suitability or otherwise of the Medicines* In fact, my report went to show that there was not the least truth in the allegation of murder, but that there was only a little blame to be cast on the Apothecary in the matter of the jewels left by the deceased in-patient. I pointed out what his usual and right course was under the circumstances.

10. As in the case of the events connected with the Port Officer, so also in those of the Apothecary, the matter CAME BEFORE ME BY A REFERENCE. I DID NOT SEEK IT MYSELF.

When the matter came before me from my superior Magistrate, I could not but obey his order. I was asked to inquire and report in two days. The man died in the Hospital, and it was therefore necessary that I should hold the inquiry at that locality and I went there. Was there any thing improper on my part ?

For having done my official duty, I was so *badly opposed and obstructed* in the discharge of my duties. This *was reported by me* in my reports dated the 4th and 9th Sep. 1891.

No notice was taken of this conduct of the Apothecary at all.

I leave it to your Excellency in Council to consider and decide whether administration would be possible if an Apothecary were allowed to go off with impunity for his deliberate OBSTRUCTION AND RESISTANCE to the discharge of my magisterial functions and that too in a case of alleged murder and misappropriation of property by himself.

AUTHORITY WAS SUCCESSFULLY INSULTED AND OPPOSED BY THE APOTHECARY AND HIS CONDUCT WAS NOT EVEN TAKEN NOTICE OF. THIS WAS AN ENCOURAGEMENT FOR HIMSELF AND OTHERS TO FOLLOW SUIT AND DEFY MY AUTHORITY OVER AND AGAIN WITH IMPUNITY.

11. There was not a single event prior to this event which might be said to show a want of tact on my part. Mr. Francis speaks a good deal of incendiarism in the town and a general panic. This was all, I beg to submit here, long after the date of this open defiance by the Apothecary of my magisterial duties in a case of murder and misappropriation and long after the Police came to know that the Apothecary did not suffer in the least for his insult and defiance of my powers.

If the Head Assistant Magistrate had only called upon the Apothecary to explain his conduct or had called upon him to defend himself for *his contempt of my Court*, my hands would have been strengthened in the eyes of the Police and administration would have become an easy routine task. But when the Police saw that the Apothecary was not even warned for it, they lost all fears for the authority, and how can administration be possible ?

12. **4th Event**—This is the second occasion of the Apothecary's treatment of me. There was a criminal complaint of hurt, &c., presented to me by one A to the effect that his son-in-law B used criminal force to him and his (A's) daughter C, *i.e.*, B's wife's sister and beat her. B's defence was that C, his sister-in-law was resorting to the Apothecary's house for objectionable purposes, and as she was his wife's sister, he remonstrated with her upon her scandalous conduct, and that seeing that B prevented C from going to the Apothecary's quarters this case was got up against him. The defence went so far as to say that the Apothecary had connived at the concoction, if he did not actually concoct the case.

This defence was on the face of it an improbable story in the ordinary circumstances. But as this was urged in defence, I wanted to satisfy myself first (before actually summoning witnesses and examining them in open court on such a prima facie improbable and nasty story) that C was at least in the habit of going to the Apothecary's quarters at all. I thought there was nothing wrong so far—for she was a poor Pariah woman living by labour. She might do some cooly work in his house. I wanted to know also whether lately she (C) stopped going to his house. These two points, *i. e.*, her habit of going and her subsequent detention were relevant, first to see whether there was any appearance of truth in the story of defence. I could as well have summoned as court witnesses or defence witnesses any persons whom I had reasons to believe, knew something about these two points. But when once a witness is brought into the witness box, the Vakils of both the parties get a right to ask all relevant questions, be they degrading in any degree or be they true or false. In short, I did not like that the name of an officer of Apothecary's position should be dragged into the open Court *unnecessarily*.

It is a known trick often resorted to in the mofussil Courts by which unscrupulous parties or their Vakils unnecessarily drag in the names of respectable people, merely with a view to drive a respectable person to the necessity of interesting himself into the issue of the case in the way of bringing out a compromise, or influencing the witnesses or Vakils and so forth. Hence whenever the names of respectable people are connected, it was always held desirable to *avoid unnecessary sensation and annoyance* that some *quasi judicial* inquiry is first held, and if there be some appearance of truth, then to proceed regularly.

So in this case I wanted to know first whether C was ever going to the Apothecary's house (the idea of objectionable going I never believed) for work, and whether she ceased going there latterly. Then if these two points were found in the affirmative, the next issue in the case to be regularly heard in the open Court would be whether she so ceased going there owing to B's remonstrances.

The probability of the story of the defence can be gone through only after their preliminaries are settled. While the case was thus pending on my file *I happened to meet the midwife*, as she was attending on my wife and it occurred to me at once that as she was one frequenting the Apothecary's quarters, she might know whether C also used to frequent his house, and, if so, whether she had recently ceased doing so and from what time.

I thought that if from her reply there were reasons to believe that C was going to Apothecary's house often, and that latterly she was restricted from doing so, I might then as

a matter of *judicial necessity*, summon her and examine her openly. THIS QUASI JUDICIAL COURSE I ADOPTED ONLY IN GOOD FAITH AND INTENTIONS TOWARDS THE APOTHECARY AS I DID NOT WANT TO EXPOSE HIS NAME UNNECESSARILY IN THE OPEN COURT.

Then I asked the midwife about C going to the Apothecary's house, she asked me why I wanted the information, and I told her the importance of my question, stating that the defence set up a story against the Apothecary.

13. The midwife seems to have misrepresented my conversation with her to the Apothecary, and on the 8th May he volunteered* into my house quite in his hot blood, *certainly it was no wonder that he should have lost his temper, and that his blood should have boiled if he heard from the midwife that I had myself suspected him of illicit intimacy with C.* He remonstrated with me on the subject but would not listen to my telling him that I never insinuated any such connection although it was the story of the defence, and that I merely wanted to know whether C was at all going to his house even as a servant or cooly.

He grew furious and as became a man of injured honour, he ran at me, and assaulted me and he had to be shoved out.

I am much blamed for it.

I humbly beg to leave it to your Excellency in Council to consider and decide whether the usual right of private defence which every body has is lost to me merely because I was a Deputy Tahsildar and Magistrate.

If the Apothecary thought I defamed him by making unseemly insinuations against him, he could have prosecuted me criminally or civilly for it. What right had he to thrust himself into my house furiously and assault me brutally? Was I wrong in turning him out when in the midst of females and children he was giving me a brutal treatment.

This brutal attack he could venture to make upon me merely because he had known that his resistance of my Official Magisterial authority in the previous year in the matter of the case of the deceased in-patient Govinda Row, HAD NOT BEEN TAKEN ANY SERIOUS NOTICE OF, and that the reports against the Police also shared the same fate. The Station House Officer had then joined him.

If the Apothecary had done the same with anybody else, he would have been prosecuted for criminal force. If A defamed B, it was not for B to take the law in his own hand, and thrust himself into A's house and beat him there. But I did not venture to prosecute him, 1st, because I had known that the Apothecary's worse offence, *viz.*. the resistance of the judicial discharge of my duties, which I reported then and there had not been taken any notice of 2nd, because I wanted to make a large allowance to human feelings of a man who thought his honour was badly injured by me though he had no reasons for such thought.

Am I to be blamed for this unreasonable act of the Apothecary. Was it in any way avoidable? How else could I have acted? If he ventured to trespass into my premises and attack me merely because the midwife told him probably a coloured version of my conversation with her, what guarantee was there that he would not have done the same acts of trespass and assault if I had openly summoned the midwife and asked her in the open Court about C frequenting the Apothecary's house and its object—the very same questions—and if the parties had taken the opportunity of asking her more indecent questions too?

Law and Justice requires that the defence of an accused in a criminal case should be duly respected and properly weighed. I could not but make inquiries on the point. It was entirely in the *bonafide* discharge of my duties and if the Apothecary had prosecuted me for defamation criminally and civilly in a straightforward manner, I would have been fully protected by the Judicial Officers Protection Act. But he chose to be rude in a private capacity and rudeness could not but he met with rudeness. He lost his temper and became unruly and lost modesty of speech and conduct in the presence of my females.

He was shoved out by some bystander evidently to prevent worse conduct. Here I invite attention to paras 18 and 19 Appendix I where his attempt to pick up a quarrel afresh in open street to give jurisdiction to the Station House Officer to charge me for affray is described.

I beg to conclude this part by a repetition of my statement that the APOTHECARY WAS THE AGGRESSOR, he SOUGHT THE QUARREL and he SOUGHT A PERSONAL FIGHT and TRESPASSED

* The story that I sent for him for treatment of my son is false (since the ill-treatment he had given me in 1891 in the matter of the case of the deceased in-patient) I did not care to consult him and moreover I had no faith in his treatment.

INTO MY HOUSE, and to this course he had been encouraged merely because his rude treatment of me and defiance of my authority in September 1891 did not bring on him even a warning.

Does this event show want of tact in me?

14. The next event is that which is closely connected with this last event.

(C) Midwife 5th event.—I am said to have driven out the midwife violently from my house the same day. She was also a trespasser like the Apothecary. She who had been engaged for attendance on my wife came that time into my house REALLY WITH THE OBJECT of picking a quarrel with me being actuated by the Apothecary. It must be remembered that I had attempted to convince the Apothecary that I never meant to say that I ever believed C had any undue friendship with the Apothecary and that I merely wanted to know if at all C used to go to his house. I had stated that the midwife probably misunderstood me.

I fancy the Apothecary told this to the midwife and rebuked her for her misrepresentation in his cooler blood. She then came in also quite furious and behaved very rudely and I could not put up with it. I turned her out saying I did not want her services any more and I witheld from her any reward she might have got for her attendance on my wife, as she was not allowed by the rules to get any fees for it.

I again beg to leave it to your Excellency in Council to consider whether if the Apothecary had been duly warned about his resistance of my authority in September 1891, he or his subordinate the midwife would ever have ventured to behave so rudely towards me.

15. In these instances they were the aggressors, they defied all law and order and I could not help being on my defence. DOES THIS MEAN WANT OF TACT?

16. **(D) The Police 6th and 7th events.**—These relate to the Station House Officer and incendiarism in May and June 1892 in Pamben. Appendix I, explains it fully as it forms the only real ground for the charge of maladministration.

The Board of Revenue have very properly remarked that in these matters I was not alone to blame but the Port Officer, the Apothecary and the midwife were likewise to blame. But the account given above will have shown that I could not avoid these things, and I was not to blame at all.

APPENDIX III.

MR. WYNNE'S LETTER AND ITS ENCLOSURES.

On the 14th May 1891, Mr. Wynne, the then Collector, for reasons which are not clearly known from the records, made a report against the Petitioner, Rajaratnam Pillai. He based it on two Enclosures and I therefore submit them as Enclosures to my appeal Petition dated 3rd December 1894. It must be premised here that the Board was thereupon of opinion that there was absolute necessity to give me a competent Head Gumastah.

2. **Enclosure.** This is a tabular statement of all mistakes and blunders discovered in 1891, after scrutinising the Records from 1888 to 1891. I am glad to say that, from 15th June 1888, the date of the 1st item of objection to 14th May 1891, the date of Mr. Wynne's report, *i.e.*, during the period of 3 years, only 19 (nineteen) blunders could be found out, or at the average rate of half a dozen blunders a year.

3. Again classifying them it will be found that

(1) One case, (*d*) *viz.*, No. 2 is merely a question as to why a list was sent in Tamil and not in English.

(2) One case, (*c*) *viz* , 9/2 is a reminder.

(3) In 8 cases marked *b*, clerical blunders usually creeping in periodical returns and accounts have been pointed out.

It has been pointed out in cases Nos. 3 and 4 that the Clerk is to blame for not comparing the accounts, &c.

In some cases (*i e.,*) 1, 5, 7, 10, 13 and 17, information is called for and not blunders pointed out. A glance at the records of the Board's office (Trade Department) Separate Revenue will not fail to shew that not a single District can boast of being quite free from such blunders in the monthly Trade Returns. My office unlike other Deputy Tahsildars' offices is a peculiar one, where the Sea Customs, Revenue and Magisterial work are amalgamated and consequently it is no wonder if clerks, mostly copyists, that are sent from other Deputy Tahsildars' offices commit blunders in the Trade and other Returns whose preparation require previous experience.

That only 8 mistakes of this sort could be found during the space of 3 years should rather be counted as creditable to this office than otherwise. The replies would shew that either want of gumastahs or their inexperience was the main cause. If a similar scrutiny for any three years be made with reference to any other Customs Office, blunders in Trade, &c., Returns, Port Dues accounts, &c., would certainly be found to a much larger extent.

(4) In 13 cases, the calls were the usual audit calls which take place between the Head office of accounts and the subordinate account offices.

(*a.*) Case No. 1 calls for information* as to the head of account to which a particular item is credited. **Such calls for information** are quite usual in the account department.

(*b.*) Case No. 12 is held under objection for the submission of a voucher. **Such calls for vouchers** are also usual in the account department. In this case, however, my reply will shew that the letters referred to in it are themselves vouchers in support of the items.

(*c.*) Case No. 14 is similar. The reply given would show that there was no necessity for the call.

(*d.*) Case No. 15, the higher office advises a certain adjustment to be made in the accounts as per Transfer Receipts.

This is not a blunder pointed out, but an information communicated.

