M.]
8-96.]

INDEXED.

Local & Munl. (1896.) Department.

MISCELLANEOUS.

G.O., No. 1792 M

DATED 23-10-96-

[Despatch Abstract.]

Medical.

Cancelling the Srirangam Munl. Council's resolution regarding a bill submitted by the Hospital Assistant in charge of the Munl. Hospl.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M. 500—18-8-96.]

D 26/10

Local & Munl. (1896) Department.

CURRENT No. 1607 M.

C Nos. 1607, 1617, 1618, 2190 & 2576 m

Hm. / Misc

Order No. 1792 M dy 23-10-96

The Government fully concurs in the Collector's remarks and resolves to Cancel the Municipal Council's resolutions No. III ~~to VIII~~ of the 22nd May 1896 under S. 35 (1) of the District Municipalities Act.

V.R. 7/10/96

W.W.S. (from orders) 9.10.96

A.S.A. 21.10.96.

From The Chairman M.C. Sriangam.

No. 109

Dated 2.6.96

Received 4.6.96

Registered

Enclosures ~~#~~ 5

Spare copies

See Collr's remarks N and the Resolns L. It seems sufficient to cancel Resoln. III — passing the bill. Resolns I & II relate to facts wh. took place. Resoln V is admirably harmless & Res IV is of little consequence.

A.S.A. 10.10.96.

W.D. 11/10/96 ... 2576 M. P.D.O.

To

The Chairman M.C. Sriangam, (thro' the Collector of Trichinopoly)

Despd. 26/10/96

1st 26/10

SUBJECT.

Requesting the orders of Govt. as to whether in the Circumstances stated the Chairman may give effect to the Council's resolutions of 22nd May 1896 [illegible] Submitted by the [illegible] in charge of the hospital.

([illegible])

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

True translation

Srirangam

To

The Chairman

Municipal Council,

Srirangam.

We, the undersigned Municipal Councillors hereby inform you that we have perused your letter no 82 dated 12th Instant addressed by you to one of us M.R.Ry Kuppu-Sami Sarma avergal. We request you to convene a meeting on Friday, the 22nd Instant at 7.30 A.M. as per section 29 clause 2 of the Municipal Act to consider the matter mentioned in our previous requisition and referred to in your letter no 82.

Among us, though Muthusami Pillay avergal and Shanmugam Pillay alias Muthusami Pillay avergal had requested you in writing on the 10th Inst. to postpone the meeting that was to be held on the 18th Instant to some other date after the 25th, yet we request you to

Convene the meeting on the 22nd instant.

Subjects to be discussed at the meeting.

To consider and dispose of the bill submitted by the Senior Hospital Assistant of this Municipality for carriage hire for having done sanitary supervision and perambulating duties during the late [illegible] festival, and to go through the correspondence that passed between the Chairman and the Senior Hospital Assistant with all connected papers.

13-5-96

1 (Signed) K. S. Rangasamy

2 " S. Ramanuja Aiyangar
Pleader

3 " S. Kuppusami Sarma

4 " S. Srinivasalu Naidu

5 (ஒப்பம்) [illegible]
(Muthusami Pillay)

6 " [illegible]
[illegible]
(Shanmugam Pillay alias Muthusami Pillay)

7 (Signed) C. S. Swami Aiyangar

8 (ஒப்பம்) [illegible]
(Venkatakrishna Naidu [illegible])

---

13. 5.

13. 5. 96.

[illegible]

[illegible]

[illegible]

[illegible] 12 [illegible] 82 [illegible]

[illegible] 82 [illegible] (Requisition) [illegible] 22 [illegible] 7½ [illegible]

[illegible] (5) [illegible]

[illegible]

and that it is not de-sirable that at this stage, the Council should take up ~~the~~ subject for consideration and I regret therefore my present inability to place the bill and the correspondence ~~referred~~ to in this letter, be-fore the meeting. Further, I have doubts if the matter is one that ought to go be-fore ~~the~~ council.

~~[illegible]~~ letter to Govt of 13th ~~[illegible]~~ herewith circulated for information of the Councillors

J. E. Seshadri Iyengar
16-5-96

I hope that the Councillors will not the Chairman has the power to pass or reject the bill in question & shall give his reasons for the same if required, at the next meeting of the Council. I believe this is the view

R 191

of the majority of the Councillors. When the Chairman thereby has doubts about it, I beg to submit with respectfully but firmly that he must place all the papers before the Council. I know of no rule nor can see any principle under which the Chairman can withhold any papers appertaining to the Municipal affairs from the knowledge of the Council. The papers referred to are presumably in the office, however confidential they may be and when called upon by the Council at its meeting, must be placed at the table. I believe there is a G.O. also to that effect. The Councillors can of course make any use of them in their deliberations and in so doing they will regard duly respect the Chairman's views as far as practicable.

The chief objection of the Chairman in declining to place the papers in possession of the meeting seems to be as appears on the note of the Chairman be the refusal chiefly

that the matter or the discussion of the
Council on the 22nd Inst. has been
~~forwarded~~ referred to the Government ~~apparently~~ after (according to
my information after the receipt of the
~~2nd~~ second requisition. In the first place
the reference to the Government relates to the
power of the Chairman in "holding of an
enquiry which is only a step preliminary
to punishment or discharge of the Hospital
Asst. by the Chairman". I accede that
The Council has no power to interfere in
such matters, but the subject that is
~~brought~~ sought to be brought before the
meeting is entirely a separate one, not
~~as I hold~~ within the powers of the Chairman
namely to pass or reject the bill. It is
of course obvious that the unprejudiced
~~opinion~~ decision of the Council will go
a long way to help the Chairman, the
Surgeon General and even the Government
(if it so happens) in punishing the Hosp. Asst.

Asst. or not. In the second
place it is a fact that a tele-
gram and a letter have been
duly sent to the Surgeon General
~~at~~ by some of the Councillors request-
-ing him to defer passing any
opinion on the Chairman's
reference & forwarding the same
to the Government till the Council's
resolutions on the 22nd Inst.
are ~~made~~ communicated to him.
If as the Chairman thinks and
thinks with doubt that the Council
has no power to consider the subject
the Council's resolution might be
communicated to the Government by the
Chairman with any remarks
of his own, so that the Government
may be in possession not only
of the actual facts of the case
but ~~at~~ also the Council's views
[illegible] legal question
[illegible]

There is no meaning in convening a meeting of the Council without allowing it the use of all papers connected with the subject for which the special meeting is convened. The proper course is as I understand to take the sense of the meeting. If the Chairman ~~refuses~~ declines to do so I am afraid ~~the Chairman~~ he will be driving all Councillors who will feel for their self-respect and who are also conversant with local politics, to resent his conduct. I beg to be excused for this way of expressing my opinion.

S. [illegible]
Councillor
17.5.86

As the chairman knows full well that I have all along been trying to avoid a split in the Council.
S. R.

