[L. & M.
2,000—12-3-96.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1925 M

DATED 17-11-98.

DESPATCHED

INDEXED.

[Despatch Abstract.]

Suspension of the municipal manager — Palni

Stating that Govt. has no power under 35(1) of the District municipalities act to cancel the resolution of the municipal council Palni reinstating the office manager as it was not ultra vires & exhorting both the chairman & the councillors to work harmoniously for the good of the rate payers whom they represent on the council.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
500 -16-3-98.

Papers to be read in Proceedings :—

Again G.O., No. dated 189 ,
Again G.O., No. dated 189 ,
Current No. 3020 M of 1898, dated 24th Sept 98 from the Collector of Madura.
" " " 189 , "
" " " 189 , "

Misc ORDER. No 1925 Mis. d/ 17·11·98

The Government has no power under Section 35 (1) of the Act to cancel the Resolution of the Municipal Council reinstating the Office Manager, as it was not *ultra vires*.

2. With reference to para. 7 of the Collector's endorsement, the Government observes no overt acts of factious opposition in the papers at present before it, so as to necessitate its interference to guard public interests. All that seems to be necessary therefore is to exhort both the Chairman and the Councillors to work harmoniously for the good of the rate-payers whom they represent on the Council.

KT
16 11 98

KR
15/11/98

To
The Chairman, Munl. Council, Palni.
" Collector of Madura.

Pend HO

Desp 19/11/98

"to his will and pleasure." Th
is however no evidence of an
overt act of opposition and a

[G./25]
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 3020 M.

SUBJECT.

Suspension of the Municipal Manager— Palni.

FOR ORDERS.

The facts of the case are fully set forth in the Collector's Endorsement. The Chairman requests that the Government may confirm his order suspending the Manager and thus enable him (Chairman) to complete the enquiry into the complaints against the Manager which he has already commenced, as he considers that no good will come out of the enquiry made by the Sub Committee which has been appointed by the Council for the purpose.

2. The Government has no power under Section 35(1) of the Act to co

2

S

ultra vires. From para. 6 of the Collector's endorsement it appears that the Chairman has again suspended the Manager on the 10th September 1898, on the ground that he received bribes from a Municipal Contractor, but the chances are that the Council will cancel this order also on appeal. The Collector is also of opinion that it is not likely that either the Sub Committee will hold a fair enquiry into the charges brought against the manager or that the Chairman will be able to continue in office if the Manager is restored and in the face of such strong opposition. Evidently there is no love lost between the Chairman and the majority of the Councillors who want to support the Manager and the Chairman has exasperated their feelings by having destroyed some appeal petitions his insinuation" that

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Manage

C.7. G.O. No. 1543 M / 5-9-98 T

"to his will and pleasure." There is however no evidence of any overt act of opposition and all that the Government can do now is to exhort the Chairman and the Councillors to work in harmony to safeguard the interests of the rate-payers whom they represent on the Council. If in spite of this admonition, matters grow worse, the best course seems to be to replace the present Chairman by a more suitable person. The present Chairman is a Sub-Registrar and may be persuaded to resign the Chairmanship if it becomes necessary.

H.T.

Too soon to discuss this
H.T.

V.R.
31/10/98

H.T.
10 11 98

Local and Municipal
~~Revenue~~ (1898.) Department.

CURRENT No. 3020

Order

From The Acting Collector,
Madura

Proc No. $\frac{2208}{8^{d}}$ 98

Dated 24 September 98.

Received 27 SEP. 1898

Registered

Enclosures – Eight.

Spare copies

SUBJECT.

Submitting with remarks letter from the Chairman, Municipal council, Palni regarding the matter of the suspension of the manager and the appointment of a subcommittee to enquire into his conduct.

1A 11/98

15/10 g.h. 10/10

BACK PAPERS.

G.O.	No.	Department.	Date.
Jo	670	Revn	29-3-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1898) Department.

CU~~RRENT~~ No.

Ve

Regn. No. 2208
8-8-98

Order

From The Chairman
Municipal Council, Pal

No. 12.

