

[L. & M.]
[2,000-28-10-07]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 294 L-

DATED 18.2.98.

INDEXED.

DESPATCHED

[Despatch Abstract.]

Petition

Informing C. Chenchuramappa, late
L. & M. Officer, Nellore, that his request
that L. & M. Employees may be placed in
the same position as Govt. servants
with regard to appeal against dismissal
etc, 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. (1898) Department

CURRENT No. 294 L

From *H. A. S. Esq. J. C.*
Private Secretary
H. E. Esq. Esq.

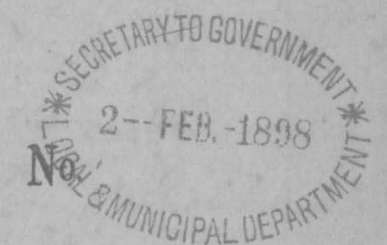
Secretary

Misc Order No. 294 Lunsd 18/2/98

The Petitioner's request cannot
 be complied with.

18
 17/2/98

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Dated 31st January 1898.

Received

Registered

Enclosures 2

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SUBJECT.

Transfers a petition of 25th Jan
 1898 from C. Chenchuramiah
 late local hand Overseer Nilam
 praying that employes under local
 hands may be placed in the same
 position with regard to appeal against
 decisions as, as Govt servants.
 (By order)

To The Petitioner 19/2/98

L. S. S.

Private Secretary

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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In the Court of the District Judge at Sellore.

Small cause suit No. 60 of 1896.

The deposition of Defendants 1st witness, E. Seetharama Rao Saidu.

I am now Tahsildar of Gudur. I was Deputy Tahsildar of Sellore in 1894. I was directed by Mr. Wynne to go and take measurements of the materials on the Dornal road. The order was that I should inspect and report; since a petition had been received that there were short materials. Exhibit IX is the office copy of the order issued to me. Exhibit X is I believe the petition. I inspected and took out measurements. I prepared account of my measurements and sent them to the President. Exhibit XI is the statement. I sent one for the earth work, another for the sand and the third for the gravel. I also sent a comparative statements comparing my figures with the measurements as arrived at by the Local Fund Department. I took the measurements myself. My peon and my clerk accompanied me and assisted me in taking the

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175 words Corrections

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measurements. The measurements I took were I think correct.

Cross-examined:- It took two days for me to complete the work. On the first day I began the work at about 7 or 8 A.M. I should have stopped work at about 12. I resumed it after an or two and stopped work at about 6 P.M. On the second day I resumed work in the morning as on the previous day and went on measuring till sometime after dark. It is true that I took the measurements of a portion of the earth and two pits with the aid of torch light. I cannot say now which pits they were. In exhibit XI (A) the 3rd column shows the serial numbers of the pits for each mile. I measured only new pits. The number of pits shown in the 3rd column for each mile is not exhaustive. There were more pits than I measured. From their appearance I judged what pits were new and what were old. I cannot say whether all the

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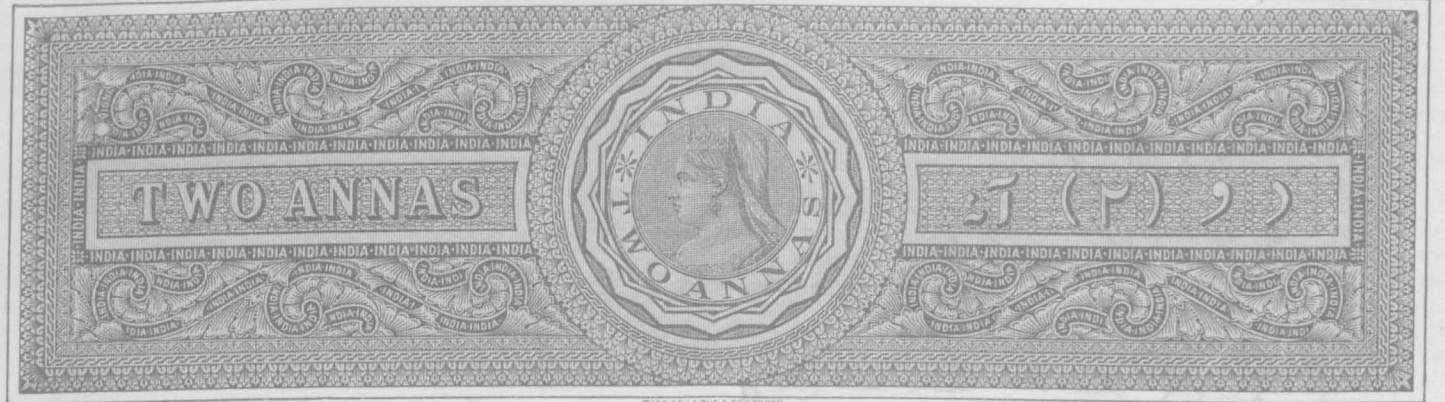
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Edward J. Pease

