

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 746.

Dated 8th Apr 1895.

[Despatch Abstract.]

MEMORIALS WITHHELD.

Endorsing rule 3 (3), section III of B memorial rules, on petition from Mr. E. J. Stephens, late Sub-Registrar, Periyakulam, Madura district, forwarding a memorial to His Excellency the Viceroy praying that he may be restored to his appointment.

BACK PAPERS.

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

FURTHER PAPERS.

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

These have been sent to the Hon'ble Secy. of the Govt. of Madras.

(True Copy.)

To

The Right Honorable

THE GOVERNOR-IN-COUNCIL,
Fort St. George, MADRAS.

(Through the Inspector-General of Registration.)

The petition of E. J. Stephens,

Late Sub-Registrar and Notary Public of
Periyakulam, Madura District.

MOST RESPECTFULLY SHOWETH:—

That with reference to the G.O. No. 1913 dated 9th August 1894, Judl., wherein Your Excellency has been pleased to say—"×××as the circumstances (of Mr. STEPHENS' case) are somewhat peculiar, his excellency, the Governor-in-Council, will raise no objection to his re-employment in the public service if any head of a Dept. desires to offer him an appointment," the petitioner most respectfully submits as follows:—

(i) The petitioner was not charged with any moral offence.

(ii) Both the Officers—Mr. Rajagopala Charriar (the Dt. Registrar) and the Honorable Mr. Hamnett (the then Inspector General of Registration) who enquired into his case, recommended him (a) for a transfer only, while the latter officer also found (b) the charge false and an out-come of faction.

(iii) He has put in (a) about ten years' service in the Registration Department and (b) the state of the office during that period was, invariably found year after year, to be either "satisfactory" or "very satisfactory."

2. (i) That since his removal from service, the petitioner has been continuously (though temporarily) employed in the Educational Department in N. Arcot, Cuddapah and Tanjore Districts, when his conduct, character and ability have been known and certified to as good and satisfactory as per enclosures by the following officers: (1) The Honorable H. B. Grigg. C.S. C.I.E., (2) G. Bickle Esq., (Registrar, Madras University), (3) The Rev. Dr. Chamberlain M.A., (4) The Rev. W. H. Findlay M.A., (Fellow of the Madras University).

(ii) That for the past three years, he has been employed as Superintendent of the University Examinations for Vellore and Tanjore Centres.

(iii) That he has also been appointed by the District Judge, Tanjore, and is at present (a) a juror and (b) an assessor.

(iv) That he has since been appointed a member of the Board of Examiners, Primary sch. Tanjore.

3. That lest it should be said against the petitioner in the course of his attempts to get back into the public service—"the Head of the Department has no personal knowledge of Mr. Stephens' work or his conduct, and he cannot therefore, take the responsibility of re-employing him," the petitioner has made the above references.

4. That in these circumstances and also in view of the fact that it is almost hopeless and impossible that the petitioner who is about 38 years' old now, should ever hereafter, successfully get into any other Department of public service, the petitioner prays that the Inspector-General of Registration be desired among other means of reference on the subject, to satisfy himself as to the petitioner's conduct and ability (1) by communication with the Honorable Mr. Hamnett C.I.E., late Inspector-General of Registration, and (2) by reference to the annual Inspection Memoranda of both the Inspector-General and the District Registrar of Madura, on the Sub-Registrar's Office at Periyakulam for the years 1882-89 (both years inclusive) and that his service be taken back in the Registration Department for the time being, where there are extremely very limited number of Native Christians employed. He further prays that (a) in consideration of the "peculiar circumstances" of his case, as Your Excellency has deemed right to call them, and (b) in condonation of the technical infringement if any, of the "Service Rules" with which he has been charged, his having been kept out of appointment these last five years with its sequel and consequence of loss of—salary, promotion, prospect and right of these years and those of previous ten years' service counting for pension, &c., be regarded as sufficient punishment, and that the petitioner who has been specially trained and qualified for appointment in the Registration Department be re-employed.

