

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1858

Dated 5th Sept. 1895

INDEXED.

[Despatch Abstract.]

PETITION.

Declining to interfere on behalf of S. Appannah, a clerk in the District Court of Ganjam, praying that he may be granted leave on full pay for such period as may be thought proper in consideration of his having worked during twenty-two adjournments of the Court and also a post on Rs. 30 with permission to continue in it for five years, &c.

BACK PAPERS.

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

FURTHER PAPERS.

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

CURRENT NO 4055

From

R. H. Shipley Esq
 District Judge of Rangoon
 Rangoon

To

The Chief Secretary
 Government, Judicial
 Department, Madras.

Dated 19. 8. 95
 Despatched 19. 8. 95
 Received 24. 8. 95

No 1193

Enclosures: 2

Forwarding an application
 of S. Abraham, 1st Clerk
 of this Court with enclosures
 for orders.



17/8/85
 21/4/79
 11/12/79
 16/3/80
 24/1/84

8

Ct

25th September 1895, No 1858.
 Mr

The Judge should be informed
 that ^{the Court} his request cannot
 interfere in his behalf.

5-55
 1/9/95

2/9/95

Ct of 1/9

To the Judge of the S. C. Judge.
 Rangoon (8 to)
 with service book not
 12/9/95

(1 to 3)
LEAVE APPLICATION &c OF CLERK APPANNA
AND THE ORDER PASSED BY THE DISTRICT JUDGE THEREON.
THE DISTRICT JUDGE OF GANJAM.

To

I The humble petition of Sookuru Appannah clerk of your honor's Court most respectfully sheweth.

1. In order to bring my grievances into your honors immediate notice, I herewith produce the undermentioned papers, marked in red ink.

(1) Translation of Testimonial given by the District Munsiff of Aska dated 21-9-69.

(2) Do. Do. dated 19-8-70.

(3) Copies of Testimonials dated 22-9-75, 20-1-77 and 3-12-79 given by the former District Judges.

(4) Copies of recommendatory reference letter submitted to the Govt. with its enclosures, and final orders.

(5) Copies of extract from the letter No. 2152 submitted to the High Court by the late District Judge, and the High Court's letter No. 360, so far as they concern me, also of the letter to Govt. by the High Court and the final orders of the Govt. thereon.

2. That all the officers of the Court are entitled to enjoy the periodical vacations, privilege leave on half pay and furlough and they are also, entitled to privilege leave on full pay when such officers are prevented from availing themselves of the summer vacations.

3. That there are rules in force which strictly prohibit the officers from being compelled to render their services during adjournments, and when any officer is ordered to work during the adjournment, he will be entitled to privilege leave on full pay for one month notwithstanding that he required to work for 32 hours only during the whole vacation, at 2 hours a day, 2 times a week.

4. That your petitioner is now aged 50 years and has 27 years service.

5. That 22 adjournments had passed since your petitioner was entertained in this Court.

6. That during the said 22 adjournments your petitioner was made to work as per written orders of the Court.

7. That on Saturday previous to the Monday on which the Court reopened after the annual adjournment in 1887, your petitioner's 2nd elder brother died and as your petitioner, had to perform the religious rites in connection with his brother's death he applied for leave and he was granted 9 days leave on loss of full pay which was afterwards converted into privilege leave on half pay.

8. That when your petitioner was ill in January 1890, he applied for privilege leave or casual leave for such period as the Court would deem proper to grant and he was granted only 5 days casual leave which included 2 days pongul leave.

9. That it is now absolutely necessary for your petitioner to take care of his health.

10. That your petitioner who leaving all care of his health was obliged to work during the said 22 adjournments because of the Court's written orders ventures to think that he is entitled to privilege leave without loss of any part of his pay which is but very small.

11. That your petitioner therefore beseeches the favour of your honor being

so kind as to bring the above facts into your honor's kind consideration and grant him such privilege leave as your honor thinks that your petitioner entitled to under the leave rules.

12. That by the grant of such leave, should your petitioner sustain any loss he begs that a reference may be made to the Higher authorities as to how the loss is to be recouped.

20th November 1891
Berhampore.

Your petitioner as in duty bound shall ever pray.
S. APPANNA.

II. Pencil note of Sheristadar on application dated 20-11-91.

Page 72 article 306 [b] & [i] of the Civil service Regulations is applicable in the case of this clerk and he is entitled to 3 months privilege leave on half pay.

The C.S. regulations is herewith sent.

Signed. D. MAHANTI
Sheristadar
27-11-91.

III. Sheristadar
see within

Signed. H. G. Joseph.
29-11-91.

IV. During the recess of the Court in each year, some clerks attend to clear of the arrears. This clerk has also so attended in the recess of several years but not in every year, as I do not find his name in the arrangements made for the clerk's attendance in 1888 and 1889. He may have attended, but there is no record of his attendance.

The clerk S. Appanna Pantulu is not in good health from some months. He wants privilege leave on full pay as he was not, in the years he attended the Court during the recess, directly ordered by the Judge to remain on duty, I doubt whether he can get privilege leave on full pay.

Signed. D. MAHANTY
Sheristadar
2-12-91.