Dated 3rd August 1898.
Received COLLECTOR'S OFFICE 8 AUG 1898 MADURA
Registered
Enclosures (Three)
Spare copies

SUBJECT.

Requesting that Government will be pleased to confirm the Chairman's order suspending the manager of the Municipal office, for certain reasons.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the chairman of the Palni municipality dated 11th july 1898.

I find it more and more difficult since of late to carry on my work as chairman of this municipality, to maintain proper discipline among my subordinates, and to safe guard the interests of the municipality. I am satisfied that this state of things is entirely due to the fact of the municipal manager G. Sundramier influencing the votes of the Councillors in every matter that comes up before them. I know it as a fact that the manager invariably sends for some of the Councillors a day or two before "meeting" days, and tutors them to vote according to his will and pleasure. Apart from these reasons, he is unpopular and there are general complaints that he is oppressing the poor rate payers. In these circumstances I think it necessary in the interests of the municipality to remove him from the service from this day. I accordingly direct the said G. Sundramier to give over charge of his office to mortuary clerk Kalyanaramier immediately, who will remain in charge of the same until further orders.

(Signed) D. D. Thomas
Chairman

Copy to G. Sundramier
Copy to Kalyanaramier } Communicated on 11-7-98

Note

The above order has been superseded by order dated 16th July 1898 whereby manager Sundramier has been placed under suspension from the 11th July 1898 pending enquiry into his conduct.

(Signed) D. D. Thomas.
Chairman

(True Copy).

D Holland
Chairman
3/8/98.

8
3020/Jun/98

On further consideration I think that municipal manager Sundramier should have been given an opportunity of an explanation before he was removed from the service. I therefore cancel my first order of the 11th instant and place him under suspension from the date he handed over charge to Kalyanaramier pending enquiry into his conduct. He will be allowed to be present at the enquiry.

(Signed) D. D. Thomas
Chairman
Municipal Council
Palni

16th July 1898.

Copy to Sundramier.

(True Copy)

D Holland
Chairman
3/8/98

3020/M/98

Proceedings passed by the Municipal Counc
Palni, at a Meeting held on the 30 July 1898

Present: D. D. Thomas Esq Chairman
Rev: W. P. Elwood B.A. Councillor
Mahly. R. Samavain Avergal "
" R. Vadivelu Pillai Avl "
" S. Thiravijam Pillai Avl "
" Mahamed Badiyudin Sahib Avl "
" S. Gh. Mumeah Sahib Avl "
" M. Perumal Nadar Avl "
" Sivagurunadha Mudaliar Avl "
" Balavenkataramanchettiar Avl "

No 187. Read order of the Chairman removing Sundaram Municipal manager from service and his appeal thereon

Also order of Chairman dated 16 July 1898 suspending Sundaram

Resolved

that the Chairman's order removing the Manager from his office and the order of Suspension of the 16 July 1898 of the same character which are improper and based on frivolous grounds be set aside and he be restored to Office at once and that he be paid the Salary for the period he has been kept out of office, the Chairman & Councillors Mr: Theravijam Pillai and Rev: W. P. Elwood dissenting

3rd August 1898.

No. 12. From

The Chairman,
Municipal Council.

To

The Secretary to Government
Local and Municipal Department
Madras.

Through
The Collector of Madura.

Sir,

I have the honour to bring the following facts to the notice of Government.

2. I have a service of more than seven years under Government, having entered the Registration Department in April 1891, during which period I have discharged my duties faithfully and obtained good remarks from the several Registrars under whom I have worked. I was transferred to this Station as Sub Registrar in October last, and Government was pleased to appoint me Chairman of this Municipality

in

dissenting

(2) that the Council records its emphatic protest against the unjustifiable statements about the Councillors contained in the Chairman's order which are defamatory in their character and mischievous in their effect being calculated to lower them in the estimation of the people in general, and of their Constituents and of Government in particular, Councillors Rev: W. P. Elwood and Mr: Theraviyam Pillai dissenting, and Mr: Samavaier not voting.

