

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2077

Dated 8th Oct. 1895

[Despatch Abstract.]

MEMORIAL WITHHELD.

Ordering that the memorial to His Excellency the Viceroy and Governor General of India from Sulaman Khan Sahib, late Deputy Tahsildar and Second class Magistrate of Bisemkatak, Vizagapatam district, appealing against his dismissal from service, be withheld under Rule 3(3), Section III of the Memorial Rules B.

BACK PAPERS.

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

FURTHER PAPERS.

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

MEMORIAL LIST.

Entered 11/10

ORDINARY, MS.

Judicial DEPARTMENT.

G.O., DATED *8-10-95*

No. *2077*

INDEXED.



When given for copying. *10/10*

[Despatch Abstract.]

*During that the Memorial
His Excellency the Viceroy &
Governor General of India
in Council on 14th Jan
1895 held Deputy Subordinate
2nd Class District of Mysore
State, Vizayapatnam District
appealing against his dis-
missal from service be-
cause he held under Rule 3(3)
Section III of the Memorial
Act B.*

431/96

2004/96

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.

- A - Copy in full.
- B - Not to be copied.
- P - Copy abstract only.
- Q - Copy heading only.

His Excellency
The Right Honorable,
Lord Elgin &c. G. M. S. I.
G. M. S. I. & L. D.
Viceroy and Governor-General
of India.

Simla.

The Humble Memorial of Salomon Khan Sahib,
late Deputy Tahsildar and 2nd Class Magistrate
of Bissaukote, Vizagapatam District,
Madras Presidency.

Sheweth:

May it please your Excellency.

That in accordance to the G. O. dated
31st July 1895, No. 1345 L, and the first Resolution
recently passed by the Governor-General of India
on the subject of removal of public servants from
Government service of which mention was made
in Local News Papers, Memorialist humbly
begs to represent by the few following lines of
the injustice done in his case was not to be
considered as one meriting a dismissal if
viewed in the spirit of the said Resolution
Para 2 which provides that a distinction
should be made between the removal or
discharge and the dismissal of a public servant.

That in Memorialist's case the cause of his
being ousted from employment as Sub
Magistrate of Bissaukote, Vizagapatam
District regarding which he has been from
time to time appealing to the Government
of Madras praying for justice with the clear
perceived that it cannot be regarded
as any heinous offence precluding his
re-employment in Government service.

(1) The ground on which he was ousted from employment will be perceived from the records in his case already submitted to the Madras Government to have been for his having merely demanded a present from the Zamindar of Sengapoor which was held by the Madras Government as a sufficient reason for his dismissal while it would be evident if fully investigated into the matter that he could have not so demanded the present in question for the period during which he had not been in employment there. The Madras Government in passing their Proceedings stated thus "Refused did not merely accept a gift by way of courtesy and for fear of giving offence but demanded its payment for previous years." By this it would evidently show that the Madras Government was to the greatest misfortune of the Memorialist passed their Proceedings that he had demanded such present for previous years i.e. to say prior to his being employed in that Province.

(2) In para 2 of the Governor General's Resolution cited above it is distinctly stated that "Removal from office for such a cause as unfitness for the duties of the office need not necessarily entail any further consequences. It ought not to bar re-appointments to another office for the duties of which the person may be suited." Now Memorialist would humbly beg to be allowed to point out that in passing the Proceedings of the Madras Government for his dismissal on the report of the Senior Assistant to the Governor's Agent, Vizagapatnam District, it is stated thus "Sulaiman Khan has not according to the Divisional Officer fitted with competence the office he has been holding." Vide the concluding para of letter No 264, dated 27th May 1887 from the Governor's Agent to the Government of Madras. While it will be plainly seen that his case is to be treated as a removal from office for incompetency, it was nevertheless treated as a dismissal which

more humane treatment of his person and family. He therefore humbly prays that the benefit of the Governor General's Resolution, of which as he fully deserves may be allowed him that he may be re-appointed to some other post for which he may be found competent.

3. That, in the Proceedings of the Madras Government on the Governor's Agent's letter just referred to above, the Proceedings of the Madras Government No 1363, dated 28th June 1887, while ordering Memorialist's dismissal did not say that he was to be precluded from re-employment. Which it was so on Memorialist's appealing to the Madras Government praying for reconsideration of his case on the Governor General's Resolution, above referred to, the Madras Government's Proceedings dated 24th August 1895, No 1768, states that "he was dismissed under circumstances precluding his re-employment in Government service."