V. Keep for Mr. Russell
Signed. H. G. J.
3-12-91.

VI. Let him come and see me
Signed. S. R.
30-12-91.

Appanna Pantulu Garu.

I have to-day represented your matter to his honor the Judge. I have informed that, you are now a little better than before. However his honor orders to see you personally. You should go and present yourself before him to-morrow at 3 P.M. I herewith send your papers. You may go with them. Please to consider this

Signed. D. MAHANTY
30-12-91.

P.S. Only two appeals are posted for 8th January. His honor says that these are not sufficient and orders to fix for that day some more suits in which pleaders are engaged on both sides and to give notice to pleaders. So, I request you, Kamesam Pantulu and Adinarayanaswami, to take out some suits to-morrow

30-12-91.

Signed. D. MAHANTI.

(True translation)

To

THE DISTRICT COURT OF GANJAM.

VIII. Humble representation of S. Appannah clerk of your honor's Court

Being obliged to bring my circumstances into your honor's notice, I beg to lay the following before your honor for which I may be excused.

2. I made an application to your honor in November last stating that I worked in court during 22 court adjournments between 1870 to 1891 both years inclusive, and requesting to grant me privilege leave to such length of time as your honor considers just.

3. The then Sheristadar made a report on my application.

4. Upon the Sheristadar's report your honor ordered that my application should be disposed off by Mr. Russell.

5. Mr. Russell sent for me, perhaps it was on the last Thursday in December last. I briefly represented to him all the facts of my application so long as opportunity was given me and showed him also the copies of the Govt. order No. 748/6-5-62 and the High Court order No. 766/23-4-69. His honor then told me that he was already informed about them by the sheristadar and ordered me to go away.

6. Your honor returned to the station again in January last.

7. I do not know whether my application is finally disposed off or not.

8. Thinking it would not be better to trouble your honor often, I did not bring this fact into your honors consideration again.

9. As I could not attend court on account of fever in March last, I was granted 15 days privilege leave.

10. I was granted only half pay for that period.

11. By this I am doubtful whether my application of November last was again brought to your honor's notice or not.

12. I am determined to forego my claims, if your honor considers them not proper.

13. I therefore pray the honorable court to take my circumstances into your honor's kind consideration and pass such orders as your honor deems proper.

1stly regarding the extent of the privilege leave to which I am entitled.

2ndly to grant me full pay for the 24 days I already availed of in the years 1887 and 1892.

3rdly and to stand in my favour, the unexpired portion of the leave, so that I may avail myself of the same whenever I am in need of it.

3rd August 1892.

I beg to remain

Most respected Sir,

Your most obedient servant.

S. APPANNA.

IX. PROCEEDINGS OF THE DISTRICT COURT OF GANJAM

7th September 1892.

Read application dated 3-8-92 put in by S. Appannah clerk of this Court requesting to pass orders to the amount of leave &c he is entitled to.

Read also his application dated 20-11-91 and all the papers connected therewith.

The applicant is informed (so far as appears it was only in 1891) that any order is found prohibiting him from enjoying the summer recess. In 1892 it is clear that he was not required to work at all. He is entitled to one month's privilege leave on this.

Signed. H. G. JOSEPH
Ag. District Judge.

(True Extract.)

H. G. JOSEPH.

APPOINTMENT ORDER, TESTIMONIALS &c OF CLERK S. APPANNA.

I. The Civil and Session Judge have made the following appointment.
Sooooroo Appannah a Copyist in the Moonsiff Court of Chicacole to be 5th
Gumasta in the Munsiff Court of Aska vice Pasoomurty Moorty Razu employed
in another office.

9th November 1863

Signed. T. J. KNOX
C. J.

1st sheet error none

(True Copy)

P. RAMACRISTNAMAH
4th W 11-2-75.

M. Chinnaswamy.
Hd. Writer

K. MURTIRAZU
Ag. Sheristadar

Date on which the copy was applied for 9-2-75 Date on which the copy was
ready for delivery 12-2-75.

P. SUBBA ROW.
Copyist.

CERTIFICATE.

II. Su: Appanna Pantulu, the third Gumasta of the Court of the District
Munsiff of Aska had done business before me for 6 years. He can do all business
es well. A business prescribed he used to do with assiduity.

Berhampore }
21-9-69. }

Signed. V. SEETAPATY
L. D. M. of
Aska

(True translation)

S. APPANNA

III. I am happy to be able to state that S. Appanna Pantulu has discharged
his duties to satisfaction during the short period of about 7 months he was em-
ployed under me. He is a painstaking person and is deserving of promotion.

Aska }
19th August 1870. }

V. SENCARAM
Dt: Munsiff.

IV. S. A. has been employed chiefly is Romanizing Telugu and Oriya
papers for me, and this work he has done well. When he came to the court he
did not know the English letters.

22 September 75

Signed. J. G. THOMPSON
District Judge.

