

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2480-2481.

Dated 29th Nov 1895

INDEXED.

[Despatch Abstract.]

MEMORIAL.

Forwarding, with remarks, for consideration and orders of the Government of India addressed to the Secretary of State by M.R.RY. P.Seshagiri Rao Garu, late Sub.pro.tem. Deputy Collector and ~~and~~ Magistrate for General Duty, Guddapah district, appealing against the order of this Government directing his reversion to the permanent appointment of Fuzur Sheristadar as a punishment for his delatoriness and want of energy in dealing with the case of the Sub-Magistrate of Pulivendla.

and

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	150		9/6				



Proceedings of the Board of Revenue

(Land Revenue).

Dated 9th September 1895.
No. 4530 Dis

READ Again Board's Proceedings dated 21st August 1895, No. 2146 returning to Memorialist, Mr. R. R. P. Sahagiri Rao, late Sub. pro. - true Deputy (Victor & Magistrate, Cuddapah District, for rule 8 of the Rules embodied in S. O. No. 25 (old Edition), his memorial to the Secretary of State appealing against his reduction from the above post to that of Collector's Sheristadar, Anantapur.

- also endorsement of A. C. Tate Esq., Acting Collector of Anantapur, dated 27 August 1895, No. Ref. B. No. 2295

Resolution

Forwarded to Government.

1/2 Extract

To the Secretary to Govt.
Re: Left with the
Memorial with the Collector's
endorsement thereon.

L. V. S. S. S.
Secretary.

Revenue 1895 Dept
Board of Rev.
(Land Rev.)
Current Number 6649

To
The Secretary to Govt.
Revenue Department

14/19
Indra 0.
Progs. dated 9. 9- 95
No. 4530 land. Ans 2.
Recd 13

Forwarding to Government,
the memorial of Mr. R. K.
D. Seshagiri Rao gam,
late Sub. District Deputy
Collector and Magistrate,
Cuddapah Dt., who Secretary
of State, against his reduction
from the above post. to that
of Deputy Sheristadar.
Anantapur Dt.

P. J. O.
complete file of
13/9
14/9
15/9
16/9
17/9
18/9
19/9
20/9
21/9
22/9
23/9
24/9
25/9
26/9
27/9
28/9
29/9
30/9

6030-1-95 No. 401
23-7-94 No. 2471
20-3-94 No. 708
20-3-94 No. 708
20-3-94 No. 708

CURRENT No. 4419
Judicial Dept.
Order No. 1471.

Transferred to the
Judicial Department.

CHIEF SECRETARY
16 SEP. 1895
GOVERNMENT OF MADRAS
Ag: Assistant Secretary.
Ostacey 14
14th Sept. 1895
Recd 15
Ref 17
encl. 2

14/9

G.
25.
21-5-95.

Jud. DEPARTMENT.

C. No. 4419

FOR ORDERS.

This current is a memorial
from P. Seshagiri Rao, the Dy.
Collr. in the Cuddapah Dt. who
was made to revert to his perma-
nent appointment as ^{Huzur} Sheristadar
as a punishment for his dilatoriness
and want of energy in dealing with
the case of the Pulivendla Sub. Magistrate.
2. The whole story of the case
is fully set out in the notes in
orders in G.O. 8. 20th March 1894,
No. 708. Paragraph 5 of that order
summarizes the points in respect
of which the Dy. Collr. failed to
acquit himself with credit. He
was then called on to show cause
why he should not be reduced to
his permanent appointment and
the explanation which he sub-
mitted was dealt with in G.O.

8. 14th July 1894, No 1730, the note for orders in which shows clearly in what respects his explanation was unsatisfactory. In that order Govt. expressed its opinion that the Dy. Collr. was unfitted to retain a Divisional charge and directed that he should be relegated to the appointment of ~~Magistrate~~ ^{Magistrate} Sheristan. He subsequently petitioned Govt. to declare him eligible for promotion at least to the post of Dy. Collr. in charge of Treasury. In G.O. 8. 30 Jan'y. 1895, No 401, he was informed that the Govt. was not prepared to comply with his request.

