

L. & M.
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Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1789 M.

DATED 20-10-98.

INDEXED.

DISPATCHED

[Despatch Abstract.]

Petition -

Informing P. Purushothama Raju,
Late Municipal Overseer, Kumbakonam
Municipality, that every petition addressed
to him must be submitted through the head of
the office to which he belonged.

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BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.O. 32914/98							

Local & Munl. (189) Department.

CURRENT No. 298146

N. mise
From P. Purnashothama Raju
Late Munl. Overseer
Humbakomuni Munl. Council

Order No. 1789 Minis 20/10/98

Para X of the Petition

Rules C.

NR
10/10/98

2/10/98

No.

Dated 15-9-98.

Received 22-9-98.

Registered

Enclosures 1

Spare copies.

SUBJECT.

Appealing against the
order of the Humbakomuni
Munl. Council ^{approving} confirming
the action of the Chairman
who had dispensed with
his services.

To
The Petitioner with a copy
of para X of Petition Rules C.
C.O. 22/10/98

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Exhibit A.

MEMO No. 253

The Municipal Overseer P. Purushothama Raju, in spite of the repeated orders issued to him and the concessions granted to him has not up to date submitted his resignation. His services are therefore dispensed with from this date for reasons stated in the Office No. 198. 10-4-98, and he is directed to at once hand over charge of his office to K. Vitheanatha Iyer who has been appointed to act as Overseer in his stead. P. Purushothama Raju is further directed to prepare and submit all bills, accounts, vouchers &c. due by him and to remit into this office the balance of imprest cash with him.

12-5-98.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

(True copy.)

Exhibit B.

Extract from the Proceedings of the Meeting of the Municipal Council Kumbakonam, held on 11th August 1898.

Read Ex. Overseer P. Purushothma Raju's appeal against the order of the Chairman dispensing with his services.

Resolved unanimously that the Appeal be dismissed, the Council seeing no reason to interfere with the Chairman's order under appeal.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

(True copy)

Exhibit C.

MEMO No. 193.

With reference to his report dated 2nd April 98, the Overseer is informed that he was called upon to submit his resignation on account of his conduct in connection with the repairs of the Pottamari tank. As he states that the notice given to him for submitting his resignation is short the undersigned on reconsideration gives him an extension of time up to the 12th May next. If he does not submit his resignation within that time his services will be dispensed with.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

(True copy.)

Exhibit D.

No. 194.

Endorsement on the Overseer's report dated 31st March 98.

As the Overseer has not resigned his appointment as originally stated by him, he is directed to submit his resignation before the 10th of this month. In default he will be considered to have forfeited his appointment with effect from the 11th instant.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

1-4-98.

(True copy)

Exhibit E.

No. 2653.

Government of Madras
Office of Sanitary Engineer.
Fort Saint Garge 14th September 95.

FROM

J. A. JONES Esquire M. I. C. E. F. R. S. E.
Sanitary Engineer to Government.

To

THE CHAIRMAN
MUNICIPAL COUNCIL
KUMBAKONAM.

SIR,

With reference to your letter No. 324 dated 10-9-95 I have the honor to state that P. Prushothama Raju possesses the necessary qualifications and training for the post of a Municipal Overseer. In a service extending over many years, he has been a Surveyor in the investigation of Water Supply and Drainage works, a Road and Building Overseer in the Madras Municipality and a Pipe laying Overseer on the Adoni Water Works. It is not easy to obtain Overseers with much experience and training in Municipal works, and as I have already told you in my No. 2564 dated 6-9-95, the Municipality would be well advised to retain P. Purushothama Raju's services.

I have the honor to be

Sir,

Your most obedient servant,

(Signed) HORMUSJENOUROJE

*Assistant Sanitary Engineer to Government
For Sanitary Engineer to Government.*

Exhibit F. (1)

MEMO No. 180.

The Municipal Overseer is informed with reference to his leave application dated 31st January last, that no leave can be granted to him, he is therefore directed to submit his resignation of the appointment with effect from 1st April next.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

24—3—98.

(True copy)

Exhibit F. (2)

KUMBAKONAM 31—3—98.