V. A careful and deligent writer. Conduct satisfactory.
20 January 1877.

Signed. F. H. WOODRUFF
Ag. Dt. Judge

VI. I endorse Mr. Woodruff's remark.
3-12-79.

Signed. W. GRAHAM

VII. Extract from the diary of the Court of the District Munsiff of Aska
dated 3rd August 66.

Present—Vudlamanati Seetapati Pantulu Garu, District Munsit.

* * *
Privilege leave for 10 days from this date has been granted to the Head
Gumasta of the Court.

It is therefore ordered that during the absence of the said Gumasta the 3rd
Gumasta shall exercise the duties connected with his office.
* * *

Note:—In this diary neither the late Munsif nor any other Gumasta had signed.

Signed. D. V. SUBBA ROW
Copyist

Signed. SENCARAM
District Munsif.

(True extract)

Signed. P. NARISIMHASWAMY
Ag. Gumasta
(True Translation)
S. APPANNA

Signed. G. P.
Head Gumasta

VIII. PROCEEDINGS OF THE DIST. COURT OF GANJAM Dated the 19th March 1870

Read arzi of the District Munsiff of Aska, stating that 2nd, 3rd, 6th, 7th & 8th Gumastas of his court cannot speak Oriya, that he has no Oriya knowing Gumasta in his Court, and consequently that he is often put to inconvenience, and requesting to transfer to his court one or two gumastas, who can speak oriya, (from any other Court).

Amongst the gumastas who do not know oriya or who say that they do not know oriya, two gumastas have been living in Aska, which is amidst the oriya country for upwards of six years. So, they have every opportunity to learn oriya. They might have seen what inconvenience will be felt by their saying that they do not know oriya. They are determined to cause such inconvenience. So, they should reap the benefit of it. Sookuru Appanna, the first of those two, is now abolished and Uppulooru Prakasarow, the 5th gumasta of the Zilla Court is appointed in his stead. Uppulooru Prakasarow knows very little english and consequently is not useful in the Zilla Court: but he may be useful in the Munsiff's Court. Sookuru Appanna also is unuseful for the Zilla Court. He will not be lost sight of whenever any vacancy occurs in any Munsiff's Court.

Signed. J. G. THOMPSON
Civil and Sessions Judge

(True translation of Telugu translation)

S. APPANNA

To

J. G. THOMPSON ESQUIRE

Civil Judge of
Berhampore.

Sir,

IX. With reference to your Proceedings dated the 19th instant G. I. S, mark, O, removing Sukuru Appanna, 3rd Gumasta of this Court, because he is ignorant of Odiya and appointing V. Prakasha Row in his place, I most respectfully beg to be excused for the liberty I take in addressing you again on the subject.

S. Appana, the Gumasta now discharged is a painstaking person and I had no reason to find fault with him since I came here. He possesses a very good testimonial of character from my predecessor; copy of which is herewith submitted for your perusal.

It is true neither he nor the other gumasta did take any pains to learn Odiya though some of them were here for the last six years but as they were never before forced to learn Odiya or required to take depositions they did not feel up to this time that knowledge of Odiya is indispensable. The punishment you have now inflicted on S. Appanna, I humbly beg to submit, is more than deserving and has caused much uneasiness in my mind, as an innocent person has been deprived of his only livelihood for the sake of my convenience and I consider myself the sole cause for the misfortune that has be fallen on this poor gumasta. But as you have, promised to re-employ him when a vacancy Ocuers, I humbly crave that you will be kind enough either to stop the present arrangement till such time as a vacancy occurs, or to impose a condition on all the gumastas who are ignorant of Odiya to learn the language within 6 months, they having promised to do so I think the last provision will prove a beneficial one.

As the man will, otherwise, forfeit his past services, though re-employed some time after, I have presumed to write this to you and I hope I will be excused for this intension.

I take this opportunity to point out, that of the gumastas who are ignorant of Odiya, it is three and not two who have been in this Court for upwards of 6 years and that S. Appanna, whom you supposed to be the senior of them, is only a junior.

Hoping that your honor will be pleased to accede either of my requests.

Aska
22nd March 1870. }

I beg leave to remain
Your most obedient and humble servant

Signed. V. SENCARAM
District Munsiff.

X. Proceedings of Zillah Court of Berhampore dated 25th March 1870 G. I. S. Mf.

Read letter from the District Munsif of Aska dated 22nd March 1870 No. 24; praying that the Court may either stop the arrangement ordered in its Pro: dated 19th instant G. I. S. Mf. O, or allow to such of his Gumastas who are ignorant of Odiya a time of 6 months on condition of their learning that language.

2. On referring again to the list of the District Munsiff's establishment, the Civil and Session Judge observes that the 2nd Gumasta R. Subba Row, has been attached to the Aska Court almost as long as Sukuru Appanna and K. Venkataswamy, strictly speaking it is he who ought to be removed: but probably his removal would inconvenience the Court as much as the want of an Odiya gumasta does. The arrangement already made will stand good; with this exception that in consideration of the good character which the Munsif gives to S. Appann the latter will be taken into the Zillah Court till there occurs elsewhere a vacancy to which he can be appointed.—There is work for him in the Record Office: though that is not the place where, just now, a clerk is most wanted.—

3. The Civil and Session Judges hopes that after this warning every Gumasta in the Aska Court will speedily qualify himself to do business in Odiya. There will be no necessity to learn to write the Odiya character; since Odiya depositions may be recorded in the Telugu or English character. But every Gumasta must learn to speak Odiya and to read papers written in that character.

dated 26/3.

