Local & Munl. (1897) Department.

INDEXED. CR

PRINTED.

G.O., No. 2115 M.

DATED 27-9-97

DESPATCHED

[Despatch Abstract.]

Bill Collectors

Stating that the practice of entrusting ——— with more bills at a time than they can present in a single day is most objectionable; and requesting the Munl. Council of Calicut will remark, to see that the instructions of Govt in this respect are strictly followed for the future.

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

V.E

Press

Please reprint
260 Copies of this G.O. as
revised - and attach a
Slip # "Jobe Substituted
for G.O. of the same number
and date."

E.R
18/10/97

Recd. *Enclosures*

Regd. *Spare copies*

G.O., No. 2115 M., 27th September 1897.

SEPTEMBER.

Bill Collectors.

Stating that the practice of entrusting — with more bills at a time than they can present in a single day is most objectionable; and requesting the Municipal Council of Calicut, with remark, to see that the instructions of Government in this respect are strictly followed for the future.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following paper:—

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 17th September 1897, No. L.F.D.—402.

With reference to paragraph 2 of G.O., Mis. No. 433 M., dated the 8th March 1897, I have the honour to forward herewith copy of letter, No. 1609, dated the 14th August 1897, with its enclosures, from the Chairman, Calicut Municipal Council, from which it will be seen that a decree has been issued against the absconding bill collector for Rs. 105–3–6, together with costs Rs. 50–4–8, but that the suit against the surety has been dismissed, mainly on the ground of contributory neglect on the part of the municipality.

2. It is not stated in the judgment how the sum of Rs. 105–3–6 is made up, or on what grounds the balance of the amount stated to have been misappropriated, has been rejected, but the probability is that, though the municipality has actually suffered a loss of Rs. 256, only Rs. 105–3–6 could be brought home to the bill-collector concerned. Even this sum there is said to be no probability of recovering, and it therefore rests with Government to decide whether any, and if so what, amount should be made good by the office establishment through whose carelessness the fraud was rendered possible. The Chairman admits that the misappropriation was facilitated by the practice of making over the whole of the bill and warrant books to the bill-collector at once, instead of in batches as required by paragraph 12 of Mr. Stokes' memorandum and as repeatedly enjoined by Government in subsequent orders.

3. In his first letter on the subject, dated the 3rd August 1896, the then Chairman stated that he had taken steps to prevent the recurrence of such embezzlements for the future, from which, it is understood, that he put a stop to the dangerous practice above referred to. If so, he appears to have done all that was necessary in that respect, but as the incumbency of the appointment has apparently been recently changed, there would be no harm in again urging on the council the necessity of strictly following the prescribed procedure.

4. In conclusion, I would draw attention to a point in the plea advanced on behalf of the surety, as to non-liability owing to the transfer of the bill collector from one division of the town to another subsequent to the execution of the security bond. It is true this issue was decided in favour of the municipality, yet, I think, it would be well if all security bonds were modified so as to render it impossible for legal objections of this nature to be raised for the future. The liability might be made to recover any duty assigned to the employé.

Order—No. 2115 M., dated 27th September 1897.

As repeatedly pointed out by Government, the practice of entrusting bill collectors with more bills at a time than they can present in a single day is most objectionable. The municipal council is requested to see that the instructions of Government in this respect are strictly followed for the future.

2. The attention of the municipal council is also drawn to the suggestion made by the Accountant-General in paragraph 4 of his letter, which should be carefully observed.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To the Chairman, Municipal Council, Calicut,
through the Collector of Malabar.
„ all other Chairmen of Municipal Councils.
„ all Collectors.
„ the Accountant-General.

Exd. C. M. Thumbuswmy.

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Recd. *Enclosures*

Regd. *Spare copies*

G.O., No. 2115 M., 27th September 1897.

SEPTEMBER.

Bill Collectors.

Stating that the practice of entrusting — with more bills at a time than they can present in a single day is most objectionable; and requesting the Municipal Council of Calicut, with remark, to see that the instructions of Government in this respect are strictly followed for the future.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following paper:—

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 17th September 1897, No. L.F.D.—402.

With reference to paragraph 2 of G.O., Mis. No. 433 M., dated the 8th March 1897, I have the honour to forward herewith copy of letter, No. 1609, dated the 14th August 1897, with its enclosures, from the Chairman, Calicut Municipal Council, from which it will be seen that a decree has been issued against the absconding bill collector for Rs. 105-3-6, together with costs Rs. 50-4-8, but that the suit against the surety has been dismissed, mainly on the ground of contributory neglect on the part of the municipality.