(*e.*) In case No. 8, it is advised to transfer Rs. 200 from Personal Deposits to " Mis. Rewards."

Similarly 8/*b* Rs. 225-11-0 entered in the Local Fund Accounts are advised to be entered in the Local Fund Debt. Accounts.

(*f.*) A rupee and Rs. 8 are wrongly entered as civil instead of Military Pension (case No. 11a and 19.)

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* It must be observed here that information to be sent for from other offices are called for from my office. This is a blunder made in the Huzur Office.

Similarly Rs. 12 of Survey fees as Port Fund. (11 *b*.)

(*g*.) In cases Nos. 13 and 17 information is called for—and besides, this and Item No. 14 did not occur during my tenure of office.

(*h*.) In case No. 16, objection is taken that an Item has not been detailed under three heads.

(*i*.) In case 19/2 the fault was Rs. 30-9-7 were shown under Local Funds instead of Local Fund Cheques.

4. I leave it to Your Excellency in Council to see and decide whether any Treasury Office has enjoyed a perfect freedom from such calls and audit slips. A glance at the desk of any accountant in the Accountant-General's Office will show that these audit slips are usual

And it is a matter for congratulation that the Pamban Treasury Office underhanded as it was had only these few very very ordinary audit slips for 3 years A *fortiori* it is so, seeing (1) that a copy of the Account Code was not supplied to the office for the clerks' reference as observed by the Head Assistant Collector in the June Inspection notes ; (2) that the office was admittedly very much under-manned as observed by both Messrs. Ayling and Pinhey.

5. The office was not only under-manned but also I used to get the *dregs of the whole District* for my subordinates, who were either sickly, lazy, or stupid sometimes. They were mostly men who had no permanent places at all and they were therefore not only quite *raw and inexperienced* but were also quite IRRESPONSIBLE and INDIFFERENT in the extreme. Even these *dregs* were being changed by transfers so often and so rapidly that every clerk that had the bad luck to be sent to Pamban never joined it before making some arrangement and securing some sort of promise from proper persons for an immediate transfer. He (clerk) was counting his days and always on his tiptoe. He never cared to learn work or keep Registers and Records well.

6. It will thus be seen that the office was inspected twice, in June and September 1890. Mr. Ayling was the Head Assistant Collector who inspected it on both the occasions. It is a pity that only his bad remarks have now been put before the Board by Mr. Wynne. In his Memo. he speaks of defects in the matter of (*a*) Correspondence Registers, (*b*) Record-keeping), (*c*) Sea Customs Registers. These mistakes were of a particular period when my office, a short time before it was recruited with raw and inexperienced hands. It is, however, admitted in para. 5 thereof, that *I had been here* (Pamban) SINCE CHRISTMAS, EXCEPT FOR AN INTERVAL OF ONE MONTH. The inspection was on 1st June 1890. I joined Pamban only in January of that year from Mudukolathur and I had therefore been in the office there FOR ONLY FOUR MONTHS. There are only two clerks sanctioned for the office although only one was working for the greater part of the time between my joining and the first inspection. The table below will shew that from January 1889 there has been ten changes of hands, some being only a few days in office within the space of 18 months.

No.	Names of Clerks.	HEAD CLERK.						SECOND CLERK.					
		When joined.	When left.	How long remained		How long no substitute.		When joined.	When left.	How long remained		How long no substitute.	
				M.	D	M.	D.			M.	D.	M.	D.
1	Ramasawmy Pillay ...	29-12-88	7-1-89	...	9	...	29	...	...	...	...	...	...
2	Pichu Iyangar	18-1-89	9-6-89	4	22	...	11	...	...	...	...	...	...
3	Dorasawmy Naidoo ...	...	...	...	...	...	...	18 1-89	21-7-89	6	3	...	11
4	Seenimuruga Pillai ...	10-6-89	10-7-89	1	...	...	...	...	...	...	...	...	...
5	Pichu Iyangar	11-7-89	21-7-89	...	10	...	...	...	...	...	...	...	...
6	Venkatarama Iyer ...	22-7-89	1-4-90	8	8	...	...	...	...	...	...	...	...
7	Pichu Iyangar	...	...	...	...	...	...	22-7-89	6-10-89	2	15	...	...
8	Ramanatha Sastry ...	...	...	...	...	...	...	7-10-89	18-12-89	2	11	...	...
9	Subramanya Sastry ...	...	...	...	...	...	...	19-12-89	15-1-91	12	27	...	...
10	Ponnusawmy Pillai ...	23-5-90	30-6-90	1	7	1	23	...	...	...	...	...	...

The most remarkable features are (1) that my Head Clerk Venkatrama Iyer who was the only clerk that had been in office the longest, 8 months, left me on 1st April 1890, and (2) that I was without a substitute at all for one month and 23 days (nearly two months) at one time and 11 and 29 days on two other occasions prior to it, and I was getting through the office work, however,—both Treasury, Sea Customs, Magisterial and miscellaneous with the only other clerk or no clerks at all. Ramasawmy Pillay's predecessor left office on 1st December 1888, while Dorasawmy Naidoo's predecessor on 7th January 1889, having been sick without attending to office work nearly a month prior to it ; so that it will be seen that there

was no clerk whatever *attending to work* from 1st December 1888 up to 29th December 1888 and from 7th January 1889 up to 18th January 1889 and (3) that the 2nd clerk Subramya Sastry who has been condemned and fined as being quite unfit for Magisterial work by Messrs. Ayling and Pinhey has been allowed to remain in the office for one year and two months in spite of my repeated requests to remove and find a substitute for him, and (4) that from the beginning of 1889 up to the end of 1890 the office work had to be done by new and raw clerks, some times both the clerks being new. *Vide* Nos. 2 and 3, 6 and 7.

7 In an office like the one Pamban office was during the period between 1889 and the middle of 1890, the difficulty of getting through the work with inexperienced and irresponsible clerk changing frequently is better imagined than described. And it was then that the first sinspection by Mr. Ayling came on, within a week after Ponnusawmy Pillay had joined office. Besides these there was no separate clerk in charge of records, old or current.

Is it fair to hold me responsible for the defects. If during these four months, I could not spare time to go into the details of clerical work, I might do so when I could afford time.

Para. 6 of the Memo. says that the 2nd inspection in September shewed a general improvement and in para 7, it is stated in the Head Assistant Collector's words, that the faults previously pointed out have been to some extent remedied. That I could do so between June and September shows that I had a but capacity to do that sort of work not that in the early months I could not afford time as I had just joined.

8. The matter which seems to have given immediate stir to any inquiry being instituted against me at all in 1891 was the Head Assistant Collector's report that my work in the Incometax Department was not satisfactory. But para. 3 of Mr. Wynne's Memo. says "*It is to be observed, however, that there was not much difference in the end between the figures arrived at by the Head Assistant Collector and those submitted by the Deputy Tahsildar.*"

It will thus be seen that an unnecessary storm was raised against me and all clerical matters raked up and used against me.

9. About half a dozen irregularities have however been pointed out in the Magisterial Records of 3 years from 1888 to 1891 *i. e*, at 4 a year on an average. If Your Excellency in Council be pleased to wish to satisfy Your Excellency's self, in the *name of truth and justice*, as to whether these irregularities are peculiar to me alone, I beg that the files of Divisional and District Magistrates' Proceedings and orders on calendars and on appeals, relating to any one Sub-Magistrate for a period of 3 years be sent for and perused, they cannot fail to shew that more or less all Magistrates have had such remarks. For many of them are more or less matters of opinion and knowledge of law. For instance, Case No. 3 in para. 11 of the Memo is entirely a matter of opinion on the weight of evidence and No. 4 is more so, being a question of adequacy or inadequacy of punishment. Similarly No. 6 is one of weight of evidence. I disbelieved the testimony of certain witnesses and I am blamed for it.

Case No. 7 is a mere accident. A certain man presented a complaint and I affirmed him and dismissed it under Sec. 203 as of civil nature. I must have sent it into the office with a peon or so for the clerk to fill up the headings in draft order in the given form. The complainant must have walked away with it owing to the fault of the Magisterial Clerk who was not good as observed by the Head Assistant Collectors.

10. It will thus be seen that all the defects noted in the two Enclosures of Mr. Wynne's letter are mostly clerical for which clerks are entirely responsible and I had scarcely been 4 months in that office when these clerical defects were noticed.

It has been shown that the Head Assistant Collector admitted the subsequent improvement and the want of sufficient and proper hands. The Board have ordered in their Proceedings No 4291, dated 24th June 1891, that one competent Head Gumastah must be given me.

This order was not carried out at all—nor was the warning that a repetition of such faults will entail reduction, communicated to me. Whether communicated or not, there has been no repetition of faults made out—not a single fault of the sort mentioned in the two Memos. has been even alleged to have been repeated by me.

11. The following extracts from the words of the Head Assistant Collector go to shew that in the absence of frequent changes among the clerks the routine work of the office will not be found fault with.

(A) About the Treasury branch.

(1) He has found the Cash balance, the Chutram balance, Local Fund Imprest balance, Stamp balance, &c., all right.

(2) He has noted down that "*the Cash Registers are neatly and properly kept.*"

(B) About the Magisterial work.

(1) He has recorded that "*the Magisterial clerk of the office appears to be quite incompetent and the Sub-Magistrate says he is also lazy and untruthful.*"

(2) "It is also said that out of 132 calendar cases since January there are 15 "pending of whichone since March 2nd, but there are good grounds for "the delay in that instance. All other cases appear to have been promptly "disposed of."

(C) As regards the Customs Department he says:—"The clerk in charge of the work Narayanasawmy Iyer does his work neatly and well and has for the most work in the office as the Sea-Customs work entails, to maintain a lot of registers, besides which he attends to all the Treasury business. I think an extra hand is wanted in the office, at present there are only two clerks and one copyist. The latter gets an average remuneration of Rs. 4 or so a month and it is not therefore surprising that the copyist is constantly changing and that at times there is no one to be found willing to do the work. There is no doubt that in other offices a good deal of gratuitous assistance is given by such men to the regular clerks and consequently in a place like this they are much missed. There is no dufterbund in this office. The new Sub-Registrar having come there will be a proportionate decrease of the work, but I still think there is enough to justify the sanction of a dufterbund permanently for the office. He might be permitted to take the copying fees in addition to his pay. On the same subject Mr. Ayling, another Head Assistant Collector observe—*Vide* para. 7 of the Memo enclosed in Mr. Wynne's letter—that the statement of the Sub-Magistrate that the office is undermanned is in my opinion true, the second clerk is certainly incompetent.

12. Under these circumstances I pray that Mr. Wynne's letter be not used against me now, merely to give undue colours to Mr. Francis' letter No. A. (confidential) dated 4th October 1892.

I beg also to submit that the Collector's procedure in having turned me out from my permanent Deputy Tahsildar and Magistrate's place of Mudukolathur merely relying on Mr. Wynne's letter and memos and without the necessary sanction of the Government is not, I beg to submit with reluctance and deference, proper.

I beg to conclude by quoting the words of the Government of India that past bad conduct should not be repeated in punishing subordinates.

"The admission, however, of evidence of previous bad character requires great caution. It was argued lately in a petition that if one fault is taken as evidence of another, the first punishment of a small fine expands into dismissal by a sort of natural growth. It is certainly not uncommon for dismissing officers to support a weak case by reference to previous punishments for misconduct, too slight for confidence that it received close attention. G. O. dated 3rd December 1883, No. 2290."

To

His Excellency

THE GOVERNOR IN COUNCIL,

Fort St. George,

MADRAS.

The humble appeal of C. RAJARATNAM PILLAY, *late permanent Deputy Tahsildar and Sub-Magistrate of Mudukolathur, Madura District.*

Through the Collector of the Madura District

MOST HUMBLY AND RESPECTFULLY SHEWETH,

I, the petitioner, most humbly and respectfully beg to submit this my appeal against the order of the Board of Revenue contained in their Resolution No. 5189 dated 7th September 1893 Enclosure A.

2. The wording of the Board's order is as follows :—

"*The petitioner who was Sub-Magistrate and Sea Customs Superintendent at "Pamban, was suspended from 15th August 1892 to some date in March 1893 and "has* FINALLY *been deprived of Magisterial powers and degraded from a post of Rs.* 70 "*to a post of Rs.* 20."

2. "*The cause was his Maladministration of Pamban.* . . . . . "

"10. *The Board thinks therefore that Petitioner's reduction to a Rs.* 20 *post was too "severe and desires that the Collector will make him a Taluk Head Accoun- "tant on Rs.* 50 *or give him some similarly paid post.*"

It will thus be seen that FOR THE MALADMINISTRATION, I have been punished in more than one way *even so far as* the wording of the Board's order goes.

1st. Degradation in rank from a Deputy Tahsildar and Magistrate's post to a clerkship on Rs. 70 contrary to G. O. dated 2-9-93, No. 768.

2nd. Deprivation of Magisterial powers.

3rd. Degradation from Rs. 70 to Rs. 20.

This last punishment has alone been modified by the Board of Revenue to some extent and I stand degraded (1) from a permanent Deputy Tahsildar and Magistrate's place to a clerkship (2) deprived of the Magisterial powers and (3) degraded from Rs. 70 to Rs. 50—this three fold punishment has been confirmed upon me by the Board and I earnestly beg to submit that I do not deserve any of these punishments.

