[L. & M.
2,000—23-10-97]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 12 L.

DATED 4-1-98

ENDEXED.

DESPATCHED

[Despatch Abstract.]

Petition

Informing B. Ramakrishna Bhatta, late 2d. Master L. F. Primary school, Baindur, S. Canara Dt., that his request that the President of the Dt. Bd. may be ordered to admit & dispose of on its merits his appeal against the order of the President Taluk Bd., Coondapur, cannot be complied with.

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. (1897) Department.

CURRENT No. 3178 L

From B. Ramakrishna Bhatta –
3rd Master L F Bd Primary School
Baindur
S. Canara Dt

No.

Dated

Received 3-12-97

Registered

Flag

Enclosures 5

Spare copies.

W
Misc **Order** No. 12 Lm d/ 4-1-98

The petitioner's request cannot be complied with.

JA
3/1/98

P.R.
18/12/97

Note

Under No: 72 of the Local Fund rules (in G.O. No 918 L dated 25th April 1889) the petitioner, being a servant of a taluk Board on a salary of less than Rs 50/- had a right of appeal to the President, district Board whose order would be final. Under No: 73 of the rules such appeal should be filed within three months from the date of the order appealed against or within the 12th April 1897, as the order of the President of the taluk Board was dated 13th January 1897. The Copies of records being however not ready for delivery to the petitioner until the 4th June 1897 the President of the taluk Board chose on his own authority, to state that "appeal time expires on 15th June 1897" and the Petitioner failed to present his petition to the President of the district Board within the said date.

SUBJECT.

Praying that in the circumstances ~~Appealing against his~~ stated, the President of the Dt ~~dismissal~~. Bd may be ordered to admit and dispose of on its merits his appeal against the order of the President Taluk Bd Coondapoor dismissing the petitioner.

To
The Petitioner.

8/12/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Petition from the late third master Board's Primary School at Baindur. S. Canara Dt.

[5]
1,000—17-11-93.

LOCAL AND MUNICIPAL DEPARTMENT

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Current No. 3178 L of 1897, dated 3rd Decr /97 from ~~the~~ B. Ramakrishna Bhatta late 3rd master. Bd's Primary School Baindur. South Canara Dt.

For Orders

Z1 Under No 72 of the Local Fund Rules sanctioned in G.O. No 918 L dated 25th April 1889, servants of Taluk Boards on a salary of less than Rs 50 per mensem fined in sums exceeding one Rupee, suspended or dismissed by the President of the Taluk Board, have a single right of appeal, namely to the President of the District Board; and under Rule No 73. no appeal can be entertained unless preferred within three months from the date of the order appealed against.

2. In the present case, the petitioner who was third master in the Board's Primary School at Baindur in the South Canara

per mensem, was dismissed from service by an order of the President of the Coondapoor Taluk Board, dated 13th January 1897. The grounds on which the dismissal was ordered are not known, as the petitioner has submitted to Government only the sixth or the last sheet of the Taluk Board President's order, since he did not intend this to be an appeal to Government on the merits of the case. As the order of dismissal was dated 13th January 1897, the appeal to the President of the District Board should have been preferred within three months from that date that is, within the 12th April 1897, it having been decided in the orders noted in margin that time taken in nting copies of records should e left out of account in lating the period of three

G.O. No 590 M. d/ 8-5-94 V
" " 1802 L " 2-10-95 W
" " 404 L " 2-3-96 X

months. The copies of the records in the present case being, however, not ready for delivery until 4th June 1897, the President of the Taluk Board stated on his own authority that the "appeal time expires on 15th June 1897"; but the petitioner appears to have failed to present his petition to the President of the District Boar within the said date. He states that his appeal dated 15th June 1897 was on the same day presented before M.R.Ry. D. Ananthaiya, Treasury Deputy Collector, who was authorised by the Collector to receive petition and that it contains his initials (D.A. 15-6-97) indicating tha it was presented to him on the 15th June or the day on which the appeal time was to expire and that it was therefore no

[illegible]

of the District Board, however, rejected it on the 25th June 1897 with the following order:—

"The appeal did not reach the "District Board President on "15th June 1897, though he went to "office. The appeal is time-barred"

Another petition having been presented to the same officer, requesting that for the reasons stated, his previous order may be set aside and the appeal considered on its merits, the President passed the following order on the 20th July 1897:—

"The District Board President "was in office at 11 A. M. on the "15th June 1897 and the Petitioner "did not appear".

