

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 535.

DATED 11th Mar: 1895.

[Despatch Abstract.]

MEMORIAL WITHHELD.

Directing that the memorial addressed to His Excellency the Viceroy and Governor-General of India by Sulaiman Khan, late Deputy Tahsildar of Bissemkatak, Vizagapatam district, be again withheld under paragraph 3 (3), section III, of the Memorial rules.

BACK PAPERS.

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

FURTHER PAPERS.

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

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ORDINARY, MS.

Journal DEPARTMENT.
G.O., DATED 11-3-88
No. 535

INDEXED.

When given for copying. 11/3

[Despatch Abstract.]

Directing that the memorial
addressed to H.E. the Viceroi
by Sulaiman Khan late
Deputy Subordinate of Dist.
Sumbharkata, Mysorepatana
district be again withheld
under para 3 (3) Section III
of the memorial rules B.

Date.

FURTHER PAPER, No. 2290 of 95 = $\frac{1017}{14.5.95}$ OF 189

2335/95 (mdo " of 80 (Lodg)
1363/87) 1559

2619/95 - (807)

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

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPER NOT FILED UP, BEING MEANT FOR RE-PATCH
IN ORIGINAL (not paged).

N.B.

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

Through

His Excellency
The Right Honorable
The Governor in Council.
Fort Saint George
Madras

To,

His Excellency
The Right Honorable
The Viceroy and Governor General
of India in Council
Calcutta

The Humble petition of Sulaiman Khan Sahib, late
Deputy Tahsildar and 2nd Class Magistrate of
Brisankatak Taluk, Vizagapatam District,
Madras Presidency.

Most Humbly sheweth:-

That, your Lordships' poor petitioner most
respectfully and humbly begs pardon in submitting
for your Lordships' indulgent and favorable consideration
this revised appeal petition against the Proceedings of
the Madras Government, dated 28th June 1887, No. 1363,
which reveals some additional new grounds not
shown in previous petitions, as they did not strike
him at that time on account of the helpless state
the petitioner was then struggling with and most
earnestly prays for your Lordships' clemency to modify
the said Government Proceedings towards your
Lordships' Mahomedan petitioners, a helpless subject
under the British Government, for the following
reasons.

2. That, in January 1884, petitioner had been appointed
as Sub Magistrate of Brisankatak, from where he was
transferred 3 months after on 26th March of that year to
Rajapatak. In a letter, dated 1st October 1885, addressed
by petitioner to the Manager of Singapore Estate it would
appear that mention was made of 2 years' usual
present as having been due, the 1st years present
awarded by the Rauce and that the remaining 2 years
present was due. Up to the date of the letter just referred
to petitioner had not been more than 18 months at
that station. Exhibit A.

3. That under the reasons explained above it
would evidently show that when out of the 2 years
1 years usual present had been received, the residue
would be only 1 years present. Whereas on the contrary
it would not be compatible with the allegation that
2 years usual present was demanded as due to be
awarded. The ground upheld for petitioners summary
dismissal would appear that his having demanded

the said 2nd point was culpable, and if the alleged present would be weighed with the period for which the said present could have been demanded, it would plainly show that even 2 years time had not been elapsed; whereas the question would be whether such an hypothesis that when even 1 year had not been complete after receiving the 1st years present he could have so demanded it and how it would coincide with reason? In this case the point to be decided would be as whether the foregoing letter relating to the demand of present alluded to could have been written while in sound mind or otherwise. The letter in question had been written out of mind while being tormented with severe malarious hill fever, the fact of which can be readily proved by the Medical Certificate granted to petitioner on the 29th of September 1885. Exhibit B.

4. That, if the date of the letter referred to above, as having been written by petitioner to the Manager of Singapore Estate, is the 1st October 1885, he taken into consideration, petitioner's stay in service at that station would show as 1 year and 6 months, out of which his absence on privilege leave for 3 months deducted, the actual period of his residence on duty at that station would evidently show as 1 year and 3 months; whereas, it was erroneously held that petitioner's service at that station had been as 3 years, and that he demanded after receiving the 1st years present, the subsequent 2 years present also, and that he was therefore guilty, owing to which he was summarily ousted from Government employment.

