[L. & M. / 2,000—28-10-97.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 552 M.

DATED 11-3-98

INDEXED. Sh

INDEXED.

DESPATCHED

[Despatch Abstract.]

Petition — Dismissing the petition from the Manager Municipal Council Vellore regarding the appointment of a Secretary to 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.

C. No. 77[illegible] of 1898

[G./25] 60—7-4-97.

SUBJECT.

Appointment of a Secretary – Vellore municipality.

~~H.M.~~

FOR ORDERS.

At a special meeting held on the 30th November 1897, the municipal council of Vellore resolved that a Sub Committee be formed to whom all applications for the post of Secretary be referred with powers to select only those who possessed the required municipal experience as advertised for, and a committee of five gentlemen was accordingly appointed. One of the members of this Sub Committee, being himself an applicant for the vacant post, withdrew, and the other four members assembled and selected 23 candidates. Notwithstanding the resolution of the 30th November 1897, by which the council had delegated the pow

nor did delegate it

the Sub Com

illegally

ub committee, the council, at its special meeting held on the 24th February 1898, for the purpose of appointing a secretary, resolved by a majority to set aside that resolution by opposing the proposal of Dr Lancaster, that the nomination be confined to those candidates only who had been selected by the Committee, and considered the claims of all candidates who had applied up to that date. The Petitioner contends that the action of the council in having modified its previous resolution of the 30th November is ultra vires, in as much as the resolution of the 24th February 1898, was not "supported by the votes "of not less than one half of the "sanctioned number of municipal "councillors," as required by section 30 (6) of the Act, ~~only nine members out of a total sanctioned number of twenty having voted in its favour.~~ The petitioner's objection eems to be valid, and if the ouncil's resolution of the 24th February e now cancelled by Government the previous resolution of the 30 November 1897 will remain in force and the council will have to proceed with the election de novo, choosing a candidate from those selected by the Sub-Committee or cancel the latter resolution and consider all the applications.

V.A.
8/3/98

It is not necy to send this to H.M. whether had the meeting of 30th Nov. (the power to delegate the power of selection to a Sub Commee, nor did it purpose to do so, in the sense in wh: Petr uses the word. The Sub Commee was given power to pick out certain names for considn., but the Council did not bind itself to consider only those names; indeed, it illegally do so.

H. T. S.

Put the order into any form that may be most proper

order No. 552 muni. d/ 11.3.98

Petr's objection is ufounded. The power of nomination lay with the ouncil, which neither uld nor did delegate it the Sub Comm stab. Committee, the council, at its special meeting held on the 24th Feb.

despd 4-3-98

Very urgent

Connected No. 740

Res 920

Local & Munl. (1898) Department.

CURRENT No. 973 M

COLLECTOR'S OFFICE, 2- MAR. 1898 NORTH ARCOT.

COLLECTOR'S OFFICE, NORTH ARCOT.

UNDER SECY TO GOV. 5 MAR 98 PUBLIC

Submitted

2. The action of the Council seems to have been technically incorrect under sec 30 (6) of the Act. The number of councillors is 20. The Petitioner is wrong in thinking (para 9) that after three months a resolution becomes final. After 3 months the restrictions of sec 30 (6) are removed. Perhaps the best plan would be for Government to cancel both Resolutions, & instruct the Council to proceed de novo

J. K. Walton
as Collector
3. 3. 98

2.3.98

Order.

From The Chairman
Municipal Council
Vellore

No. 166 of 98

Dated 28th February 1898

Received 5-3-98

Registered 5-3-98

Enclosures (two)

Spare copies

SUBJECT.

Forwarding a petition from the Municipal Manager, Vellore, praying that the resolation of the Council, No 1 dated 24th February 1898, be cancelled under Sect 35 (1) of act IV of 1884 as amended by act III of 1897 – for reasons given –

having been put to the

ab. Committee, the council

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Very urgent

LOCAL & MUNICIPAL DEPT.
CURRENT No. 973M

Vellore
Municipal Councillors' office
28th February 1898.

To

The Secretary to Government
Local & Municipal Departments
Fort St. George

(through the Chairman Municipal Council,
Vellore.)

The humble petition of
G. A. Lance, Municipal Manager, Vellore
Respectfully Sheweth:—

1. That the Municipal Council, Vellore, resolved, under sec 39A of act IV of 1884 as amended by Act III of 1897, to appoint a Secretary; and for that purpose invited applications limiting the date of receipt up to 31st October 1897.

2. That in accordance with that resolution 173 candidates applied, of whom your petitioner was one.

3. That at a special meeting held on the 30th November 1897, and convened for

the

for the purpose of appointing a Secretary, it was resolved by the Council "that a "Sub Committee be formed to whom all "the applications be referred, with power "to Select only those who possess the "required Municipal Experience as "advertised for and that this meeting "be therefore adjourned for that purpose".

4. That the Sub-Committee so appointed consisted of the following members.

1. The Chairman
2. The Sub Collector.
3. Revd W. I Chamberlain M.A.
4. Revd D. W. Kidd B.A.
5 Mr R Ry A C Seshagiri Rao

5. That on the 2d December 1897, the last named gentleman having withdrawn, being a candidate himself, the other 4 gentlemen assembled at the Municipal Office, and in accordance with the terms of the resolution above quoted, selected 23 candidates only, of which number your petitioner was one.