(3) that Government be requested ~~to~~ to take adequate notice of the high-handed and improper conduct of the Chairman in the matter. Councillors Messrs. Samavaier and Theraviyam Pillai and Rev: W. P. Elwood dissenting.

and

(4) that the Councillors do not by the above resolution waive their right to seek redress against the Chairman in a Court of law if so advised. Rev: W. P. Elwood and Messrs Theraviyam Pillai and Samavaier not voting.

Resolved that a Sub. Committee consisting of three Councillors be appointed to enquire into complaints against the Manager. The following gentlemen will will form the Sub. Committee

Mr: Theraviyam Pillai
Mr: Ghousemeah Sahib
and Mr: M. Perumal Nadar.

(Signed) David Thomas
Chairman

(True Copy)

D. Thomas
Chairman
3/8/98

Municipal Office

3rd August 1898.

No. 12. From

The Chairman,

Municipal Council.

To

The Secretary to Government

Local and Municipal Department

Madras.

Through

The Collector of Madura.

Sir,

I have the honour to bring the following facts to the notice of Government.

2. I have a service of more than seven years under Government, having entered the Registration Department in April 1891, during which period I have discharged my duties faithfully and obtained good remarks from the several Registrars under whom I have worked. I was transferred to this Station as Sub Registrar in October last, and Government was pleased to appoint me Chairman of this Municipality in

5
302 of M 198

a February 1898, which office I am still holding in addition to my Registration work.

3. Since my appointment as Chairman I have had ample opportunities of observing that the conduct of the manager of the Municipal office was objectionable in many respects. The manager, Sundramier, has been connected with this Municipality ever since its constitution 12 years ago, and has become a terror to the poor inhabitants of this town. He had been oppressing the poor ratepayers in all possible ways. Many complained to ne of his misdeeds and blackmailing, but so much was he dreaded that they dared not come forward with written complaints so long as he was in service. Further, the information I received from several inhabitants of the town coupled with what I myself observed in my daily contact with him in my official capacity left me without a doubt that he was in the habit of sending for some of the Councillors before meeting days and speaking to them and so influencing their votes. He had undue influence over the other Municipal subordinates which it was evident he acquired and retained by

favouring

favouring them against the interests of the municipality.

4. I was fully convinced that his further retention in the service would be dangerous to the interests of the Municipality. I therefore removed him from his office by an order dated 11th July 1898. But under the advice of the Sub Collector of Madura who camped at Palni on the 15th and 16th July, and who thought that the manager should have been given an opportunity to explain his conduct before he was removed from the service, I cancelled my first order and placed the manager under suspension pending enquiry into his conduct by an order dated 16th July 1898. I intended to examine in his presence the complainants that might come forward and so give him an opportunity to cross examine them. But he appealed to the Council against my first order of the 11th July and left the Station evidently in order to evade the enquiry. I began the enquiry in his absence on certain complaints received against him lest any

delay

delay at that stage might give his friends an opportunity of preventing people from coming forward. I however informed the witnesses that they would be examined again in his presence. The manager returned to Pali only the day before the meeting of the council in which his appeal petition was to be considered. This meeting was held on the 30th July on the requisition of some of the councillors. At this meeting the council (Rev. W. P. Elwood and another councillor dissenting) have restored the manager to his office, and have also set aside my order suspending him against which there was no appeal before them.

5. I have strong evidence against the manager but I think it is useless to go on with the enquiry when he is in office, as it is certain that he will square up with the complainants and make them retract even the statements they have already made. In these circumstances I beg that Government will be pleased to confirm my order of suspension and thus enable me to complete the enquiry I have already commenced. The Counc have appointed a Sub-Committee to enqu into complaints against the manager, bu no good can result from such an enquiry as it is evident from the way they have acted at the last meeting that they want to favour the manager.