This portion need not be embodied in the report to the press
22.5.86

I am necessarily [illegible] I will not able to be present at the meeting on the 22nd, as I have to go to my native village near Truvadi in connection with the marriage of my cousin. I take this opportunity of the sending

the Councillors to consider every aspect of the question deeply and dispassionately and come to some resolution. I don't think the Chairman wants to withhold the papers from the Councillors when they desire to see them. I am sure no ~~same~~ sane man will do it. This custom is only allowed to prevail ~~only~~ in the Devastanam Committee offices. If I am correct, I believe the Chairman only feels his position to be somewhat awkward if he places all the papers before the Council without representing to the Council that the enquiry into the genuineness of the bill is yet incomplete and that it may be premature to consider the bill. If the Council passes a resolution that the papers should be placed before the meeting after considering what the Chairman has to submit I think the Chairman is bound to do

So he has referred the matter to the Govt; the Enquiry in question an incomplete state. At this juncture there is a requisition from the Councillors so he has every reason to bring to the notice of the Councillors the state of circumstances and abide by their resolution. I am sure all the papers connected with the Hospital Asst's bill will be in the Office and so after resolving that the matter might be disposed of at once, the Councillors have simply to get the papers for their consideration and after perusing them do what appears to them best under the circumstances. Suppose even for considering whether the subject should be taken up for discussion or not a he would put the papers in readiness. The word "Present= in the Chairman's remarks clearly shews that he does not refuse to place the papers before the meeting; but he simply wants some resolution to allow him to do so. I ~~suppose the last~~ think the Concluding remarks of Mr. Kuppasami Sarma are unnecessary. If the Chairman refuses to ~~act~~ carry out the resolutions of the meeting then only they (the remarks) can be justified. ~~Now~~ In the letter to the Government the Chairman simply wants to hold an enquiry and has not said anything for or against the Hospital Asst's bill as the enquiry is incomplete. If the Council

Many

thinks it can also reach
readiness the Govt on the
subject after seeing the
papers. The subject of an
enquiry into the conduct
of the ~~med~~ Hospital Asst
is involved in the question
whether the bill is to be
passed or not. I again
ask the Councillors to be
conciliatory and come to some
satisfactory conclusion. I believe
both sides will assume milder
attitudes if they explain
themselves calmly.

A. C. Anderson

17.5.96

Seen
17.5.96

... on the
take this opportunity

41 56

Municipal Councillor's Office

Srirangam

Enclosure No I to letter No 109

dated 2.6.96

Srirangam 16 May 1896

Notice

A Special meeting of the Members of the Srirangam Municipal Council will be held in the Municipal Office at 7.30 A.M. on the 22nd Instant (Friday) as desired ~~[illegible]~~ by some of the Councillors as per provisions of Section 29 clause 2 of the Municipal Act & the Councillors are requested to attend

Subject

Letter to the Chairman from the above Councillors of 13.5.96 & remarks of the Chairman thereon.

T. E. Seshadri Iyengar

Chairman

To The Revenue Officer.

Vasudeva

Mr. K. Seshadri Iyengar Avl.

" " T. K. Kuppuswami Iyengar Avl.

" " S. A. Rangaswami Iyengar,

" " K. Rangaswami Iyengar Avl.

" " S. T. Kuppuswami Sarma Avl.

Sorry Cannot attend 17.5.96

[illegible] 17.5.96

70

reasons I seems placing

C. S. [illegible]

S. [illegible]

K. [illegible]

[illegible] 18.5.96

S. [illegible]

K. [illegible]

P. [illegible] ad

S. [illegible]

A. [illegible]

S. [illegible]

[illegible]

[illegible]

[illegible] 18.5.96

With the intention if possible of avoiding the unpleasant correspondence which was so publicly talked about betn the chairman & the local medical officer in connection with the travelling allowance bill of the latter it has been thought desirable in the end to make a requisition to the chairman to convene a meeting & give the subject the benefit of full discussion after carefully examining all the papers &c connected therewith

Tho. the requisition ~~[illegible]~~ et secured in time chairman en a reference has been made by him to Govt. & this is taken hold of as a ground for refusing to comply with the requisition to produce all the papers connected with the subject on the 22nd the day of the meeting. I am of opinion that under any circumstances the papers cannot be properly withheld from the Council so as to disable them to discuss the subject. The chairman is earnestly requested to place all the papers before the meeting as ~~he~~ he can ~~place~~ then lay before the Govt. the opinion of the Council so as to enable them to come to a final decision on the subject.

C. S. Swaminatha Iyer

19-5-96

[illegible]

19.5.96

41

other connected papers before the meeting on the [illegible]
inst. seem to be two-fold (1) The subject for the
discussion on the 22d inst. is not within the province
of the Council (2) Even if it is so since it has
been referred to the Govt. he is unable to place the
papers on the table on the meeting day. As regards
the first objection my opinion is that the passing or
rejecting the bill is entirely within the powers
of the Council but if the meeting decides that the
Chairman alone has power I must of course
be bound by its decision. If it concurs with
me The Chairman has to refer the matter to
the Govt. with his dissentient minute if any
& the Govt. will have to decide finally having
both the pros & cons before it. ~~Thus~~ Therefore
I don't see the usefulness of declining to place
the papers before the meeting. As regards the
second objection the Chairman had received
the first requisition on the 10th. ~~Though~~ Though
three out of eight signatories had subsequently
expressed their inability to be present on the 18th inst.
the Chairman knew full well the objects for
which the meeting was sought to be convened
was never abandoned by any of the signatories
and therefore he need not have hurried on
his reference to the Govt. Secondly though three
of the signatories had expressed their
inconvenience to attend on the 18th inst. there
was nothing to have prevented the Chairman from
convening a meeting on that date as per requisition as all
that he should see
~~P. T. O.~~ Please turn over
his [illegible] was.

Memo.

[illegible]
one for the meeting [illegible]
some reasons I see no [illegible] in the [illegible]
signed by the Chairman [illegible] in not placing the
papers on the table. Simply to avoid any
further unpleasantness in the matter I most
earnestly request the Chairman & hope he will
kindly place the papers on the table. - - - -

19. V. 96.

1896.

Municipal Councillor's Office

Srirangam

---

closure No. II to letter No 109
dated 2-6-96

see turn over

Rd 22-5-96

Memo.

Under Section 27 of Act IV of 1884 (District Municipal Act) the "Municipal Fund" is under the control of the Municipal council and it shall be held by them in trust for the purposes of the said Act. or, in other words, it means that no one councillor, whether he be the Chairman or not, can spend any portion of it of his own accord even for the purposes mentioned in the Act.

Turning to sections 251 and 252, we see among other points, that the annual estimate of receipts and expenditure and the annual report of all sums received or expended, ought to be submitted by the Municipal council to the Governor in council. There are no sections in the Act that provide for the submission of annual or any other report by the chairman for any sums expended by him alone, obviously because the Act nowhere contemplates of any power in the Chairman to spend any portion of the Municipal Fund, on his own responsibility. There are of course instances in every municipality where the Chairman pays amounts in anticipation of the sanction of the council ue for the question raised by the Chairman is that as executive officer, he can hold a preliminary investigation into the truth or otherwise of the bill in question before bringing it before the council. In the present case, what I say is, that he has held an enquiry, but under what circumstances — I leave it to be judged by the council. He has apparently come to a conclusion and for reasons stated in the first requisition, eight of the councillors thought desirable that the subject should be placed before the meeting. Besides, the power of passing or rejecting the bill being within the powers of the council at a meeting, I fail to see how the Chairman can insist as a matter of right to "complete" his enquiry. It is for the council to decide whether any enquiry is necessary and if so, by whom and with what powers. The council itself may hold the enquiry ~~direct~~ or may resolve to delegate its powers to any one or more of its members, to find out the correctness of the bill.