Signed. J. G. T.
Civil and Session Judge

To
**XI THE CHIEF SECRETARY TO GOVERNMENT.
 MADRAS.**

HUMBLE PETITION OF SOOKURU APPANNA A CLERK
 OF THE DISTRICT COURT OF GANJAM AT BERHAMPORE.

Most respectfully sheweth,

1. That your petitioner was entertained in the Civil Court at Chicacole as a copyist in the year 1853, and has since been continuously attached to the Judicial Department of this court.

2. By an order dated the 26th April 1861 Government permitted Govt. Officers who have not passed the General Test to hold offices of which the salaries do not exceed Rs. 25: your petitioner was provided with a permanent post on the establishment on the 24th November 1863 whilst the aforesaid order was in force.

3. On the 31st March 1879 on which the revised scheme in Judicial Establishment was introduced your petitioner was the 2nd Gumastah of the District Court on a salary of Rs 17-8-0: that your petitioner was reduced and in the revision to a clerk on Rs. 15 in consequence of several of the officers on the Court establishment drawing higher salaries having had to be reduced.

4. For the reason stated in the above para your petitioner was debarred from the enjoyment of the favour of Government conveyed by G. O, dated 21st April 1879 No. 895 allowing officers to be promoted to posts on Rs. 20 without passing the General Test.

5. Your petitioner went up for the General Test examination not less than 10 times but failed to pass it.

6. The Government are aware that by the late reduction of the court establishment the number of the establishment was so much reduced that the remaining members on the revised establishment are required to perform such an amount of work as they can do but with much difficulty and consequently your petitioner is spared no leisure to prepare for an examination.

7. Under these circumstances your petitioner dutifully prays that the Government may be pleased to sanction the employment of your petitioner in an office of which the salary does not exceed Rs. 20 at any time hereafter when the District Judge may be able to provide him with such a post.

8. Your petitioner begs to submit for the favourable consideration of Government that he spared no pains in trying to pass the General Test which he attended at least 10 times before seeking this favour of Government and trusts that the Government may be pleased to view the petitioner's prayer as a special one and compassionately grant the indulgence solicited by him.

For this act of favour the petitioner shall as in duty bound ever pray.

He begs to remain

7th November 1879.

Most Honored Sir,

Your Most obedient Servant.

S. Appanna.

Dated 28-11-79.

No. 1795

To
XII. THE CHIEF SECRETARY TO GOVERNMENT MADRAS.
 Sir,

1 have the honor to forward herewith for the favourable consideration of Government, a petition from Sukuru Appanna, a clerk of this Court on Rupees 15, soliciting that Government will sanction his employment in a post on Rs. 20 per mensem, on some future Occasion should such a vacancy occur.

2. The petitioner has been in the continuous service of Government for the last 16 years. He is a painstaking and hard worker. He suffered a reduction of pay under the revised scale of court Establishments. He has tried but failed to pass General Test Examination. He does not however ask for a total exemption from the General Test but for a relaxation of the rules. In these circumstances I recommend that the relaxation be sanctioned as a special case.

Signed W. F. GRAHAME

Ag. Dt. Judge.

Judicial Department

XIII. PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from the acting District Judge Ganjam dated 28th Novbr. 1879 N. 1795.

Order thereon 11th December 1879 No. 3147.

G. O. dated 21st April 1879 No. 895 will be applicable to Sukuru Appanna.

[True Extract]

Signed. C. G. MASTER

Ag: Chief Secretary

To
 The Ag: District Judge Ganjam with enclosure.

No. 2152

XIV. Ganjam District Court, 24th November 1884.

To
 The Registrar of the High Court of Judicature, appellate side
 MADRAS.

Sir,

1 In connection with the Revision of the establishments of courts sanctioned by G. O. dated 16th September 1884, No. 2373, Judicial, communicated with your letter of the 15th Ultimo, No. 3021, I have the honor to report for the information of the High Court that I have retained 3 unpassed clerks on salaries of Rs 20 and more, under the following circumstances.

2 Sukuru Appanna pantulu, a clerk of the District Court on Rs 20 in the previous scale, has the pay of his post, raised in the revised scale to Rs 25. When the pay of this individual was raised to Rs 20 in the Revision of 1st April 1879, a reference was made to Govt. and they were pleased to sanction his retention, by G. O. Judicial, dated 11th December 1879, No. 3147.

3 Regarding W. S. Pra kasarow— Aska Munsiff's Court.

4 Do. Baker Ali Berhampore do.

5 The 3 clerks are reported to be thoroughly efficient and fit to be retained on the increased salaries and I therefore request that the Govt. may be moved to sanction the retention of the clerks accordingly.

I have &c.

Signed C. L. B. CUMMING

Ag. District Judge.

No. 3603
 XV High Court of Judicature
 Madras 8th December 1884.

From
 The Ag. Registrar of the
 High Court of Judicature at
MADRAS.