6. Copies of both my orders and the resolution of the council referred to in para 4 above are herewith submitted.

I have the honour to be,
Sir,
Your most obedient Servant
[illegible] Thomas
Chairman

ry into the Conduct of the Manager I have nomi
uncillors Excluding yourself
As the Chairman is principally interested in th
tter it is desirable that he should be on the Comm
I request that you will represent the matter t
the Council so that they may reconsider their re
solution before any reference is made to Governme

Chairman
Municipal Council
Palni

I have the honour to
Sir,
Your most obedt serv

Fore Meet
22-5-98

With reference to your lett
No 23-8-98 addressed to Govt
Herewith returned, I have the
honour to state as follows:-
It appears that the manager
was dismissed & then res-
tored to office & suspended.
The Council on appeal can-
celled the order of dismissal
as well as suspension passed
by you. In the latter instance
the resolution of the Council
appears to have been ultra
vires. The Council, however

6
3020/M/98

Reso No 160
29-8-98

The Chairman is requested to circulate this reference to Govt with enclosures & the Collector's reply thereon, as well as the rules framed under the municipal act, and the subject may be brought up for consideration on the 5th Septr. Rev: W. P. Elwood & the Chairman dissenting.

D. Williams.
Chairman

Circulated among the Councillors.

D. Williams
Chairman
30th August 98.

Seen Y
1. 9. 98.

Reso No 169 of 5-9-98

The Council consider it unnecessary to reconsider the portion of the resolution No 137 of 30.7.98 referred to by the Collector for reasons stated in the letter to the Collector of 5-9-98 signed by Mr. Vadivelu Pillai & adopted by the Council. The Chairman is requested to forward this letter with the Chairman's letter to Govt. Councillors Rev: W. P. Elwood & Mr Thiagaraja Pillai & The Chairman dissenting as they are of opinion that it ought to be reconsidered as suggested by the Collector.

D. Williams

Enquiry in to the conduct of
3 Councillors Excluding you
2. As the Chairman is prejudiced
in the matter it is desirable that
& I request that you will
so that they
solution before any refer

Madura COLLECTOR'S OFFICE,

FROM

~~ESQ.,~~

The COLLECTOR OF

TO

THE Chairman
Municipal Council
Palni

Dated 23
Despatched August 1898
Received 24 8 98

Rec 410 Roc No. 2208/98.

ENCLOSURE. 1 bdle

Reference.

SIR,

With reference to your letter No 12 of 3-8-98 addressed to Govt. & herewith returned, I have the honor to state as follows:-

It appears that the manager was 1st dismissed & then restored to office & suspended. The Council on appeal cancelled the order of dismissal as well as suspension passed by you. In the latter instance the resolution of the Council appears to have been ultra vires. The Council, however, wish to hold a departmental

Enquiry

4
30 20/M/98

To.

The Collector of Madura

through the Sub Collector of Dindigal.

Sir.

With reference to your observations on the Chairman's report No. 12 dated 3rd August 1898 to the Secretary to Government Madras, we have the honor to submit as follows:-

2. You seem to consider that our resolution cancelling the order of the Chairman suspending the manager is ultra vires. We beg to submit that want of clearness and accuracy on the part of the Chairman in representing the fact as they had occurred has led to your passing the remark. The manager was not restored to office and then suspended from office, as observed by you. He was

dismissed

dismissed by the Chairman's order dated 11th July and he appealed to the Council on the 16th idem. The appeal came before the Council for consideration on the 30th when the Chairman informed the Council that he had modified the order of dismissal into one of suspension and read out the letter. It was found that he had based it on the same frivolous grounds on which he had passed the order of dismissal. We had also ample grounds to believe that the order of suspension which was passed after the receipt of the manager's appeal was intended by the Chairman only to keep the manager out of office, seeing that the original order of dismissal cannot stand. The enquiry into his conduct referred to in the order was only an ostensible ground sought by the Chairman for attaining his object. We thought that the interests of justice and the prestige of the Council called for our interference

and

and we cancelled the order of suspension. Our action in the matter is not inconsistent with the provisions of, or the rules under, the Municipal Act.

3. As for the suggestion that the Chairman should be a member of the Sub-Committee, we beg to state that if the Chairman had reported to you the circumstances which led to, and the discussion which preceded the formation of the Sub-Committee you could have seen no necessity to make this reference. It was clearly explained to the Council by the proposer of the resolution that there were strong reasons to suspect the *bona fides* of the Chairman in his action towards the manager and that the interests of justice and of the Municipality required that the enquiry into the complaints against the manager should be taken out of the Chairman's hands and entrusted to a Committee.