3. The petitioner now requests that Government may be pleased to direct the District Board President to restore the appeal to his file on the ground that there was delay in the appeal petition reaching the President,

---

Dis No. 426/DB 97 **ENDORSEMENT.**

B. Ramakrishna Bhatta ~~residing in the~~ late

---

for it. But as under the rules, the petitioner had no right of appeal on the 15th June 1897, the three months time having expired on the 12th April 1897, the entertainment of the appeal on the former date would have been ultra vires. There is therefore no reason for Government to interfere in this case, especially as the President of the District Board was not satisfied with the explanation offered by the petitioner in his second petition as to his having presented his appeal on the 15th June 1897.

The draft order on the Current is submitted for approval

V.R.
26/12/97

Seen
H
3/1/98

of the District Board

Dis No. $\frac{426}{DB}$ 97

ENDORSEMENT.

On a petition, from B. Ramakrishna Bhatta ~~residing in the~~ late 2nd Asst. master ~~Taluk~~ of the Byndoor ~~Magane~~ L.F. P. School ~~Village~~ dated 15th June 1897. (L. F. C. R. $\frac{\text{No. } 839}{\text{D. B. } 1897}$.) ~~praying~~ appealing against the order of the President, Taluk Board, Coondapoor, dismissing him from his post.

ORDER.

The appeal did not reach the District Board President on 15th June 1897 though he went to office. The appeal is time barred

For President
District Board
S. Canara

25. 6. 97.

compd.

15- 7- 97 }

(Signed) M. E. Couchman
President.

Application made by B. ~~Ramakrishna~~ Bhatta for copies on 26 - 2 - 97
Copy stamp papers produced on 26 - 2 - 97.
Records called for — on 12 - 3 - 97
Copy ready — on 24 · 5 - 97
Copy delivered on 4 - 6 - 97 (4 - 6 - 1897)
Copied by [illegible]

Compared by

Errors &c (4) four only

(True copy on six sheets.)

[illegible] Booty

President
Taluk Board
Coondapoor

Total words [illegible] only.

Appeal time expires on 15th June 1897

Words 115 6th & the last sheet

Dy. Collr

ewhen reaching [illegible] delay

culating the period [illegible]

STAMP DEPARTMENT · SOUTH CANARA

No. 5226.

Sold to Venkata Subbayya 26.2.97

A.S.C.

3/3178 (97

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1/6

INDIA

TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

Initialled/ D.A. 15.6.97.

Current No. 839/D.B. of 1897.

The President
District Board
Mangalore.

Appeal petition of B. Ramakrishna Bhutta 2nd assistant Master (now dismissed) Byndoor L. F. P. School dated the 15th June 1897.

Humbly Sheweth.

That the petitioner appeals on the order of dismissal passed by the Kundapoor Taluq Board President dated 13th January 1897 on the following grounds.

That the st[illegible]tements made by the Subassistant Inspector in paras 2 & 5 of his report No. 2784 dated the 30th November 1896 are not true. The Subassistant Inspector is a close relative of the Head Master (having married the sister of the Head Master's wife) and lodges with the latter every time the former visits Byndoor on inspection tour.