3. **Delay**—I should have submitted this my appeal long ago, were it not for the continuance of the same official misfortune till lately *i. e.*, till May 1894.

As will be seen further on (*vide* para ——— Infra) the Collector, who (1) first degraded me from the permanent Deputy Tahsildar and Magistrate's place of Mudukolathur (Rs. 120) to the Vernacular Head Clerkship on Rs. 70 and (2) again intending to degrade me further—all for the charge of Mal-administration—recommended in paras 7 and 8 of his letter No. 184, dated 14-10-92, embodied in Boards Proceedings No. 7279 dated 8th November 1892 that I should be got rid of altogether. His words are "*He has passed the "Sea Customs Test and may, possibly, be fit for a Sea Customs Superintendentship alone." "I therefore beg that the Board will be pleased to transfer him from this district and "send him to any other post they may think fit. I will keep him under suspension pending "his disposal by transfer to another district or otherwise. Being now only a ministerial officer, "I may deal with him by degrading him etc., but I have no confidence in him and believe he will "be found incompetent in any post. I should like therefore* **to be rid of him altogether.**" This recommendation in this bitterest style was made on the 14th October 1892.

The Board in passing orders thereon most unfortunately overlooked (I beg to submit with reluctance and deference) the real fact that I had already been too severely punished for the charge of Maladministration by (1) the deprivation of my Magisterial powers and (2) by the degradation from my PERMANENT post of the Deputy Tahsildar and Magistrate of Mudukolathur (Rs120) to a clerkship on Rs 70. They were, apparently under the impression that I was only a *sub pro tem* Sub-Magistrate of Pamban on Rs 70 and that my transfer to a clerkship on Rs 70 was therefore no DEGRADATION BUT ONLY A DEPRIVATION OF MAGISTERIAL POWERS.

4. **Two mistakes of facts** *viz.* (1) The Board's ignorance (*vide* para 11 Infra.) that I had already been a permanent Deputy Tahsildar and Magistrate for upwards of 6 years (three years in Pamban and the last three years in Mudukolathur) and (2) the Board's mistake that I was only a *sub pro tem* Sub-Magistrate of Pamban made them overlook the severity of the Collector's order transferring me from the permanent Deputy Tahsildar and Magistrates place of Mudukolathur to a clerkship on Rs. 70 and they accordingly directed (*vide* Board's No. 7279, dated 8-11-92) that "It *rests with the Collector to decide which "post he is fit for.*" They declined to transfer me to another district as proposed by the Collector but at the same time pointed out the *irregularity in the Collector's procedure* that I had not been given an opportunity of explaining the charge of Mal-administration reported in Mr. Francis' report.

It was in consequence of this order of the Board that the Collector finally degraded me to a post of Rs. 20 as already stated without giving a due consideration to my explanation submitted to the Head Assistant Collector at the suggestion of the Board of Revenue. This degradation the Board were pleased to uphold in part, although they did not evidently agree with the Collector as regards the details of the charges of Mal-administration—They stated:

(1) "On **the other hand there has been some readiness to accept "doubtful charges and press doubtful points against the "petitioner.**" *Vide* para 5 of Board's proceedings: No. 5189 dated 7th September 1893.

(2) There was a great deal of Incendiarism in the village and it is attributed "almost entirely to the effect of his conduct BUT IT SEEMS TO HAVE RESULTED "QUITE as much from the deplorable state of the Police." *Vide ibid.*

(3) "It *is said that* his (petitioners) inference that the Police set fire to his house "proved to be entirely false . . . . . but the *appellants withdrawal* of "his charge* (the Board state) *does not prove that it was false "though it "does show that he could not produce evidence to establish it. Para* 10 *of the Head Assistant Collector's report to the Collector dated 4th October* 1892 *confidential No. A shows on the other hand* that THE BELIEF HAD SOME FOUNDATION." *Vide* para 6 *ibid.*

(4) "Though, in spite of appellant's denial, it is certain that he was frequently "engaged in indecorous squabbles with the Apothecary and others, it "seems to the Board that THEY WERE QUITE AS MUCH IN THE WRONG as he "was. *Vide* para 7 *ibid.*

(5) "*He is greatly blamed*" for having signed a Mahazar to the Government of Ceylon, ("*to the detriment presumably of the Apothecary.*") "*Appellants "explanation in this matter seems, however, to the Board to be satisfactory.*"

(6) "The appellants antecedents" . . . . also show that he has already suffered† "severely and in part without the intention of the authorities" . . . . . .

(7) "The fact was not foreseen that it would be afterwards reduced to Rs. 70.

5. Although the Board of Revenue were pleased to take such a just and impartial view of the things reported against me, yet the very graphic description which the Head Assistant Collector had given of me and the bitterest style in which the Collector had expressed his feelings against me as already quoted seem to have compelled the Board to state that "*it "was evidently contrary to the interests of the State to send him back to Pamban or let him "exercise the powers of a Magistrate anywhere. The Collector says also that he is unfit to be*

* I did not withdraw the charge. On the contrary I recorded evidence and submitted it to the Head Assistant Collector with a covering letter dated 20th May 1892 No. 284 *Vide* foot note to para 14 of the appendix 1, asking for an enquiry *de novo*; but neither the Assistant Superintendent of Police nor the Head Assistant Collector inquired into the matter. The former did make a partial attempt but gave it up for reasons best known to him.

† I suffered reduction twice over quite unintentionally i.e., from Rs. 120 in Tellicherry to Rs. 100 in Pamban and from Rs. 100 to Rs. 70 in Pamban.

Vernacular Head Clerk on Rs. 70." They therefore resolved to make me Head Accountant on Rs. 50 or give me any other post on 50 Rs. As soon as this Resolution was communicated, the Collector *suggested that the Board's order mentioned above "might be held in abeyance pending the conclusion of an inquiry into a charge of borrowing within his jurisdiction.*"

6. The Board's order directing that I should be given a post of Rs. 50 is dated 7th September 1893 and on the 20th September 1893 the Collector seems to have written against me again. The Board called for further report on the 25th September and on the 3rd November 1893, the Collector recommended that I should be dismissed or at all events I should be degraded to Rs. 20 again. When it is remembered how so long ago as 14th October 1892, or even earlier *i.e.*, August 1892, the Collector had not only resolved to GET RID OF ME ALTOGETHER but had also expressed this feeling of his in his letter No. 184 dated 14th October 1892, it is no wonder that he should have again written for my dismissal. The Board however, stated before passing their final order thereon that I should be given an opportunity of cross-examining the witnesses whose evidence was made use of against me in the fresh case. *Vide* reference dated 18th November 1893, though that indulgence* had been refused to me by the Collector,

It will thus be seen that the Board's order now appealed against was not allowed by the Collector to be given effect to and that I was never allowed to join any post in the Government service at all. The Collector's determination to get rid of me altogether by dismissal was finally disposed of in May 1894 IN MY FAVOUR and hence this appeal is only against the Board's order of 7th September 1893. In order, however, to make my grounds of appeal perfectly intelligible, I beg to give first a concise history of my service in the Madura District.

7. **History of Service.**—On the date of suspensions I have put in 28 years of service, part of which (9 years) was in the office of the Board of Revenue. I have been holding an appointment of Rs. 100 or upwards from July 1872 as will be seen from my service list appended to para below. During this long period of 28 years there was NOT THE LEAST WHISPER AGAINST MY HONESTY at all. My uncompromising character and a conscientious and straightforward discharge of my duties sometimes made me unpopular with a few that did not like these qualities. In 1885 when I was drawing Rs. 120 at Tellicherry, I was transferred, as a punishment, from the Western to the Eastern Coast. The Board's order of transfer runs as follows——"*The Board accordingly resolve to remove petitioner from the Malabar District and to transfer him to Pamban in the Madura District the Sea Customs Superintendent of which post will be posted to Tellicherry.*" *Vide* Board's proceedings 30th June 1885 No. 5993 para 3. The Board did not then discuss the pay of Tellicherry or that of Pamban. In fact there is nothing in the records connected with that transfer to show that the Board then knew at all that Tellicherry was Rs. 120 and Pamban only Rs. 100 or that they intended the reduction of Rs. 20—As already shown in para. 4 cl. 6 *supra* and in the words of the Board themselves I have suffered severely by this reduction of Rs. 20 and "*in part*" (as observed by the Board) "*without the intention of the authorities*"

After I had held Pamban for about three years, (about two years after confirmation in it) the pay of the Pamban post was reduced from Rs. 100 to Rs. 70. This was a second unintended reduction and as observed by the Board *vide* Board's proceedings dated 7th September 1893, No. 5189, it "*was not foreseen that it would be afterwards reduced to Rs.* 70."

8. As soon as I found myself twice reduced from Rs. 120 to Rs. 100 and from Rs. 100 to Rs. 70—all without anybody intending the reduction I represented to the Board and they were pleased to promise a promotion on the next opportunity. *Vide* Board's Proceedings No. 515 dated 27th January 1888.

9. In consideration of the facts:—

(1) that I had been holding a post of Rs. 100 and upwards for nearly 20 years.

(2) that I had held a post of Rs. 120 for 10 years;

(3) that I had held the permanent Deputy Tahsildar and Magistrate and Sea Customs Superintendent's place of Pamban for 3 years on Rs. 100;

(4) that I had suffered reduction of Rs. 20 and Rs. 30 quite unexpectedly and for no fault of mine;

* It is a pity that a similar indulgence was not shewn me in connection with the depositions which formed the basis of the Head Assistant Magistrate's report No. A. confidential dated 4th October 1892 though they have been made use of against me.

(5) that there is an implied duty or understanding on the part of Government that on reduction of pay or abolition of offices, the present holders are not disturbed or are provided elsewhere with equal pay, as was done in the case of Sub-Division and Huzur Sheristadars and Taluk Sheristadars, on the introduction of what is known as Mr. Garstin's Scheme, as also on all other similar occasions ;

(6) that the Board have directed the Collector to give me back what I had lost, on the next occasion ;

(7) that in 1888 there was a very warm expectation every where in the Mofussil that the Garstin's Scheme, was soon to come to effect and that at all events the pay of the Sub-Magistrates was to be raised soon and that therefore the pay of the post of Deputy Tahsildar and Magistrate of Mudukolathur was to be soon raised.

——in consideration of these and other facts, the Collector, of HIS OWN ACCORD and without any application from me, transferred me from my permanent post of Deputy Tahsildar and Magistrate and Sea Customs Superintendent of Pamban to the permanent post of the Deputy Tahsildar and Magistrate of Mudukolathur a much heavier division in all respects. The Board sanctioned this transfer in their Proceedings No. 855 dated 5th December 1889. This post I held from June 1889 to the end of that year, doing duty at Mudukolathur and for 32 months more *i.e.*, from January 1890 till 15th August 1892 doing duty at Pamban. All this permanently: and I drew the permanent pay of Mudukolathur. Towards the end of 1889 when the difficulty of getting a competent *passed* person for the Deputy Tahsildar and Magistrate and Sea Customs Superintendent's place of Pamban was felt, on the refusal of one Srinivasa Chari, I was retransferred to Pamban, to do duty there retaining* however my permanent post at Mudukolathur. *Vide* Enclosure

10. Thus it was that when the Collector suspended me on the 15th August 1892 for the charge of Maladministration. I was not a MERE SUB-PROTEM Deputy Tahsildar and Magistrate the Sea Customs Superintendent of Pamban, as the Board have been holding. I was a PERMANENT Deputy Tahsildar and Magistrate of Mudukolathur of upwards of 3 years' standing on the PERMANENT Rolls of Mudukolathur alone and of another 3 years' standing as PERMANENT Deputy Tahsildar and Magistrate of Pamban.

11. **Ignorance of fact.**—That the Board were not, I beg to repeat from para 4 supra, aware of this most important fact of my being a permanent Deputy Tahsildar and Magistrate of Mudukolathur may best be seen from the following wording of theirs :—

(1) In the earliest part of the Proceedings No. 7279, dated 8th November 1892 the Board state that I had "*been removed from his* (my) *appointment at* "*Pamban which he* (I) *seems to have held sub pro tem :*

(2) In the next Proceedings No. 5189 dated 7th September 1893 they state "*The Petitioner who was Sub-Magistrate and Sea Customs Superintendent at* "*Pamban was suspended from the 15th August* 1892 *to some date in March* "1893 *and has finally been deprived of Magisterial powers.....*"

(3) In the 3rd Proceedings No. 2460 dated 8th May 1894 *too*, the Board state "M.R.Ry. Rajaratnam Pillai who was the Sea Customs Superintendent and "Sub-Magistrate of Pamban on Rs. 70 was degraded by the Collector of "Madura to the post of Assistant Superintendent of S. C. on Rs. 20 for "MALADMINISTRATION OF HIS CHARGE."

In short there is not a single word of the Board themselves to show that the Board were aware and had prominently noticed the fact that I was a PERMANENT Deputy Tahsildar and Magistrate of Mudukolathur when I was degraded to Rs. 20 FOR THE MALADMINISTRATION OF MY CHARGE.

If the Board had noticed that I had been a permanent Deputy Tahsildar and Magistrate for many years when the Collecter transferred me to a ministerial post on Rs. 70 and if they had also noticed the fact that at the time of such transfer, the pay of my permanent post had already been raised to Rs. 120, they would certainly have considered it to be very very hard punishment that I should have been given threefold punishment for Maladministration and they would not have at least sanctioned the further degradation from Rs. 70 clerkship to Rs. 50, even on the assumption that I am guilty of the charge of Maladministration.