2. It is not stated in the judgment how the sum of Rs. 105-3-6 is made up, or on what grounds the balance of the amount stated to have been misappropriated, has been rejected, but the probability is that, though the municipality has actually suffered a loss of Rs. 256, only Rs. 105-3-6 could be brought home to the bill-collector concerned. Even this sum there is said to be no probability of recovering, and it therefore rests with Government to decide whether any, and if so what, amount should be made good by the office establishment through whose carelessness the fraud was rendered possible. The Chairman admits that the misappropriation was facilitated by the practice of making over the whole of the bill and warrant books to the bill-collector at once, instead of in batches as required by paragraph 12 of Mr. Stokes' memorandum and as repeatedly enjoined by Government in subsequent orders.

3. In his first letter on the subject, dated the 3rd August 1896, the then Chairman stated that he had taken steps to prevent the recurrence of such embezzlements for the future, from which, it is understood, that he put a stop to the dangerous practice above referred to. If so, he appears to have done all that was necessary in that respect, but as the incumbency of the appointment has apparently been recently changed, there would be no harm in again urging on the council the necessity of strictly following the prescribed procedure.

4. In conclusion, I would draw attention to a point in the plea advanced on behalf of the surety, as to non-liability owing to the transfer of the bill collector from one division of the town to another subsequent to the execution of the security bond. It is true this issue was decided in favour of the municipality, yet, I think, it would be well if all security bonds were modified so as to render it impossible for legal objections of this nature to be raised for the future. The liability might be made to cover any duty assigned to the employé.

Order—No. 2115 M., dated 27th September 1897.

As repeatedly pointed out by Government, the practice of entrusting bill collectors with more bills at a time than they can present in a single day is most objectionable. The municipal council is requested to see that the instructions of Government in this respect are strictly followed for the future.

2. The attention of the municipal council is also drawn to the suggestion made by the Accountant-General in paragraph 4 of his letter, which should be carefully observed.

(True Extract.)

G. S. FORBES,
Secretary to Government.

To the Chairman, Municipal Council, Calicut,
through the Collector of Malabar.
„ all other Chairmen of Municipal Councils.
„ all Collectors.
„ the Accountant-General.

Exd. C. M. Thumbusawmy.

Local & Munl. (1897) Department.

CURRENT No. 3284M.

38

From The Accountant General
Madras.

Order No 2115 M., dt 27.9.97

No. LFD 402

Dated 17 Sept 97.

Received 18 SEP. 1897

Registered

Enclosures 2.

Spare copies.

As repeatedly pointed out by Govt, the practice of entrusting bill-collectors with more bills at a time than they can present in a single day is objectionable. The Municipal Council is requested to see that the instructions of Govt in this respect are strictly followed for the future.

2. The attention of the Municipal Council is also drawn to the suggestion made by the Accountant General in para. 4 of his letter, which is carefully received.

V.R
24/9/97

SUBJECT.

Forwarding copy of letter from the Chairman Municipal Council Cuddalore on the subject of the decree raised in the suit against the absconding bill Collector with costs and that the suit against the surety has been dismissed mainly on the ground of contributory negligence on the part of the Municipality and drawing attention to a point arising advanced on behalf of the surety and suggesting that it would be well if all security bonds were modified so as to render it impossible for legal objections of this nature to be raised for the future.

Issued order dispd. 24/9/97

To The Accountant General
" Chairman Municipal Council, Cuddalore
" the Collector of Nilgiris
" all Chairmen of Municipal Councils & Collectors.

dispd 24/9/97

24/9/97

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	433	L	23 7 97
"	251	L	19 2 97
"	1059	Jud	29 5 97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal office,
Calicut, 14th August 1897.

From

M.R.Ry. P. Ramakrishnavergal,
Chairman, Municipal Council,
Calicut.

To

The Assistant Accountant-General and
Inspector of Local Fund Accounts, Madras.

Sir,

In continuation of this office letter dated 30th July 1897 No.15
I have the honour to forward herewith copies of the decree and
Judgment in S.C. No. 3 of '97 on the file of the Sub Court, Calicut
from which it will be observed that the suit was decreed in
part against the E. Division Menon and was dismissed against
the Guilty.

There is no means of recovering anything from the Judgment
debtor Kunhi Raman Menon. As stated in this office letter
No 1435/1896 dated 29th November 1896 the entrustment of all bills and
warrant books once for all to the bill Collector appears to have
facilitated the fraud.