To

THE CHAIRMAN MUNICIPAL COUNCIL,
KUMBAKONAM.

Sir.

In response to your memo No. 180. 24—3—98 refusing my application for leave, I beg to state that as my leave application could not be granted I beg to withdraw the said application for leave. There is no necessity, therefore for me to resign my appointment at present.

I beg to remain

Sir,

Your most obedient servant

P. PURUSHOTHAMA RAJU,
Municipal Overseer.

Exhibit F. (3)

TO

THE CHAIRMAN MUNICIPAL COUNCIL

KUMBAKONAM

SIR,

With reference to your Memo No. 194. 1-4-98 I beg to state that neither from the said memo nor from any other memo written to me could I learn the reason why I should resign my appointment before the 10th instant: as stated in the said memo; as you were not pleased to grant me leave as requested in my letter 31-1-98, I cancel my application for leave, certainly this could be no reason for my being asked to resign before the 10th inst: I therefore request you to let me know if there is any reason for thus compelling me to submit my resignation at a such a short notice; if you think that I am guilty of any misconduct in the discharge of my duties it will do me immense good, if I am made known of the same and my explanation taken there of, as I am not conscious of any fault in the discharge of my duties, I pray that the time fixed for submitting my resignation may be postponed till after the disposal of my appeal to the Council herewith submitted and which I pray may be placed before a meeting of the Council at an early date.

I beg to remain.

Sir

Your most Obedient Servent

P. PURUSHOTHMA RAJU

*Municipal Overseer.***Exhibit F. (4)**

To

THE MUNICIPAL COUNCIL, KUMBAKONAM.

THROUGH THE CHAIRMAN MUNICIPAL COUNCIL

KUMBAKONAM.

SIRS,

As in the last budget my pay was reduced I requested the Chairman by my report 31-1-98 to grant me leave to seek employment elsewhere but the Chairman by his Memo dated 24-3-98 while refusing to grant me leave has asked me to submit my resignation before the 1st of April 98. As my leave was refused I reported on 31-3-98 that I with-draw my application for leave and that there was no necessity for submitting my resignation. But the Chairman in his Memo No. 194 of 1-4-98 has directed me to submit my resignation by the 10th instant; he has also stated that in default of my doing so I will forfeit my appointment.

2. I submit that I am not guilty of any misconduct in applying for leave and if my application for leave is not granted in cancelling my said application and that as far as I am aware of I am not guilty of any fault to be thus told to go away at such a short notice. I therefore pray that the Council will be pleased to set aside the said order of the Chairman No. 194 of 1-4-98 and retain me in service.

To which act of kindness and justice I will ever pray,

I beg to remain

Sirs,

Your most obedient servant,

P. PURUSHOTHMA RAJU.

Exhibit F. (5)

SIR,

With reference to your Memo 198 dated 10th April 98, I beg to state that as requested by me my appeal has not been placed before the Council even in its meeting of the 10th instant. As under the said memo I am to submit my resignation by the 12th instant before which time it does not seem to be possible to dispose of my appeal I pray that the time fixed for submitting my resignation may be put off till after the disposal of my said

appeal. I also beg to submit that my conduct with reference to Pottamarai Works had been noticed by the Council and finally disposed of in their meeting dated 12th November 97.

I beg to remain

Sir,

Your most obedient servant,
P. PURUSHOTHAMA RAJU.

7-5-98.

(Signed)

Exhibit F. (6)

MUNICIPAL OFFICE
KUMBAKONAM.

Endorsement on the Overseer's report dated 7th May 1898.

The Municipal Overseer is informed that no further extension of time can be granted and that if he fails to submit his resignation before the 12th Instant his services will be dispensed with.

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

8-5-98.

T. SRINVASA VENCATACHARI,

(True copy)

Manager

9-5-98.

Exhibit F. (7)

Kumbakonam 17th May 1898.

TROUGH: THE CHAIRMAN MUNICIPAL COUNCIL KUMBAKONAM.

TO

THE MUNICIPAL COUNCILLORS

KUMBAKONAM.