That there had been some disagreement for the last a year and a half between the Hd. Master on one side and the

4302 Nil 2 0
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Mangalore.
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THOS DE LA RUE & CO. LONDON

2nd and the 3rd Master on the other; the origi of the disagreement being that the Head Master wanted to get the whole of the result grant by private arrangement to which the 2d & 3d masters were averse and this led to so many false reports and petitions wherein the Head Master played an important part (vide application made by the people of Byndoor and marked I)

That the said application marked I contains similar facts as those mentioned by the Head Master in his report No 82 and the same facts have been taken up and reported by the Sub assistant Inspector in his report which led to the final dismissal of your honor's unfortunate applicant.

That the Sub assistant Inspector briefly mentions in his said report that for reasons assigned in the said petition the number of boys and girls attending the School gradually declined and that therefore as people wished it the post of 3rd Master may be abolished and a portion of his salary be added to that of the Head Master.

183

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This petition was simply got up by the Head Master himself who however obtained the Signature of some of the villagers he could get hold of; all the records in connexion with this petition followed subsequent to one month from the date of the petition and after the return of the Subassistant Inspector from Byndoor.

That the Subassistant Inspector never went into the truth of the said petition nor into the explanation dated 25th September 96 offered by the 2nd and the 3rd Masters but being entirely guided by the private advice of the Head Master Submitted his report taking only one side of the question which was very unfair and unjust to your Honor's applicant.

That there existed disagreement between the Head Master on one side and the 2nd & 3rd master on the other on account of the grant was a fact too well known to the residents of Byndoor and this fact was also admitted by the residents of Byndoor in their petition dated 4th November 1896 addressed to the Taluq Board President. The same people who had signed the petition supported by

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Dy Collr

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TWO ANNAS

the Sub assistant Inspector in his report had also signed the latter petition and as the latter petition was taken no notice[5] of by the Taluq Board President while passing the applicants order of dismissal, the applicant now humbly begs to draw your Honor's kind attention to the Same.

That the accusation made on the petitioner by the SubAssistant Inspector in para 2 of his report is not supported by any corroborative evidence. He merely states that to get to the truth of the accusation he held a meeting but the matter was neither discussed nor proved in the said meeting.

That if the Inspector's report supporting the Head Master's statement that the assistants were constantly absenting and that they paid no heed to the tuition of the boys were true the facts that the class assigned to the applicant passed creditably every year is alone suffice to falsify the statements of either.

That the Head Master had all the School records with him and as the Subassistant

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Dy. Colr

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TWO ANNAS

Inspector was related to him he (i.e. the Head Master) thought that by showing a marked decrease in the attendance of girl students in the Register he could easily get him dismissed and thus succeed in obtaining an increase in his own salary though the real cause was the 3rd master's refusal to part with his share of the result grant.

That an attendance of forty girls as reported by the Sub assistant Inspector was never the case in reality, though the Head Master showed the names of a large number of free girls in the Register which he himself kept; this fact will be proved by the Inspecting School master's reports at which never a number of 40 girls actually attended at any time.

That the applicant on all the above grounds humbly prays your honor that on a kind perusal of all the records herewith produced will be pleased to reverse the order of the President of the Taluq Board dismissing the applicant from his post.

For which act of Charity and kindness the applicant will as in duty bound ever pray.

Dy Colr

4166 ~~[illegible]~~ 200
No
Value Rs. Ans. only
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Dated 17-8-1897
Huzur Office.
Mangalore.
[illegible]
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TWO ANNAS

THOS. DE LA RUE & CO. LONDON.

[illegible] 876.
Sahebjan

Signed/ B. Ramakrishna Bhatta

Errors &c six only
Compd. [illegible]

Date of application for copy
10 — 8 — 97
Stamp papers called for
on 10 — 8 — 97
Stamp papers deposited
on 10th & 17th August 1897 —
Copy ready on 18 — 8 — 97
Copy granted to B. Rama
Krishna Bhatta as per
order on R.P. No $\frac{631}{97}$ on 18/8/97.

(True Copy)
On Six Sheets
D. [illegible]
Deputy Collector

DEPUTY COLLECTOR OF SOUTH CANARA

No 4165 of Two
Value Rs. Ans only
Sold to B Ramkrishnayya
Dated 17 8 1897
Head Office.
Mangalore.