5. That, prior to his having addressed the aforesaid letter petitioner had been suffering from malarious hill fever consequently remaining under medical treatment at Perak; the fact of which will be proved from the Medical Certificate granted him if its date be taken into consideration referring to the date of the letter mentioned above.

6. That, upto the date of the letter addressed to the Manager of Singapore Estate, petitioner was at that station for 1 year and 3 months, and his residence there on duty had not been for 3 years. At the time the Senior Assistant Agent investigated into the matter the points noted above had not been ascertained; neither did the Governor's Agent on the report of the Senior Assistant Agent inquire into

the said points, but only reported the matter to Government.

7. That, petitioner had been suffering from malarious hill fever since before the 29th September 1885, and consequently remained on leave upto June 1887, he and his family being laid up with said illness. During that interlude, the then Senior Assistant Agent being at the time at that station took a deposit from petitioner on the 11th December 1886, which the latter was quite indisposed from sickness; and petitioner was quite unable to find out what had been written in the deposition and to have been given by him while being ill with the hill fever. Even subsequently it was impossible for him to learn the particulars mentioned in the said deposition until he could apply for and obtain a copy of it. Which it was so it was not feasible for petitioner to represent either to the Senior Assistant Agent or to the Agent that the application made by petitioner for the present in question should have been written while in sound mind, and that there could have been no reason for his applying for it otherwise. Exhibit C.

8. That, on the report of the Governor's Agent, the record in connection with petitioner's case was not called for by Government and no inquiry was made regarding the above points; but it was only decided that petitioner's act in accepting a present from the Singapore Estate was wrong, and passed the Proceedings No 1363 dated 28th June 1887, stating that petitioner was dismissed from Government employment. Exhibit D.

9. That, petitioner having thereupon appealed to the Madras Government, it was stated in the Government Order, dated 26th September 1887 No 2201, conveyed in their Proceedings that "Petitioner did not merely accept a gift by way of courtesy and for fear of giving offence, but demanded its payment for previous years." Now petitioner would humbly beg to be allowed to point out that the acceptance of the gift would appear to have been leniently passed over; but it was owing to some oversight that his demand in question was stated to have been for previous years which could not be so, but only for subsequent years; it would

the plainly seen to be subsequent 2 years present could have been demanded by petitioner in while his service at Rangoon had not been more than 1 year and 3 months only. Under these circumstances it would be plainly seen that as explained in para 3 above, his demand of subsequent years present could have not been otherwise than under the assumed state of his mind owing to his suffering from the malarious hill fever.

10. That in the Proceedings passed by Madras Government, it is stated that consequent on petitioner's receiving a present he was dismissed from service, in whereupon he having appealed to the Government of Madras, his acceptance of the gift was leniently passed over; by which it is evident that there was no guilt to be attached to him, wherefore much injustice happened in his case owing to his appointment being withheld from him.

11. That if in the Government Proceedings on petitioner's dismissal any mention was made regarding the present accepted and the other years present demanded, he would represent in his original petition the motives under which he had acted so; but when the offence which led to his summary dismissal was leniently passed over, it would appear that a letter written by him while struggling affected by malarious state of mind from the effects of malarious hill fever was held as sufficient ground that 2 years usual present was merely demanded and that he would not therefore be reinstated.

12. That, it will be evidently seen that the letter addressed by petitioner to the Singapore Manager or the Medical Certificate obtained by petitioner, or the grounds explained in his several appeals were not properly investigated by the Madras Government; and

13. That, as explained in para 4 above, it would be a point for consideration as to whether any person who was not on duty at any particular station would demand a present from any one of such station and even if so demanded would accept one giving such presents and whether petitioner could possibly expect any such presents from the residents of the place where he was not at the time holding any office. Under the above circumstances the letter referred to above would be no proof at all in petitioner's case; for, those that are afflicted by malarious hill fever, are likely to be quite unconscious while suffering from such ailments, and it would therefore be just for the authorities to discern previously whether such letters or verbal expressions said to have emanated during such times of indisposition could have been of sound mind or otherwise.