I have etc.,
(Signed) P. Ramakrishnavergal.
Chairman

True copy

Assistant Accountant-General
for Inspector of Local Fund Accounts.

In the Court of the Subor
Judge of South Malabar
Cali
Small Cause Suit No. 3
7th day of May 18
Present J. H. Munro Esq Subordinate J
Municipal Council Calicut } Pl
By Vakil Mr. P. Krishna Menon.
1. Karen Kunnath Puthan Veetil
Sankaran a Menon 2. Kunhi
Raman an Menon } Defe

Suit to recover from Defend
personally and out of 1st Defend
property Rs 256. 4. 4 being the
amount due is appropriate d
by the 2nd Defendant who w
and his Collector out of the
Collections for 1895 & 1896
It is alleged that 1st Defend
stood Security for the 2nd
Defendant and executed
a Security Bond on 2nd
September 1896

2nd

3) Whether the Suit is bar[red] an[d]
it is order of Causes of [ac]t[ion]

4) Whether the 2nd Defendant
has appropriated the amou[nt]
stated in the pl[ain]t?

5) whether by the act or neg[lect]
of the Municipality or by c[ourse]
of dealings of the Mun[icipality]
with the 2nd Defendant. [The]
sureties. 1st Defendant is [not]
Charged?

6) Whether anything is [due]
by the Municipality to
2nd Defendant. for [which]
whether it should be ded[ucted]
from the present claim.

Judgment

I find issues 1 & 2 in
affirmative and issues 3 & 6
the Negative. As to the 4
issue I find that the
Defend[ant]

Rs 105. 3. 6 being the Amo
Contained in the proved re
less Rs 93. 9. 6 under Exhibit W.
a Sum of Rs 40. 9. 0. I
the 5th issue in the affirm

The embezzlements are spre
over a period of several month
and this fact is alone
Sufficient to point to an entire
lack of Supervision in the
Municipal office. a Supervis
which the Surety has a righ
to expect to be exercised. Th
Suit as against 1st Defendan
is dismissed with Cost
& Vakils fee. There will be
decree against 2nd Defendant
for Rs 105. 3. 6 with proportiona
Costs & Vakils fee and in
at 6 per Cent per annum
from this date to date
of payment

(Sd) J. H. Munro
Sub Judge
(true copy)

1st Defendants Knowledge

In the Court of the Subordinate Judge of South Malabar at Tellicherry

Present J. H. Munro Esqr Subordinate Judge

S. C. Suit No. 3 of 1897.

Municipal Council Calicut } Plaintiff
Karam Kunnath Sankara Menon 2 Aramudravan Kunhi Raman Menon in pallaprom Amsom and Desom of Ponnani Taluq } Defendants

Suit to recover from Defendants personally and out of 1st Defendants property Rs 256. 4. 4 being the amount he is appropriated by the 2nd Defendant who was a Municipal Bill Collector out of the Collections of 1895-96

It is alleged that 1st Defendant (for the 2nd Defendant and executed a Good Security bond on 2nd September 1896.

This Cause Coming on for hearing on the 6th day of

1st Defendants knowledg

final disposal in the presence
of Mr. P. Krishna Iyengar Vakil
the part of the Plaintiff and
Mr. Siva Rama Krishna Iyer
Vakil on the part of the 1st Defe
the 2nd Defendant not appearing
in person or by Vakeel and having
stood over for Consideration
till this day it is ordered and
decreed that 2nd Defendant
do pay to the Plaintiff the
Sum of Rs 105. 3. 6 with interest
thereon at the rate of Rs 6/
per Cent per annum from
this date to the date of
realization of the said Sum
and do also pay to the
Plaintiff Rs 50. 4. 8 the
proportionate Costs of this
Suit as taxed by the officer
of the Court with interest thereon
at the rate aforesaid from
the date of taxation to
the date of realization. It

without 1st Defendants knowledge
, that therefore

2nd Defendant Exparte.

is further ordered and decreed
that the Suit against 1st Defendant
be and the Same hereby is
dismissed and that the Plff
do pay 1st Defendants Costs
Namely Rs 12. 6. 0.

Plaintiffs' Amount

	Amount
Stamp for plaint	Rs as ps 0. 4. 0
do power	- 8. 0
Pleaders fee	5. 0. 0
Subsistence for witnesses for attendance	18. 4. 0
Service of process	16. 12. 0
Stamp for petition	1. 8. 0
	Total Rs 50. 4. 0

1st Defendants' Costs Amount

	Amount
	Rs as ps
Stamps for power	0 8. 0
Pleaders fee	5. 0. 0
Subsistence for witnesses? attend	

without 1st Defendants knowledge
or Consent and that therefore
1st Defendant is not liable.
It is further Contended that
under the Municipal rules & orders
should be accounted for daily
and that as the Municipality
have not done this they have
been Careless and the Surety is
not liable. Further Careless-
ness on the part of the Municipality
is also alleged as having the
effect of discharging the Surety.
It is also alleged that Some
pay is due to 2nd Defendant
and that Plff is only entitled
if at all, to the amount claimed
less the pay due.