S. Ku[illegible]swamy
Lane

1896

Municipal Councillors Office

Srirangam

Enclosure No III to letter No 109
dated 2-6-96

Statement of the hospital [illegible]

Thirum [illegible] Naidu before the Council on the 22nd May 1896.

The District Surgeon has given me permission him to appear before the Council at its meeting, if it would require my presence, in the matter of the enquiry of the bill. Kuppasawmi Pillay gave me the voucher showed to me, which is written in Tamil. I had engaged a jut for 21 days during the late Yekadasi festival. I travelled for 2 days in his own jut and for the remaining 19 days I went in two jutkas supplied by Kuppusawmi Pillay. The said bill i.e. the voucher in Tamil was written by the assistant dresser Chandrakasam Pillay. The fact I travelled in jutkas is known to the Councillors Messrs Srinivasalu Naidu, Venkatakrishna Naidu, Muthusawmi Pillay, Shanmugam Pillay alias Muthusawmi Pillay & Ramanuja Aiyangar.

(Signed) C. Thirumalai Naidu

At this stage the Council is of opinion to hear hospital assistant. He adds that he has further evidence and that he has sufficient grounds to impeach the evidence already recorded against him. The Council will consider, if necessary, the above after hearing the Councillors referred to above

The words Overbearing influence used by me in the explanation have no reference to the Chairman.

(Signed) C. Thirumalai Naidu

Statement of the Accused [illegible]
Thirumalai Naidu before the Council on the
22nd May 1896.

[illegible]

Doctor [illegible]

[illegible] Voucher [illegible]

[illegible] Dresser [illegible]
Voucher [illegible]

(Signed) C. Thirumalai Naidu

At this stage the Council is of opinion to

[illegible]

The Hospital Assistant adds that he has further evidence and that he has sufficient grounds to impeach the evidence already recorded against him. The Council will consider, if necessary the above after hearing the Councillors referred to above.

[illegible] explanation [illegible] influence [illegible] [illegible]

(Signed) C. Thirumalai Naidu

(True copy)

K. Seshu Aiyengar

Chairman

1896

Municipal Councillors Office

Srirangam

Enclosure No. IV. to letter No. 109

dated 2.6.96.

Extract from the Proceedings of the Mun[illegible]

Council, Srirangam at the Special [illegible]

held on the 22nd May 1896.

Present.

M.R.Ry. K. Seshadri Iyengar Avergal. Chair[illegible]

" " " K. Vasudeva Aiyangar Avl. Councill[illegible]

" " " T. R. Kuppuswami Aiyangar Avl. "

" " " S. Kuppusawmi Sarma Avl.

" " " S. Ramanuja Aiyangar Avl.

" " " S. R. Rangaswami Aiyangar Avl. "

" " " C. S. Swami Aiyangar Avl. "

" " " S. Sreenivasalu Naidu Garu "

" " " M. Venkatakristna Naidu Garu "

" " " B. Ramaswamiah Garu "

" " " R. Viraraghava Aiyar Avl. "

" " " S. Subramania Sastriar Avl. "

" " " K. S. Rangasawmi Aiyangar Avl. "

" " " Muthusawmi Pillay Avl. "

" " " Shanmugam Pillay alias

Muthusawmi Pillay Avl. "

Read letter from Messrs K. S. Rangaswami Aiyangar, S. Ramanuja Aiyangar, S. Kuppusawmi Sarma, S. Srinivasalu Naidu, Muthusawmi [illegible] awmi Pill[illegible] Shanmugam Pi[illegible]

[illegible] requesting the Chairman to bring before the meeting a bill submitted by the Senior Hospital Assistant for carriage hire for having [illegible] the general supervision duty [of] the sanitary arrangements and the [illegible] duty during the late Ekadasi festival and the correspondence between the Chairman and the Hospital Assistant and the remarks of the Chairman and other Councillors thereon with connected papers:—

I Resolved that the Chairman be asked to place the bill and the connected papers before the meeting today for its consideration (Mr S. R. Rengasawmi Aiyangar dissenting). The Chairman places the papers before the meeting, under protest.

II The bill and the papers are read. Proposed by Mr S. Kuppusawmi Sarma and seconded by Mr S. Ramanuja Aiyangar and carried that the Hospital Assistant be sent for for allowing him to have his say in the matter of the bill, Mr [illegible] adding that he is [illegible] hospital assistant had instructions of the District Medical and Sanitary officer to appear before the Council today, in connection with the above subject (Mr S. R. Rengasawmi Aiyangar dissenting).

III Having heard the statements of the 5 Councillors made mention of by the Hospital Assistant, the Council resolve to pass the bill, further enquiry being considered unnecessary (Mr S. R. Kuppusawmi Aiyangar giving no opinion and Mr S. R. Rengasawmi Aiyangar not being present).

IV Resolved that the Hospital Assistant's explanation that the words "pressure or influence" had no reference to the Chairman, be accepted and recorded (Mr S. R. Rengasawmi Aiyangar is now present).

V Resolved that the Council is of opinion that the conduct of the Chairman in the matter of the bill of the Hospital Assistant was in the interests of the Municipality and was not actuated by any personal motives (Mr Ra

iyengar differing and Mr Srinivasa
ndra Garu being neutral.)

The Chairman stood aloof through
at the whole proceedings.

(Signed) K. Seshadriyengar
Chairman

(True copy)

K. Seshadriyengar
Chairman

1896

Municipal Councillors Office

Srirangam.

Enclosure No. V to letter No. 109

dated 2.6.96.

88

List of Enclosures to letter No. 109 dated 2 June 1896 sent to the Chief Secretary to Government.

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1. Requisition letter signed by 8 Councillors with the remarks of the Chairman and of certain Councillors together with translation thereof. (in original)

2. Meeting notice containing the remarks of certain Councillors (in original)

3. Memo of M.R.Ry Kuppusawmi Sarma avargal. (in original)

4. Copy of the Hospital Assistants' statement before the Council with translation thereof.

5. Copy of the resolutions of the meeting held on the 22nd May 1896.

The above originals are to be returned when no longer required.

K. Seshadri Iyengar
Chairman

No. 169

Municipal Councillors off.
Srirangam 2nd June 1896.

Local & Municipal Dept
RED No.

From

M. R. Ry. K. Srinivasa Iyengar Avergal,
Chairman
Municipal Council
Srirangam.

To

The Chief Secretary to Government of
Madras
Fort Saint George

Sir,

Not yet recd.

In continuation of my letter No. 83 dated 13-5-96 forwarded to Government through the Surgeon General with the Government of Madras. I have the honor to submit for the consideration and orders of Government the following facts.

2. Since submitting the above letter, another requisition was sent by the same 8 Councillors who had signed the first requisition referred to in para 11 of my previous letter, to convene a meeting on the 22nd Instant to consider the bill and its connected paper

The

Agreeably to their wishes, I convened a eting; but in so doing I observed on the equisition memo that I was not able to lace the bill before the Council on the ground at the matter was under reference to Government owing to the difference of opinion entertained by myself, the District Surgeon and the Councillors, who sent the requisition, as to the authority empowered to investigate into a bill for carriage allowance submitted by a medical subordinate and suspected to be false.