3. He now memorializes to the Secy. of State in appeal against these orders soliciting restoration to the post of Dy. Collr. Under rules of Memorial Rules A, no limit is fixed as to the time in which a appeal should be preferred to the Home Govt. and there is no clause in rule 12, under which the Govt. has power to withhold this memorial. The facts of the case have however to some extent been laid before the Govt. of India in connection

FOR ORDERS.

HON'BLE MEMBER.

Yes - Send to Govt. of India which has already dealt with another part of the same case.

6/11/95 JG

DEPARTMENT.

C. No.

FOR ORDERS.

with an appeal preferred to that authority by the Pulwenda Sub. Magt. vide G.O. 8. 15.1.95 No 86-87, and it is for consideration whether with reference to memorial rule No 4, the present petition should not be transmitted to the Govt. of India. This course appears desirable as that authority can under rule 13 withhold the transmission of the papers to the Secy of State.

4. There is nothing in the memorial which calls for the reconsideration of the orders already passed by Govt and it is suggested that the letter to the Govt. of India or the Secretary of State, as the case may be, should be drafted on the following lines.

(1) A brief resumé of the history of the Pulivendla Sub. Magistrate's misdeeds and the action taken by the Dy. Collr.

2) A brief discussion of the Dy. Collr's printed explanation following Mr. Butterworth's note for orders in G.O. 8. 14th July 1904 No. 1730

3) With reference to the memorialists' desire that a copy of his report against the Sub. Magistrate and the Police should be furnished to the Secy. of State in order to show that "far from slightly passing over the irregularities and misdeeds of the Police he had denounced them in the severest possible terms", it should be pointed out that Govt. ^{now} has no reason to complain of his report nor of the attitude taken up therein, but that he was considered to blame for his failure to take prompt and energetic action against the Sub. Magistrate in the first instance. This report has been returned to the Board of Rev. in the Rev. Dept. with the other records, but it appears hardly necessary

FOR ORDERS.

HON'BLE MEMBER.

G.
25.
1900-21-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

"^x His report is clear enough
" and his ideas of right and
" wrong correct. He has not
" done anything wrong, so far
" as I can see. His fault
" has been in leaving things
" undone.

necessary to send for a copy of it or to furnish the Secy. of State therewith in view of the light in which it has been regarded by Govt. vide ^{the} Hon. Mr. Bliss's note in G.O. 8. 20.3.94. No. 708.

(4) With reference to the memorialists' recitation of his previous official career, all that appears necessary is to state that his conduct in this particular matter proved his unfitness to the responsibilities of a divisional charge.

(5) With reference to his statement that Govt. was not prepared to comply with his request to be appointed as a Dy. Collr. in charge of Treasury, it may be pointed out that it is for

for administrative reasons undesirable
to increase the number of Dy. Collrs.
who are fit only for treasury work

22.11.95
21/11/95

22/11/95
MS
6/11/95

Memorial to the Secretary
of State from a ^{late} Dy. Magistrate.

FOR ORDERS.

HON'BLE MEMBER. J. Hon: Mr. Lyrose

2

The Secretary to Govt. Rev. Dept
for favour of counter-initials

CSH

[G.]
24.
500-23-7-95.

Judicial DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 4419

of 1895, dated 14 Sept. from the R.D.

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. 29 November 1895 No 2480
ms

Under Rule 10 of the Memorial Rules
the memorial will be forwarded to the Govt. of
India before which authority the facts of the
case relating to the memorialist's degradation
have been laid in connection with an appeal
preferred by the ^{late} ~~Prinsep Bahadur~~ S.
Venkoba Rao late Dy. Magistrate of Julundur
Cuddalore District.
MS 21/11/95 (From orders)

To
The memorialist. of the R.D.

Letter No 2481

To

The Secretary to the Govt. of India
Home Dept.
(with mem. & encs.)