Issues.

1) Whether the Suit as brought is
Maintainable?
2. Whether the Suit is Cognizable
by a Sum

Given under my hand and
the Seal of the Court, this 7th
day of May 1897

(Signed) J. H. Munro
Subordinate Judge.

(Some copy)

J Munro
Chairman
14 — 8 — 97

17/8-97

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval.

Recd. *Enclosures*

Regd. *Spare copies*

G.O., No. 2115 M., 27th September 1897.

SEPTEMBER.

Bill Collectors.

Stating that the practice of entrusting — with more bills at a time than they can present in a single day is most objectionable; and requesting the Municipal Council of Calicut, with remark, to see that the instructions of Government in this respect are strictly followed for the future.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From F. C. HARRISON, Esq., Officiating Accountant-General, to the Secretary to Government, Local and Municipal Department, dated Fort St. George, 17th September 1897, No. L.F.D.—402.

With reference to paragraph 2 of G.O., Mis. No. 433 M., dated the 8th March 1897, I have the honour to forward herewith copy of letter, No. 1609, dated the 14th August 1897, with its enclosures, from the Chairman, Calicut Municipal Council, from which it will be seen that a decree has been issued against the absconding bill collector for Rs. 105-3-6, together with costs Rs. 50-4-8, but that the suit against the surety has been dismissed, mainly on the ground of contributory neglect on the part of the municipality.

2. It is not stated in the judgment how the sum of Rs. 105-3-6 is made up, or on what grounds the balance of the amount stated to have been misappropriated, has been rejected, but the probability is that, though the municipality has actually suffered a loss of Rs. 256, only Rs. 105-3-6 could be brought home to the bill-collector concerned. Even this sum there is said to be no probability of recovering, and it therefore rests with Government to decide whether any, and if so what, amount should be made good by the office establishment through whose carelessness the fraud was rendered possible. The Chairman admits that the misappropriation was facilitated by the practice of making over the whole of the bill and warrant books to the bill-collector at once, instead of in batches as required by paragraph 12 of Mr. Stokes' memorandum and as repeatedly enjoined by Government in subsequent orders.

3. In his first letter on the subject, dated the 3rd August 1896, the then Chairman stated that he had taken steps to prevent the recurrence of such embezzlements for the future, from which, it is understood, that he put a stop to the dangerous practice above referred to. If so, he appears to have done all that was necessary in that respect, but as the incumbency of the appointment has apparently been recently changed, there would be no harm in again urging on the council the necessity of strictly following the prescribed procedure.

4. In conclusion, I would draw attention to a point in the plea advanced on behalf of the surety, as to non-liability owing to the transfer of the bill collector from one division of the town to another subsequent to the execution of the security bond. It is true this issue was decided in favour of the municipality, yet, I think, it would be well if all security bonds were modified so as to render it impossible for legal objections of this nature to be raised for the future. The liability might be made to recover any duty assigned to the employé.

ORDER—No. 2115 M., dated 27th September 1897.

As repeatedly pointed out by Government, the practice of entrusting bill collectors with more bills at a time than they can present in a single day is most objectionable. The municipal council is requested to see that the instructions of Government in this respect are strictly followed for the future.

2. The attention of the municipal council is also drawn to the suggestion made by the Accountant-General in paragraph 4 of his letter, which should be carefully observed.

(True Extract.)

Secretary to Government.

To the Accountant-General.
" the Chairman, Municipal Council, Calicut,
through the Collector of Malabar.
" all Chairmen of municipal Councils.
" all Collectors.

Exd. C. M. Thambusawmy.

corrected offices

First copy sent to Press. 30-9-97 — 18-10-97

Returned for signature. 8-10-97 — 20/10-97

Despatched in print. 9-10-97 } — 21-10-97
10-10-97 } — 22/10-97

NUMBER OF COPIES REQUIRED. { Order complete. 260
Letter only.
Order complete with Letter.

READ AGAIN G.O. No. 132 DATED.

CURRENT No. 3284 h — A

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. ..

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

LETTERS NOT FILED UP BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.