SIRS,

The Chairman, has in his Memo No. 253 Dated 12-5-98 dispensed with my services as an Overseer of this Municipality and has directed me to hand over charge of my office to K. Vithianatha Iyer, who has been appointed to act as an Overseer in my place. My services are thus dispensed with on account of some alleged conduct of mine in connection with the repairs of Pottamarai Tank. While submitting for the consideration of the Council that my conduct has all along been blameless—what ever may be the opinion of the Council with regard to my conduct in connection with the said Pottamarai works—it had been finally dealt with, by the Council in its meeting dated 12th November 97. I therefore submit that it is not just on the part of the Chairman to have dispensed with my services on a charge which had been thus dealt with by the Council. I therefore most humbly beg of you to restore me to my place as an Overseer in this Municipality, to which act of kindness and justice I will ever pray.

I beg to remain

Sirs,

Your most obedient servant,
PURUSHOTHAMA RAJU,
Municipal Overseer.

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When
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TO

HIS EXCELLENCY

THE GOVERNOR IN COUNCIL OF MADRAS

OOTACAMUND.

CHIEF SECRETARY
The humble appeal of P. PURUSHOTHAMA RAJU,
late Municipal Overseer of the Kumbakonam
Municipality, Kumbakonam, Tanjore District.
DEPARTMENT OF MADRAS

Most Respectfully Sheweth:—

That Your Excellency's petitioner was Municipal Overseer in the Kumbakonam Municipality till the 17th May last, on which date his services were dispensed with by the present Chairman. (Vide Exhibit A)

2. That he appealed to the Council thereon with the result that the Council upheld the order of the Chairman. (Vide Exhibit B.)

3. That the reason assigned by the Chairman for the action taken by him was certain irregularities laid to petitioner's charge in connection with the repairs done to the Pottamarai Tank. (Vide Exhibit C.)

4. That petitioner feels bound to place the following facts before Your Excellency for a proper understanding of his situation in connection with the repairs of the said tank. A Sub-Committee was appointed to carry out the work. Only two members of the Sub-Committee, the present Chairman and Councillor V. T. Chinnasawmy Pillay took an active part. Tenders were invited and there being no response from the contractors, it was resolved to carry out the work departmentally. All moneys drawn from the treasury were drawn in the name of Councillor V. T. Chinnasawmy Pillay and the disbursements were conducted by the Chairman. The latter officer had appointed one Ganapathy Subbier, a Sanitary Inspector to be in charge of the works and the coolies. Besides, the Chairman superintended the works himself or through his agents, bespoke the supply of materials and otherwise took all the responsibility on himself, petitioner now and then doing what he was ordered to do as he had to attend to his ordinary duties in the town when the repairs were being carried out. The repairs were carried out. The bills had to be passed by the Council. These underwent a thorough scrutiny in the hands of two successive Sub-Committees. Petitioner was ordered to pay Rupees sixty to the Council as an equivalent for value of certain materials alleged to have been not accounted for. Petitioner paid the same though he was not legally bound to do so as he was not in any sense of the expression in charge of the works.

Extracts from the Proceedings of the Adjourned Meeting of the Municipal Council Kumbakonam held on the 28th April 97.

Read the Report of the Sub-Committee on the Pottamarai Tank accounts. In adopting it, the Council by a majority resolved that explanation be required on the following points:—

2981/m/982

Question No. 1—Under the supervision of which Councillor or Councillors was the whole or any and if so which portion of the work carried out.

Answer to No. 1—*The general management was with the Chairman, M. R. Ry. V. T. Chinnasawmy Pillay Avergal and his brother Theagaraja Pillay were in immediate charge.*

Payments have on some occasions been made in the presence of the Chairman by the Overseer and other times by M. R. Ry. V. T. Chinnasawmy Pillay Avergal, or his brother, and the Overseer, Ganapathi Subbier was also present.

Question No. 6.—Who was responsible for the receipt of materials and labor supplied by the Contractors to the Pumping Engine.

Answer to No. 6.—The Chairman adds that the materials were received under the supervision of the Overseer, the maistry, the driver and the Councillor V. T. Chinnasawmy Pillay.

Question No. 8.—When were the accounts prepared? When were they signed? Are these the original accounts kept from day to day. If not from what accounts were they prepared and where are they? Are these the only accounts? If there are more, where are they?