4. The meeting that was convened was attended by all the Councillors with the exception of the Revenue Divisional Officer and the accompanying resolutions were adopted by a majority.

5 In opening the meeting, I pointed out my inability to place the bill to the Council for its consideration for the reasons stated in para 3 supra. On this, the Council by a majority passed a resolution that I should not to place the bill before the Council

on

on that very date, though an objection wa raised by a Councillor that the matter should not then be considered as the same not in the agenda paper.

6. I then placed the bill before the Coun under protest, as I thought they were informal and took no part in the proceedings of the day.

7. Then a resolution was adopted that the Hospital Assistant should be sent for to allow him to have his say on the matter of the bill. An objection was raised as to the adoption of the procedure of dealing with the Hospital Assistant direct instead of through the District Surgeon, which wa replied to by M.R.Ry. Kuppuswami Sarma Avargal, one of the signatories to the above requisition by a statement that he was given to understand that the Hospital Assistant had instructions from the District Surgeon to appear before the Council if it should send for him. He was accordingly sent for and exa perly

efore th

ged with

hen he informed the Council that 5 of the uncillors could speak to his having travelled in a jutka during the festival nd that he had also other witnesses (not hem produced) who could contradict the statements of those persons who deposed against him.

8 The said 5 Councillors who were anxious to have the matter settled in a meeting then stated that the Hospital Assistant travelled in a jutka for few days.

9. On hearing these statements, one of the Councillors then proposed that these statements should be committed to writing, but the proposal was strongly protested against by them. Their protest was allowed by a majority to prevail and the Council considering further enquiry in the matter unnecessary resolved at once to pass the bill.

10. With respect to the bill, however, I am still of opinion that the genuineness of the ue is not altogether free from doubt appear from a comparison of the

al Co

the explanation submitted to me by the Hospital Assistant in the first instance and that now given by him before the C That In his first explanation no mention wa made of any of the Councillors who are alleged to have had knowledge of his hav travelled in a jutka. It may also be se that the explanations are inconsistent on with the other regarding the number of days he travelled in Kuppuswami Pillai's jutka. Besides, the enquiry was not, in my humble opinion, a searching one nor was it to the points.

11 With reference to the remarks made by some of the Councillors in the meeting as regards the authority to enquire into the genuineness of a bill and the passing or rejecting thereof, I may bring to the notice of Government the practice in vogue in this Municipality which is to the following effect:- the bills are in the first instance usually submitted to the Chairman who after properly checking them, places the same before the Council if h satisfied with that

ben acy. If on the other hand, he discovers
inaccuracy, he makes the necessary
traverses himself and rejects them
nd, finds sufficient reasons for so
hering. As a precedent I may quote a
case that occurred in April 1895 in
which I disallowed a sum of [illegible]
eing payable out of Rs 44-9-10 in a bill
submitted by this Hospital Assistant. I
may also mention that with the exception of
the present case there was not a single
instance in which any of the Councillors
was ever anxious to call upon the Chairman
to place any bill for their consideration. I
also beg to point out that though the practice
in the matter of the bills is as set forth above,
still according to the rulings the Chairman
does not appear to be bound to obtain the
sanction of the Council for passing them
if the amount specified therein does not
exceed the budget allotment (Vide para 2 of
of the memo from H. E. Stokes Esqr embodied in G.O.
No 1059 dated 29th May 1883). I learn that
this is also the practice obtaining in the
[illegible] and Taluq Boards of Trichinopoly.
However
the

al Co
However, agreeably to the practice of the
Municipality I entertain no objection in
the present bill before the Council, if that
enquiry I should find that this is a [illegible]
one for payment.
unic

12. With reference to the insinuations made con
in the meeting notice by some of the Councillors
as regards my conduct in submitting my
reference in my previous letter, it is with
to state that it is not true that I had [illegible]
aware of the contents of the cover containing
the 2nd requisition before the despatch of
my letter to Government. Moreover, even if
I had known of their 2nd requisition earlier,
I do not see any reason why I should have
refrained from making the reference, as
it was my sincere conviction that it was
absolutely necessary to make it, seeing
that the matter involved an interpretation
of law and affected the powers of the
Chairman throughout the Presidency.

13. In view of the above circumstances, I
am in serious doubts as to whether I c
give effect to th
the Resol

seem to have been adopted hurriedly, cially when the subject is pending before overnment and request that you would ood enough to obtain the orders of the overnment on the matter.

A copy of the resolutions of the meeting herewith submitted for the perusal of Government. Also the requisition letter with a true translation thereof, the meeting notice containing the remarks of certain
the Hospital assistants' statement before the Council
Councillors, and the memo of M.R.Ry Kuppuswami Sarma Avergal as per list are herewith submitted at their request.

15 The memorandum submitted by M.R.Ry Kuppuswami Sarma Avergal refers to a few sections of the District Municipalities Act, which, in my humble opinion, have no sort of bearing whatever on the question now under reference. The only point which seems to call for remark is his argument that if it is to be held that the Chairman has the power either to make a payment to reject it, it leads to the absurdity uncontrollable, in

as much as no appeal to the Municipal Council is contemplated in such cases in the Act (vide Section 97 of the Act). In reply to this argument, I may state that in the first place, I nowhere held that I had the authority to spend away municipal monies of my own accord, and secondly, I beg to submit that the latter portion of Section 261 makes ample provision for cases of rejection, according to which the Municipal Council has the opportunity of controlling the Chairman's actions in the way of either defending the suit referred to in that section or leaving the Chairman to defend it on his own responsibility or in some cases, by paying the dues to the party aggrieved. As regards the practice obtaining in the Municipality, I shall be content with referring you to para 11 supra.

With reference to the remarks of M.R.Ry Kuppuswami Sarma Avergal at the end of his memo, I may state that the present question is not, as he puts it, the passing or the rejecting of a bill but that it is one that relates to the proper authority that is entitled to hold a preliminary enquiry into the matter of a suspected bill (vide para 12 of my letter dated 18-5-96, No. 83). Not so?

When we consider the fact that the Act has completely left into the Chairman's hands the important revenue functions of enhancing or reducing assessments ~~under certain circumstances~~ under Sections 54, 63, 65, 71, 75 & 77 of the Act, I fail to see how the powers of enquiring into a bill, which is purely an executive one, can be denied to him under the Act.

16. I beg to add that this reference had been delayed as I was engaged in the preparation of the administration report for 1895-96, which was

Submitted

Submitted yesterday.

I have the honor to be,
Sir,
Your most obedient Servant
K. Sesha Iyengar
Chairman

Co 1896. 1607/M

Municipal Councillor's office
Srirangam.

From
The Chairman
Municipal Council
Srirangam

To
The Chief Secretary to Government of Madras

Dated 2nd }
Despd 3rd } June 1896
Recd 4 JUN. 96

No. 109
Enclosures 5

Requesting orders of Government whether the Chairman can, under the circumstances stated in the letter, give effect to the Resolutions of the Council passed at the meeting held on the 22nd May 1896.