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pits I measured were of the same age or whether some were ^{older} ~~older~~ than the rest. The pits I measured looked to me as if they had been excavated within one or two months. Some of them might have been excavated only a few days previously. I did not know how long before my measurement the Plaintiff had done the earth work in the road. I measured the pits with the tape. I had taken measurements of pits and gravel heaps previously. I held the tape myself. I took the bottom length and width of each pit. I got into each pit. I did not measure the length and width on the surface. As regards the statement (B) about the sand it is not a true copy of the measurements. I worked out the figures of the measurements I took and prepared the statement. I did not send detailed measurement sheets of the sand heaps. I thought it was unnecessary to send them. I did not get the sand heaps remade before I.

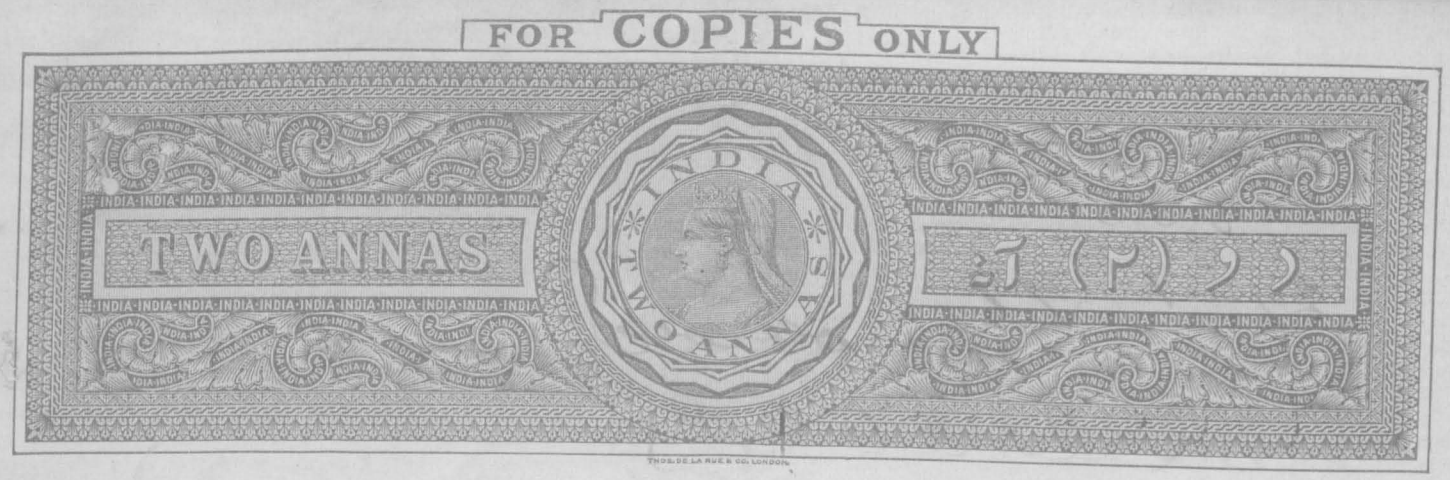
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took out their measurements. I did not know whether any sand that had been carted had already been made use of. I did not know how long before I measured the sand it had been carted. I did not know when the metal had been carted. From the statement of the road it appeared to me that some metal had been spread. I am not able to say what that quantity was. The gravel heaps were somewhat disarranged. I did not get them remade. The measurements I have noted in the statement were average measurements which could alone be given under the circumstances. The measurements noted in the statement were those taken of the heaps as they existed. I did not measure the heaps with the gauge as is done by the Local Department. The heaps agreed nearly in their length with the measurements of the Local Survey Department but the base and height were different. !

(Signed) J. lb. Swaminatha Diyar, Acting District Judge.

14-12-96.

(A true copy)

Copied by 2888

Read by 2888

Examined by 2888

Corrections none

170 words 2888 4th and last sheet.

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29-1-97

[Handwritten signature]

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COPIES OF TESTIMONIALS

[Handwritten notes and calculations]
17-12-96
1-2-96
2-2-96
22-2-96
24-2-96
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SUPERINTENDENT

[Faint handwritten text and notes]

COPIES OF TESTIMONIALS.