4. That, in Memorialist's case, it will be plainly seen that if comparison were to be made with cases which are much more serious than his, no justice has been done by the Madras Government, as for example, in the case of the Sub Magistrate of Sengapoor, Gajagam District, one, by name Chenzabala Hanumanth Puntulao, dismissed by the Madras Government in 1888, on a very serious charge, was on his appealing to the Madras Government, passed their Proceedings to reduce him from his post to that of a clerk of Rs 15.

5. That, as a further instance Memorialist would humbly beg to be allowed to quote here the Proceedings of the Madras Government, which appeared in the local Newspaper "Hindu" of 17th August 1895, Page 4, regarding the Badigara shooting case, causing the death of a fanatic Moplah. In that case, the Madras Government in passing their Proceedings stated thus "Upon a reconsideration of the matter, the Government had come to the conclusion that the punishment awarded to the Head Constable and the 3 Constables

Order of dismissal will therefore be converted into one of suspension for six months. The Memorial addressed to the India Government by the Madras Government will be withheld, inasmuch as the punishment of dismissal has been cancelled."

6. That it will be perceived from para 4 of the Governor-General's Resolution referred to above, that with regard to dismissal of public servants such a dismissal if it be for any serious offence, such as fraud or falsification of accounts should be notified in the Government Gazette, & in Memorialist's case his dismissal not being for any such serious offence as just alluded to was not notified in the Government Gazette.

7. That Memorialist appealing to the Madras Government regarding the injustice done in his case submitted authenticated copies of several letters of the Sub Magistrate of Gungah Taluk, Vizagapatam District, stating that such a practice was prevalent in the Hill Tracts of receiving presents from the Zemindars and sending them in return some silk cloths &c. it being considered as a matter of courtesy in making such reciprocal presents, and to demand such presents with a view to preserving mutual understanding between the Zemindars and the Officials. While it will be seen from the letters just referred to that Memorialist act in accepting such a present can be no offence, and since his demanding such a present could not be for a period antecedent to his employment in the Province, unless it must have been owing to the greatest misfortune of the Memorialist, that the Madras Government passed their Proceedings that he should have demanded it for previous years, which is quite unreasonable. Memorialist deeply bewails that he should have been subjected to such serious and

severe punishment of dismissal through misconduct of his case.

The Copies of the Proceedings of the Madras Government No 1363, dated 28th June 1887, No 2201, dated 26th September 1887, are herewith submitted for your Excellency's kind perusal.

8. That, under all the circumstances explained above, Memorialist most earnestly implores the mercy of the Governor's Government to take into consideration his poor case, he having faithfully served in Government employ for over a period of 19 years, sacrificing his physical strength and health in the discharge of his duties in unhealthy climates of Hill Tracts in the Vizagapatam District and having lost all his family property consequent on his being without employment, ever since unjustly ousted from it owing to which he has been constantly from time to time appealing to the Government, praying for redress, and in conclusion, humbly craves Your Lordship's clemency to provide him with means of livelihood by appointing him to some lower post according to the fresh Resolution recently passed by the Governor-General of India.

For which act of justice and benevolence Your Lordship's poor Memorialist and his family will never fail with the deepest sense of gratitude always remain,

Chicacole,
Gungah District
Madras Presidency
26th September 1895

S. Ramon Khan

Judicial Department

CURRENT NO. 4624

1768 & 24.8.95 This
1345 & 31.7.95 L.M. 80.
460 & 29.5.95 M.S.
& papers
B.M. Memorial paper

From: Zulauion Khan Sahib

Late of Tahildar & 2nd class

Magistrate of Bissaukatak

Huzar in D.C.

Dated 26. Sept

Recd 1st Oct

Regd 23 Oct

Enc: 3.

Subject:

Submitting for transmission to

the Govt. of India a memorial.

a copy of which has been submitted

direct to the Govt. of India

marked "Duplicate".

This is a copy of the
memorial submitted to the
Govt. of India for removal
of the name of the
late Tahildar from the
list of Tahildars.

2. The file will also be
submitted that his memorial
will be liable to be submitted
under Rule 3 (3) of the Memorial
Rules B.

8.8.10.95 No 2077

The memorial will be with
the Govt. of India under
Rule 3 B. Sec. III
of the Memorial Rules B.

The file will be with
the Govt. of India under
Rule 3 B. Sec. III
of the Memorial Rules B.

The file does not have a new
copy submitted to the Govt. of
India. It is only a copy of the
original submitted to the Govt. of
India for removal of the name of
the late Tahildar from the list of
Tahildars.

a copy of C. P. M. only

When given for copying _____
When copied _____
When examined _____
When signed _____

189

AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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