11/6

Local & Municipal Depᵗ
CURRENT No. 1617/M

(1896) DEPARTMENT.

From
H. A. Stuart Esq. I.C.S.
~~The~~ Private Secretary to ~~the~~
His Excellency
~~Right Honorable~~ the Governor.

To
The Chief Secretary
to Government,
Department.

Dated 2nd } June 1896.
Received }

CHIEF SECRETARY
3-JUN. 1896
GOVERNMENT OF MADRAS

Enclosure

Subject.

Transfers a petition from certain inhabitants of Srirangam Municipality, bringing to notice the conduct of C. Thirumala Naidu Hospital Assistant and praying that the resolution passed at the meeting of the Council on the 22nd May 1896 and connected papers may be called for and justice rendered.

9/6 27/6

Petition from certain inhabitants of Srirangam Municipality.

DATED 26th May 1896

TRANSFERRED to the Chief Secretary to Government for disposal.

(By Order.)

H A Stuart

Private Secretary.

2/6

GOVERNMENT HOUSE,
Ootacamund
2nd June 1896

20

C S
HW 29.5

Local & Municipal Dept
CURRENT No. 1617

To

The Right Honourable
His Excellency the
Governor in Council
Fort St George

The humble petition of the undersigned of Sreerungam Municipality respectfully sheweth.

1 That the Hospital assistant C. Thirumala naidoo submitted a bill for Rs 26-4-0. supported by a receipt undated and unstamped from a Jutka driver Kuppusawmy pillay, for having done perambulating duty for 21 days during the Yekadasi festival of 1895-6

2. That the receipt of Kuppusawmy pillay having been suspected to be not genuine, the Chairman held

11/6

an investigation and finding it to be false called upon the Hospital assistant to give his explanation.

3 That on receipt of this order, the Hospital assistant, with the help of the Tahsildar of Trichinopoly Taluq, the District Surgeon and the Police Inspector of Sreerangam gathered round him 8 Councillors to help his cause right through, and when the Chairman was about to refer the matter, to Government, for orders, a requisition was sent by 8 Councillors to place the bill before the meeting of the 22nd May 96. Including the Chairman all the Councillors have hushed up

hushed up

hushed up illegally and informally a fraud which was brought against the Hospital Assistant. That it may not be out of place here to mention that at the meeting of the 28th September 95, the Municipal Council by a majority let scot free the Hospital Asst. who committed mischief to the Municipal property by demolishing the western wall of the Hospital gardens and incorporating it with his building.

That the same Hospital Assistant submitted on 11th April 95. a Contingent bill for Rs 44-9-10 in which was included an item of Rs 4-0-0 being the charge for preparing 4

Sketch maps of Sreerangam Municipality for submission with the Cholera reports. That the Chairman detected the fraud and finding that the maps were written by the Drawing master in the Municipal Employ disallowed the same not wishing to bring to light the conduct of the Hospital Assistant.

That it will thus be seen that the Hospital Assistant with offered sympathy musters around him a number of Councillors to support his wrongs thereby perpetrating numerous offences.

That the petitioners pray that Your Excellency will order to Cancel

the

the resolution passed at the meeting of 22nd May 96. and Call for all the paper without directing any member or any official of Trichinopoly to investigate and pass such orders as the justice of the case would deem fit.

For which act of kindness the petitioners as in duty bound ever pray.

We beg to remain

Your Lordship's humble Servants

Sreerungam
26th May 1896

[illegible]

[illegible]

V.S. Rungasawmy Ayangar

[illegible]

[illegible]

[illegible]

[illegible]

9]

LOCAL AND MUNICIPAL DEPARTMENT.

Loc[illegible]nicipal Dept.
CURRENT No. 1618M

From

M.R.Ry. S.R.Rangaswami Aiyangar,
Municipal Councillor,
Srirangam.

No.

Dated 30-5-96
Received 5-6-96
Enclosures 1

SUBJECT.

Praying that for the reasons stated the resolutions of the Council passing the bill of the 1st class hospital assistant in charge of the Srirangam hospital may be cancelled and the matter duly enquired into.

C.Nos. 1607, 1617 & 1618 M/96.

N/ To lie over pending receipt of the Chairman's letter referred to in paragraph 1 of C.No. 1607 M/96.

V.R.
12/6/96

W.S.
16.6.96.

21/6

a
11/6

Local & Municipal Dept
CURRENT No. ....

CHIEF SECRETARY
2-JUN. 1896
GOVERNMENT OF MADRAS

To

His Excellency
The Governor in Council
Fort Saint George
Madras

May it please your Excellency

I have the honour to bring to your Excellency's notice the following facts in connection with the Proceedings of the Municipal Council, Srirangam held on 22nd May 1896 and to request that the Resolutions passed at that meeting - to wit - the passing of the bill submitted by the First Class Hospital Assistant in charge of Srirangam Hospital be cancelled under Section 35 clause 1 of Act IV of 1884 in view of the facts set out below, to call for all papers connected with the case and to pass such orders as the circumstances of the case would warrant.

2 The facts connected with the case are briefly these:- The said Hospital Assistant submitted a Bill for Rs 26-4-0 for carriage hire for

having done

rangam
under Section
in view

having done perambulating and supervision duty for 21 days from 17th Dec 95 to 6th Jan 96 at Rs 1-4-0 per diem, during the Ekádesi festival celebrated in the month of Dec 95 and Jan 96.

3. The bill was supported by a voucher from one Kuppusami Pillai, a jutka driver.

4. The Chairman to whom the said bill was submitted, happened to suspect the genuineness of the voucher for reasons of his own, and wishing to investigate the matter, desired me to sit with him during its preliminary enquiry, when the marginally noted persons who were expected to be conversant with the Hospital Assistant's movements and also the said Kuppusami Pillai were examined by him, and their answers were duly recorded.

5. Their testimony, among others, went to show that the Hospital Assistant went on his duties in the jutka of the said Kuppusami Pillai only on two mornings and on the others he travelled in the carriages of the Police Inspector, the Tahsildar and the Chairman; that on the evenings the Hospital Assistant did no

perambulating

* Hanumantha Row Naidoo, certificated Sanitary Inspector specially employed during the festival

Srinivasa Ragava Aiyangar, Division Inspector; Varada Aiyangar, Ranganatha Row, and Chinnasami Naidoo, Circle Inspectors; Thirumalai Aiyangar and Sundaram Iyer, Ag. Sanitary Inspectors. } Observation Staff perambulating duty; that the amoun actually due to him was only Rs 1-4 instead of Rs 26-4-0 and that Kuppusami Pillai was not engaged to supply carriage for the Hospital Assistant for all the 21 days.

6. From the testimony borne by these persons it appeared to me that there were sufficient grounds to reject the bill; but the Chairman, having taken a lenient view of the matter, called upon the Hospital Assistant to submit his explanation thereon.

7. In his explanation, the Hospital Assistant, amongothers, stated that the statements were take from the persons noted in the margin of para 4 supra, under pressure or influence; that he engaged with Kuppusami Pillai to supply him with a carriage either of his own or of somebody else; that he did pay Rs 26-4-0; that the statement that he (Kuppusa Pillai) made before the Chairman as regards the receipt of Rs 1-4-0, mig have reference to the particular day in which he supplied his own carriage and that the trips in the carriage of the Tahsildar and others were only occasional lifts.