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

25th March 1895,
Mamargudi, Tanjore Dt.,
Madras Presidency.

E. J. Stephens

To.

The Right Honorable
The Governor-General-in-Council,
FORT WILLIAM,
CALCUTTA.

The humble petition of *E. J. Stephens*,
Late Sub-Registrar of Assurances, & *Notary Public*,
Periyakulam, Madura District.
MADRAS PRESIDENCY.

(Through the Government of Fort St. George, Madras).

MOST RESPECTFULLY SHOWETH.—

That in connection with and in continuation of G. O. No. 1913 dated 9th August 1894. Judicial, Madras, the petitioner prays that the following papers be sent for for reference, and the following points in para 2 of this petition be determined.

The papers are:—

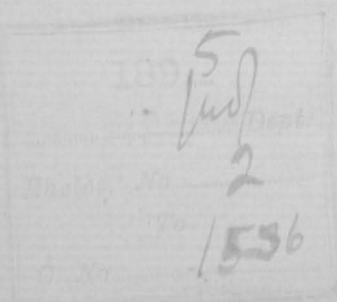
- a. G. O. No. 1293 dated 15th July 1889, Judicial, Madras.
- b. The petitioner's letter to Government (Madras) to which the above G. O. refers.
- c. Letter No. 21 dated 22nd January 1889 of the Registrar of Madura to the Inspector General of Registration Madras, embodied in G. O. No. 956 dated 3rd June 1889, Judicial, Madras.
- d. Proceedings of the Inspector-General of Registration No. 3038T. dated 14th October 1888, Madras.
- e. Government of India Resolution 30—2217 dated 20th August 1888, Public.
- f. G. O. No. 424 dated 20th June 1892 Public, Madras.
- g. G. O. No. 1735 dated 11th October 1889 Judicial, Madras.
- h. G. O. No. 11 dated 10th January 1893, Revenue, Madras.

2. That the following are the points for determination:—

- i. Whether the Sub-Registrars of assurances to which class the petitioner belonged, were not considered by the Department *non-gazetted* officers, at least before 1889, and as such, the service rules *reborrowing*, were considered *inapplicable* as per proceedings referred to in (d) above.
- ii. Whether the service rules were ever before 1889 specifically or even otherwise, communicated to Sub-Registrars as per Government of India Resolution referred to in (e) above.
- iii. Whether the Madras Government had ever before 1893 issued orders for the collection and publication of the Government of India resolutions *reborrowing* in such pamphlet forms as those since issued by the Madras Government for the *personal conduct of public servants* as per G. O. Revenue No. 11 dated 10th January 1893, Madras.
- iv. Whether there was not a strong faction against the Sub-Registrar (the petitioner) at *Periyakulam*, and whether it was not probable that the charge of borrowing brought against the petitioner was due to it as per para 2 of G. O. referred to in (g) above.

E. J. Stephens

J. O.



v. Whether both the officers, Mr. Rajagopalacharey (the District Registrar) and the Honourable Mr. Hamnett (the then Inspector-General of Registration) who conducted the enquiry into the petitioner's case, did not recommend the petitioner in their final reports on the results of the enquiry, for a *transfer* merely from the station of *Periyakulam* as there was "a strong faction of Brahmins against Christians" there as per paras 1 and 2 of G. O. referred to in (g) above.

vi. Whether the service rules re-borrowing, do not appear to be intended to work less rigorously against non-gazetted uncovenanted officers, and more absolutely so against Covenanted gazetted officers so-called as per Government of India letter referred to in (f) above.

vii. Whether the Government of Madras did not consider the petitioner's case as "peculiar" as per G. O. No. 1913 dated 9th August 1894, Judicial.

viii. Whether the enquiry and report of Mr Rajagopalachary, the District Registrar, have not been rendered *invalid* and *ultra vires* by G. O. referred to in (a) above; and whether therefore, the conclusion arrived at in favour of the petitioner by the Honourable Mr. Hamnett during his enquiry conducted subsequently *de novo* at a station far away from the seat of faction, is not the proper conclusion.

ix. Whether the case of the petitioner, a *Notary Public*, could be *absolutely* dealt with by the *Madras Court alone*.