Sir,

I am directed to forward for
the consideration and orders of the Govt.
of India a memorial addressed to the
Right Honble the Secretary of State

by M.R. Ry. P. Seshagiri Rao Iyer, late
Sub-prosecutor ~~General duty~~ Deputy Collector
and magistrate ^{for General duties} ~~although~~ ^{although}
Cuddapah dt. ~~the~~
memorial is addressed to the Rt. Honble the
Secretary of State, it is considered desirable
to submit it for the orders of H.E. the Gov.
General in Council as the facts of the case
relating to the memorialist's degradation have
to some extent, been laid before the Govt. of
India in my letter no 87, Judd, of 15 Jan'y last.
in connection with an appeal preferred by ~~the~~ ^{S. Venkoba Rao}
late ~~Pulimela~~ ^{P. Pullamurthy} Sub-magistrate, and also ~~as~~
^{because} the Govt. of India can under Rule 13 with-
hold the transmission of the memorial. ~~with~~
decision.

2. The memorialist appeals against the order
of this Govt. directing his reversion to the permanent
appointment of Husur Sheristadar as a punish-
ment for his dilatoriness & want of energy
in dealing with the case of the ~~Pulimela~~
Sub-magistrate. ^{of Pulimurthy} Para. 5 of G.O. of 20 March
1894 no. 708, Judd, a copy of which was
forwarded with my letter no. 87 of Jan'y last,
summarises the points in respect of which
the Dy. Magistrate failed to acquit
himself with credit; and ~~it~~ ^{therefore} appears un-
necessary to recapitulate them. It
will

2
with suffice to touch briefly upon the more
important charges brought home to the Dy.
Magistrate ^{and the} ~~by the~~ ^{which he rendered.} his explanations.

3 (1) The first charge against the memo-
rialist was that the gross abuse of power by the
Sub-mag. in the case of theft brought against
Ramaalingam ought not to have been passed
over with ^{but} a few words of censure. His
defence was, it will be seen, that there was nothing
to show that the sub-mag. had instigated the com-
plaint against Ramaalingam & that ^(Ramaalingam) ~~to him~~
was examined in ^{the course of the hearing of the} appeal, he ~~had~~ ^{had} decided that
the jewels had been found in his bag & declared ^{that} they
were in Guruvasan's box at the time of the search.
This explanation would perhaps have ^{been considered adequate} ~~satisfied~~ if
there ^{had been} ~~was~~ nothing on record at the time when the
Dy. mag. disposed of the appeal to indicate vin-
dictiveness but, as a fact, Ramaalingam's appeal
petition was accompanied by an affidavit wherein
the sub-mag. was distinctly charged with malice
& the cause therefor was assigned. This affidavit
was ^{made} ~~given~~ by Lingamurti, brother of Ramaalingam,
& it was sent to the sub-mag. for remarks; ^{he} ~~when~~
if ~~he~~ ^{he} ~~had~~ ^{had} ~~denied~~ ^{denied} the imputation of malice though
he admitted ^{that there had been some} ~~a~~ ^{fact} of quarrel with Ramaalingam.
The case was quite ^{difficult} ~~easy~~ to make strong
suspicion & an energetic divisional officer would
in the opinion of H.E. the Gov. in Council, have
probably commenced enquiries at once. So far
was the Dy. mag. from doing this, that he did
not

Queen examine the files of the affidavit - Linga-
murti. He examined Guruswami, ~~it is true~~ on her
denying the story of the Submag's intimacy with
Bali he seemed to have thought that enough
had been done & contented himself with remarking
in the judgment that the Submag. had acted very
hastily. The Dy. Mag. also stated in his
report of the 8th Oct. that he took no action "as
this was the first case in which malice was im-
puted to the S. M. & as there is a general tendency
with accused persons to construe an error of judg-
ment into an act of malice". ~~This remark~~
~~was quite enough~~ but ^{however} in this case the imputation
of malice was strongly corroborated by the harsh-
ness of the trial & the ^{grossly} ~~unduly~~ ~~inordinate~~ ^{unwarranted} punishment
passed.
* L. Amalingam's false denial before the Dy.
Mag. that the jewels were in his bag ~~was~~
^{could} ~~considered~~ ~~as~~ hardly serve as an excuse
for that officer's failure to make further
inquiries.

charged with complicity in the offence. He suspected that the ring had not been stolen ^{stated that as} but ^{but} there was no proof he could not call on ~~these suspicions~~ the Sui. for an explanation or mere suspicion. The Govt. ^{accepted} ~~considered~~ this explanation but considered that the facts ^{while} remained that the Dy. Mag. had devoted a portion of his judgment to proving that the Sui's explanation of ^{discovery of the} the ring being in the box which was stolen was improbable & that ^{he had} commented therein on the Sui's minority towards Ramalingam, he took no steps to bring the Sui. to account & that it was the Dy. Mag. who moved in the matter.

