

1880
Judicial (193) Department.

7mo SERIES.

G.O. No. 918

DATED 20. 4. 1880

[Despatch Abstract.]

BACK PAPERS.

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

FURTHER PAPERS.

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

N. 127 Trinivelly 3 March 1880.
 From, J. B. Pennington Esq
 Collector and District Magistrate
 Trinivelly
 To, R. Davidson Esq. C. S. D.
 Chief Secretary to Government
 Fort Saint George
 Sir,

I have the honor to acknowledge the receipt of your semi official dated 17th ultimo informing me that was the intention of Government to the instruction given in para 3 of Government order No 255 in the matter of petitions should be strictly followed 'in future'; and with reference thereto beg to be allowed to submit the following remarks to explain what misapprehension in the matter of petitions (so far as I am aware) has always been, so that I may be informed more precisely in what particular it requires to be altered.

2. In their order referred to the Government direct me to alter the practice of receiving petitions which ought in ordinary course to have been addressed to Division Officer. By receiving petition

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I understand the Government to mean
"taking action" upon them; as it is of
course impossible for me to refuse
to receive them in the sense of refusing
to read them, especially when addressed
to me by post. If I am right in this
I have only to say that when any petition
is made to me which ought to have been
made to some other authority my general
rule is to refer the petitioner to such
Division officer or Tahsildar as the
case may be, though sometimes, especially
in the case of petitions and applica-
tions received by post, I refer the petitions
themselves to the Division officers or
Tahsildars concerned for disposal -
whenever it appears to me desirable
that they should see the petition
without unnecessary delay, or for
any other special reason. The number
of petitions so referred to each Division
officer last year is shown in the enclosure.
3. By so referring them I do not in any
way intend to hamper Division officers
in disposing of them just as if they had
been originally presented to themselves, and

* For instance
even dock-chests
are often presented
to me & are simply
referred to the Tah-
sildars concerned
"for attention"

I carefully avoid referring petitions, even
appeals, 'for report', except in cases
where a report is absolutely necessary.
4. It is likely enough that in many
cases petitions are purposely sent to me
in order to bring pressure to bear on a
Divisional officer or to call attention
to delay in his office; but in many
cases, especially amongst European
merchants and others, it is a very common
practice to apply to the collector for
information which could be just as
well obtained from a subordinate; but
it would be hardly correct to say, I think,
return such letters and direct the writers
to apply to the Division officer concerned
and so the practice, (which I believe to be
very general) has grown up of forwarding
them to the official concerned for disposal,
and I cannot myself see that any
inconvenience or reasonable cause of
complaint can arise in that way to any
subordinate officer.
5. I do not myself consider it would
be advisable for a Collector to follow the
practice of the Board and Government
as an invariable rule, and refuse to

into any complaint which is not accompanied by the orders of the Division officers concerned. A Collector is not only an appellate but also a revising authority, and is bound, (in my opinion,) to take action *sua sponte* if it appears to him to be necessary to do so. If I am wrong on this point I should be much obliged if the Government would issue definite instructions for my guidance.

In one very trifling matter I certainly sometimes pass orders which might be issued by Division Officers, and that when parties apply for copies of judgments. In such cases I generally pass orders at once to save them the trouble of going to another office and to save another officer the trouble of reading the same petition again.

I need hardly say that if I could see my way to reducing the number of my petitions by any legitimate method I should be only too happy to adopt it. I would not however save me any trouble refer such applicants to the Division officers concerned.

8. I am very far from assuming that my system with regard to petitions is perfect, but I have long given a good deal of attention to the subject and have not discovered in what way I could alter it for the better. It has indeed been suggested that I might materially reduce my work (and probably that of my subordinates) by refusing to receive petitions of any kind by post, and that is quite possible but it does not appear to me to be either a legitimate or at all a desirable system to adopt as it would result in our obtaining much less information than we do at present, and it is also the fact that very many ordinary applications can be just as conveniently disposed of when sent by post as when presented in person or by *Nakil*.

I have the honor to be
Sir,
Your devoted servant,
J. Cunningham
Collector

closed by the

Statement showing the number of petitions received and the number referred to Divisional officers and Subdivisions during the year 1883
 Petitions referred to Divisional officers and Subdivisions almost all for disposal or attention.

Total number of petitions received	Sub Divisions	Head Quarters	General Deputy Collectors	Subdivisions	Total	Balance
8,414	185	213	304	184	875	1,761
						6,653

J. S. Cunningham
Collector

Chidley SS
Cum gratia SS

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Qualum
letter from the collector
of Simevelly
No 3-8-80/27

he paid 795/00

Judicial DEPARTMENT.

No. 795

From

The Collector of Simevelly.

Dated

3rd March 1880.

FOR ORDERS.

N. 255 of 9th Feb/80.

In the order of

Govt disposing of
Mr. P. V. Hutchins'
while giving him full report on Simevelly
Administration &c.,
Mr. Pennington was
instructed to alter
the
of orders by complaints

Office
27/3/80

Letter from
J. J. L. L.

the system which
he appeared to have
allowed, of receiving
petitions which ought
in ordinary course
to have been addressed
first to divisional
officers.

2. Mr. Pennington
explains his practice
in the matter, so that
he may be informed
more precisely in
what particular
it requires to be
altered.

W.A. 30/3/80.

He has since
thought that his
system of sending
letters to the
tender & indirect
to the divisional
officers is
not known to
authorities for
sending to the
case. He addresses
him direct in hopes
of bringing pressure

I have more to do
upon his subject
I find that the
is certain I produce
irritation & I prevent
luxurious action

That the Govt credit
him with the best
inventions in the
matter. I have not
disposed I prescribe
any such hard
fast rules as is
necessary in the
case of distant
authorities like

W.A. 30/3/80.

FOR ORDERS.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from

The Collector of Tinnevely, dated 3rd March 1880. No: 127.

Order thereon 20 April/80 No 918.

Resolved that Mr Pennington be informed that while giving him credit for desiring to facilitate to the utmost the obtaining of redress by complainants, the Govt. have reason to think that his system of dealing with Petitioners has tended to induce them to pass by the Divisional Officers, who have primary authority for dealing with their

Let the Sd. District
Magistrate
be aware the object
of upholding the
prestige of his
Divisional Officers
of his concluding
habitual attempt
to ignore their
authority by primary
recourse to the Govt.
in matters to the Sd.
his subordinates
have competence to

c 31/3 sent in the
R 5/4 first instance L.T. 11/6/80

cases, and to ad-
dress him direct in
of bringing pressure
to bear more or less upon
subordinates, which
when recognised is
likely to produce irri-
tation and to prevent
harmonious action.

The Govt. credit
Mr. Pennington with the
best intentions in the
matter, and are not
disposed to prescribe
any such hard and
fast rule for a Collector
as is necessary in the
case of distant author-
ities like Government
and the Board of Revenue
but they rely on him
to keep in view the
object of upholding the
prestige of his Divisional
Officers and of discour-
teasing habitual
attempts to ignore their
authorities.

authority by primary
recourse to the Collector
in matters with which
his subordinates were
competent to deal in
the first instance.
(From orders)

1/19-4-80.

To, J.B. Pennington Esq.
Collector of Tirunelveli.

Recd. 24/4

By Geo. H.

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Govt. of {1880} Affairs.

To	
Dated	
Recd.	1880, No.
Nos.	

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