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M.

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3178/97

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THOS. DE LA RUE & CO. LONDON.

Small Cause Decree.

-8 FEB 97

In the Subordinate Court of South Canara.
Monday, the fourth day of November.
One thousand eight hundred & Ninety five.
Present: U. Achutan Nair Esquire.
Small Cause Suit No. 350 of 1895.

Amba Bai alias Shita Bai, widow of Pilar Murthiappa, residing in Mangalore Town } Plff.

Versus

Kudla Nadakarni Vishweshwara Rau Sub. Assistant Inspector of Schools, Udipi Range, residing at Udipi } Deft

claim for recovery of Rs 390-„-„ being the principal and interest due under a document executed by Deft to Plff's deceased husband Murthiappa on 28th September 1892 for Rs 300-„-„.

Decree:- This cause coming on for hearing on Monday the 4th day of November 1895 before the Ag: Subordinate Judge U. Achutan Nair Esquire in the presence of the Vakils Messrs. U. C. Krishna Bhat and N. Narsinga Rau for Plff and Rao Bahadur A. Shiva Rau for Deft. it is ordered that the Deft. do pay to the Plff the sum of Rs 390-„-„ with

159 ① Msr

No 897.
Schedule of [illegible] 20

20 [illegible]

STAMP DEPARTMENT
19 NOV
1895
SOUTH CANARA

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interest on principal Rs 300-0-0 at the rate of 10 per cent per annum from 27th September 1895 till payment and do also pay to the Pltff costs of this suit Rs 68-0-0 with interest thereon at the rate of 6 per cent per annum from this date to the date of payment.

Memorandum of costs

	For Plaintiff Rs. as. P.
Stamp for plaint	29-4-0
Do for Vakalat	0-8-0
Do for Petition	1-8-0
Pleaders fee	10-0-0
Process service fees	6-4-0
Travelling allowance for witnesses	20-8-0
Subsistence for attendance in Court	0-0-0
Commissioners fee	0-0-0
Total Rs	68-0-0

Given under my hand and the seal of the Court at Mangalore, this 4th day of November 1895.

(Signed) U. Achutan Nair
Ag: Subordinate Judge.

Claim for recovery of Rs 390-0-0 being the principal and interest due under a document executed by Deft to Plaintiffs deceased husband Murthiappa on 28th September 1892 for Rupees 300-0-0.

2. **Defence** The Deft denied the genuineness

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of the letter and stated that it purported to be a promissory note and was therefore inadmissible in evidence, being unstamped. He also denied having taken any loan from Pltff's husband and attributed the suit to malice.

3. **Issues:-** ①. Whether Deft has borrowed Rs 300 from Pltff's husband under the letter sued upon? And

②. Whether it is a Pro: note and inadmissible in evidence being unstamped?

4. Finding and Judgment } **2nd Issue:-** The document sued on, Exhibit I, purports to be a Promissory note but it contains an agreement to repay on return of the maker from North Canara or within 3 months. The agreement to repay on the maker's return being a conditional undertaking, the Sub Judge Mr. O. Chandu Menon held that it was a bond and that penalty and stamp duty is should be paid before it is admitted in evidence. Stamp duty and penalty has accordingly been paid. The Deft still

③ Mr

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contends that it is a promissory note, and being unstamped is inadmissible in evidence. Since it has been held to be a bond I do not think it necessary to reopen the question.