(3)rd Charge: In connection with the same ^{as is attached to this} case the Govt observed that the obscurity in which that case was involved was mainly the

result of the dilatoriness + negligence of the
Dy. Mag. who made no effort to get to the
bottom of the matter; that the circum-evidence
given by Pompayya had not been properly consid-
ered; that Ismail Sahib ought to have been
examined + that the Dy. Mag. was content
to pass on the S.M.'s explanation to the S.M.
after a delay of more than two months. It is
in defence to this charge ^{as follows:-} ~~contained in the order.~~
"I was not dilatory or negligent. I examined the
case of offence at Pulivurula + Peddajuttur. I dis-
posed of the case within four days of receipt of
the charge sheet + examined not only the witnesses
cited therein but also seven court witnesses. I do
not see anything curious in Pompayya's evidence +
I did not examine Ismail Sahib because he
was not present + had merely been cited by the
S.M. to support the evidence of the witnesses. There
was no necessity for me to comment on the S.M.'s
remarks submitted on the requisition of the S.M. +
because there was nothing new in them + besides
I did deal with them at length in my report
of the 8th Oct. As to delay, before I received
the S.M.'s remarks I had got information of the
3rd + 4th cases against the S.M. + I thought
it better to detain the S.M.'s remarks on the 2nd
case till I had inquired fully into the other
charges."

With reference to this explanation it may
be remarked that the Court did not mean

to charge the Dy. Mag. with dilatoriness or negligence
in the disposal of the Ray case regarded as a
mere criminal charge. What was meant was that
the origin of the case could doubtless have been ascertained
had the Dy. Mag. made any attempt to investigate
the S.M.'s conduct. As to Pompayya + Ismail Sahib
the Dy. Mag. suggested in his supplemental expla-
nation that the "circum-evidence" given by the
former ^{might} ~~may~~ be his statement that Nagayya was
absent from Peddajuttur ^{until} ~~the~~ Sunday morning. This
is what yourt refers to + it was a remarkable
piece of evidence to which ~~an~~ allusion should have
been made in the judgment. However, this was a
matter of comparatively trifling importance + it was
the failure to examine Ismail Sahib though he
was a very important witness as he could have
proved, probably, that Ramalingam + Nagayya were
not in company on the night of the alleged burglary.
As to delay in dealing with the S.M.'s remarks to the Dy. Mag.
the Dy. Mag.'s statement that he detained them in
order to deal with the whole case at once was accepted
as a reasonable excuse.

(ii) Charge. The Dy. Mag. made practically
no inquiry at all into the complaint of wrongful
confinement brought by Guruvasanis on behalf of
Bali against the S.M.; he never went to Pulivurula
to inquire into the case + he did not intimate to
the Dy. Mag. that such a charge had been brought.
For the space of three months.

In defence the Dy. Mag. it will be seen!

at once have reported the complaint to the D.M., proceeded to Pulivandla & made a full departmental inquiry. The duty of trying the case could have been deputed to another mag. when sanction was received. The failure to intimate what had happened to the D.M. mag. remained entirely unaccounted for. The delay

the excuse offered for not intimating it is of the weakest

in drawing up the report was more intelligible though not excusable. The Prosdutis division is not a light one charge but the pressure of work was in the opinion of S.E. in C., hardly sufficient to account for a period of 2 months & 18 days in preparing a report even in so complicated a case. The Govt. also noted that in the case against the sub mag. in his division, instances specially as having thrown enormously heavy & pressing work on him the Dy. mag. had really very little to do with the case beyond recording a few depositions & writing a very brief report.