* The fact that I was made to retain my permanent post at Mudukolathur although made to do work at Pamban shows as a matter of Internal proof.

1. That my stay at Pamban from 1885 to 1889 (June) when I was transferred to Mudukolathur, was a successful one and I was not found unfit for it: Rather I was found to be the fittest person for it both by examination and otherwise.

2. That there was an utter necessity to retain my name as permanent Deputy Tahsildar and Magistrate of Mudukolathur so that I might be sure to get the increased pay, then in expectation, to make amends for my loss. If found unfit this guarantee for increase by accretion would not have been recorded.

12. As it stands, it will be seen, I may be considered to have been punished even more than twice for the same offence *viz.*,

(1) Degradation from the Permanent Sub-Magistrate's place of Rs. 120 to Rs. 70.
(2) Degradation in rank as the transfer was to a clerical grade against the order of Government 2nd September 1893 No. 768.
(3) Deprivation of Magisterial powers.
(4) Degradation from Rs. 70 to Rs. 50.
(5) Suspension from 15th August 1892 till the end of February of the following year—all these for Maladministration.

The Collector states, however, that the first three punishments were not for Maladministration, but that that transfer was necessary as I had not passed the Translation Test and therefore ineligible to hold a Deputy Tahsildar and Magistrate's post. The records will however, show that the real cause was the charge of Maladministration. The dates and circumstances show that that was the real cause.

(1) The following words of the Board prove this—"The petitioner who was Sub "Magistrate and *Sea Customs Superintendent at Pamban was suspended from* "*the 15th August* 1892 *to some date in March* 1893, *and has finally been* "*deprived of Magistrate powers and degraded from a post of Rs.* 70 *to a post* "*of Rs.* 20."

"2. **The cause was his Maladministration of Pamban.**" *Vide* Board's Proceedings, 7th September 1893.

13. The words of the Board printed in black type above show clearly that the records do leave an impression on the minds of any impartial reader of records that (1) the suspension, (2) deprivation of powers, and (3) degradation from Rs. 70 to Rs. 20 were all meant as punishment for Maladministration. Unfortunately for me, the circumstance that I was a permanent Sub-Magistrate and Deputy Tahsildar of Mudukolathur had not been brought to the PROMINENT notice of the Board. The Board were evidently under the impression that I was only a *sub pro tem.* Deputy Tahsildar and Magistrate of Pamban on Rs. 70, and they did not therefore consider it a serious matter that I was transferred to the Vernacular Headclerkship on Rs. 70. Their words are

"*It appears, however, that owing to his not being fully qualified according to the prescribed Tests, Rajaratnam Pillai* has been removed from his appointment *at Pamban* WHICH HE SEEMS TO HAVE HELD SUB PRO TEM. . . . . *Vide* para 1 of Board's Proceedings, No. 7279, dated 8th November 1892.

It is thus very clear on reading these two passages of the Board, that while the Board have rightly understood that I was deprived of the powers and again degraded to Rs. 20—all as punishment for Maladministration, they did not evidently take objection to a double punishment because they were not aware just then; (*a*) that I was a permanent Deputy Tahsildar and Magistrate of Mudukolathur and not a mere SUB PRO TEM. one of Pamban; (*b*) that there was an unintended reduction in my pay from Rs. 120 to Rs. 100, and again from Rs. 100 to Rs. 70 ; (*c*) that there was an understanding* to give me Rs. 100 again on the next vacancy ; (*d*) that the transfer to Mudukolatur in preference to Pamban and the retention of my name on the Mudukolathur Establishment though doing duty at Pamban were more as a guarantee for my getting back Rs. 100, there being an expectation then that its pay was to be Rs. 100 or Rs. 120 in the new scheme, and (*e*) that the shunt was not only a deprivation of powers as the Board held, but was also an actual degradation in rank and pay (the pay being then raised, to Rs. 120), and (*f*) above all that the shunt was *ultra vires* not having been sanctioned by the Government as required by G. O. No. 768, dated 2nd September 1893.

I earnestly pray first that even granting for a while that I am guilty of the charge of Maladministration, the fourth punishment for the same offence, *viz.*, the degradation from Rs. 70 to Rs. 50 be cancelled, as it is opposed to all principles of justice that one should be punished so many times over again for one and the same offence.

There is another reason too, why this punishment of degradation from the Vernacular Head Clerk's place Rs. 70 to Rs. 20 (now Rs. 50) should be cancelled. If I were found unfit to hold the place of a Deputy Tahsildar and Magistrate for want of tact of administration,

* Board's Pro: Dated 27-1-88 No. 515.

it is no reason why I should not hold the place of the Vernacular Head Clerk on Rs. 70 in the Collector's office—in which situation my work is entirely clerical and no administrative or executive tact is needed.

I was never tried in that situation, and there is therefore no reason whatever why I should again be shunted out to Rs. 20 (Rs. 50.)

14. **Unfairness.**—Here I earnestly solicit the gracious attention of Your Excellency in Council to the bitter and severe terms (*Vide* the words underlined in green ink in Enclosure B) in which the Collector has, most unfortunately for me, expressed his desire or determination to get rid of me altogether: and I most humbly and respectfully pray that Your Excellency in Council will be pleased to see whether the records disclose any such faults against me as to render me a fit object for the Collector's dislike and severe determination.

My honesty has never been questioned at all. In fact, no moral delinquency has been even imputed to me. Only want of tact or discretion has been stated against me. Granting that the circumstances do prove me to be wanting in tact and discretion required of a Deputy Tahsildar and Magistrate (but the following paras will prove that I do not deserve this charge too) yet it does not follow in the least degree that I am unfit even for a Vernacular Headclerkship on Rs. 70, and that I deserve the Collector's displeasure to such a degree that he should have determined to get rid of me altogether.

The Collector's refusal to allow me to join even the post of Rs. 50 which the Board were pleased to give me on appeal, and his proposal to leave me under suspension till another new case was disposed of, and, above all, the Collector's final proposal to dismiss me (which the Board fortunately negatived) show clearly that Mr. E. Turner had become quite prejudiced and determined against me for reasons which can only be smelt from the records.

Here I beg to be kindly excused if I express my feelings that, although I did not then believe them in the least, I have now reasons to think that there must have been some truth in the triumphant displays and rumours of the Port Officer, the Apothecary and the Police that they had sown seeds of my ruin already through their Departmental heads.

15. Under these circumstances I pray first, I beg to repeat, that the fourth punishment for the same offence (Maladministration) be cancelled first, and I be restored to the place of Vernacular Headclerkship on Rs. 70, and then after a perusal of the following paras., explaining how I am not guilty of the charge of Maladministration, cancel the other degradation also (THE FIRST THREE ITEMS OF PUNISHMENT BEFORE JUDGMENT) and the fifth, *viz*, suspension, and thus restore me to my permanent place of the Deputy Tahsildar and Magistrate of Mudukolathur (with its present pay) from which I was improperly transferred without the sanction of the Government.

16. **Examination Rules**—*Unfairness of the applicability* of—*to my case*—It has been shown above that the real cause for the four fold punishment was the charge of Maladministration and not the Examination Rules and that these Rules only furnished means readily for the carrying out of the Collector's determination to give me a long continued shunt without a reference to the Government and without formulating any charges against me.

I shall now show that granting that the real cause was the Examination Rules, yet this in itself is not fair.

(1) There were at least two occasions previously when the Collector, the Board, the Government or the Accountant-General could have raised the objection which the Collector has now raised *viz.*, that I had not passed the Translation Test and therefore ineligible for a Deputy Tahsildar and Magistrate's post.

(*a*) In June 1885 I was appointed *subpro tem* Deputy Tahsildar and Magistrate of Pamban and was confirmed in October 1886.

(*b*) In June 1889 I was appointed *subpro tem* Deputy Tahsildar and Magistrate of Mudukolathur and was confirmed there after a trial at the end of that year. (*Vide* Board's Proceedings dated 5-12-89, No. 855.)

On neither of these occasions was it objected that I was not eligible for the post of a Deputy Tahsildar and Magistrate on the score that I have not passed the Translation Test. I was allowed to be a permanent Deputy Tahsildar and Magistrate for about 6 years and was allowed to draw its pay. Does not this amount to a waiver of the objection? If on those occasions the then rules did not require the Translation Test for the post of Deputy Tahsildar and Magistrate, any subsequent rules cannot affect me retrospectively after I had been a permanent Deputy Tahsildar and Magistrate for half a dozen years and after I had drawn the permanent pay of the post for so many years.

(2) In 1892, August or September when the Collector was making arrangements to fill up the Stationary Magistrate's posts there was no necessity, in the ordinary course of things, for the Collector making a special inquiry as to whether one who had already been a permanent Deputy Tahsildar and Magistrate for about 6 years had passed all the Tests required for the post.

I being already a permanent Deputy Tahsildar and Magistrate of Mudukolathur, all that he had to do then was merely to be passive *i. e.*, leave me alone untouched and I would then be drawing Rupees 120. The unintentional degradation would thus have been cancelled, as promised in Board's Proceedings No. 515 dated 27-1-88.

No doubt the Government had given the Collectors power to pass over men of proved inefficiency and refuse to give them the increase, but this power cannot be supposed to apply to my case in which I may be said to be entitled to the increase in lieu to what I had lost by the reduction of Pamban pay an increase already promised. There was therefore no necessity at all for an inquiry into the circumstance as to whether I had not passed the Examination. The very fact of the inquiry means that some enemy or enemies of mine put the idea of the examination into the Collector's head just at a time when it was for me to reap the benefit of the long expected restoration to my former pay, or that the **one-sided report** of the Assistant Superintendent of Police regarding my unpopularity and Maladministration was working in the mind of the Collector. For the ends of Justice I should have been called upon by the Collector to explain the several accusations in the report of the Assistant Superintendent of Police before he represented my case to the Board. Thus, it will be seen that in this as well as in the case of the report made by the Head Assistant Collector, the Collector failed to do me Justice in not having sent for my explanation on them in the first instance.

The Collector's failure to notice on the previous two occasions (*i.e.*, in 1886 and in 1889) that I had not passed the Translation Test, has been of very serious consequence to me. For if on my transfer from Tellichery Rs. 120 to Pamban or on my confirmation at Pamban, the Collector raised the objection that I had not passed the Translation Test and therefore ineligible, the Board would have made me some other provision on Rs. 120 or Rs. 100.

Again when he confirmed me at Mudukolathur, if he had raised this objection, I would have been left at Pamban or would have been provided with some appointment of Rs. 100 elsewhere.

The benign rules of Government invariably make provisions to present-holders, on reductions of pay or abolition of offices and if when the Pamban pay was reduced the Collector had moved the Government to make some provision for me, I would have been provided with Rs. 100 in any other district or at least in the Presidency offices.

If, when the Collector was making arrangements to fill up the Stationary Magistrates places, he found me ineligible under the Examination rules, he should, in consideration of my long service, or of the facts of my having been reduced in the Revision and of the Board having promised me the next vacancy, made a reference to the Government. If this had been done the Government would either have exempted me from the Examination rules considering my long service at Mudukolathur which I had already held permanently for upwards of 3 years or would have found some other place of Rs. 100 for me elsewhere. The Collector would certainly have done this, were it not for the circumstance that he had conceived a very strong dislike towards me as soon as he heard of the charge of Maladministration. Thus it is also evident, that the shunt given me from the Deputy Tahsildar and Magistrate's place of Mudukolathur (permanent) the pay of which had been raised to Rs. 120, was in itself a punishment meant for the Maladministration.

17. The objection on the score of the examination was mooted for the first time only after the charge of Maladministration had come to the Collector's notice and not till then. I beg to be kindly excused if I submit here with deference and reluctance that the Examination rules only furnished the Collector with the means of removing me from the Deputy Tahsildar and Magistrate's post of Mudukolathur on Rs. 120 without asking for the sanction of the Government.

18. **Transfer from Pamban**—*Unfair.*—Perhaps it may be argued against me that the Pamban post being only a Sea Customs Superintendent and the Deputy Tahsildar and Magistrate's work being only an accidental addition to it, it did not require the Translation Test and that therefore my appointment as permanent Deputy Tahsildar and Magistrate and Sea Customs Superintendent on Rs. 100 at Pamban 1886, was not in violation of the Examination rules.

If so, it follows that my transfer to Mudukolathur on equal pay, without my asking for it, was UNFAIR if eventually my appointment there had to be objected to. Certainly I should have objected to the transfer if, at all I had known that I was eventually to be

declared ineligible to hold Mudukolathur. The transfer carried no increase of pay at the time but only an enormous increase of work. As, however, it was intended that I must have the benefit of the eventual ACCRETION TO IT *i. e.*, the expected increase of pay, to make amends for what I had lost by reduction at Pamban, and as I did not know the objection on the score of the Examination I refrained from objecting to the transfer.