To
 The District Judge GANJAM.

Sir,

With reference to the letter of the late Ag. District Judge of the 24th Ultimo No. 2152 requesting that Govt. sanction may be obtained for the retention, on the Higher pay sanctioned at the recent revision, of the 2nd & 3rd clerks of the Aska and Berhampore Munsiff's Courts and of a clerk named S. Appannah Pantulu in the District Court, though they have not passed the requisite tests, I am directed to request that you will be so good as to inform me whether you support, the recommendations made by Mr. Cumming.

I have the honor to be
 Sir

Your Most Obedient Servant,

(Signed) J. A. Davis

Ag. Registrar Appellate Side.

Ganjam District Court 16 January 1885

XVI

To
 The Registrar of the High Court of Judicature, Appellate Side
MADRAS.

Sir,

I have the honor to reply to your letter of 8th December 1884

No. 3603.

S. Appanna, clerk in District Court was drawing Rs. 17-8 up to the revision in 1879. The pay of his post was then raised to Rs. 20 and under G. O. April 21.79 No. 895, he was entitled to draw the increased salary.

The other post of Rs. 20 after 1879 in the revised establishment held by a Junior clerk, and now that a post of Rs. 20 has been increased to Rs. 25. Mr. Cumming considered S. Appanna, the Senior clerk to be entitled to the increased pay. He is an old servant who has done and continues to do good work in the vernacular department and therefore I hope the Govt. will be written to allow him the increase of pay.

In the G. O. of April 21-79 the promotion is sanctioned on the understanding that the man will not be further promoted without passing the U. C. S. Examination. This has been taken to apply to ordinary promotion in the office, and not to a subsequent increase in the pay of the post actually by the same officer.

I have &c.

Signed. J. R. DANIEL
 District Judge.

XVII

High Court of Judicature
 Madras 25th February 1885.

No. 571

From

J. A. DAVIS Esquire
 Ag. Registrar of Hig Court of Judicature
 at Madras.

To

THE HONOURABLE E. F. WEBSTER,
 Chief Secretary to Government.

Sir

S. Appanna Pantulu, a clerk on Rs. 20 in the District Court of Ganjam, and Bakerelli Saheb and D. V. Subbarow 3rd. Clerks in the District Munsiff's Courts of Berhampore and Chicacole respectively are all unpassed men. The first holds his present post in virtue of G. O. 3147 Judicial dated 11th December 1879; and they are all old servants. At the revision sanctioned in G. O. 2373 Judicial dated 16th September last, the pay of their posts has been raised to Rs. 25, 20 and 20 respectively but they cannot be allowed the benefit of this increase except under special orders of Government. The District Judge Mr. Daniel recommends their retention on the higher pay and I am directed to support his recommendation, subject to the condition that the men will not be eligible for further promotion without passing the prescribed examination.

I have &c.

(Signed) J. A. DAVIS

Ag. Registrar

Appellate side.

(True Copy.)

(Signed) J. A. Davis

Ag. Registrar

Appellate side.

Judicial Department

XVIII

Proceedings of the Madras Government.

Read the following from the acting Registrar of the High Court, Madras, Appellate side, dated 25th February 1885, No. 571 regarding the retention of certain unpassed clerks of the District court of Ganjam and Munsifs' Courts of Berhampore and Chicacole on higher pay.

Order thereon 11th March 1885, No. 661, Mis.—

Sanctioned on the understanding referred to at the close of the letter.

(True Extract)

(Signed) FOSTER WEBSTER

Chief Secretary.

No. 857

Copy forwarded to the District Judge, Ganjam, for information, with reference to his letters, dated 24th November 1884, 16th January and 10th February 1885 Nos. 2152, 141 and 378 respectively.

High Court of Judicature }
 Madras 16th March 1885. }

(Signed) J. A. DAVIS
 Acting Registrar
 Appellate side.

To

The Registrar of the High Court of
Judicature Appellate Side
MADRAS.

The humble petition of Sukuru Appannah a clerk of the District court of Ganjam at Berhampore.

Most respectfully sheweth:—

I Your humble petitioner, who has no landed property and house of his own, and who has to support a family of nine members with what he draws as his salary, begs permission to bring his grievances to your honor's notice with the prayer that the losses he has sustained in the course of his service will be made good by the Honorable High Court before the petitioner retires on pension.

II The petitioner also beseeches to submit herewith the following papers for your honor's perusal and reference.

- (1) A print copy of the petitioner's leave-applications with orders thereon (Marked A.)
- (2) A print copy of his appointment order, testimonials &c. (Marked B.)
- (3) The authenticated copy of his service register (Marked C.)

III With the above documentary evidence and with as much circumstantial proof as he can offer, your humble petitioner entreats to represent his unmerited and unjust losses.

First. Those he has experienced in connection with adjournments and other leave-periods.

Secondly. Those he has incurred in connection with his promotions, superior service, and pensionary rights.

IV The petitioner has been made to work during 22 adjournments from 1870 to 1891 (both years inclusive) irrespective of the G. O. No. 748 dated 6th May 1862, regarding the restraint on the movements of ministerial officers of a Court during adjournments. The late sheristadar's report contained in para 4, paper A, as well as the work the petitioner has done during the said adjournments, bear testimony to this act.