He did not dissent either to the appointment or to the Constitution of the Sub Committee. Two of the members on the Committee are those whom he had invited to help him in the enquiries into the manager's conduct and the other is one of the two who supported the orders of the Chairman. We would mention here that the advisability of having the Chairman on the Sub-Committee was suggested at the time of its constitution, but in consideration of the undue interest he is found to take in the matter and of other circumstances set forth in this letter it was resolved unanimously (Chairman not excepting) that it was undesirable to have him on the Committee. Under these circumstances we need hardly point out that his insinuations against the Sub Committee in the last sentence of the penultimate para of the Chairman's letter made

behind their back and in the fancied security that it would go up to Government unknown and unchallenged by the Council is to say the least of it, most improper. In commenting on the very resolution in which we had taken objection to the disrespectful and improper allegations made against the Councillors, the Chairman has thought it fit to unjustly accuse them of the more serious offence of partiality towards the manager. The subsequent conduct of the Chairman towards the manager tends to strengthen the suspicion already created in the mind of the Council as to his *bona fides*. In utter disregard of the Council's resolution, he has on the 15th ultimo and subsequently enquired into some complaints against the manager and refused to grant

him

him Copies of the depositions though taken in his presence. We think it unnecessary to multiply instances. His dissenting to the resolution to circulate to the Councillors his and your letters under reference is more than enough to show that he is not acting with an even mind.

(Signed) R. Vadivelu Pillai
5-9-98 Councillor

(True Copy)

12th September 1898. Wm. Thomas
Chairman.

1
3020/M/98

Proceedings of the Chairman of the Palni municipality

Dated 10th September 1898.

Read Statement of Annamalai Boyan formerly Contractor for the municipal office building dated 15th august 1898.

Read Statement of Marudamuthu-devan formerly a gumastah in the employ of the Contractor dated 24th august 1898.

Read also account book of Annamalai Boyan and his Copartner Ramasawmi naikan.

It is clear from the evidence of the above two persons and the account book that municipal office manager Sundramier has received illegal gratification from the Contractor on various dates as follows.

(1) Rs 50 + Rs 25 + Rs 22 entered in lump in the account as Rs 97 against 27th July 1896.

(2) Rs 50 on the 9th March 1897.

(3) Rs 20 on the 19th April 1897.

The Chairman therefore thinks it necessary in the interest of the municipality to place the manager under suspension from this day pending enquiry into his conduct by the Sub Committee appointed by the Council in its resolution No. 137 dated 30th July 1898. He is directed to hand over charge of his office to mortuary clerk Kalianakamier immediately

(Signed)

Dav. D. Thomas
Chairman

Copy to manager Sundramier.

Copy communicated to Sundramier municipal manager. No. 235 dated 10th September 1898.

(True copy)

Dav Thomas
Chairman 12/9/98

2
3020/M/98

Municipal Office Palni

No. 237, 12th September 1898.

From
The Chairman
Municipal Council, Palni.

To
The Collector of Madura.

Through The Sub Collector of Madura
Dindigul.

Sir,

With reference to your letter R. No. 2208 of 98 dated the 23rd ultimo, I have the honour to report that I represented to the Council the desirability of suspending the manager from office, informing them at the same time that I had got hold of the account book of a former municipal contractor which contain entries relating to the payment of illegal gratification to the manager. But the councillors declined to proceed with their former resolution as suggested by you, and adopted a letter sent by Mr. Vadivelu Pillai which they request you to send up to Government along with my letter to Government dated 3-8-98.

Dav Thomas
Chairman 12/9/98

2

Conc. No. — LOCAL & MUNICIPAL DEPT. No. 3 20 M

3. I remarked in my letter to Government that, judging from the way the Councillors had acted at a previous meeting, I was sceptical about any good resulting from an enquiry by the Sub-Committee. This remark was characterized by Mr. Kadivelu Pillai as most cowardly and ungentlemanly in his letter put in and read out at the meeting. He afterwards substituted the words "most improper" at the suggestion of ~~the~~ another elected Councillor Mr. Samaliyar. I must here say that I had no such motive in making the remark as they impute to me.