There is another way of looking at the matter which will show that I have been dealt with most harshly. When on account of the difficulty of getting one competent by Examination rules or otherwise to fill up the Pamban post, I had to be transferred back to Pamban, why was I not transferred permanently to Pamban as I had been from Pamban to Mudukolathur? If I had been permanently transferred, and if *Pamban post required no Translation* Test, I would not have been so easily shunted out from it, on the score of the Examination rules. The Collector would have had to wait till the charge of Maladministration had been fully gone through and he would have given me the shunt from Pamban only after the fault was established. For the Maladministration, if proved, I would thus have been punished by a degradation in rank and by a deprivation of powers only and the additional punishments of suspension and degradation from Rs. 70 to Rs. 50 would have been saved. In this sense my transfer from Pamban to Mudukolathur was in itself an eventual punishment.

[Encl. F. F1. F2.] 19. **Mr. Wynne's letter of 14th May 1891**—Great stress is laid on Mr. Wynne's letter of 1891.—I most earnestly solicit the gracious attention to it and its two Enclosures, herewith submitted, from which it will be seen that the irregularities are mostly clerical.

In Appendix III to which I invite the kind attention of Your Excellency in Council, I have fully proved that the several items reported against me by Mr. Wynne were clerical faults to which the establishment (and not myself) was answerable.

Granting, however, that I was personally responsible for them, yet that matter cannot be used against me now.

1st. Because the Board of Revenue who had evidently been convinced that most of the items of charges were clerical directed the Collector to provide me with an efficient gumastah and recorded a warning to be given me to the effect that a repetition would entail a reduction. (*Vide* Board's Proceedings No. 4291, dated 24-6-91.) This WARNING WAS NOT COMMUNICATED TO ME AT ALL.

2nd. Because the Board of Revenue had, agreeing with Messrs. Pinhey, and Ayling Acting Head Assistant Collectors thought that my office was undermanned, and directed that a competent Head Gumasta be given me. This WAS NOT CARRIED OUT AT ALL.

In one word I may say the Board's order on Mr. Wynne's letter was not given any effect to at all; and how could it be used against me now.

3rd, Because a *repetition of similar faults has not been made out at all.* On the other hand it has been admitted in Para. 6 of Mr. Wynne's memo that "*the 2nd Inspection in September showed a general improvement.*" It must be remembered that I joined Pamban from Mudukolathur only in January 1890 and in June, the first Inspection came on, *i. e.*, I had hardly been six months in charge of the office to be held responsible for the defects in the Registers. The Head Assistant Collector himself says "*that the faults previously pointed out have been to some extent remedied.*"

This shows my capability of removing even these clerical defects of years, within so short a time as about two months of July and August that intervened these two Inspections. This improvement—remidy "to some extent"—of clerical defects of years was effected with great difficulty at the cost of out of office hours with the assistance of the Union Clerk, the Registration Department Clerk and the copyist. In my explanation on the remarks in the Inspection Notes of the Head Assistant Collector, I said that the defects were due to the unsettled state of the office and want of clerks as stated in para infra and not to my inefficiency. Hence the Board were pleased to direct the Collector to furnish me with a more efficient gumastah.

It may perhaps be stated that the charge of Maladministration must be looked upon as the justification for using Mr. Wynne's letter against me now. This means two things, viz., (1) that the Collector made use of Mr. Wynne's letter against me after he heard of the charge of Maladministration and (2) that the real cause of my degradation from Mudukolathur Deputy Tahsildar and Magistrate's post to a clerkship was more the charge of Maladministration than the examination rules.

If Mr. Wynne's letter and the charge of Maladministration be left out of account for a while, the Collector would have absolutely no justification to pass over me or more properly, to shunt me out from my permanent place of Mudukolathur and he should, (if the examination affair were brought to his notice for the first time) have written to Government about his blunder committed 6 years or 3 years before that, by which I had been made a permanent Deputy Tahsildar and Magistrate of Pamban and then of Mudukolathur in violation of the examination rules, and that I drew that pay for 6 years or 3 years without this defect being noticed at all. The Collector did not choose to lay the case before Government for orders, evidently because he had determined to get rid of me altogether as charge of Maladministration had already been reported to him and that brought on in its train the old buried affair of Mr. Wynne's letter. If the matter went before Government there was at least some reason to believe, that, in the case of persons long in the service and actually holding the office for which the test is required, I would either be exempted or given, time as is generally done, to pass the Translation test Vide GO. dated 30-1-89 No. 602, which was passed in the case of one Sanjivi Naidoo, for instance, while he was Taluq Sheristadar in the Chingleput District. Hence I beg to state with great reluctance and deference that the examination affair only furnished the Collector the plant.

20. **Maladministration.**—Thus the question of Maladministration becomes all-important not only as a factor calling into life again Mr. Wynne's letter but also as the only fault for which the five-fold punishment has been inflicted on me.

(1) **Evidence**—*weak and insufficient.*

The particulars constituting this charge are given in the Head Assistant Collector's letter No. A. (confidential,) dated 4th October 1892. He went to Pamban on the 21st September and his report is dated 30th September, perhaps despatched on the 4th October—the whole period taken by Mr. Francis to seal my fate being eight days, though the inquiry occupied only half that time.

As far as I am able to gather only the persons named in the margin were examined by him and therefore his report must have been based entirely on their statements which I enclose. [G. G1. G2. G3. vide BP 8-11-92 7279] I beg most humbly that Your Excellency in Council will kindly be pleased to see whether these depositions bear out Mr. Francis's conclusions and whether he is justified (on the strength of these depositions) in declaring me to be the cause of disorder in Pamban.

1. D. John Pillay. 2. Kalimuthu Pillay. 3. Veerasawmi Naidoo. 4. Ponnusawmy Pillay.

(2) **Irregular Procedure**.—The foot note to para. 2 of the Appendix II will show clearly that Mr. Francis deliberately got rid of me and procured my absence at the time of the inquiry. Why should not there be an open inquiry, and what were the specific charges against me so serious as to procure my absence.

The Government of India have ruled from time to time that the accused must be allowed to be present when evidence is recorded against him and he should be allowed to cross-examine the witnesses brought against him. The benefit of this most benign rule was denied to me and I was specially asked to leave Pamban. Does not this mean that Mr. Francis had PREJUDGED MY CASE and probably thought that I was guilty? And what was worse was, that the evidence obtained under such circumstances was submitted to the Board before obtaining my explanation thereon and that I was suspected to be so very bad as to be an hinderance to his procedure at the inquiry. Is this fair?

It should be so proved in the presence of the party accused and subject to his cross-examination and so with other specific act susceptible of proof by the evidence of witnesses upon which accusations within the category are built.
E. M. C., dated 5th May 1854, No. 421.

When, according to Mr. Francis, I had lost all regard and influence at Pamban, how could my presence there at the time of the inquiry be obstructive to Mr. Francis? This, I beg to point out with deference and reluctance, is an inconsistency.

(3.) **Cross-Examination**.—Appendix II in which the charge of Maladministration has been fully discussed will show HOW VERY NATURALLY my case has become prejudiced by my not having been allowed to cross-examine the witnesses named above.

(4.) **Extra official information**—A close comparison of these depositions with Mr. Francis's letter will show that the latter contains many matters of fact NOT CONTAINED in the depositions on which Mr. Francis should have based his decision and report. The inference must be, I beg to be excused if I express this though with deference and reluctance, that Mr. Francis must have got some **extra official** information against me not con-

tained in the records but *gathered by him* in a table talk. In para. 6 of his letter of 4th October he says "he cannot hear" &c. Can a hearsay evidence be used against me?

The sequel of the Appendix II will show that I had worst enemies in the Port Officer—an European officer on Rs. 300 a month—the highest Government official at Pamban: and also in the local Apothecary. The local Police was also against me. I know as a matter of fact that these were availing themselves of each and every opportunity to say something against me to their own Departmental Heads, the District Surgeon and the Assistant and Destrict Superintendents of Police.

The Assistant Superintendent of Police who had certainly heard against me from his own subordinates (*Vide* the Appendix) had his local information extra-officially from the Port Officer, whose feelings towards me the Assistant Superintendent could not have known then so as to reject his information as that of an enemy and therefore much coloured and exaggerated.

Similarly Mr. Francis who derived his first information against me from the Assistant Superintendent (I should say) fell himself into the same net, and blundered (I beg to state in self-defence the bare truth) similarly in taking the words (extra official words) of the Port officer for the whole truth, not knowing at first that the Port Officer had his own strong dislikes.

21. **Enmities of the Port Officer and the Apothecary**.—Mr. Francis says that because I did not pull on well with the Apothecary and the Police, Pamban was thrown into the state of an anarchy. I leave it to your Excellency in Council to judge

(I) Whether this inference is a proper one.

(II) Whether I am in any way responsible and blamable for *their* strong dislikes.

One thing may be said with certainty after the sad experience, *viz.*, that the strong dislikes which the Port Officer and the Apothecary had conceived for me, did certainly tend to throw me out of my post rather than to throw Pamban into a state of "anarchy." In fact, there was no anarchy at all.

Every year there used to be fires in Pamban and this year the Police of the place created fires accompanied with threatening notices of fire. The whole report of Mr. Francis consists (leaving the paras relating to the quarrels apart) of a description of a series of fires. This Incendiarism was the only remarkable feature of Pamban for the space of a month and 20 days, *i.e.*, from 2nd May to 19th June. From this one circumstance alone Mr. Francis infers that Pamban was thrown into the state of what may be termed an "anarchy." *Instances are not rare in which* some district forms the scene of some crimes for some period. Dacoities become rife in some parts of a District for some time—likewise Murders and Robberies form the horrible feature of the day in some District or parts thereof in some months. So in Pamban, Incendiarism prevailed during those 50 days desultorily and created horror. In all such prevalence of any particular crime it is the Police that is generally and properly blamed for the lax administration and not the Magistracy unless it is shewn that a number of cases were let off thus encouraging the offenders. But it is an admitted thing that the Police did not charge even a single case of Incendiarism and hence the whole laxity of administration which encouraged Incendiarism must properly be laid at the doors of the Police. One remarkable feature in these fires was that only those who had offended the Constables had to pay heavier penalty for their sins.

The Police is thus blamable for the disorderly state of Pamban caused by Incendiarism—even for its neglect of duty in not bringing to detection any cases. *A fortiori*, the fault becomes worse when the Police themselves are suspected to be the PERPETRATORS OF THIS CRIME. I am aware that I may be said to be now tasting the bitter fruits of my having expressed frankly, perhaps indiscreetly, that the Police were the offenders. For it is this that incensed the Police and the Collector the more. The Assistant Superintendent of Police seems to have taken it much to his heart that I ventured to blame his department of such a crime as habitual arsony.

22. Mr. Francis (paras No. 9 and 10) lays special stress on my having accused the Police and on my having failed to prove it. The Board have, however, been pleased to relieve me of that blame by saying that my inability to prove against the Police does not mean that my accusation was false. I was prepared to prove it, but no one wanted me to do so. *Vide* foot note to cl. 3 para 4 supra.

Proof against the Police.—Although it is generally believed, I should say, that I failed to prove that the Police were the offenders yet the following circumstances will show that there is ample proof against the Police for all administrative and executive purposes if not for judicial purposes.

(*a*) *Oral evidence*—Mr. Francis has based his report on the depositions of the persons named in the margin of para 20 supra, which form the whole records of the inquiry into the charge of Maladministration. They prove that the Police were the offenders as is fully discussed in the Appendix II.

(*b*) *Circumstantial Evidence.*—Mr. Francis admits two facts viz., (1) that the houses of such persons as had made themselves repugnant to the Police recently were burnt (2) that fires ceased after the transfer of the Station House Officer and some constables.

The conclusion is inevitable that the police must be the offenders *vide* para 6 of the Board's proceedings, dated 7-9-93, No. 5189.

If such proofs as these be not sufficient at least for administrative and executive purposes to blame the police for the prevalence of Incendiarism, they are at least blamable for laxity of Police Administration in not having exerted themselves in such a way as to prevent the prevalence of such crime.

I cannot be blamed because not a single case was laid before me.

23. When the crime was spreading itself (in an horrible form) and when I found the Police were at the bottom or at least *inert*, I reported the matter to higher authorities. If I had not reported the sad state of things, I might be blamable for omission—I did report and thus very innocently tended to wound the feelings of the Assistant Superintendent of Police, who, I am sorry to have to repeat with deference, not only prejudiced the Collector but also influenced the action of the Head Assistant Collector to a very great extent. If the Assistant Superintendent of Police or his Inspector turned upon the scene then and there at my request, the other fires would not have occurred at all. It was the late arrival of the authorities that had enabled the Police to cause other fires in the interim.

24. This Incendiarism taken away, there was nothing extraordinary in Pamban in my days—It was as quiet as ever or as any other place could be. There was not the least sensation—my straightened feelings with the Apothecary and the Port officer did not at all bear directly or indirectly on the general state of the people of Pamban. It was not their concern to see whether I was a friend or foe of the Apothecary, nothing depended upon it. Mr. Francis says there were factions. There was no such thing at all. There is no record to show that there were factions: nor was there any event from which the existence of a faction may be inferred. Pamban continued to be quiet as ever, BEFORE the fires began and AFTER they ceased *i.e.*, after the Station House Officer and the Constables were removed.

25. **Port Offieer.**—Mr. Francis alludes to some acrimonious tone of my correspondence with the Port officer. Appendix II will show that there were only two occasions on which I had to entertain OFFICIALLY an opinion directly opposite to that of the Port officer.