14. That, if the Senior Assistant Agent had taken into consideration the state petitioner had been in at the time and the period he had been on duty at that station, it would be easily discernible that the letter alleged to have been written by him must have been so written while afflicted with the malarious illness brought on from illness. It will be obviously seen that a reference to the report made by petitioner to the Senior Assistant Agent on the 19th October 1886 and the Order thereon allowing him sick leave, the fact that petitioner had been suffering from the hill fever during the time the deposition taken from him was written on the 11th December 1886 will be clearly proved. The sick leave granted him had been of the 22nd December 1886, and it was awarded by him from 1st February 1887. As the said leave was to expire with the end of July 1887, petitioner having been yet suffering from illness applied again on the 24th April 1887 for another 6 months leave; and if any of the foregoing

the circumstances had been ^{2 years} present
have been no such ^{indefinite} result to his
claim.

15. That, in conclusion, petitioner humbly
prays that the Proceedings of the Madras Government
No. 1363, dated the 28th June 1887 be modified
on perusal of the letter said to have been
written by petitioner in a manner quite
inconsistent while he had been at the
time seriously suffering from malarious hill
fever, and the correspondence therefrom
submitted taking into consideration the 19
years unblotted service rendered by him
to Government, and to Order his reinstatement.

All the papers referred to in this petition
are herewith submitted.

For which act of clemency, the poor
petitioner shall, as in duty bound ever
pray.

Chicacole
Gaujam District
14th February 1895
Raman Nair

Who
When
When
When

CURRENT NO. 806

To,

His Excellency
The Right Honourable
The Governor in Council
Fort Saint George
Madras.

The Humble Petition of Salacum Khau Sahib,
late Deputy Tahsildar & 20 Class Magistrate,
of Biscunhakak Vizagapatam District.
Madras Presidency.

Most Respectfully Sheweth:-

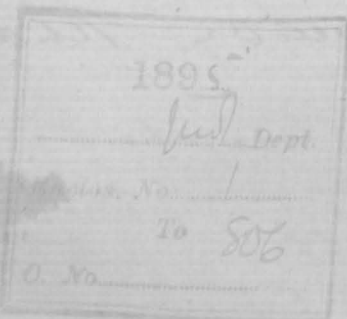
That, referring to the Government of India
Petition Rules, Part II, Clause 3, petitioner humbly
lays to submit herewith his revised appeal
Petition together with accompaniments, which
discloses several additional new grounds for
consideration of his poor case and prays that
it may be transmitted to the Government of
India as per provision contained in the said
Petition Rules, petitioner's prayer being for
mercy as stated in Section III, in which a
special note appears, that all such petitions
are to be transmitted by the local Govern-
ment.

2. That, as prescribed by the aforesaid Petition
Rules, a copy of his petition has been submitted
direct to the Government of India marked
"Duplicate."

Petitioner as in duty bound shall
ever pray.

Chicaco, A.
Ganjam District
14th February 1895

Khau Sahib



Go. 308 13-2 95 m

13 Memorial Rules

806

Ind

From

Eulianan Khan

Late of Mandalay

Bismarkatak

B Memorial Rules.

Date 14. 2. 95

Recd. 18. 2. 95

Repd 19. 2. 95

Encl. 2

Subject

Reqd. to transmit the accompanying petn to the Viceroy

13/3/95

13528728-6 87

201 22 9-57

1077-T-553 3-10 90

B Memorial Rules

Copy of C.R. Rules & Petn

Order 11 March 95 No 535

mis

again

The memorial will be withheld

under para 3 (3), sec. III, of the Memorial Rules B.

13

9/3/95

To The Petn. 13/3/95

Clerk in charge of memorials withheld.

MR 1/6/95

note

His previous petn. have been withheld both by the Govt. & by the G.O. Please see the note in G.O. 30 ap. 91 no. 832, Tully, p. 11. This so-called fresh grounds now brought forward are, it is said, the same as the delinquent delinquent effects of hill fever there urged. It will also be seen that this memorial has not been subd. to the O.R. & M. as it shall have been under para X of C.P. & B. Rules.

When given for copying

When copied

When examined

When signed

189

READ AGAIN G.O., No. 189

DATED

CURRENT No.

ENCLOSURES TO C. No.

RE OF GOVERNMENT

A A A A A A A

RE OF GOVERNMENT

ENT WITH DITTO.

NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

A = Copy in full.
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