OF

C. CHENCHURAMIAH.

C. Chenchuramiah has been employed in P. W. Department for 9 years and 3 months.

From his Service Register it can be seen that he has given satisfaction to all the Officers under whom he has served.

He was Head Clerk of the East Coast Canal Range under my orders for 1 year and 10 months and I was well pleased with his diligence and capabilities.

31-1-1876.

(Signed) C. B. HENDERSON LT., R.E.,
Assistant Engineer in charge of Nellore District.

FOOT-NOTE ON AN APPLICATION TO THE COLLECTOR OF NELLORE.

C. Chenchuramiah bears a high character for efficiency as accountant in the D. P. W. his personal conduct is reported good also, and I shall be sorry to lose his services but I will not stand in his way in his endeavour to better himself, if he gets the appointment he now seeks, I offer no objection to his taking it.

5-8-1877.

(Signed) J. O'SHAUGNESSY,
District Engineer, Nellore.

C. Chenchuramiah has been an Overseer under me in the Ongole Sub-Division for about 2 years, during which time, he has worked hard and carried out the work entrusted to him to my satisfaction. He is an honest and straightforward man and a good accountant. I wish him every success.

28th February 1883.

(Signed) H. ARBUTHNOT,
L. F. Assistant Engineer, Ongole.

[Handwritten signature]

[Handwritten notes]
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Nellore. January. 25th / 1890

294 L

To

His Excellency The Right Honorable

The Governor in Council,

Fort St. George,

Madras.

YOUR EXCELLENCY,

I respectfully beg to lay the following facts before the Government, not by way of an appeal or petition for restoration to office or other personal or official benefit, but in order that Your Excellency, the Head of the Administration of this Presidency, as such, and your Council may know how sometimes in the obscure moffusil the higher officials in a district act regardless of all sense of Justice, fairness and utterly careless of the prestige and character of English Rule in India, and how wantonly and capriciously, it may be for worse reasons, they quench in dishonor or ruin the name and service of Subordinates who have devoted their lifetime in good and honest work in the Government ranks.

2. For 13 years I served in the Accounts Branch of the Public Works Department; I then changed to the Local Funds Department, Nellore, for family reasons, carrying my right to pension with me in the transfer, and for 14 years subsequently I worked in the latter department in the Engineering branch, entering it on the lowest salary of my grade till I reached its highest. I beg to append some of my testimonials during this time as evidence of my work and character.

3. Suddenly, in April 1894 when I had put in 27 years service, and when I had entitled myself to a pension of Rs. 28-11-0 per mensem for which I worked all my life, Mr. S. H. Wynne, then Collector of Nellore and as such President of the Local Fund Department, received, as was known subsequently, anonymous information of alleged malpractices in the Local Fund Department, of a technical kind requiring some one with some technical knowledge at least to detect, verify, or contradict the particulars he so received. I was not provided with a copy of the charges preferred, he, the President possibly thinking it would not be fair to give me one. Instead, however, of deputing such a detective to verify or contradict his anonymous information, Mr. Wynne sent it to one Seetharam Naidu, Deputy Tahsildar of Nellore and therefore a subordinate of his for action to be taken. That subordinate acted seemingly in a way he thought would best please his Collector and benefit himself, and got his reward, for within a month or two of this he got a triple promotion from Rs. 120 to a post of Rs. 200 skipping the 150 and the 175 grades.

4. This Deputy Tahsildar found differences of course, between the measurements of materials supplied and those sent in by me, although all such were checkmeasured by the District Board Engineer himself and certified to be correct, and therefore passed for payment. And no wonder. He was not a professional, he never did such work before, nor had he the slightest training or knowledge in such matters. Some of the heaps of materials he was supposed to have *check-measured*, had already been spread over the road and others were so broken up by the tread of grazing cattle and careless cartmen driving their carts over portions of them, that unless such heaps were remade, to measure them with any degree of accuracy was an Engineering and physical impossibility. Such heaps were not remade, and what entitles me to urge that this subordinate of the Collector merely wrote and sent in a report which he knew or had reason to believe would please his official superior is, that he made no mention whatever of the fact in his report that he found these heaps of material partially broken up, that he did not have them remade, but measured them in this broken condition; he was also very careful to suppress the material fact that his measurements were merely *average* and *not actual* measurements. But this he had to admit on oath subsequently as a witness in a Small Cause Suit instituted by a Contractor and decreed against the District Board in the Nellore Court of Small Causes. The deposition, certified, is hereto attached to confirm these serious allegations of mine. On such a mendacious and worthless report, I, with a Mr. W. Booth who was