1*st Occasion*—The Sea Customs Superintendents used to conduct the Survey of Boats When I was officially asked by the Collector, if it was not necessary to transfer the work to the Port officer on the score of want of ability on the part of the Customs officials to do such work, I expressed my opinion frankly that I never experienced any such difficulty and that all I found necessary for the business was a common sense and a knowledge of Arithmetic. It is not unusual to hear such differences of opinion between professional and non professional Departments.

2*nd Occasion.*—The Port Officer prosecuted a few boatmen under the Boat rules. I had to let off some of them not on merits and finding on facts, but merely on the technical ground that the boat rules did not apply. The District Magistrate was of the same opinion as myself but the Port Officer took these discharges much to his heart and began to CONCEIVE A HATRED TOWARDS ME.

It will thus be seen that it was only on official matters (nay one official and the other judicial) that I and the Port Officer differed and there is not a single act of mine pointed out in my subsequent conduct to *show that I in my turn disliked the Port Officer.* I was only sorry that for the due and conscientious discharge of my duties, I should have been disliked by the highest European officer on the spot.

There is not a single instance quoted in which this dislike affected my public duties, nor his. The public had no concern with it at all.

26. **Apothecary**.—Appendix II shows fully my connections with him. There were two occasions on which I had to differ from him.

1*st Occasion* occurred in September 189I. One Nagu Aiyan presented a complaint to the District Magistrate complaining that the Apothecary killed a pilgrim with bad Medicines and misappropriated his property. The Head Assistant Magistrate referred it (apparently under Sec. 202 of Criminal Procedure Code) for inquiry and report within two days. I did my duty and this irritated him very much as proved in the Appendix.

2*nd occasion*—An accused in a Criminal case set up the defence that the case was a concocted one and implicated the Apothecary's name in the concoction. On the very face of it, I thought it was not likely, as I could not be persuaded that one of the Apothecary's position could have condescended to get himself mixed up in that way. It was due to the defence, however, that I should fully satisfy myself on the point. Before summoning the persons before my Court, likely to have known the matter and before putting such persons into the witness box where they will be liable to be asked all sort of nasty indecent and degrading questions, perhaps unnecessarily, I wanted first to see whether there was the least appearance of truth in the story of the defence. When one of the persons happened to be with me on some other business, I put a few quasi Judicial questions on the subject. When the apothecary heard of this, he lost temper and instead of thanking me for my considerate behaviour not to expose him unnecessarily in the Court, he assaulted me as detailed in the Appendix.

These are the only two occasions and in both of them I was discharging my duties bonafide. On the first occasion the Apothecary resisted and obstructed me in the discharge of my work as a Magistrate and my report against him for it was not taken notice of at all. There is a complaint of murder and misappropriation of property on which I am called upon to report within two days. He does not submit himself for examination and resists my powers. His conduct is reported by me and no notice is taken of that also.

Similarly when I had an occasion to record the conduct of the police in the Visit book, the Station House Officer, evidently prompted by the Apothecary, follows his lesson and resists my powers.

27. Am I to be blamed for it. With greatest reluctance and deference I beg to add that if the Apothecary grew so rude against me and if the Station House Officer also did so, it was not because I was wanting in capacity and discretion but because they were encouraged to be unruly seeing that the Magistrate and his Head Assistant did not strengthen my hands.

Administration means and presupposes power—when the Collector omitted to take any notice of the instances of proved resistance of my powers, others were encouraged to follow the same course with impunity.

28. The Appendix II, will show clearly.

(1) That there were but two occasions on which I had to differ in my opinion officially from the Port Officer and there was no quarrel with him at all and that he unnecessarily disliked me for which I am not to blame.

(2) That there were similarly two occasions in one of which the Apothecary resisted my judicial powers and did not submit himself to an examination with reference to a serious complaint against him and on the other occasion he, in a private capacity and for a private imaginary wrong, trespassed into my house and assaulted me, and that these two occasions did not bare upon the state of Pamban at all.

(3) That the Police were the perpetrators of Incendiarism which struck terror in the minds of the people and that I am not in the least responsible for them.

Thus it will be seen that if the Board had gone through my explanation carefully they would not have arrived at the conclusion they have come to as stated in paras 3 and 4 of there Pro: 7th September 1893.

Under these circumstances, the charge of Maladministration which is based entirely on these events falls to the ground. Here I invite attention to the remarks of the Board of Revenue to the effect that there has been some "readiness to accept doubtful charges and press doubtful points against Petitioner."

28. The Board were pleased also to note with reference to the Port Officer and the Apothecary that they were also to blame; but the Appendix will show that they are the only persons to blame and that I deserve credit for having done my work quite uncompromisingly and without caring for the smiles or frowns of my brother officers on the spot.

I therefore pray that I may be acquitted of the charge of Maladministration honorably.

30. As Mr Wynne's letter can be revived only when there is a repetition of the same conduct, and as no repetition is made out and as the charge of Maladministration has been disproved, it follows that Mr. Wynne's letter cannot be revived at all. It is shown in clear terms in Appendix III that Mr. Wynne's letter cannot affect me even if revived.

Here I beg to solicit attention to the benign rule of the Government of India quoted in the margin, to the effect that the past misconduct should not be taken into consideration in punishing a public servant.

The admission, however, of evidence of previous bad character requires great caution. It was argued lately in a petition that if one fault is taken as an evidence of another, the first punishment of a small fine expands into dismissal by a sort of natural growth. It is certainly not uncommon for dismissing officers to support a weak case by reference to previous punishments for misconduct, too slight for confidence that it received close attention—G. O. 3rd December 1883 No. 2290.

31. Before concluding, however, I beg to add a few words about my capacity for work and my character.

I am of 28 years standing in the Government Service as detailed in the margin: I was never found fault with for any sort of moral delinquency at all.

EXTRACT FROM THE SERVICE REGISTER.

Name of appointment.	Pay.	Date of appointment	Date of termination of appointment.	Period in each.
				YR. M. D.
Clerk Revenue Board Office	17½	1-1-65	1-1-67	2-0-0
Accountant do do.	25	1-1-67	10 9-69	2 8 10
Do. do. do.	35	10-9-69	1-2-79	0 4-21
Do. Local Fund Dept. do. ...	50	1 2-79	1-3-70	0-1-0
Do. do. do.	60	1-3-7 1	1-9-71	1-6 0
Do do. do	80	1-9-71	17-7-72	0-10 17
Head Clerk, Collector's Office Malabar ..	150	17-7 72	1-2-75	2-6-15
Sea Customs Supt. Tellicherry, do. ...	120	1-2-75	2 3-85	10-1-1
Ag. do. Dy. Tahr. & Sub-Magr. P mban.	100	12-10-85	21-10 86	1 0-9
Permanent do. do do.	100	22 10-86	1-4-88	1-5-8
Do. do. do. do.	70	1-4 88	19-6-89	1-2-19
Dy. Tahr. & Sub-Mags. Mudukol thur ...	70	19 6-89	1-1-90	0-6-12
Sub-protem Sea Customs Supt. and Dy. Tahr. and Sub-Magistrate Pamban, ...	70	1-1-90	3-9 92	2-9-3
Furlough from 3rd March 1885 up to 11th October 1885.				0-7-11
Under suspension from 3rd Septemer 1892 up to 28th February 1893.				0-5-26
Leave on forfeiture of full pay from 1st March 1893.				0-9-0

The only charge that was ever brought against me during my incumbency at Tellicherry was that I was wanting in courtesy. As an officer of Customs, I was coming in contact with many respectable people, European as well as Native merchants. The Western Coast people are remarkable for their great sensitiveness. They are as a class extremely touchy and would not bear the least indifferent treatment. The Moplas of the Western Coast are proverbially known to take greatest offence at the least insult. In short, the feeling of resentment is very great in the native merchants of that coast. With all this, there was not a single instance in which any native merchant felt himself dissatisfied with my treatment of him

The Customs Act and rules were very rigorous on some matters and in working them great tact was found necessary and I was yet very popular with all the merchants both Natives and Europeans and I had established a character for politeness. It was only in two individual cases, during the whole tenure of my office in Tellichery, that Mr. Ross happened to find fault with me on the representation of his acquaintance Mr. Gover. Mr. Ross thought that I was impolite to him because as a matter of necessity under the Customs rules and the Act I had to open and examine a package imported by him from a foreign country, especially that it had not been covered by an Invoice. If he took this to be an impoliteness, one discharging his duties according to the best dictates of his conscience must be guilty of such impoliteness. Similarly in another case an European Agent to Messrs. Hinde & Co., a friend of Mr. Ross was concerned.

It was only from these two singular instances that Mr. Ross was pleased to generalize and declare that I was wanting in courtesy, and I was transferred to Pamban. As I first thought there was no reduction of pay and as by the transfer I got Magisterial powers also, it satisfied my ambition and I made no appeal. And besides it was a District which, during my stay there, I wanted to get a transfer from, even at the sacrifice of a portion of my pay.

32. Against Mr. Ross's opinion of me recorded in Board's Proceedings quoted already, I beg to submit, in original as Enclosures, the opinions of Mr. Overbury and Mr. Buick. In 1878, Mr. Overbury says: "*During the 3 months I have been Sub-Collector at Tellicherry many cases in which the* CONDUCT AND CAPACITY OF the Customs *Superintendent have been brought in question, have come before me. In all I have found C. Rajaratnam* ACTED EXACTLY ACCORDING TO LAW, *and I am well pleased with the way he has discharged his* DIFFICULT AND SOMETIMES

Encls H, H1, H2.

VERY TRYING DUTIES." Again in 1881 he writes: I have much pleasure in testifying *to the manner in which Rajaratnam Sea Customs Superintendent has discharged his duties and to the* UNIFORM CIVILITY HE DISPLAYS *in his duties to the public who resort to his office.*"

Mr. Buick says "Rajaratnam Pillai, Superintendent of Sea Customs at Tellicherry occupied that position during the term I was Sub-Collector from June 1875 till November 1878. OWING TO THE UNSATISFACTORY STATE OF THE CUSTOMS LAW, since remedied, he had CONSIDERABLE DIFFICULTIES in administering the duties of his office which HE OVERCAME in my opinion SUCCESSFULLY."

33. There are other similar records testifying to the excellent way I had been discharging my duties but I regret they are just now not available for use. After my undeserved transfer to Pamban from Tellichery, there was not a single case in which my treatment of any merchants or other persons resorting to my office had been resented at as impolite. The cases of Mr. Carlyon, the Port Officer and Mr. John Pillai, the Apothecary, are peculiar and it has been proved that they are to blame.

34. It thus follows that because I was strict in the discharge of my duties and let off one or two boatmen whom Mr. Carlyon wished me to convict, or expressed my opinion frankly on a general question referred to me for opinion, and because I obeyed the Head Assistant Magistrate's order under sec. 202 of the Criminal Procedure Code in the matter of a complaint of murder and misappropriation of property against the Apothecary and I was uncompromising in the discharge of my duties, caring very little for the smiles or frowns of anybody I have been punished so many times over.

35. Granting the worst, because I became a personal enemy of Mr. Carlyon and Mr. John Pillai, am I (1) to be degraded from the permanent Deputy Tahsildar and Magistrates place of Mudukolathur to a clerkship and that without the sanction of Government as stated in G. O. No. 768 dated 2nd September 1893; (2) to be degraded from Rs. 120 to Rs. 70; (3) to be again degraded from Rs. 70 to Rs. 50; (4) to be mulcted in my pay from September 1892 to March 1893, treating the period as suspension; (5) to be posted as Taluk Head Accountant of Dindigal and then put (after 28 years service and in the latter age) *to the necessity of learning a new sort of work altogether.*

Am I to be punished in these manifold ways merely because I became an enemy of Mr. Carlyon and Mr. John Pillai or more properly because they began to hate me for the due discharge of my duties? Am I, after 28 years service to be sacrified for mere clamour or storm raised by two persons quite unreasonably against me. Here I invite attention to the words of the Government of India as per margin.

If on the one hand, those servants are to be held strictly responsible for the due exercise of the powers entrusted to them—and every abuse of these powers is to entail severe punishment—it is at least absolutely necessary, both in justice to the individual and to the public interests, that the servants of Government should not be convicted on light and insufficient grounds—should not be sacrified for mere clamour—nor caught by plots concocted purposely to entrap them. *Vide* E. M. C. Dated 8th August No. 840.

36 Again am I to be sacrificed for the mere unfavorable opinion of one or two officers,—an opinion based on *no facts* at all—officers who in the words of the Board were only too ready "*to accept doubtful charges and press doubtful points against Petitioner.*"

The court had, in view the habit of dismissing native officials in consequence merely of the unfavorable opinion of their superiors, or for slight reasons, but as a rule subordinates are now dismissed only on very precise charges of delinquency. The same disposition of mind, however, on the part of European superiors which in former days led to the dismissal of native subordinates on slight charges now too often leads to the hasty acceptance of evidence as establishing serious charges. G. O. 3rd December 1883 No. 2290.

I leave it to Your Excellency in Council to consider and decide whether for the mere fact of my having offended Mr. Carlyon once or twice and Mr. John Pillai twice in the course of two years, it is fair that an old and faithful servant whose integrity was never questioned even in the most tempting offices of the Customs Department and Magistracy, should be sacrificed.