V Your petitioner has never been allowed to reap fully the benefit that the leave rules set apart for those ministerial servants that have had to work during the periods of annual adjournments.

VI The petitioner implores your honor's permission to present the following facts which show the manner in which the leave-applications of your petitioner that has been made to work during twenty two adjournments, were received and disposed of during the time of the late Sheristadar:—

- (1) When the petitioner applied for leave during the adjournment of 1871, the sheristadar was called on to report on the matter, but nothing came of it.
- (2) The petitioner's four subsequent applications for leave during adjournments, met with a similar fate.
- (3) The petitioner was refused leave during the adjournments of 1886 and 1888, when he earnestly begged for it on account of some of his family members having been attacked by small-pox.
- (4) When, during the adjournment of 1887, the petitioner applied for leave to change the locality for the benefit of the health of his second elder brother, who was under the petitioner's protection, leave was refused.
- (5) When, in 1887, the petitioner applied for privilege leave to perform his second elder brother's funeral rites, the non-performance of which would seriously

interfere with his caste, he was granted nine days' leave on loss of pay, which was afterwards converted into privilege-leave on half-pay.

- (6) When, on account of his illness in 1890, the petitioner begged for the granting of privilege or casual leave for such a period as the Court would deem proper in the case of one that has always been made to work during the summer vacations, the petitioner was declared to have been given five days' casual leave which included two days *pongul leave*.
- (7) When, during the adjournment of 1890, the petitioner applied for leave to take rest, which he most needed as he was not, during his illness in January of that year, given privilege leave to enjoy it, the petitioner was refused leave; and he was granted only fourteen days' leave in the latter part of the vacation, on earnestly praying for it in consequence of the petitioner's nephew's death.
- (8) The petitioner's application for furlough leave in 1890, was returned unregistered by the sheristadar with the promise that the petitioner would be given privilege-leave after the expiry of the privilege leave that the sheristadar intended to avail himself of.
- (9) The petitioner's application for privilege leave in October 1891 was kept unregistered with the sheristadar for about twenty days and afterwards returned.
- (10) Another leave application in the same year contained in para I, paper A, was neither registered nor returned.
- (11) Finding thus that his applications for leave, submitted through the proper channel, would not be brought to the notice of the court, the petitioner presented personally to the Court another copy of the application contained in para I, paper A. On this the Sheristadar made the report contained in para IV and VII, paper A, which report, the petitioner begs to think for the following reasons, did not represent his case in unmistakable terms.
 - (a) The Pencil-note of the sheristadar in para II, paper A, holds good only in the case of those servants that have enjoyed the summer-vacation.
 - (b) The report does not plainly deal with the matter in clauses 6 and 10 in para I, paper A, on the ground of which matter the favour in clause 11 of the same para, is begged of the Court.
 - (c) The report deals only with the arrangements made for clerks' attendance during 1888 and 89, strangely omitting the arrangements in 1890, the year immediately previous to the year of the application, and also ignoring the arrangements made during the other previous years.
 - (d) Whether or not any servant voluntarily foregoes, to the prejudice of his health and comfort, the enjoyment of his privileged Summer vacation, to attend the Court, as the sheristadar says, to clear of the arrears, is plain to the Honorable High Court.
 - (e) Whether a humble servant like your petitioner was directly ordered by the Judge, or ordered orally or otherwise by the sheristadar, to remain on duty during adjournments, he would not be able to set aside the orders of either of them, as the incurring of the displeasure of the sheristadar would cost him equally dear. That the petitioner's leave application of 1891 was not sufficiently enquired into and properly disposed of by the court, is clear from para VI, paper A.
- (12) The petitioner was granted fifteen days privilege leave in March 1892 while he was under medical treatment on account of fever, and he was given only half pay for the period after the reopening of the Court.
- (13) The last leave application of the petitioner contained in para VIII, paper A, was submitted in 1892. The proceedings of the Court thereon contained in

para I, paper A, show, for reasons stated below, that due attention was not given to the grievance the petitioner has been labouring under.

- (a) The court seems to have enquired about the written orders of 1888 and 1889, referred to by the sheristadar in para IV, paper A, and about the arrangements made for clerks' attendance during the adjournment of 1891.
- (b) Nothing is said of the requests made in the petitioner's application.
- (c) The court did not examine the work done by the petitioner during 1888 and 1889.
- (d) The Court did not enquire into the written orders of the other previous years.
- (e) The petitioner was not given full pay for the leave he availed himself of in 1892, subsequent to the date of the said proceedings.

VII. Thus not one of the seventeen leave applications made by the petitioner on occasions of sheer necessity-want of rest, illness of himself and his closest kinsmen, funeral rites &c- has been disposed of in accordance with the leave rules applicable for those servants that have been made to work during adjournments.

VIII. The circumstances of your petitioner, who has been, for the facts stated above, enjoying no rest, since the second half of 1869, are so straitened that he cannot avail himself of the furlough leave provided, by the Civil Service Regulations, for servants requiring a long period of cessation from public work, the main difficulties in his way being *age bar, and small allowance during the furlough period*.