Sub-Divisional Officer were sent for and *verbally* questioned by Mr. Wynne. I denied the correctness of the Deputy Tahsildar's figures, measurements, and report, and then and there volunteered to prove to him, Mr. Wynne, how this Deputy Tahsildar was wrong in his figures and that his report was worthless. This was rudely declined. He first questioned Mr. Booth who was also sent for and present, and got violently out temper with that officer for the tone and manner of his answers, and when Mr. Booth told Mr. Wynne in answer to a question that he (Mr. Booth) was aware he was talking to the Collector, *but not to an Engineer* he lost all control over his temper and I firmly believe, he wrote his significantly unjust Proceedings, Ref. No. 444 D. B. dated 24th April 1894 in his savage temper, and therefore it is so grossly clever and barefaced.

5. Seeing he would not accede to my undertaking at this interview to prove the report of the Dy. Tahsildar was wrong and false, I sent in a written undertaking to prove to him personally how false the figures of the report he was relying on were, and this written undertaking is on the file of the record. In this written application I begged he would pass no orders till he was convinced of the truth of my statement—that his Deputy Tahsildar's report was false in figures. This was also refused and in spite of my impugning the correctness of the report subsequently found beyond all doubt to have been false and worthless, Mr. Wynne, an English Covenanted Civilian entrusted with the administration of a large District, reckless of the injury he was doing the name and character of the Government before the natives of this country, deliberately sits down and indites his proceedings above referred to, in which he uses this impugned and subsequently proved-to-be-false report, as the mainstay of his arguments, deductions, inferences and suspicions on which he dismissed me after a service of 27 years.

6. Against my unjust dismissal I appealed to the District Board. At the hearing of the Appeal the Deputy Tahsildar was sent for; I was present, and handed Mr. Wynne a list of questions impugning his report. It was then, under examination by Mr. Wynne himself, admitted by this Deputy Tahsildar that he did not remake the heaps before he measured them; that he measured them in their *scattered* state and that a portion of this work of his was done by him *in the dark* with the light of a torch, and that when I insisted on at least one heap being remade before measurement by him, he found his measurement tallied exactly with that sent in by me. Thus the premise that I falsified my measurements which was made the ground of my dismissal by Mr. Wynne was proved to be a false premise. Not one of these important facts were mentioned in his report by the Deputy Tahsildar which was adopted by Mr. Wynne as justifying his dismissal of me. After hearing the damning admissions of this Deputy Tahsildar against *his own report*, Mr. D. Markandaya Sastriar one of the members present on that occasion, proposed a further enquiry and report on the matter by a sub-committee one of whom should be an Engineer, and some other members present openly approved of the proposal. They got snubbed by Mr. Wynne. Mr. Marjoribanks the Executive Engineer of the District then suggested that if he Mr. Wynne did not want my services, I ought not to be dismissed on such a report as that, but I might be retired on my pension. This was also rudely received by Mr. Wynne and Mr. Marjoribanks left the meeting without voting at all.

7. And now in spite of the admissions made by the Deputy Tahsildar before himself and the assembled Board—admissions fatal to the correctness and worth of his own report, Mr. Wynne used all the influence of his official position over the Board, overweighted by his own official subordinates, to hurry them into voting for the rejection of my appeal and succeeded miserably, as he obtained a paltry majority of only two. And this was the way I lost my appeal and was deprived of my pension, long service, and official and professional character.

8. I next appealed to the Government for redress but failed as an appeal to Government is not open to subordinates of the L. F. Department drawing salaries less than Rs. 100 per mensem. I next reappealed under the provisions of the L. F. Act to the District Board. Mr. Wynne was at this time out of the District. Mr. Lefanu was the Collector. He attended the meeting of the Board which was to hear my second appeal. After reading out my appeal and asking some questions as to the previous proceedings Mr. Lefanu then left the meeting telling the members he would leave the disposal of the matter entirely to their independent judgment or sense of justice. After he left, the Board *unanimously* were of opinion that its previous resolution whereby it practically confirmed Mr. Wynne's unjust dismissal should be cancelled, and it was accordingly unanimously cancelled and I was permitted to put in for my pension. The

members of the Board at this meeting which unanimously cancelled its previous confirmation of Mr. Wynne's dismissal, included members who had previously under Mr. Wynne's presidency voted against me, and therefore I am fairly entitled to say that the previous votes of such members were against their own conviction and given in fear of incurring the official displeasure of Mr. Wynne, their official superior; in stronger terms, their previous votes were extorted by the attitude taken by Mr. Wynne.

9. To obtain this act of mere Justice—the cancelment of my unjust dismissal—took me 21 months of incessant anxiety, distress, and privation.

