

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 2053 L.

DATED 2-11-96

INDEXED.

[Despatch Abstract.]

Petition.

Informing petitioner, P. Achutan, late Head Clerk, Taluk Braid's office, Zelli-cherry, that his requests in connection with his dismissal from the R.T. Service cannot be complied with.

# BACK PAPERS.

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Local & Munl. (1896) Department

CURRENT No. 2916 L

*7/11/96*

Order No 2053 dated 2-11-96

The Petitioner's requests cannot be complied with.

*138*  
*20/10/96*

*S. R.*  
*2/11/96*

From Panangadan Atchutaram  
Late Head Clerk. Taluk Nelli  
Pottayam Taluk  
Tallicherry.

No.

Dated 20/10

Received 22/10

Registered

Enclosures

Spare copies

## SUBJECT.

Praying that in the Circs stated, his former memorial appealing against his dismissal, may be reconsidered or that it may be sent to the P.D.B. Malabar with a direction to him to reconsider his decision in the matter with reference to the facts set out in it. That ~~former~~ memorial

The Petitioner

*670*  
*Depd- 5/11/96*

*28/10*

| G.O. | No. | Department. | Date. |
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# FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
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To

His Excellency Sir Arthur Bavelock  
Governor of Madras in Council  
Fort Saint George  
Madras.

The humble memorial of Panangaden Atchutan of  
Kottayam Taluk Tellicherry.

Most Respectfully Sheweth,

2. That the memorialist was the Taluk Board Head Clerk of Tellicherry until November last, when he was dismissed from his post by an order of the President of the said Board, which, on being appealed against was confirmed by Mr Hewetson, the President of the District Board Malabar. The memorialist thereupon submitted to your Excellency in Council on the 28<sup>th</sup> August 1896 a memorial, setting forth the circumstances under which he came to be dismissed, and the reasons to show to your Excellency in Council how that dismissal was unjust and unmerited by him, and praying your Excellency to be graciously pleased to restore him to his post, or at least to mitigate in some degree the severity of the punishment awarded to him. In reply to this memorial, the memorialist was grievously pained to receive the order No 1755. L. M. S. dated 26<sup>th</sup> September 1896, saying that the memorial above referred to could not be considered as no appeal lay to your Excellency's Government in his case under Local Fund Rule 72 as he was at the time of dismissal not drawing a pay of Rs 50 or more. The memorialist would most humbly request your Excellency to be pleased to reconsider this order, because as he respectfully submits

1755 L  
25-9-96

the matter being in your Excellency's hands the full  
which has been denied to him hitherto, and which he feels or  
will be granted to him by your Excellency, if your Excellency  
will only peruse the previous memorial submitted by him, and  
consider his case on its merits. The memorialist submits the  
although he draws only a pay of Rs 25, his case really comes  
under Section 42 clause 3 of the Local Fund Act V of 1884  
considering the circumstances under which he was appointed  
under the Taluk Board. The memorialist was a permanent  
clerk in the Government service, on a pay of Rs 15 in the Sub-  
Collector's office Tellicherry, when the Taluk Board came to be  
established there in 1886. The then Sub-Collector appointed the  
memorialist as clerk under the Taluk Board and pressed him  
to accept the post, but unfortunately for the memorialist, as  
there was not at that time a rule enabling Government servants  
to transfer their services to the Taluk Board as there is at present  
(vide G.O. No. 1368 of 1892), the memorialist was obliged to resign  
his post under the Government. If such an enabling provision  
as above stated had existed then, the memorialist would certainly  
have retained his connection with the Government and not resigned  
as he did. Therefore the memorialist humbly submits that as  
he was originally a Government servant when he became a  
Taluk Board clerk, and as he was really compelled to give up  
the Government service, quite against his will, under the  
circumstances then existing, he would really come under Section  
42 clause 3 of Act V of 1884; seeing that the present order of  
dismissal finally dispenses with his services both under the  
Taluk Board and the Government. Some distinction should be  
made between a person who is newly entertained under the Taluk  
Board, and who has consequently no claims whatever except under  
that Board, and a person in the memorialist's position; at least

\* This relates to the transfer to  
Govt service of pensionable  
servants.