5. 1st issue:- The Deft is the Sub Assistant Inspector of Schools and the deceased Murthiappa, was an Inspecting School Master under the Deft. The Pltff's case is that for the purpose of remitting &c money to North Canara the Deft asked Murthiappa for a loan of Rs 300; that the latter agreed to pay money but when the Deft went to his house to receive the loan the Pltff who is the owner of the money refused to give it without a voucher, and that the Deft who &c wanted money badly was obliged to execute the document. The demand for a voucher, the Pltff's Vakil says, displeased the Deft who attributed it to Pltff's husband and from that time he began to harass him by sending several reports of his disobedience

S. CANARA • STAMP DEPARTMENT • 19 NOV 1895

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to orders and negligence in his duty. and by finally recommending his removal from service. The District Board President ordered that Murthiappa should be transferred to some other appointment of the same pay in the Educational Department. The Deft who got the order in December did not communicate it to Plff's husband but somehow he came to understand it on the 26th or 28th January. He knew that the Deft was the author of the injury which moved him so deeply that he committed suicide in 2 or 3 days after this. The document now sued on was found on search among his papers.

6. The Deft's case is that for having unwillingly brought about the death of Plff's husband by his conscientious discharge of duty, the Plff's relatives in order to wreak their vengeance on him, have forged this note. The Deft's arguments are first that his memo

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dated 2nd October 1892 (Exhibit VI) demanding explanation from Deft's husband is incompatible with the loan and the execution of the Note of the 28th September 1892. The answer to this is that the demand for a security for repayment did not please him and that from that time forward he tried to ruin Plaintiff's husband.

7. The next argument is that in the will made by the deceased this debt is not mentioned while other debts and Pro: Notes for smaller sums are mentioned (Vide Exhibit VII).

8. The will contains these words "one to whom I have done innumerable favors has turned against me and been the cause of disgrace to me." The deceased evidently referred to the Deft and to the loan. Even in his last moments the deceased did not want that others should know of this transaction. It was with this intention that he added a footnote that it is a secret transaction

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STAMP DEPARTMENT
19 NOV
1895
SOUTH CANARA

№ 4933
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TWO ANNAS

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The time at which he wrote it was such that it made the writing look different from his ordinary writing. The will contains another sentence which if read in the light of the above Explanation is intelligible - viz: "if a careful search of the documents, lists and records be made, everything will be known". This, in my opinion refers to the note.

9. The Plff's husband was an intimate friend of the Deft and was in fact appointed on his recommendation. He was perhaps remiss in his duty as his official superior was his friend. There is nothing to show that the Deft had taken such serious notice of his neglect of duty before 28th September 1892.

10. The account books Exhibits M & N produced on Plff's side shew that she had sold her jewels from time to time through her father who held nearly Rs 600 to her credit. The account book Exhibit M bears the mark of the Tahsildar

163

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STAMP DEPARTMENT SOUTH CANARA
19 NOV 1895

No 4931
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20-11-95

LOCAL & MUNICIPAL DEPT
CURRENT No. 3178 L

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both the Head Constable and the Potail prove that it was discovered among the deceased's papers. It is absurd to suppose that any one would then think of thrusting a forged note among the papers. The Plff's witnesses prove the payment of money to the Deft and the Execution of the note by him.

13. The Deft sent a registered letter (Exhibit II) to Plff's father as soon as he heard of the discovery of the note. As the father was moving from one place to another on business the letter did not reach him for several days. The Plff sent a reply merely demanding payment. There is nothing to show that the Plff or her relatives were actuated by any malice.

14. I find that the note is genuine. and was Executed by the Defendant.

15 I give Judgment for Plff with costs. Plff's Vakil's fees 10 Rs are allowed.

Judgment pronounced on 4th November 1895.
(Signed) U. Achutan Nair.
Ag: Subordinate Judge.

Copied by
NR
164
Exd N.R.

(True copy)
(On nine Sheets)

No 4928
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20-11-95

3767.
Application made 19—11—5 by V. U. C. Krishna Bhatta
Stamp papers called for 30—11—1895
Stamp papers deposited 30—11—1895
Copy ready 10—12—1895
Do. Delivered 1895

SUPERINTENDENT

1/3178/97

LOCAL & MUNICIPAL DEPT
CURRENT No. 3178 L

SECRETARY TO GOVERNMENT
3-DEC.-1897
LOCAL & MUNICIPAL DEPARTMENT

To

The Secretary of the
Government of Madras
Local and Municipal
Departments
Fort St. George
Madras.