8. The Chairman appar tly not satisfied with this

explanatio

* [illegible] Row Naidu, Deputed Sanitary Inspector
specially employed during the festival
Srinivasaraghava Ayyangar, Division Inspector, Varadaiyangar, Ranganatha Row, and Chinnasami Naidu Circle Inspectors } Observation Staff
Thirumalai Ayyangar and Sundaram Iyer, Ag. Sanitary Inspector.

explanations, issued through the District Surgeon an order to the Hospital Assistant directing him to appear in person to undergo an enquiry with all the evidence necessary to substantiate his claim.

9. The District Surgeon not being pleased to communicate it to the Hospital Assistant, and thinking that under the circumstances the Chairman should not hold the enquiry himself, wished the Chairman to place the bill before the Municipal Council, and requested him that if they should discredit it, to send it over to him for such departmental action as he might take on the matter.

10. The Chairman, on receipt of this matter, requested the District Surgeon to reconsider his views and intimated to him that if he (District Surgeon) should still maintain his former views, he would refer the matter for the orders of the Government.

11. In the meantime, a requisition signed by eight of the Councillors was made to the Chairman to convene a meeting of the Council on 18th May 96 to place the said bill before them.

12. The meeting was not convened on that date as three of the signatories to the above requisition intimated to the Chairman that they could not attend the meeting on the 18th as originally proposed, and that another date should be fixed for the purpose after the 25th.

13. Just then the Chairman referred the matter to Government.

14. Instead of awaiting the orders of Govt. on the matter, the signatories to the requisition, above referred to, sent a second requisition to consider it on the 22nd.

15. The Chairman accordingly convened the meeting on the 22nd but observed that the matter having been under reference to Government at that time, it was not desirable that the Council should then take up the subject for consideration and regretted his inability to pla the correspondence before them.

16. Having thus acquainted Government with the facts of the case, I now wish to deal with the most extraordinary and informal way in which the Proceedi of the meeting were conducted.

17. The Subject

17. The subject of the meeting as given in the notice was "Letter to the Chairman from the above Councillors" (mentioned in para 11) dated 13th May 96 and the remarks of the Chairman thereon."

18. One salient point to which Your Excellency's attention must inevitably be drawn in connection with the conduct of the said Proceedings is the absence of any correct recording of the Proceedings of the meeting which, as may be seen below, was a wilful neglect of duty on the part of the Councillors.

19. All the members were present at the meeting with the exception of the Divisional Officer

20. It may be noted by Your Excellency from a perusal of the Proceedings that the prime mover in all the Proceedings was Mr Kuppusami Sarma and that he himself was the person who practically usurped the functions of the Chairman and put the proposals to vote

21. Immediately after the Chairman took his seat, he opened the meeting and stated his reasons for not placing the bill before the

Council as observed in his remarks on the requisition letter.

22. At the outset it was proposed by Mr Kuppusami Sarma and seconded by Mr Srinivasalu Naidu Garu that the Chairman be asked to place the bill and the connected papers as stated above before the meeting. I objected to the proposal on the ground that it was not in the agenda paper and that it was opposed to the bye-laws framed by the Municipality under section 30 clause 11 of Act IV of 1884. The objections were overruled by the majority of the Council and the Resolution carried by them.

23. The Chairman then placed the bill under protest:—

24. It was then proposed by Mr Kuppusami Sarma and seconded by Mr Ramanuja Iyengar that the Hospital Assistant be sent for to allow him to have his say in the matter of the bill. I objected to the following of this course as it contravened the orders of Government directing all the orders to the Hospital Assistant to be communicated through the District Surgeon. Mr Kuppusami Sarma replied that he was given to understand that the Hospital

Assistant had instructions from the District Surgeon to appear before the Council on that day if they should send for him. He was accordingly sent for and examined by Mr Kuppusami Sarma. He then gave before the Council a statement, a translation of which is hereunto annexed. In this statement, among others, he introduces the names of the Councillors Messrs Ramanuja Aiyangar, Srinivasaloo Naidu, Muthusami Pillai, Shunmugam Pillai and Venkatakrishna Naidu as having been acquainted with the fact that he was travelling in jutka during the said Ekadesi festival.

24. The said Councillors then one after another stated what they knew of the matter, but their statements were neither recorded nor allowed to be reduced to writing, in spite of Mr Ramasami Iyer's request that they should be dealt with. Mr Ramanuja Iyengar stated that on one day during the Ekadesi festival the Hospital Assistant went round in his company in a jutka and that he saw him on four other occasions

though he could not say on whose
Carriage it was that he so travelled
Mr Srinivasaloo Naidoo stated that
he had seen the Hospital Assistant
on a few occasions in a jutka when
he had gone to his (Srinivasaloo Naidu)
house to meet some of his relations
that had then come down from Mad-
ras and had lodged with him
during the said festival. Mr Muthu
Sami Pillai said that for 5 days he had
seen the Hospital Assistant in a
jutka. Mr Shunmugam Pillai sta-
ted in a similar way Mr Venkata
Krishna Naidoo stated he saw the
Hospital Assistant going in a jutka
on one day I at once withdrew from
the meeting

25. It appears that having
heard the statements of these Coun-
cillors, the council resolved to -
pass the bill considering further
enquiry into the matter unneces-
sary Mr T.R.Kuppusami Ayyanga
not expressing any opinion, an
Mr S Subramania Sastriar dis
senting, but on being requested
by Mr Kuppusami Sarma, he (Su
bramania Sastriar) said that he
was not particular in having h
minute of dissent recorded so lon
as the Resolution was not
worded

worded to have been passed unanimously.

26. Then I returned to the meeting again.

27. From the above, I wish to impress upon your Excellency's notice the facts that the above Proceedings was wholly informal and that the Councillors referred to in para 11 would not allow the matter to be sufficiently investigated and the truth arrived at and that the object of the Councillors in having the bill brought by the Chairman and passed hurriedly, in spite of the protest, was in my opinion, to show to Government, that the bill was a genuine one and that there was no necessity for them to pass any order on the Chairman's Reference No 89, dated 13th Instant.

28. When going into the case one cannot help pronouncing his opinion that there is something wrong on the part of the Hospital Assistant which neither he nor the said 8 Councillors would have it raked up. The bill has been passed by the Council on the explanation of the Hospital Assistant, and on the oral statement of the Councillors

As regards the former we have the following:— On comparing the explanation of the Hospital Assistant submitted to the Chairman with that given by him before the Council, Your Excellency will observe that neither of them appear to be anything like satisfactory and that one is inconsistent with the other. The introduction of the names of the Councillors in his second application appears to be purely an after thought; else it would have been easier for him to prove his case by suggesting their names as his witnesses in his first explanation. Secondly according to his first explanation he claims for Kuppusami Pillais own carriage only Rs 1-4-0 for two mornings whereas in his second explanation he says that he travelled for two full days in Kuppusami Pillais carriage.

As regards the statements of the Councillors, Your Excellency would observe that taking apart they go to show in a vague and indefinite sort of way that the Hospital Assistant travelled few days in a jutka. They do not show that even on those days he went on his

duties of perambulation and su-
pervision, nor do they show that
he went round in the carriage of
Kuppusami Pillai or in that alleged
to have been supplied by him; nor
do they prove the existence of any
engagement by Kuppusami Pillai
with the Hospital Assistant to supply
him with carriage for all the days of
the festival at a fixed rate.

