11205/

[L. & M. 9,000-3-8-96.]

INDEXED.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 2039/h

DATED 30-11-96

[Despatch Abstract.]

Munl. Council

Concerning the remarks of the Collector of Madura that the Munl. Council (of Madura) is not invested with any powers to interfere with the infliction by the Chairman of a fine not exceeding one Rupee on a Munl. servant, and that there was nothing illegal in a Munl. Councillor voting in a case in which he stands in the position of a complainant.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1896) Department.

CURRENT No. 30427

misc.

From The Collector of Madura

Order. No 2039 m. mis, 97 30-11-96.
The Government concurs in the Collector's remarks.
1/12/96 Issued S.R. 27/11/96

H.M.

However arbitrary the action of the Chairman (-delegate) may have been, no appeal lies; & the Collector's views are correct. Every wrong that has not a remedy in law.

S.R. 27/11/96

No. Dis No. 4873/E of 96

Dated 6 - November 96

Received 10 - 11 - 96

Registered 6 - 11 - 96

Enclosures + bdle 4

Spare copies

SUBJECT.

Forwarding with remarks, letter from the Chairman, Municipal Council, Madura soliciting orders about certain questions raised in the ~~Madura~~ Municipal Council regarding the powers of the Chairman and the privilege of a councillor.

To
The Chairman, M.C. Madura.
through the Collector.

Dated 27/11/96

27/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal Office,

No. 49 MADURA 28th October 1896.

ENCLOSURES. Four.

Judl Dept.
3042-1

From,

M Rly
P. R. Venkatesalu Nayudu Garu,
Chairman, Delegate,
Municipal Council,
Madura.

To,

The Chief Secretary, to Government,
Fort: St. George
Madras.

Thro' The Collector of
Madura.

Sir,

I have the honor to submit the following case for the consideration and orders of Government.

2. The facts are as follow:— A ward peon who was entrusted with the duty of serving summons, notices &c^a issued by the Bench of Magistrates, Madura Town, after having ascertained that a person to whom a notice was issued, was in the service of M Rly Anantakrishna Nayadu Garu, a Councillor, went to his printing office to serve the same. What actually transpired there, is not known, as no formal enquiry seems to have been held in connection with the matter. The peon returned the notice unserved with a report that he was obstructed in

the discharge of his duty and ill-treated by the said Councillor, whilst the latter in his turn complained in writing that the peon entered into his premises without his permission, and otherwise misbehaved towards him and concluded with a request that the peon's conduct might be taken due notice of.

3. M.R.Ry G. Srinivasa Row Garu, who then acted as Chairman-Delegate without disposing of the report of the peon and apparently on the strength of the Councillor's complaint fined the peon one rupee with a warning that a repetition of such conduct might entail removal from Service. The Government is aware that no appeal lies against the order of Chairman fining his subordinates one rupee or less.

P. 9182/25-4-89

4. At this stage one of the Councillors M.R.Ry R. Muthusawmi Pillai Avergal (in charge of the 6th Ward) put in a proposal that the fine imposed by the Chairman Delegate be cancelled and that necessary orders be passed on the peon's report. When it eventually came before the Meeting of the Council, the proposal was thrown out by the casting vote of the Chairman that "the Council have no right to entertain the proposal for the reason that there is no appeal maintainable by the party fined",

Subject,

Subject, however, to a reference to Government on the subject.

5. The points for decision are (1) whether the Council can exercise its powers of revision even in non-appealable cases; and (2) whether M.R.Ry Anantakrishna Nayadu Garu, who apparently stands in the position of a complainant can be allowed to vote, as was done in this instance, so far as the proposal in question is concerned.

Necessitating entire rules against this vide G.O. 239 M. 16.2.95

6. As instances of the kind are likely to occur here and elsewhere, an authoritative ruling of Government seems to be desirable for future guidance.

7. Translation of the peon's report and copies of the Complaint, proposal and of the resolution are herewith submitted.

I have the honor to be,

Sir,

Your most obedient Servant,

Chairman
(Delegate)

ENCLOSURE No. 1

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.
Dated 28th October 1896.
No. 49.