Answer to 8. The Chairman observes that he himself was of opinion that the accounts were not kept as they ought to have been and hence directed the office clerks to have them scrutinized; but that *he was satisfied there was no misappropriation.*

M. R. Ry. Chinnasawmy Pillay is asked if he has any thing to say. He says "I was not present throughout. I went on several occasions. I did not check accounts. I might have checked some and not others, that is all."

5. From the above, it will be seen that petitioner's responsibility, if any, for any irregularity that might have crept in in the management of the work was reduced to the least possible minimum according to the Chairman's own words.

6. In the Budget statement for 98—99, petitioner's salary was reduced from Rupees 60 to Rs. 50 per mensem. With a view to secure employment elsewhere petitioner requested the Chairman to grant him leave for three months. The leave was refused, but at the same time petitioner was asked to resign, and a threat was held out that his services would be dispensed with if he did not resign. Petitioner thereupon refused to resign and appealed to the council against the Chairman's order. (Vide Exhibit D). At the meeting convened for disposing of the appeal 10 councillors were present, 4 voted for petitioner, 2 remained neutral and 4 including the Chairman whose order was appealed against voted for the Chairman. It was contended at this meeting that the Chairman had no right to vote, in accordance with the admitted principle of equity that no one should sit in judgment over one's own acts. The Chairman overruled the objection and the result was 4 votes for petitioner and 4 for the Chairman and nothing was done at that meeting.

7. The elasticity of conscience exhibited by the council in supporting the petitioner now and supporting the Chairman's action at another time will afford ample room for comment in regard to Local self Government as it obtains in these parts. Members who at one time thought petitioner innocent would later on stand in support of the action of the Chairman.

8. Petitioner's service as an Overseer in several places extends over a period of 15 years. In May 1895 the Sanitary Engineer to Government sent him

to Kumbakonam (from Adoni, after the completion of water works) on special duty in connection with the Cholayapa Modelly street drainage. When the special duty was over, the then Chairman M. R. Ry. P. Thumbusawmy Modaliar Avergal appointed petitioner to the post of Municipal Overseer on Rupees 60 + 15 on the recommendation of the Sanitary Engineer to Government (copy of S. Engineer's letter vide Exhibit E). From October 1895 to May 1898 he was doing his duties as Municipal Overseer. The Pottamarai repairs were done in July 1896. If the Chairman was of opinion that there were grave irregularities in the work, nobody but himself and Councillor V. T. Chinasawmy Pillai with the special agency appointed and paid for by the Chairman were responsible for the same. The Chairman's order (Exhibit F) gives disobedience to orders directing petitioner to resign, as the reason for his dispensing with his services. Petitioner having been connected with public offices elsewhere is now made to understand for the first time, that he should remain at his post or resign the same as the head of the Executive may choose, without being furnished with any reason for his being directed to do so. Such orders savour more of the arbitrariness of proceedings of an oriental Despot, than of the action of an enlightened Government. Those on whom the responsibility constitutionally rested namely, the Chairman, councillor V. T. Chinnasawmy Pillai and the special agency appointed by the Chairman for supervision, get off unscathed. Petitioner who went to the work spot off and on at the request of the Chairman and gave professional advice has been victimized. Petitioner therefore most humbly prays that Your Excellency in Council will be so graciously pleased as to call for all the papers connected with the Pottamarai repairs and the proceedings of the Council in connection therewith and pass orders directing the Chairman to restore petitioner to his post of Municipal Overseer. As petitioner was in receipt of Rs. 50 permensem, he has a right to appeal to Government against the order of the Municipal Council.

9. Petitioner also most humbly prays that he might be given an opportunity to explain irregularities, if any, which may be laid at his door by the Chairman before disposing of his appeal.

For which act of kindness and charity, petitioner, as in duty bound, shall ever pray.

Purushothama Raju
72. Kadalenkuzh St. East
Kumbhakonam
15-9-98

Appeal of P. PURUSHOTHAMA RAJU,
late Municipal Overseer of Kumbakonam
against the order of the Kumbakonam
Municipal Council confirming the action of
the Chairman who had dispensed with his
services.

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189

READ AGAIN G.O., No.
189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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