IX. Nor is your petitioner in a position to apply for pension as, in case he should apply for it now, he gets only one third of his pay.

Secondly.

X. Regarding the losses your petitioner has incurred in connection with his promotions, superior service and pensionary rights, he beseeches to submit to your honor's consideration the following two facts that have greatly militated against the petitioner's interests in question.

XI. The first fact is that your petitioner was transferred from the Aska Munsiff's Court to the District Court at Berhampore on the ground that he was senior to all the other clerks that did not know *uriya*. This transfer, the petitioner begs to say, is not legal for the following considerations.

- (a) Telugu language has been, from time immemorial, the only vernacular used in the courts of the Ganjam District and it is only some years after the petitioner's transfer that the Local Government has ordered that *uriya* also should be the vernacular.
- (b) The petitioner was not senior to all the other Gumastahs that did not know *uriya*, because two of the said Gumastahs had longer service than the petitioner.
- (c) The petitioner was transferred on less pay from a post of Rs. 11 to one of Rs. 10 (Vide in connection with the said transfer paras 8,9,10, paper B.)

XII. In connection with the above, the petitioner begs to state that Mr. W. Prakasarrow Pantulu and the petitioner who were transferred to each others' posts, are unpassed clerks, and in the promotions which both received afterwards, Mr. Prakasarrow had a chance of getting a post of Rs. 30 according to the scale of salaries in the Munsiff's Court, while the petitioner could get a post of only Rs. 25 according to the scale of salaries in the District Court (vide para XIV clauses 2 and 3, paper B.)

XIII. The second fact is that the petitioner's claims of seniority were overlooked by the court in conferring a post of Rs. 10½ in the District Court, that fell vacant

(4)

out two years after the petitioner's transfer, on Mr. Paternahanty, who was not in a Government service before, who was then unpassed, and who was, at that time, the undivided brother of the sheristadar.

XIV Had the petitioner's claims been herein considered, his superior service would have been completed earlier; and had the above unjust transfer not taken place there would have been no break in the petitioner's superior service, he would have been drawing Rs. 30 per mensem from November 1884 and he would have been, by this time, entitled for a pension of Rs. 15.

XV The petitioner entreats your honor to peruse, in connection with this petition, the testimonials of his conduct and ability contained in paras II, III, IV, V, VI, VII, VIII, IX, X, XII, XIV, XVI, paper B, and also the petitioner's service Register (marked C) showing his age and service.

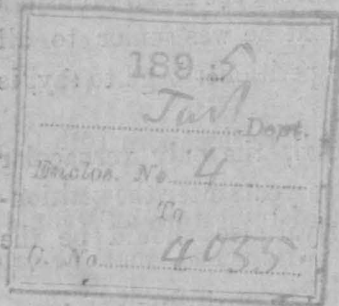
XVI With the firm conviction that the humblest servant has a chance, under the benign British Government, of having his grievances heard and redressed and that favour will be shown to the old servant that has been laboriously working in the Government service for thirty one years, the petitioner craves your honor's permission to conclude his petition with imploring the Honorable High Court for the sanction of:—

1. Leave, without loss of pay and service, for such a period as the Honorable High Court deems meet in the case of a servant that has been made to work during twenty two adjournments.

2. A post of thirty rupees as soon as possible with permission to work therein for five years, or a pension of fifteen rupees as soon as your petitioner completes his 55th year.

(Signed) S. Appannah

20th June 1894



D

I

TO

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE APPELATE SIDE
MADRAS.

MOST HONORED SIR,

I; one Sukuru Appannah, a Clerk in the District Court of Berhampore Ganjam District, most respectfully beg to submit herewith, a petition (and also the papers connected with it) representing my grievances, with the prayer that your honor will kindly bring the same to the notice of the honorable High Court.

I beg permission to state that I am obliged to submit the said petition direct, as his honor the District Judge has refused to forward it.

Dated 17th August 1894

Berhampore Ganjam

District.

I beg to remain

Most honored sir

Your most humble servant

and petitioner.

(Sd.) S. APPANNAH.

II No. 2860

Proceedings of the High Court of Judicature at Madras, 3rd October 1894.

Read petition dated 20th June 1894, from S. Appannah, a Clerk in the District Court of Ganjam, praying that he may be granted leave on full pay for such period as may be thought proper, in consideration of his having worked during 22 adjournments of the Court, and also a post on Rs. 30, with permission to continue in it for 5 years, or a pension of Rs. 15 as soon as he completes his 55th year.

There is no case for the High Court's interference. The District Judge can grant petitioner any leave to which he is entitled under the rules. Apparently he is not eligible for an appointment of Rs. 30 for mensem, but the power of appointment in case of vacancies is vested in the District Judge.

(True extract)

(Sd.) H. W. FOSTER.

Registrar, Appellate Side.

To

S. Appannah clerk District Court of Ganjam with papers [1] returned.

To

The District Judge Ganjam.

III No. 1754

Proceedings of the District Court of Ganjam, dated Berhampore 10th October 1894.