3. That the petitioner prays that on the determination of the above said points the petitioner who has put in above ten years' service in the Registration Dept and against whom the present petty charge of borrowing small sums of money (by Rs. two's and three's) amounting to about Rs. 50, be shown the mercy of fair justice and he be restored to his appointment from which he has now been kept out these 5 years.

4. That a true copy of the petitioner's memorial to the Govt of Madras, is herewith submitted.

For this act of mercy, he will as in duty bound ever pray.

E. Stephens.

25th March 1895,
Marmagudi, Tanjore Dist.,
Madras Presidency.

From

E. J. Stephens,

(Late M.B. Regt.,

Perinjalalam, Madras

Mannargudi, Tanjore

To

The Chief Secretary to Government

Fort St. George

Madras.

Sir,

In submitting herewith a petition to the Government of India through the local. I beg to say that most of the papers spoke in the first para of the petition, are likely to get from the office of the Insp. General. Registration, Madras.

2. About a week ago, I submitted through that office, a petition to the Govt of Mad. a true copy of which is now sent attached with my petition to the Government of India.

3. In connection with a doubt which the Govt. itself felt on the matter of the application of the Govt. of India Resolutions re borrowing a reference had had to be made to the Govt. about the middle of 1892, as will be evident from G. 10000/1892.

I beg that the
and also

by the local Government alone.

The present Insp^r General of Negn. willing
he is to take me back in his Dept. is yet
somewhat diffident to do so as is evident from
one of his recent Proceedings lest he should
be acting against the spirit of G.O. N^o. 1913
An extract of his Proceedings - (J. N^o. 5786
is given in para 3 of my petition to the Govt of
Madras. Copy of which goes with my present
memorial to the Govt of India.

I beg to remain
Sir,

Your most obedient servant,
E. Stephens

25 March 95
Mannangudi, Tanj. Dist.

CHIEF SECRETARY
26 MAR 1895
GOVERNMENT OF MADRAS

CHIEF SECRETARY
26 MAR 1895
GOVERNMENT OF MADRAS

Current No. 1536

DEPARTMENT.

From

Mr. E. T. Stephens

late Sub Reg.

Periakulam
Madras.

No.

Dated 25. 3. 95

Received 26. 3. 95

Regd 27. 3. 95

Enclosures 2

SUBJECT.

Forw^d a memorial to H.E. the
Governor, praying that he may
be restored to his appointment

W. 1280/95 + papers.

Order

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Order 8 April 1895
Rule 3 (3) Section III of
Removal Rules, 1894
Rule 3 (3), Section III of

Memorial Rules.

Submitted that this should be
returned to the petitioner with reference
to the G.O. in the enclosed copy
together with a statement that
the question of forwarding
to the Govt. his memorial will
be considered should he
write with

The Petitioner

Note

There is nothing new in
this petition. The Sub Reg.
of Periakulam is a Notary
Public Ex officio. Mr. Stephens
contends that the local
Govt. could not dismiss
him from the post of S.R.
because he happened to be
also a Notary Public in
abroad. Under sec. 138 of
Act XXVI of 1881 as amended
by Act II of 1885 the power
of dismissing a Notary Public
rests with the G. of S. but Mr.
S. was dismissed not qua Notary
Public but qua Sub Reg.

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189

AGAIN G.O. No.
189

DATED

CONCURRE TO G. No.

OF GOVERNMENT

OF GOVERNMENT

STATEMENT WITH DITTO.

APERS AT 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.

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