As he resigned that

in the matter of appeal to Government, especially as Rule 72 does not negative the right of appeal, but merely does not give such a right.

3. Then again the memorialist would submit that the Rule 72 should not be applied in all its strictness at the present, as the Local Fund service has been considerably altered and been brought more into accord with Government service by the introduction of rules with regard to the pensionary contribution and educational qualifications of applicants for appointments since the passing of the above rule. At the time when Rule 72 was passed, Local Fund servants had no service, and could claim no pension; but since the issue of the G.O. no. 1842 of 1893 August 19<sup>th</sup>, they have to contribute to a pensionary fund, and they are entitled to pension on retirement in the same manner as the Government servants are. The position of Local Fund servants has thus become considerably enhanced, and the memorialist would submit that while a Government servant occupying a position so low as that of a peon, on Rs 7 can come up to your Excellency in Council in appeal, it is unjust and unreasonable to disallow such a right to a Local Fund clerk of the memorialists position, belonging to a service which has become quite as important as the Government service. Further the entry of a person into the Local Fund service has been made dependant upon educational qualifications similar to those required for entry into the Government service since the issue of the Government order dated 26<sup>th</sup> July 1894, no. 1383 L, and no. order no. 2494 dated 29<sup>th</sup> November 1894. Now that a person has to fulfil similar conditions and attain similar qualifications to enter either service, surely it stands to reason that having once entered he should be given similar facilities by way of appeal or otherwise to prevent his unjust removal from such service. The memorialist would therefore submit that although Rule 72 does not in terms give him a right of appeal, the Government of the Government above referred to should

as there is nothing in the rule to negative such right. The memorialist would even go further and submit that Rule ought to be modified to be consistent with the orders above referred to.

4. So far the memorialist has respectfully contended that he has really a right of appeal, but even supposing that he has got that right, surely, there is nothing in the Local Fund Act or in the Rules framed under it to prevent your Excellency from graciously receiving the memorialists appeal and disposing it on its merits.

5. Your Excellency has the high privilege of rectifying all acts of injustice done by your subordinates in whatever Department they might be, and the memorialist most humbly prays your Excellency to use that privilege in his case. The memorialist a man of 14 years service in the Government and Local Fund Department without receiving a single blackmark or even a word of censure from any of his superiors, and a man who has sacrificed all his prospects in the Government service, because, his then superior the Sub Collector wanted him to join the Local Fund Service, has been dismissed altogether from his post for no other reason than that a complaint was brought against him by one Rayi a moplak on vague suspicion and unsubstantiated by facts or evidence that the memorialist wrote an anonymous petition against him, without even affording him an opportunity to disprove the statements made by the Complainant.

6. The memorialist has been dealt with in a grossly unjust and severe manner as would be apparent to your Excellency from a perusal of his first memorial, when such is the case, and when the memorialist comes to your Excellency and prays to have justice done to him, if your Excellency is so good as to have for bare justice on a

your Excellency still thinks contrary to what the memorialist most fervently hopes, that the memorialists appeal cannot be considered, as a last resource, he would pray that his memorial may be sent to the President of the District Board with a direction to him to reconsider his decision in this case with reference to the facts set out in it.

7. In conclusion the memorialist sincerely hopes that your Excellency will not allow any technicalities to stand in the way of your Excellency, rectifying the injustice done to him.

For which act of justice, the memorialist as in duty bound

Calicut  
20<sup>th</sup> October 1896. }

Ever Pray

P. Mchintan

My address

Panangadan Mchintan  
C/o C. Krishnan Esq. B.A.  
Barrister at Law, Porsewalkum  
Madras.