The humble petition of
Baindur Rama Krishna Bhatta
dated, Baindur the 16th November
1897.

Most respectfully showeth.

That your Honor's petitioner was 3rd Master in the Local Fund Board Primary School at Baindur from November 1894 up to 13th January 1897 on which date an order emanated from the President of the Taluq Board dismissing petitioner from

from his office.

2. That, therefore, the petitioner presented an appeal [L. F. C. R. No. $\frac{839}{D.B.1897.}$ to the President of the District Board on the 15th of June 1897, within which time appeal ought to have been presented.

3. That the appeal, however, was not admitted by the District Board President on the ground that it had not reached him on the 15th of June; though he (President) went to office. A revised petition was made on the 14th July 1897 [L. F. C. R. No. $\frac{1010}{D.B.1897.}$] with the same result as before.—

4. That, therefore, the petitioner is driven to appeal to your Honor for directing the District Board President to restore the appeal to his file on the following grounds in order to decide

decide it on its merits.—

5. 15th of June was the date on which appeal time was to expire. as noted at the foot of the order of dismissal and it was on that date (the 15th of June) that the appeal was presented before Mr. R. R. D. Ananthaiya, Deputy Collector in charge of Treasury, who is authorized by Collector to receive petitions. The appeal contains the initials (D. A. 15-6-97) indicating that the appeal was presented before that Officer on the 15th June. Thus it is clear that appeal was presented on the 15th of June, and is not time-barred.—

6. If there was delay afterwards in the appeal petitio

reachi

reaching the District Board President it is a delay for which the petitioner is not obviously and reasonably - responsible.-

7. Yet the President has made that the appeal is time-barred. That the President is wrong is clear on a perusal of the appeal petition and the order of dismissal by the Sub Assistant Inspector of Schools.-

8. The Sub assistant Inspector of Schools has wronged the petitioner - by unjustly and illegally dismissing him from his office, and it has becom the habit of the Sub Assistant Inspe to dismiss his sub-ordinate servant unjustly and without any rhym or reason. With a view to enab

yo

Your Honor to make such reflections as these on the character and behaviour of the Sub Assistant Inspector, petitioner begs your Honor to refer to a decision (chiefly para 5) in small cause suit No. 350 of 1895 against him by the Sub-Judge of Mangalore, which can show that he (Sub Assistant Inspector) was not above doing what he has done in the petitioner's cause. A certified copy of the decision is herewith forwarded for kind perusal.

9. Knowing that the petitioner has been under the keen displeasure of the Sub Assistant Inspector, it is but with great reluctance and under most painful circumstances that he regrets he is compelled to

approach

approach Government with humble hopes that his pitiable circumstances will be considered with impartial justice:-

10. Petitioner therefore prays that your Honor may be graciously pleased to direct that the appeal be admitted with a view to its being heard on its merits.-

Petitioner beg to remain

your most obedient servant

B.Ramakrishna Bhatta.

Baindur.

(South Canara)

List of records submitted for kind perusal. —

1. Endorsement Order No: $\frac{426}{\text{D.B.97}}$ from the District Board President.
2. Endorsement Order No: $\frac{502}{\text{D.B.97}}$ from the District Board President.
3. Dismissal Order No: $\frac{263}{\text{27-1-97}}$ by the Taluq Board President.
4. Certified copy of appeal No: $\frac{839}{\text{D.B.97}}$ with initials thereon.
5. Certified copy of Judgment in Smal cause suit No: 350 of 1895, pass by the Sub-Judge of Mangalo

5. Five only.

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hen examined
en signed 1/11/98

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N G.O., No. , DATED
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RRENT No.

SURES TO C. No.

OF GOVERNMENT .. .. .. A A A A A A A

OF GOVERNMENT.

IMENT WITH DITTO.

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