True translation of the peon's report.

1
20 62 Nov 96

To

The Chairman,
Municipal Council,
Madura.

The humble report of Karuppanan, peon 6th Ward.

In the matter of the service of the notice in D. no: 474 issued to one Muthukrishna Nayadu Door no: 81, 6th Ward for having failed to vaccinate his daughter Govindammal, I searched for him in his house, but he was not found. On the 19th instant I went to the Printing Office in the North Masi Street where he was employed, to serve the notice. MRRy Ananthakrishna Nayadu prevented the service of notice, grossly abused me, and attempted to slipper me. I was not able to serve the notice owing to his obstruction. I have reported the said fact immediately to you. I have also informed the Ward Councillor about it.

I shall abide by your orders.

19th August 1896. (Signed) Karuppana Kone
(in tamil)

(True translation)

Chairman. (Delegate)

ENCLOSURE No. 2

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

Dated 28th October 1896.

No. 49.

Copy of the Councillor's complaint.

2/3042 Mob/W

Indian Press, Madura
Dated 21st August 1896.

To

The Chairman
Municipal Council,
Madura.

Honored Sir,

The peon of the VI Ward Karuppanan who came with a vaccination notice to be served to one of my press servants trespassed into my building although he was told that he cannot enter without my permission. — Not only that he misbehaved towards me in such a reckless way that I am unwilling to put it in writing.

I leave it to you (as he is a servant under your control) with an earnest request to take such steps as would make other — servants understand that such behaviour of a serious nature cannot be tolerated.

I beg to remain,
Sir,
Your most obedient servant,
(Signed) M. Ananthakrishna Naidu
Municipal Councillor, Madura.

(True copy)

P.R. Venkatesh
Chairman (Delegate)

ENCLOSURE No. 3

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

Dated 28th October 1896.

No. 49

Copy of the proposal
of one of the Councillors

3
Bolt 1084

I propose that the orders of the Chairman Delegate fining 6th Ward peon Kanuppanan Re:1 for having reported against Mr: Anantakrishna Naidu as having obstructed Service of Summons on one of his employees, be set aside and necessary orders be passed on his report.

(Signed) R. Muthusawmi Pillai
Councillor

(True copy)

R. Venkatachalam
Chairman
(Delegate)

A1

Ref. 2970

ENCLOSURE No. 4

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

Dated 28th October 1896.

No. 49

Copy of the resolution
of the Municipal Council.

4
30 Nov 1896

Extract from the proceedings of the Municipal Council Madura passed at its meeting held on the 13th October 1896.

x x x

320. Read proposal of MKRy R. Muthusawmy Pillai Avl. that the order of the Chairman Delegate fining 6th Ward peon Karuppanan one rupee for having reported against Mr: M. Anantakrishna Naidu as having obstructed Service of Summons to one of his employees be set aside and necessary orders passed on his report.

Amendment proposed by MKRy P. Selvaraj naidu Garu and seconded by MKRy Srivaman Chettiar Avl. that the Council have no right to entertain this proposal for the reason that there is no appeal maintainable by the party fined.

Carried by the casting vote of the Chairman. MKRy M. Anantakrishna naidu Garu was allowed to vote for the amendment.

Resolved

Resolved also that the Chairman be requested to refer this matter to Government for its opinion.

× × ×

(Signed) R. Fischer
Chairman

(True copy)

R. Venkatachalam
Chairman
(Delegate)

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Genl
1896. 30-10-96. da

LOCAL AND MUNICIPAL DEPARTMENT.

FROM

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

ENCLOSURE. 8 Flows.

Dated } 28th October 1896.
Received }

30 OCT 96
MADURA

SUBJECT.

Soliciting the orders of Government about certain questions raised in the Madura Municipal Council regarding the powers of the Chairman and the privilege of a Councillor.

T. dis No 4878 of 96
gf

Forwarded

2. As the rules stand, the Commr does not seem to be invested with any powers to interfere with the infliction of a fine not exceeding a Rupee by the Chairman, and there was nothing illegal in the Councillors voting for the amendment.

Collector

Madura Collector's Office
6th November 1896