29. As regards the actual
facts of the case, it may be noted
that it is extremely impro[illegible]ble that
Kuppusami Pillai, w[illegible]owns li-
cense for only one carriage and
who is alleged to have engaged as
himself to supply the Hospital Assis-
tant with the carriage at Rs 1-4-0 per
diem for Sanitary supervision duty
should after supplying the Hospital
Assistant for two days have taken
the trouble of supplying it to Ha-
numantha Roa Naidoo, the Chief
Sanitary Inspector at the same rate
for 12 days and supplied the Hos-
pital Assistant with others' carriage
during those days.

30. From the following ar-
guments, I venture to point out
to Your Excellency in Council that
the eight Councillors referred to also
seem to have an interest in the
case

The Councils

case and would not allow i to be enquired into by the Chairman or by such other officer as the Government may be pleased to appoint as suggested by the Chairman in his letter No 83 dated the 13th Instant. It looks as if the whole affair ha been prearranged by the 8 Councillors and that they attended the meeting with foregone conclusions.

1. The Hospital Assistant does not wish to be enquired by the Chairman but he is ready to appear before the Council and even obtained the permission of the District Surgeon to do so.

2. The District Surgeon desires the matter to be placed before the Council and on the Chairman refusing to do so, the 8 Councillors thrust themselves forward with two requisition letters to place the matter before them.

3. The District Surgeon would not allow the Hospital Assistant to appear before the Chairman but would allow him to do so before the Councillors without any necessity for so doing though at the first outset, he desired the disposal the matter by himself in case the Council should discredit the B

4. The [illegible]illo

4. The Council who spoke to the Hospital Assistants' movements did not like the statements to be recorded in writing nor would allow them to be so dealt with.

5. The said 5 Councillors are themselves the signatories of the requisition and have not been cross examined.

6. The Bill was hurriedly passed without any enquiry being duly made, especially when the Chairman protested against placing it before the Council as the matter was under reference to Government.

7. There was nothing specially urgent about the passing of the bill at that time in a hurry.

8. The passing of the bill in such a slip-shod fashion when there was a prima facie case for an enquiry seems, as already stated, to have been arranged for making Government believe that it was a genuine one and to show to them that no orders were necessary on the Chairman's reference to them as may be seen by the following conduct of the 8 Councillors.

9. The Councillors desired the Surgeon General to defer submission of the Chairman's letter to Government till the disposal of the matter by the Council through telegraphic

Communicatio

Communication as appears from
the minutes in the meeting memo
and forwarded them with a
Copy of the Resolution subsequent
to the meeting

31. From the facts set
forth above, I request that the
matter be duly enquired into and
the prayer, desired on the opening
of the letter granted

For which act of kindness, I shall, as in duty bound,
ever pray.

I beg to remain,

Your Excellency's most obedient
and humble Servant

S. R. Rangasamiayyangar BA. BL.

30th May 96. Municipal Councillor
Srirangam.

Statement of the Hospital assistant C Thirumalai Naidu before the council on 22nd May 1896.

The District Surgeon has permitted me to appear before the Council meeting today, if they would require my presence, in matter of the enquiry of the Bill. Kuppusami Pillai gave me the voucher now shown. During the 21 days of the Ekadesi festival. I had engaged a jet. In his own jet I perambulated on two days. and for the remaining 19 days I went in two jutkas supplied by Kuppusami Pillai. The Voucher was written by my assistant Chandrasekaram Pillai. Councillors Messrs Ramanuja Iyengar Srinivasaloo Naidoo, Muthu Pillai, Shunmugam Pillai and Venkata are aware of this

Signed C. Thirumalai
Naidu

The words pressure and influence used by me in the Cn^{n} have no reference to the Chairman.

Sd/ C. Thirumalai
Naidu

Statement of the Hospital assistant
C Thirumalai Naidu before the council
on 22nd May 1876

The District Surgeon has permitted me to appear before the Council meeting to day, if they would require my presence in matter of the enquiry of the Bill, Kuppusami Pillai gave me the powder now shown. During the 21 days of the Ekadesi festival, I had engaged a jet. In his own jet I remained on two days and for the remaining 19 days I went in two jet has supplied by Kuppusami Pillai. The voucher was written by my assistant Chandrasekaram Pillai. Councillors Messrs Ramanujalu Chetty, Srinivasalu Naidu, Mutha Pillai, Shunmugam Pillai and Venkatachala are aware of this

22nd May 76

Signed C Thirumalai Naidu

The words pressure and influence used by me in the Cn have reference to the Chairman

Sd/ C Thiru

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.
CURRENT No. 2490 M

From

M. R. Ry. S. Ramanuja Aiyangar
Municipal Councillor
Srirangam.

No.

Dated

Received 27-7-96

Enclosures

SUBJECT.

Praying that the papers regarding the power of Chairman, Srirangam Municipality in holding of an enquiry which is only a step preliminary to punishment or discharge of the Hospital Assistant, may be referred to the Council for remarks.

To his corresponding receipt of the Chairman's letter forwarded through the Surgeon

Remain C.

1 R
31/7/96

W. D.
4-8-96

31/7.

Local & Municipal D

CURRENT No. 2190

From

S Ramanujaaiyengar

Municipal Councillor

Srirangam

CHIEF SECRETARY
22 JUL 1896
GOVERNMENT OF MADRAS

The Chief Secretary to

Government of mad

Ootacamund

Sir,

In the matter of referen

No $\frac{83}{13.5.96}$ made by the

Chairman of the Srirangam

Municipality to the Governm

through the Surgeon General

regarding his power in

holding of an enquiry

which is only a step pre-

liminary to punishment

or discharge of the Hospital

[illegible]

Assistant" (vide para 13 of the said reference), the Municipal Council at its Meeting of the 22nd May last resolved by 13 against two, that the reference to Government being distinct, according to their opinion, from the subject matter of that days' Meeting, that the question of the truth or otherwise of the libel submitted by the Hospital Assistant should be taken into Consideration.

The chairman was requested by the Councillors (aforesaid resolution being Considered unnecessary) to forward to the Government, the opinions of some of the Councillors who had expressed the same on the notice paper and in separate Minutes so that the Government may know the reason for the other view also.

In forwarding the same, the chairman has, I am now given to understand, made some remarks of his own the nature of which is not known to many of the Councillors even though the chairman was requested to show the council a copy of it. It is also given [illegible] Counci

[illegible] that one of the

protest to the Government the nature of which also is not known to the other Councillors.

I beg the Government may be pleased to refer these two papers to the Council for their remarks in case the Government is inclined to take into consideration these exparte statements.

I beg to remain
Your most obedient
servant
S. Ramanuja Aiyangar
Municipal Coun
Srirangam

Local & Munl. (1896) Department.

CURRENT No. 257/M

From
The Chairman,
Municipal Council,
Srirangam.

Order

No. 297.

Dated 24 . 8 . 96.

Received 16 SEP 96

Registered 17 " "

Enclosures Nil

Spare copies Do.

SUBJECT.