(5) ^{charge} ^{apparently} the Dy. mag. took no steps to obtain an explanation of the various irregularities committed by the Police in connection with the Ray case & the arrest of Bali & her relatives. He ^{excuses} ^{in the matter of} supported himself as to the Ray case by saying that he had sent a copy of his judgment to the Supt. of Police; & as to arrest of Bali he stated that ^{Bali} had made this the subject of a criminal complaint on which he had reported to the D.M. on the 8th Oct.

confessed that he did not think it necessary to go to Pulivandla, that either Sec. could not be prosecuted without the sanction of the Board of Revenue he had merely to see whether there was a prima facie case against him; & that he satisfied himself that there was by examining five witnesses. He also states that he was prevented from visiting Pulivandla by pressing business in Godavari Taluk; & that although it is true that he had an interview with the Collector on the 2nd Sept., he did not mention anything ^{about the charge of wrongful confinement} to that officer as they talked only of local fund matters. He admits that the Collector knew nothing about this charge ^{until} he got the report of the 8th Oct. but ^{argues} ^{that} it took him only 2 months & 18 days to complete his report, Bali not having made a formal complaint in person ^{until} the 20th July, though Guruvaram had lodged his complaint on the 12th Dec. The Dy. mag's explanation for this delay was, ~~however~~ that the records were so voluminous & that he had enormously heavy & pressing work of special importance between the 21st Aug & the 9th Sept. This explanation seemed to go quite very weak. It is true that ^{his magt} ^{could not} be prosecuted without the sanction of the Bd. but, obviously, it was the duty of a divisional officer to do more than satisfy himself that there was a prima facie case against one of his subordinates. The Dy. mag. should

altitude taken up therein but that he was ^{held} ~~considered~~ to blame for his failure to take prompt + energetic action against the ~~Sub.~~ in the first instance.

5. With ^{reference to} ~~reference~~ ^{regard} to his ~~request~~ ^{request} ~~reci-~~ ^{reference to} ~~tation~~ of his previous official career, I am ^{in the opinion of H.E. in Council} ~~to state~~ ^{Directed} that his conduct in this particular matter proved his ^{inadequacy} ~~unfitness~~ for the responsibilities of a divisional charge.

6 And lastly, I am ~~to express~~ ^{complaint} with regard to his ~~statement~~ ^{complaint} that ~~Gout~~ ^{did not} ~~was~~ ^{did not} ~~not prepared~~ to comply with his request to be ^{at least} ~~appointed~~ ^{appointed} as a Dy. Collr. in charge of Treasury. ^{I am to say} that it is for administrative reasons ^{is considered} ~~undesirable~~ to increase the number of Dy. Collectors who are fit only for treasury work.

7. Under these circumstances H.E. the G. in C. has no recommendation to make on behalf of the memorialist.

11.11.95 ^{Wings} ^{LD} 28/11/95

and that he could not therefore call on the Police for an explanation of their conduct when they had been charged ^{criticised} ~~criticised~~ in respect of it. This explanation seemed reasonable + sufficient.

4. On the whole it ^{appeared} ~~seemed~~ to H.E. the G. in Council that the Dy. Mag's explanation was of the most unsatisfactory character and ^{substantial merit} ~~as a token~~ of the displeasure of Govt. he was declared unfit to retain a divisional charge. He subsequently petitioned Govt. to declare him eligible for promotion at least to the post of Dy. Collr. in charge of Treasury; & in G.O. of 30.12.1901 no. 401 Rev. he was informed that the Govt. was not prepared to comply with his request.

4. He now memorialises ^{at Hable} ~~the~~ ^{and} ~~the~~ ^{the} Secy of State in appeal against these orders ^{restoring} ~~restoration~~ to the post of Dy. Collr. ^{There is} ~~I am to say~~ that ^{nothing} ~~nothing~~ in the memorial which calls for the reconsideration of the orders already passed by Govt. With reference to Srs. Jagji Rao's desire that a copy of his report against the Sub. Mag. + the Police should be furnished to the Secy. of State in order to show that "far from lightly passing over the irregularities + misdeeds of the Police he had denounced them in the severest possible terms", I am to point out that the Govt. saw no reason to complain of his report nor of the

[Faint, mostly illegible handwritten text on the left page, possibly bleed-through from the reverse side.]

(From order)

CS
mis

When given for copyling _____
When copied _____
When examined _____
When signed _____

189

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

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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