37. The degradation to the Taluq Head Accountant place means in my case an eventual compulsory retirement, if not dismissal. For during these 28 years of my service I was never put to Taluq work at all. I shall have to learn the manuals of village and Taluq accounts and the Taluq routine. My age is not such as suits the beginning of a new profession or work for the first time. I may manage well that much of the Treasury and other account work as devolves on a Deputy Tahsildar's Sub-Treasury. But that I should be put in charge of a Taluq Treasury to which I am quite new, means putting me to a task in which I may be sure notwithstanding my best efforts, of

He would necessarily be an old servant of Government, who has reached a time of life when it would be most improbable that he could turn to any other occupation for a livelihood. G. O. dated 3rd December 1883 No. 2290.

being declared with or without reason to be unfit. The administrative Land Revenue accounts *i.e.*, Jamabandi accounts are quite new to me.

38. The Collector who never tried me as a Clerk at all and much less as Vernacular Head Clerk, says I am unfit for it. This shows the tendency of the District officer to cry down my work. I am afraid my work as Taluk Head Accountant would bring on me worse evils. As Vernacular Head Clerk, I have merely to obey orders and I have to command none and yet the Collector was so uncharitable as to say I am unfit for it

39. I am native of Madras and a Tamulian, my mother tongue is Tamil. It could never have prejudiced my post as Deputy Tahsildar and Magistrate of Mudukolathur or Pamban, even if I had not passed the Translation Test. The objection that I have not passed it and therefore ineligible for that post is, I beg to submit with deference, only a technical one. But the facts (1) that I had been a PERMANENT INCUMBENT IN THAT VERY situation for upwards of 6 years: (2) that there is a recognised obligation on the part of Government to give me back Rs. 100 from which I was unnecessarily and unintentionally reduced *Vide* Bd. Pro. No. 515 dated 27-1-1888; (3) that I had been reduced from Rs. 120 to Rs. 100 also unintentionally (4) and that I was unnecessarily transferred from Pamban to Mudukolathur and all such fact must I submit go a good deal to persuade the benign heart of Your Excellency in Council to remove that technical objection and exempt me from passing the Translation Test generally or at least for the Mudukolathur place as it is often done. *Vide* G. O. dated 30-1-1889, No. 602.

40. Having thus proved

(1) That I am not guilty of the charge of Maladministration at all.

(2) That Mr. Wynne's letter cannot be revived and even if revived, cannot affect me.

(3) That I had been a permanent Deputy Tahsildar and Magistrate for six years continuously—hence it is not necessary that I should pass the Translation Test now.

I earnestly pray

(I) That my degradation from Rs. 70 to Rs. 50 be cancelled.

(2) That my degradation from my permanent place of Deputy Tahsildar and Magistrate of Mudukolathur be cancelled.

(3) That I be allowed to join that permanent post of mine on its present pay Rs. 120,

(4) That my suspension from 3rd September 1892 be cancelled.

(5) That I may be exempted from the Translation Test just in the same way as many others of similar circumstances have been done (such as Sanjivi Nayudu *Vide* G. O No. 602 Mis. dated 30th January 1889) either generally or specially for Mudukolathur.

(6) That if Mudukolathur cannot be given me on account of my not having passed the Test, I be sent back to Pamban for which the test is not required.

(7) That I may be given at least another post of Rs. 100 in the Sea Customs Office Madras which I was *unintentionally* deprived of *vide* para 9 of the Boards Pro: 7-9-93 when the pay of the Pamban S. C. Superintendent was reduced to Rs. 70 in the re-organization of the Sea-Customs Establishment.

For this act of Justice Petitioner as in duty bound.

SHALL EVER PRAY.

10th December 1894.

C. Rajaratnam Pillai
No. 102.
Veeraraghava Mood. Street
Triplicane
Madras.

P. J. O.

1 Enclosure A. Boards Pro: 7-9-93 №5189.

2. do B. do 8-11-92. №7279.

3 do. C. Collectors do. 27-2-93.

4 do. D. do. do. 31-12-89.

5 do E. Boards do. 5-12-89. №855.

6 do E1. Collectors do. 10-6-89.

7. do F. F1. F2. Boards. do. 24-6-89. №42914 Collrs Memo & Statement.

8. do. G. G1. G2. G3. depositions

9. do. H. H1. H2 Testimonials.

The above (except 9) being in the Collrs Office in original, are enclosed in a duplicate copy of Petition to Government.

PETN No 137 OF 19
LAND REVENUE.
Encs: Stamps Rec'd
R. on C No 2838
mP. of 94

Submitted to the
Secretary to the Commissioner
of Land Revenue
Madras.

2. The petitioner has
been called upon to send
a petition written or printed
with a half margin.

Madura Collr's office
21st December 1894.

Lucien Smith
acting Collector
21-12-94

COLLECTORS OFFICE
DEC 1894
MADURA

1895
REVENUE DEPARTMENT.
Enclosure No. 23
To Current No. 4403

Encl 6
to
G.O. No. 1247

1895
REVENUE DEPARTMENT.
Enclosure No. 7
To Current No. 1127

2nd March 1895.

PETITION
318
REVENUE DEPT

To

His Excellency
The Governor in Council
Fort St. George

SECRETARIAT OF MADRAS
12 MAR 95
REVENUE DEPARTMENT

Most Humbly & Respectfully Sheweth.

In continuation of my petitioners Appeal Petition of 5th Decr last, submitted through the Collector of Madura, I most humbly & respectfully beg to submit these few lines as a supplement to what has already been submitted.

2. It has been shewn therein that I was a Permanent Deputy Tahsildar & Magisterial of 6 years standing - 3 years as permanent Dy. Tahr. & Mag.te of Pamban & 3 years more as permanent Dy. Tahr. & Mag.te of Mundukolatur - Vide paras 10 & 11 of the Petition already submitted. It has also been shewn that the Collector's action in transferring me from the permanent Dy. Tahr. & Mag.te place to a Vernacular Head-Clerk's place was improper as the sanction of Govt has not been obtained for such transfer.

3. Now I beg most deferentially & humbly to point out that the Collector's action in transferring me from the permanent Dy. Tahr. & Mag.te ship of Mundukolatur violates another order of Govt.

On a reference made from the District of Ramnad as to whether it was compulsory to give the increased pay to a Dy. Tahsil

PETN No. 137 OF 19
LAND DEPT.

its view on the subject was correct. The Govt in its (Revision)
Order No. 1078 D 20th Oct. 1892 state that the view was
correct.

It follows therefore that even on the assumption that I was not so sharp a Dy Tahr & Magte as the Collr would like to have - the contrary of which, I humbly beg to point out, will be apparent from the appendices - (I had been a Permanent Dy Tahr & Magte of upwards of 6 years standing then), it was not open to the Collr to thrust me out from my old position on the pretext of the introduction of the new scheme & of my not having passed the Translation Exd, which was not considered a defect in my case. Hence his action should be set aside as improper & ultra vires & an infringement of G.O. No. 1078 D 20th Oct. 1892.

X

The Collrs action in transferring me from the Permanent post of a Dy Tahr & Magte to a Ministerial post is opposed to the principles explained in G.O. No. 527 D 11th Sept. 1893.

X

It may perhaps be objected that the transfer took place prior to the date of the G.O. But it must be remembered that the G.O. did not lay down a new rule. It merely explained the requirement of the Law. It pointed out that Sec. 197 of the Criminal Procedure Code required that sanction of the Govt should be obtained for such transfer. This provision of the Law was not new & had been in existence long prior to the transfer now objected to. Hence the transfer was illegal & it was improper as already pointed out.

There is altogether incorrect.

Similarly it may be contended that my [illegible] of the G.O. No. 1078

REVENUE DEPARTMENT
Enclosure No. 7
Current No. 1157

X & confirmed by G.O. No. 815 D 5th Aug. 1892. Hence the matter had been clearly laid down prior to July 1892 or at all events by the G.O. No. 815 D 5th Aug. 1892. i.e. prior to my transfer from the Permanent Dy Tahr & Magte post to a Vernacular Dy Clerk's place - which was to have effect from the 1st Oct. 1892.

6. Under these circumstances I earnestly pray that this Petition be taken up along with - as a Supplement to my appeal Petition D 3rd Dec. 1892 (when it is received from the Collector & the Board of Revenue) & the transfer cancelled as being

Revn 768/2993

1st Illegal under Sec. 197 Criminal Procedure Code & G.O. No. 527 D 11th Sept. 1893.

2nd Improper under G.O. Nos. 815 & 1078 D 5th Aug. & 20th Oct. 1892

3rd Unjust as shown in the Appeal Petition.

For this act of justice Petr as in duty bound shall ever pray.

C. Rajagopalachariar.

O/18—5,000—7-9-93.

(1895.)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number: 1738

From

C. Rajaratnam Pillai
Vernacular Hd clerk,
Madura Collectorate.

Dated 2.2.95.

Received Do.

Enclosures

No.

SUBJECT.

Submitting a Supplemental petn in Connection with his transfer from the post of the Dy Dist. of Tinnevelly Kolattur to the Vernacular Hd clerkship in Madura.

Jud Dept.
Enclos. No. 1
G. No. 1247

CURRENT No. 1247

REVENUE BOARD OFFICE MADRAS

Proceedings of the Board of Revenue

(Land Revenue).

Dated 8th February 1895.

No. 646 Miscellaneous.

READ Endorsements of L. C. Miller Esqre. Actg: Collector of Madura, Dated 21st Decr 1894 and 11th January 1895 Row C. Nos 2838/MP and 85/MP respectively.

Resolution

The appeal petition submitted by M.R.Ry C. Rajaratnam Pillai will be forwarded to Government for orders. The petition which is really an appeal from Board's Proceedings No. 5189 Mis:, dated 7th September 1893, might well have been submitted long ago, and petitioner's sole Explanation of the delay is that his ~~sole~~ official misfortune, by which he apparently means continued want of success in his appeals, lasted till May 1894 (vide Board's Proceedings dated 8th May 1894, No. 2460 referred to in para 6 below).

2. The petitioner's case is briefly as follows. In 1885 he was reduced by the Collector of Malabar from the post of Sea Customs Superintendent

*Submitted to Government by petitioner with a duplicate copy of this petition.

*para 3 of the petition.

Pellicherry on Rs 120, to the same appointment at Ponnani (Rs 60) for conduct which was described as "cross framed obstructiveness and domineering official "-ism in his dealings with the mercantile community." The petitioner preferred an appeal to the Board against this order. The Board was convinced of the truth of the charges for which the petitioner had been reduced, but considered that the punishment inflicted by the Collector was too severe and ordered× his transfer to the Madura district as Superintendent of Sea Customs, Pamban, on Rs 100 with a warning that if he was again reported against he would be very severely dealt with. The Board was then not aware, as supposed in para 7 of the petition, that the transfer involved loss of pay to the Extent of Rs 20 per mensem. In April 1887 the pay of the Superintendent at Pamban was reduced to Rs 70 on account of the reorganization of Sea Customs Establishments. The petitioner then appealed to the Board against this further reduction and obtained an order that the Collector should take an early opportunity of promoting the petitioner, if he the Collector thought that the petitioner had been hardly used by the reduction of his salary.

× Boards Progs d/30-6-1885 No 5993 Mis in file A

para 9 of BP appdx 7 of So 1092/86

Boards Progs d/27 Jany 88 No 515. in file B

3. In May 1891, however, the Collector of Madura reported several irregularities and errors committed by the petitioner as Sea Customs Superintendent, as Sub-Magistrate, as Deputy Tahsildar and as Sub-treasury Officer. His Explanation of those charges will be found

× vide Encls: F. F1 and F2 submitted by petr (with a duplicate copy of this petition to Government) in file B

found in appendix III to this petition. The Board on that occasion thought it sufficient to warn him that any further report of his continued inefficiency would lead to his reduction. It also asked the Collector to give him a more efficient Head Gumastah as it appeared that the state of things commented on by the Collector was partly due to the admitted inefficiency of the petitioner's office Establishment.

Boards Progs: d/24-6-91 No 4291-Mis Enclo: F. in file B

4. In the very next year, however, (August 1892) the petitioner had to be suspended and reported on again by the Collector (vide copy of Board's Progs: dated 22nd Aug: 1892, No 5224 Mis and the Collectors letter read therein). In the following Octr the Collector submitted a copy of a report from his Head Assistant stating that the petitioner had rendered himself so unpopular at Pamban that it was absolutely necessary to remove him from that place also (vide Collectors letter dated 14th Octr 92 No 184, which contains the Head Assistant Collectors report). At this time the petitioners permanent appointment was that of Deputy Tahr and Sub-Magistrate of Mudukulathur on Rs 70 and he would in ordinary course have received the increase to Rs 120 which was the pay allotted to Mudukulathur in the stationary Sub-Magistrates' Scheme; but not only was the petitioners conduct unfavorably reported on in the meantime but it was also brought to the Collectors notice that the petitioner had not passed the Translation Test and the Collector therefore transferred him as vernacular Head Clerk on the pay which he had been drawing (Rs 70) with Effect from 1st October

in file C

This is what the petr calls reduction from 120 to 70 Rs

1892. It will be observed that this transfer took place nearly a year before the passing of the Government order which debars Collectors from removing Sub. Magistrates to ministerial appointments without loss of pay. Petitioner's contention that the Collector's order transferring him to a clerkship was ultra vires is, therefore unfounded. To return to the report regarding the petitioner's unpopularity at Pamban, the Board agreed that it was undesirable that he should be retained at that Station, but, as he had been in the meantime transferred to a ministerial appointment, the Collector was asked to dispose of the case himself after taking the petitioner's explanation. Upon this the Collector in his proceedings[x] dated 27th February 1893 degraded the petitioner to the post of Superintendent of Sea Customs at Tondi on Rs 20. Against this order the petitioner appealed to the Board.

vide para 3 of Rev 788 [illegible] 12-9-93 under cover of [illegible] 2148 [illegible] 14.10.93.