I at first objected to the proposal t exclude me from the Committee, but I id not press the point seeing there was othing in the law to preclude me from holding an quiry independently of the sub-committee. I accordingly examined two witnesses n the 15th and 24th August respectively h reference to the Contractor's account-book rred to above. On the evening of the tter date I received your letter asking me to move the council to reconsider the former resolution. I waited to see how the Councillors were going to dispose of the matter, and as they refused to reconsider the resolution, I thought it necessary to suspend the manager from office on the 10th instant as a clear case of corruption has been made out against him. As requested by the council at their last meeting I have this day handed over to the Sub-Committee all the records connected with the enquiry held by me.

4. The manager was present at the enquiry held by me on the 15th and 24th August, but was unwilling to cross-examine the witnesses without the aid of a vakil. He applied on the 16th August for a copy of the deposition taken on the previous day and I refused to grant his request as my enquiry was not then complete.

5\.

I dissented to the resolutions to circulate my letter to Government and yours to me, because by doing so the consideration of the subject would be unnecessarily delayed, as that meeting was specially convened for the purpose of considering your reference.

6. Your letter under reply with its enclosures, and copies of Mr. Vadivelu Pillai's letter and my order of suspension dated the 10th instant are herewith submitted.

I have the honour to be,
Sir,
Your most obedient servant.
Dano Thomas
Chairman

Proc No 2208/98

LOCAL & MUNICIPAL DEP
CURRENT No. 3020 M

Submitted to the Secretary to Government, Local and Municipal Department, Madras.

The dissension which has arisen in the Palni Municipality between the Chairman and the Majority of the Council seems to be of a serious nature, and my endeavours to get the Council to settle the matter without referring their Resolutions to Government have failed.

2. It appears that the Manager of the Municipality G. Sundram Iyer who has been in office for 12 years was dismissed by the Chairman for various reasons in his order dated 11th July 1898. Subsequently as his explanation had not been first taken the Chairman at the advice of the Sub Collector Cancelled his order and Suspended the Manager pending an enquiry into his conduct. The reasons for the Chairman's action are given in his letter dated 3rd August 1898

His pay is Rs 35

3. The order of the Chairman dated

11th

" July has been the chief cause of the dissension.

The councillors object, and I think rightly to the remark that 'the Manager invariably sends for some of the Councillors a day or two before meeting day, ~~and tutors~~ them to vote according to his will and pleasure'.

Besides this the Chairman destroyed two appeal petitions which were made by the Municipal Servants against his orders to the Council.

On 12th July the Council passed a resolution to the effect that the treatment of the Chairman with regard to the appeals was insulting to them.

I did not think the latter circumstance of sufficient importance to be referred to Government as the Chairman admitted his error and said he had no intention of insulting the Council.

4. On 30th July the Council passed a resolution on the appeal of the Manager restoring him to office and allowing him pay for the time he was under suspension, and secondly protesting against the Chairman's remarks against them.

They appointed a sub Committee of 3 members including one who

had

had voted for the Chairman Mr R Ry. Theravyam Pillai avergal - to enquire into the complaint against the Manager.

5. I asked them to reconsider this resolution as I thought the Chairman himself should have been appointed on the Sub Committee to enquire into the Manager's conduct.

The Council however has resolved not to reconsider the matter and has given certain reasons for this in a letter dated 5th September.

They say that they suspect the bona fides of the Chairman in his action towards the Manager and that the Chairman did not dissent when the Sub Committee was appointed.

6. The Chairman has passed an order dated 10th September suspending the Manager on the ground that he received bribes from a Municipal Contractor.

7. It is not likely that after these proceedings either the Sub Committee will hold a fair and proper enquiry into the charges brought against the

Manager

Manager, or that the Chairman will be able to continue in office if the Manager is restored and in the face of such a strong opposition.

For acting Collector

OB
24.

Madura Collector's office
24 September 98

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given for copying
hen copied
hen examined
hen si d 19/11
189 .

READ AGAIN G.O., No. , DATED
189 .

CURRENT No.

OSURES TO C. No.

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

ETTER OF GOVERNMENT.

MENT WITH DITTO.

ERE NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.