But even now, I was beset with unmerited wrongs. It took the Board 6 months to send me the required order to appear before the District Civil Surgeon to obtain a medical certificate necessary before my pension could be paid. I appeared before the Medical Officer; he, however found, that I was not unfit physically for further work, and not having served for 30 years and not being 55 years of age I, under the rules would have to remain in service until I attained one or the other qualification to retire.

10. I now took every step I could, to secure my pension, or to work on for the 2 years remaining to complete my 30 years of service.

All my efforts to obtain justice or fair treatment have failed, not because no justice was due to me, but simply because I am or rather was a poor paid subordinate. The following is a short summary of official treatment of me a subordinate in Government Service.

- A. Mr. Wynne I.C.S. Acting Collector, Nellore and as such President, of the District Board receives an anonymous communication. If such communications are to be countenanced at all, they ought to be acted on openly, as authenticated communications are, by copy of the charges given to him impugned and holding such an enquiry as to would give him a full and fair opportunity to upset the charges if he could.
- B. Inspired by such a communication Mr. Wynne as President of the District Board deposes his Deputy Tahsildar, a non-professional subordinate of his to report on the details given in the anonymous communication, details that were checkmeasured and passed by two professional officers previously.
- C. That subordinate, in spite of his utter want of technical or practical knowledge absolutely required to correctly checkmeasure Engineering works, already, as stated checkmeasured and passed by an Engineer, goes about his work in a scandalously ignorant manner resulting in a report consequently false in figures and in fact.
- D. I am asked *verbally* to explain the difference between his measurements and mine; and I say his measurements are all wrong and I undertake to prove this, and ask in writing (vide letter on record already referred to) that no orders be passed until I am given an opportunity to prove such falsity.
- E. This is unfairly refused; no opportunity was given me to prove the scandalously false measurements given by this subordinate.
- F. On such *false* report, whose falsity I undertook to prove, Mr. Wynne sits down and indites his Proceedings Ref. No. 444 D. B. dated 24th April 1894 in which he deliberately uses this false report as the basis of his comments and reasons, for absolutely dismissing me from a service of 27 years, *without* affording me a ghost of a chance of a fair or any hearing at all. Being a clever penman, and having it all in his own way, he produces an apparently heavy indictment and proves the *truth* of this indictment by reference to this *false* report, which he not only never gave me a chance to disprove, but which he point blank refused to let me disprove.
- G.—Against such a dismissal I appealed to the District Board. At the hearing of that appeal the Deputy Tahsildar was sent for and examined; details of the hearing are given in para 6 above.

H.—In spite of his admissions, Mr. Wynne contrary to all sense of fairness, pushed the votes of the Board and got a majority of 2 as detailed in paras 6 and 8.

I.—I appeal a second time as detailed in para 8. Mr. Wynne is out of the District. The same Board unanimously cancelled my dismissal, thereby *per se* reinstating me in service and permitted me to retire on pension.

J.—That pension has been refused on the grounds stated in para 9, though the cancelment of my dismissal *per se* reinstated me in the service, and I have been done out of my pension for which I worked actively for 27 years. And although my dismissal being illegal was cancelled, I have been fairly cheated out of my pension and not permitted to continue in service to qualify for that pension to which I was admittedly entitled.

11. I am now an old man who has spent my manhood in the Government service under pledges of fair and honorable treatment whereby amongst other things, copies of all charges would be given me if preferred, and my defence fairly considered. It would appear that under the facts above stated, despotism which swamps all Government rules and conditions of service is as much possible under British rule in India as it ever was in the worse days of previous times. But I do not believe such despotism as I have brought to the notice of Your Excellency and your Council on the part of a District official, albeit a covenanted civilian, can or will be ratified once it is reported, and if there is no way of dealing fairly with me, my great object in presenting this chapter of official despotism is, that your Excellency in Council may so revise the procedure and the conduct of enquiries into charges or complaints against subordinate employees of all District Boards, so as to prevent even the possibility of such incidents of official downright wrongdoing, unenglish unfairness and despotism as I have now brought to the notice of Your Excellency and your Council, and remove the now official bars against subordinates of the District Boards from appealing to the Government in the matter of pensions and dismissals in such cases as mine, by putting them in the same position as employees in the Government service in which down to a picon on Rs. 7 a month is ensured an appellate hearing by the Government.

I have now only to subscribe myself.

Your Excellency's and the Council's most obedient servant.

C. CHENCHURAMIAH,
Late Local Fund Overseer.

C. Chenchuramiah

When given for copying _____
When copied _____
When examined _____
When signed 18/2 } 189

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

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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