Read Proceedings 2860/3-10-94 of the High Court of Judicature at Madras. Order.— S. Appannah Pantulu 4th Clerk of this Court is informed that he can apply for leave to which he is entitled under the rules, if needed.

(Sd.) J. P. FIDDIAN,

District Judge.

(True extract)

By order of the Court.

N. V. BALAKRISHNAMAH,

Sheristadar.

D. R.

Ag. H. C.

IV

To

J. P. FIDDIAN ESQUIRE,

District Judge

Ganjam.

I beg to submit with reference to your honor's proceedings No. 1754/10-10-94 that at present there is no necessity for me to avail myself of the leave granted. I pray that I may be allowed to make use of it when necessity arises.

I beg to remain

Most honored sir,

Your Honor's most obedt. Servant

(Sd.) S. APPANNAH,

Clerk.

TO

THE CHIEF SECRETARY TO GOVERNMENT
JUDICIAL DEPARTMENT
MADRAS.

The Humble petition of Sukuru Appanna, a Clerk of the District Court of Ganjam at Berhampore.

MOST RESPECTFULLY SHEWETH:—

1. The grievances that your honor's petitioner has been laid under in the course of his service, having proved to be such as he has not been able to obtain redress from his departmental authorities, he beseeches to submit, herewith, the record showing his case and all the particulars thereof for your honor's perusal and just and generous disposal.

2. The record in question consists of the following papers:—

- (1) A printed copy of the petitioner's petition to the High Court of Judicature, Madras (Marked D) with three enclosures (Marked A. B. C.)
- (2) A paper containing copies of the petitioner's covering letter submitting the same to the High Court, together with a print copy of the endorsement of the High Court of Judicature, on the said petition, and also the Proceedings of the District Court of Ganjam No. 1754 dated 10th October 1894 as well as the petitioner's reply to the said proceedings, dated 12th October 1894.

3. The petitioner's grievances and supplications are set forth in the petition (Marked D)

4. Abstaining from lengthy supplements to the facts and reasons in the petition (Marked D), your honor's petitioner implores permission to add that his grievances were given rise to, by the petitioner having been deprived of the benefits of the regulations and rules intended for the comfort and protection of Government servants, and that, as such, they stand in need of the special consideration of His Excellency in Council.

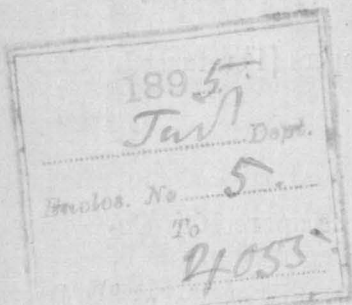
5. Being firmly convinced that the slightest wrong suffered by any Government servant on account of the circumstances over which he has no control, will be set right if it only reaches the hearing of His Excellency, and that a Government servant, on whom the responsibility for his actions always hangs, will never be allowed, under the just and humane British Government, to be deprived of the enjoyment of the benefits contemplated by Rules and Regulations as cogent as those placing the said responsibility on him, your honor's petitioner craves permission to conclude his petition with the prayer that His Excellency in council will be gracious enough to consider the grievances stated in the petition (Marked D) and generously grant the supplications in para XVI of that paper.

For this act of kindness, the petitioner shall as in duty bound ever pray.

15th August 1895

Sukuru Appanna

E



Dated Berhampore, 19th August 1895

From

R. H. Shipley Esquire
As District Judge of Ganjam,

Berhampore,

To

The Chief Secretary to Government,
Judicial Department,
Madras.

Sir

I have the honor to forward herewith a petition of Sukurn Appanna, 4th Clerk of this Court, together with its enclosures, for such orders as the Government may be pleased to pass in the matter.

2. The petitioner having made a representation to the High Court, that Court in Proceedings 2860 3.10.94 ordered as follows

"There is no case for the High Court's interference
"The District Judge can grant petitioner any leave to which he is entitled under the rules. Apparently
"he is not eligible for an appointment of Rs. 30/- per mensem, but the power of appointment in case of vacancies is vested in the District Judge (Vide Enclosure E).

3. Thereupon this Court in Proceedings 1754 10.10.94 informed the Clerk that he can apply for leave to which he is entitled under the rules, if needed. To which he answered that there was no necessity for him to avail himself of the leave and that he would make use of it when necessity arises.

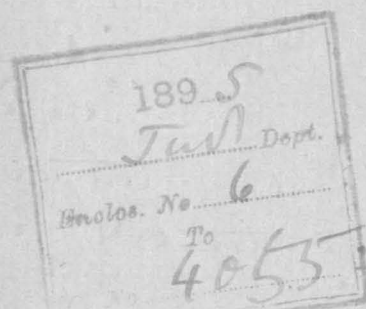
I have the honor to be,

Sir

Your most obedient servant,

R. H. Shipley

As District Judge.



From

Judge of Ganjam,

Berhampore,

To

The

Dated

Despatched

Received

189

No.

Enclosure

Subject

When given for copying

When copied

When examined

When signed

189

READ AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.

B = Not to be copied.

P = Copy abstract only.

Q = Copy heading only.