Soliciting orders as to whether the Chairman or the municipal Council, has the power to hold a preliminary enquiry in the matter of a suspected bill, submitted by the Hospital assistant, whose services are lent to the Municipal Council.

BACK PAPERS.

G.O.	No.	Department.	Date.
Circ	1607,	1617,	~~[illegible]~~ 21906/96
Go	1427	M	24-8-96
Go	443	M	4-4-94
"	1656	M	6-10-91
"	1654	M	6-10-91
"	918	L	25-4-89

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal Councillor's Office
Srirangam 24th August 1896.

L. [illegible] Municipal Dept.
[illegible]

No. 297

From

M.R.Ry. K. Seshadri Aiyangar avergal,
Chairman
Municipal Council
Srirangam.

To

The Chief Secretary to Government
of Madras
Fort Saint George
through the Collector of Trichinopoly.

Sir,

I have the honor to submit the following reference for the orders of Government.

The Hospital assistant in charge of the Srirangam municipal hospital, submitted to me for sanction, a bill for Rs 26-4-0 for having done supervising and perambulating duty during the late Ekadesi festival. He is a Government servant whose services are lent to the Municipal Council.

2 Having reason to suspect the genuineness of the bill and having suspected his conduct, I called on him to explain. His explanation not being satisfactory, I decided not to place the bill before the council to be passed, pending further enquiry by me into the matter, and sent him through the District Surgeon, Trichinopoly, an order to appear before me to substantiate his bill, which was not communicated to him by the District Surgeon, and he however, wrote me to say that the bill should be placed before the council, and that if it should discredit it, the same should be sent to him for his disposal, according to departmental rules.

3. Meantime a requisition signed by 8 of the councillors, calling upon me to convene a special meeting on the 18th May 1896 and to place the bill before the council, had been put into my hands; but this meeting was not convened as 3 of the signatories desired me to adjourn it to some other convenient date.

4. At this stage, a reference was made to Government through the Surgeon General, in my letter No 83 dated 13th May 1896 [illegible] orders, on 2 points viz:—

i whether the Chairman or the District Medical and Sanitary officer, is the proper authority to hold a preliminary enquiry into the genuineness or otherwise of the bill, submitted by the Municipal Hospital assistant, and as such into the conduct of the officer;

and.

ii whether the Chairman or the council has the right to hold such an enquiry.

5. The Surgeon General, having agreed with my views on the first point, namely, that the Chairman has the power, thought it unnecessary to refer the matter to Government. However, as the 2nd point is yet to be settled, I now beg to submit this brief reference, soliciting orders on the same, in view of my No 83 dated 13th May 1896 referred to in my No 109 dated 2nd June 1896, submitted to Government, in which the further facts in connection with this matter have been reported in detail.

Cw 1607ky/X

6. As far as I am able to gather, the authorities on the point are Section 32 clause (1) and section 42.

Clause (2) of Act IV of 1884, and G. O. dated 6th October 91. Nos. 1654 and 1656 M. These vest in the Chairman of a Municipality the entire control over the subordinate Municipal officers including Government servants lent to the Municipal service. It will be seen from G.O. dated 6th October 91 No 1654 M, referred to above, that a distinction is drawn between the procedure to be adopted in the case of punishments to be awarded to purely Municipal servants and to the medical subordinates and deputy Inspectors of vaccination whose services are lent to the Council. In the case of the former servants the power of punishment rests solely with the Chairman subject to an appeal to the council; and in some cases subject to a second appeal to the Local Government. In the case of the latter, the Chairman has exactly similar powers, but subject to the consultation with the District Surgeon before passing any order of punishment and, confirmation of the same by the Surgeon General or the Sanitary Commissioner, as the case may be, except in the case of

dismissal, when the matter has to go up for the consent of the Government. It is a noteworthy fact for the consideration of Government that in the case of the punishment of these latter officers, no appeal, is provided for, to the Council. It is thus clear that the holding of an enquiry, which is only a step preliminary to punishment or discharge by the Chairman is completely legal and consistent with the above Government orders and that the municipal Council possesses, in my humble opinion, no power to sit in judgment over matters which are purely executive and which lie within the exclusive province of the Chairman.

7. I may also point out, that I am not in the least interested in the disposal of the case by myself personally, nor have I any objection for the enquiry being held either by the Collector of the district, the Revenue Divisional Officer, or any such responsible officer as the Government may be pleased to nominate;

8. The question appears in

my opinion, to be an important one, as affecting the powers of the Chairman of the municipalities throughout the Presidency, and I have, therefore, ventured to trouble the Government with this reference.

I have the honor to be,
Sir,
Your most obedient servant.
T. Seshadriyengar
Chairman.

Ref (6) on Corr no 11 of 96
Compl 14 5 96

Forwarded.

2. This should be read along with the Chairman's letter no 109 dated 2nd June 1896 which he appears to have submitted to Government direct.

3 It will be seen from that letter that, at a meeting on the 22nd May 1896 specially convened for the purpose under s 29(2) of the Dt Municipalities Act, the Council (in the face of the Chairman's protest) held an enquiry of its own into the genuineness of the bill in question & ordered it to be paid.

4. The questions on which the orders of Government are now requested by the Chairman may be enumerated as follows:—

engquiry into the genuineness of a bill such as the one in question.

(2) Whether when such an engquiry was pending before the Chairman it was open to the Council to take up the engquiry into its own hands & order the amount of the bill to be paid.

& (3) Whether the Chairman is in the present case debarred by the Council's resolution of the 22nd May last, from making any further engquiry into the bill & whether he is bound to pay its amount.

5 As to question (1), I agree with the Chairman's argument in para 6 of this letter & consider that the Chairman & not the Council was the proper authority to hold the preliminary engquiry into the genuineness of the bill in question. This also answers question (2), & I consider that the Council was not justified in deliberately taking the matter out of the Chairman's hands while it was still under his engquiry, in proceeding then to make an engquiry of its own, & in resolving to pass the bill. As to question (3), I think as matters stand, the Chairman is legally bound to carry the Council's resolution into effect under s 32(1), but as it was ultra vires, I think the Government may cancel it under sec 35(1). The Rules framed by Government under s.250 of the Act give certain powers of punishment &c to the Chairman, the Surgeon-General & the Government alone in the case of medical subordinates, but give no power whatever to the Council. As rules made under sec 250 [illegible] ~~give~~ have "the force of law

of the powers conferred by law" which is one of the grounds for which the Government may cancel a resolution of the Council.

6. It may possibly be contended by the Council that it only passed a bill & passed no orders acquitting or convicting the Hospital assistant of misconduct in connection with the bill, but such an argument, if urged, would be but mere quibbling, as the bill & the Hospital assistant's conduct or misconduct (& on this I have deliberately refrained from forming an opinion, at the present stage of the controversy) are so inextricably connected that the bill should only be passed or refused according as the Hospital assistant is found innocent or guilty of conduct which (if guilty) would require serious departmental punishment.

7. It is unnecessary to dwell on the differences between the Chairman & the Dt medical & Sanitary officer as regards their relative powers in conducting the preliminary enquiry, as the Surgeon-General & myself have agreed on the point.

Trichinopoly }
14th September }
1896 }.

J Andrew.
Collector

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