Board's Prog of 8. 11. 1892 No 7279 Mis in file C

x vide Enclo: C submitted by the pet. (with the duplicate copy) in file C

5. The principal allegations in the Head Assistant Collector's report already referred to, against the petitioner were, that he was on bad terms with all the officials at Pamban (the Port Officer, the Apothecary and the Station House Officer) that he had involved himself in petty and indecorous squabbles with the two latter Officers, and that the general result of his conduct was that Pamban was filled with factions and was reduced to a state from which law and order had nearly disappeared. In these circumstances the Board held that the petitioner had shown himself quite incompetent both as a Magistrate and

and as the head of an Office even though he had very light duties to perform; but considering that the petitioner was a man of 28 years Service, that he had already suffered severely and, in part, without the intention of the authorities (i.e. when the Sea Custom's Superintendent's pay at Pamban was reduced from Rs 100 to Rs 70[x]) and that he had undergone suspension for more than six months, the Board ordered the Collector to provide him with an appointment on Rs 50 (vide Board's Proceedings dated 7th Septr 1893, No 5189 Mis). It is against this order that the petitioner now appeals to Government.

x vide para 2 above

6. At the end of September 1893 as stated in para 6 of the petition, the Collector ~~now~~ reported another case against the petitioner charging him with having in 1887 borrowed a sum of Rs 100 from one Pichu aiyar, a person residing within his jurisdiction and recommending that, pending the result of this case, the Board's order dated 7th Septr 1893, No 5189 Mis: should be held in abeyance. This recommendation was accepted[⊗] by the Board. The conclusion arrived at by the Board as regards this case was that it was one of the many incidents which went to prove ~~the~~ the petitioner's unfitness for a sub-Magistracy, but as the nature of the petitioner's dealings with Pichu aiyar was involv~~ed with~~ing some uncertainty, the Board finally directed[x] that effect should be given to its order dated 7th Septr 1893, No 5189 Miscellaneous.

⊗ Board's Progs of 25. 9. 93 No 5512 mis in file D

x Board's Progs of 8. 5. 94. No 2460 Mis in file D

7. To this summary of the petitioner's case the Board would only add that the petitioner has been treated with leniency and that it

4 has now no recommendation to make in his behalf.

True Extracts

L. Lynch
Secretary.

To

The Secretary to Government Rev: Department

with petitions copies of Board's Proceedings

30. 6. 85 / 5393 , 27-1-88 / 515 , 22-8-92 / 5224 , 25.9.93 / 5512

and 8. 5. 94 / 2460 Mis and letters from the Collr. of

Madura dated 15. 8. 92 / 146 , 14-10-92 / 184.

to be returned.

O
No. 5—5,000—7-9-93.

(1895.)

REVENUE DEPARTMENT.

ABSTRACT.

Current Number. 1187

Judicial (Nos. 12 a)

From

The Board of Revenue,
Land Revenue.

Dated 8
Received 13 } Febr. 1895

Enclosures 22

No. 646

SUBJECT.

Submitting to Govt. with remarks petition from M.R.Ry. C. Thyarattnam Pillai appealing against the Board's order reducing him from the post of Dy. Tahsildar and Sub-Magistrate to that of a Taluk Head Accountant in Dindigul Taluk Madura Dt.

1895
REVENUE DEPARTMENT.
Enclosure No. 1
Current No. 1187

[G. 23.]
100—21-12-94.

DEPARTM

No. 1247 of 1895

From

Dated 189

FOR ORDERS.

I see no reason to interfere. Nor do I see, by the way, why the papers have been sent to me. There is nothing judicial about them

vide "A."

BS
1/6/95

This is an appeal from C. Rajaratnam Pillai, late permanent Dpty. Tahsildar and pabmagistrate of Madakolathur, and pab. pro. tem. Sea-customs Superintendent & Sub-mag. of Pamban, against BP. No. 3189 mis. dy 7 Sept. 1893.

2. This man was in 1885 Sea. Customs Supt of Pelicherry - a Rs 120 per mensem. - In BP. of 30 June 1885 No. 5795 his he was held to be "unfit for any "office requiring the constant exercise "of tact and courtesy" and as a punishment transferred to Pamban, a post carrying only Rs 100, in which he would have "less opportunities of causing annoyance". He was at the time warned that if again reported he would be very severely dealt with

3. In December 1886, a general reduction in establishment ~~which~~ reduced the duty of the Pamban [illegible] to that of a separate

O/25—5,000—7-9-93.

(1895.)

...f he thought he had been
...ly used by the reduction of his
...ney". B.P. 515 Misc / 27.1.88. — vide "A"

...n June 1889 the petr. was appointed
...manent Dy. & Sub-magte. of
...dakalattur - on Rs. 70; while
...taining this appointment he was
...owever again sent to Pamban
...a sub-pro-tem Sea Customs Supdt.
...Sub-magte. in January 1890
...n 1891 Mr. Wynne, the Collector, vide "B."
reported petr. to the Board, because
he had shown "want of managing power
and of system in doing work and a
"lack of common sense" His office
was reported to be in a disgraceful state
& several instances were given of his
incompetence as a magistrate. Mr.
Wynne for these reasons recommended
his reduction. The Board, however,
considering that the state of his office
was in part due to the inferior nature of
his clerical establishment, contented
itself with "warning the Dy. Tahr. that
"further report of his continued in-
"efficiency &c would have to lead to
"his reduction", and directing the Collr.
to give him a more efficient head gum-
-asta (B.P. of 24 June 1891 No. 4291 Misc) — vide "B"
5. In August 1892 the Collector, Mr.
... suspended ... for "maladmin-
... ... went

1895
REVENUE DEPARTMENT.
Enclosure No. 1
Current No. 14103

[G./25.]
100—21-12-94.

DEPART...

No.

From

Dated 189

FOR ORDERS.

consequently ineligible to hold the
appointment of Dy. Tahr. & Submagte.
The Collector accordingly transferred him
to the post of Vernacular head clerk on the same pay
viz. Rs. 70. When his final report reached
the Board, a resolution was passed directing
him to take an explanation from the petr.
& dispose of the case himself as the petr.
was at the time only occupying a ministerial
appointment (B.P. of 8 Novr. 1892 No. 7279) vide "C"
The Collector then reduced him to the
post of Sea Customs Supdt. at Tondi - on
Rs. 20. - The petr. appealed to the Board
which in its proceedings of 7 Sept. 1893
No 5789 modified the Collector's order vide "C"
by directing him to give the petr. a
post carrying pay of Rs. 50
It is against this order that the
petitioner now appeals.
6. He contends (a) that he was not guilty
of maladministration in Pamban & (b) vide his ...
... the Collector was acting illegally &
irregularly in transferring him ...
... post of ... ...
... ... Sataranta ...

O
P.15 —5,000—7-9-93.

(1895.)

[G. / 25.]
100—21-12-94.

DEPART

No.

From

Dated 189

FOR ORDERS.

hension that s 197 of the Cr. P.C. [illegible] to the removal of a "judge" from [illegible] ict that G.O. of 2 Sept. 1893 No. 768— in G.O. 2145 Jud. 14.10.93
[illegible] purely responds to law. when direction [illegible] the sanction of Govt should be obtained [illegible] transfer from the post of submagte to [illegible] ministerial appointment or equal [illegible] - this view is of course erroneous; [illegible] relevant order is itself the first clear [illegible] positive direction that the sanction of Govt [illegible] be required for each a transfer: prior [illegible] its issue a Collector was entitled [illegible] effect such transfers "not involving degradation [illegible] the rank" - vide para 8 of B.S.O. No. 244 Old. [illegible] addition; ~~the order was the first~~ this [illegible] "standing" order therefore does not clearly [illegible] preclude a Collector from transferring [illegible] a submagte to a ministerial appointment on the same pay; and until [illegible] the Revising order of Septr 1893 was [illegible] issued, a Collector could make such [illegible] a transfer. the transfer in this case [illegible] was made in October 1892 was not [illegible] contrary to the orders of Govt, nor of [illegible] course to the Criminal Procedure Code [illegible] s 197 (which merely protects certain [illegible] officers from prosecution in certain cases.

y. As regards the general charge of maladministration, the petrs enters into great detail, but a perusal of the papers* bears no doubt that he was unfit to hold the post of Submagte [illegible] a revenue superintendent; as he [illegible] kept from quarrelling [illegible]

*. particularly of Mr. Francis contd in report read in B.P. 7279 "105. C. 8.11.92

the Police, the apothecary, the [illegible] the village munsiff & the zamin on his contention is that these people quarrelled with him, not he with them. It was for want of tact & courtesy that he was removed from Jellicherry & the presumption is against him though no doubt he was not solely to blame. - In taking his own account of one incident, he behaved in a way which shews that he was unfit to be a magistrate. The incident referred to is that set out in para 12 of Appendix II to the appeal petition An individual - B - was charged with assaulting his sister-in-law, & his defence was that he merely prevented her from going to the apothecary's house for objectionable purposes, & that a false charge was consequently brought against him with the connivance of the apothecary. The petr, who at the time was on bad terms with the apoth [illegible] adopted the [illegible]

O/P.5—5,000—7-9-93.

hes ~~xxxx~~ to avoid unnecessary
tion and annoyance" of the
ary. This quasi-judicial enquiry
sted in privately questioning the midwife
whether the defendant's sister-
was in the habit of frequenting
othecary's house, — this, while
case was sub-judice & the midwife
a subordinate of the apothecary
se conduct was under consideration.
is difficult to conceive a more
flagrant instance of want of tact &
udicial indiscretion. - The result was
not unnaturally a visit of expostulation
from the apothecary & a vulgar brawl
described by Mr Francis in the following
terms

"The apothecary asked the Sub mag[te]
"what right he had to make such enquiries
"and insinuations. On this the Sub mag[te]
"(so the apothecary says) lost his temper
"and replied "I am Sub mag[te] here and
"have a right to make enquiries about the
"conduct of any one I choose. Get out
"Get out". Saying this he took the apothecary
"by the throat and pushed him towards
"the street, whereon the apothecary hit
"him on the face. The Sub mag[te] again
"pushed the apothecary who again hit him
"in the face. At this juncture ~~the~~ some
bystanders interposed and after some
"mutual abuse of each other and each other's
female relations by the Sub mag[te] and the
[illegible] the latter was reduced to
[illegible] the [illegible]

— vide R.P. 4279/8-11-92 in "C"

[G./25.]
100—21-12-94.

From

DEPAR[TMENT]

No.

Dated 189

FOR ORDERS.

"of the Sub mag[te's] house which is in
"crowded ~~state~~ part of the main stre[et]
"of the village".
The apothecary was very much to
blame, but the whole incident arose
out of the Sub mag[te's] irregular "quasi judicial
enquiry. & the fact that he took no steps
to get the apothecary punished shews
pretty clearly that he knew he was
in the wrong.

8. The Board in submitting the pet[n]
contends that the pet[ner] has been treated
with leniency has no recommendation
to make on his behalf. Considering his
past history, & the fact that he had two
warnings, it is submitted that he has
been let off very lightly with a reduction
from Rs 70 to Rs 50.

D/2.4.95.

9. File "D" relates to a doubtful case in
which the pet[r] was charged with borrowing
money within his jurisdiction. The Board, while
giving the pet[r] the benefit of the doubt [illegible]
this case to be "one of the [illegible]
which [illegible]

O/... —5,000—7-9-93.

...ve been through the papers in this ..., which is one of those which ... in consequence of other work I have been unable to look at an earlier date. The pet.r poses as an injured innocent which he seems far from being. According to him everyone in the place including the Hd Asst. Colr. & Colr. is his enemy, thirsting for his ruin. He has written a very long winded and involved defence of himself but the papers of which he has sent up copies are of themselves enough to damn him. He has failed all round and the Board of Revenue were in the first instance too mild with him and should have punished where it merely warned. Now it takes a different line and considers that the pet.r was in being sent to a Taluq Actg place very leniently dealt with — an opinion with which after going into the papers I fully concur. The pet.r was turned out of Tellichery for quarrelling and want of courtesy; at Samban to which he was transferred similar differences — but much accentuated arose and there can be no doubt that he was mainly the cause of these. Added to this there cannot be a doubt as to his generally carelessness and either incompetence in the performance of his duties or neglect of them. I submit that the case is ... 2 ... for interference.

Appeal from a reduced Sub magistrate

H.M.

For orders

Papers to be read in proceedings:— Judicial DEPARTMENT.

[G./21.] 600—8-3-95.

..., No.

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No. 1247 of 1895, dated 9 March from the Rev. Dept.

ORDER. Mis d/ 14th June 1895 No. 1262

The Govt. sees no reason to interfere on behalf of the petitioner.

(Fair orders)

13/6/95.

To

The Rev. Dept. P&O with encls i.e. No. 1247 less No. 1 to be returned. copy of H.M.'s notes.

8.6.95

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