6. Notwithstanding the resolution and the fact that they had delegated their power to the Sub Committee, which power they did not revoke, the Councillors at a special meeting held on the 24th February 1898 for the purpose of appointing a

Secretary

Secretary resolved by a majority to set aside that resolution by opposing the proposal of Dr Lancaster that the nomination be confined to those candidates only selected by the Sub Committee appointed under resolution No. dated 30th November 1897, and began to consider the claims of all candidates who had applied up to date (178 in number) including the claims of 5 candidates whose applications were received after the receipt of Sub Committee's report. From this number (178) two candidates were proposed for nomination, one being of the number rejected by the Sub Committee, & the other whose application was received a day or two before the meeting of the 24th February 1898 — neither of whom possessed the required municipal experience as advertised for —

7. That your petitioner, with all due deference to the action of the Council, respectfully submits, that although it was quite open to it to consider the claims of all the applicants, yet having by its resolution of the 30th November 1897 delegated its power of selection to a Sub Committee and thereby committed itself to a line of action on which it was intended the nomination should proceed, it should have when it made up its mind to modif

modify its resolution of the 30th November 1897, adopted the procedure laid down in Sec 30 clause (6) of act IV of 1884 as amended by Act III of 1897 which reads thus:—

"No resolution of the Municipal Council shall be modified or cancelled within three months after the passing thereof, except at a meeting specially convened in that behalf by a resolution of the Municipal Council supported by the votes of not less than one half of the sanctioned number of Municipal Councillors"

8 In conclusion your petitioner submits that there being no resolution of the Municipal Council, supported by the votes of not less than one-half of the sanctioned number of Municipal Councillors, convening a special meeting for the purpose of modifying within three months the resolution of the Council of the 30th November 1897, the proceedings of the Council at its meeting held on the 24th February 1898 are *ultra vires*—

9 Petitioner therefore prays that the Government will be graciously pleased under Section 35 (1) of Act IV of 1884 as amended by Act III of 1897 to cancel such proceedings and to direct the Council to convene another

Special

Special meeting to appoint a Secretary in terms of its resolution of the 30th November 1897, which is final, now that 3 months will have elapsed by the time the order of Government is received.

10. Copies of the proceedings of the Council dated 30th November 1897 and 24th February 1898 are enclosed for information.

G. A. France
Manager
Municipal office, Vellore.

Submitted.

It is true that the Council, at the special meeting held on the 24th Ultimo, took into consideration not only the claims of the 25 candidates selected by the Sub. Committee but of all those who had applied for the Secretary's appointment up to the date of the meeting.

Vellore
1.3.98

Chairman M. C.

Reference on Current No. 435 Eng/98
DATED 2-3-98

Submitted
Vellore
1.3.98

W. L. Holmes
Sub Collector

DESPATCHED
1 MAR. 98

Enclosure [illegible]
of 28

143
28

MEETING No. 32

Extract from Proceedings at a ~~GENERAL~~ SPECIAL Meeting of the Municipal Council for the Town of Vellore, dated 30th November 1897.

PRESENT.

Muhammad Habibullah Saheb Chairman
V. Venugopaul Chettiar Esquire I C S Sub-Collector
Reverend W. I Chamberlain M A
Reverend D W. Kidd B.A.
Surgeon-Lieutenant Colonel John Lancaster M.B.
M RRy V. Gopalakrishna Mudaliar avergal
″ V. Madhamuni Mudaliar avergal
″ V. Eswarappa Mudaliar avergal
″ T. Govinda Reddiar avergal
″ R. Rajagopal Naidu Garu
″ V. Varadaraja Mudaliar avergal
″ A. Sevaperumal Chettiar avergal
″ V. Subroya Chettiar avergal
″ T. Punniakoti Mudaliar avergal
″ P. Ramoo Chettiar avergal
″ A C. Seshaghiry Row avergal
Subadar-Major Hussain Khan Saheb.

Appointment of a Secretary, under Section 39 A of Act IV of 1884 as amended by Act III of 1897, from the list of Candidates published and Circulated for the information of the Council.

Proposed by M RRy T Punniakoti Mudaliar avergal & Seconded by M RRy A C Seshaghiry Row avergal that a Sub-Committee be formed to whom all the applications be referred with power to Select only those who possess the required Municipal experience as advertised for & that this Meeting be therefore adjourned for that purpose.

The proposal having been put to the vote was carried by a majority

Proposed by M RRy A. Sevaperumaal Chettiar avergal & Seconded M RRy T. Punniakoti Mudaliar avergal that a Sub-Committee Consisting of the following Gentlemen.

Gentlemen be formed for the aforesaid purpose:

1 The Chairman
2. The Sub-Collector
3. Reverend D. W. Kidd B.A.
4. Reverend W. J. Chamberlain M.A. and
5 M.R.Ry A.C. Seshagiri Raw avergal

(Signed) Muhammad Habibullah
Chairman

(True extract)

Habibullah
Chairman

1
97B no of 1898

Enclosure 2 to our Lry 435 of 28

MEETING NO. 44

Extract from Proceedings at a ~~GENERAL~~ SPECIAL Meeting of the Municipal Council for the Town of Vellore, dated 24th February 1898.

PRESENT.

Muhammad Habibullah Saheb Chairman
W. C. Holmes Esquire I.C.S. Sub Collector
Surgeon Lieutenant-Colonel John Lancaster M.B.
Reverend W. J. Chamberlain M.A.
Reverend D. Wilson Kidd B.A.
M.R.Ry V. Nadamuni Mudaliar avergal
" R. Rajagopal Naidu Garu
" A. Selvaperumal Chettiar avergal
" V. Subroya Chettiar avergal
" A. C. Seshagiri Raw avergal
" V. Gopalakrishna Mudaliar avergal
" T. Punnakoti Mudaliar avergal
" S. Varadaraju Mudaliar avergal
" P. Cunnoo Chettiar avergal
" T. Govinda Reddiar avergal
Zakir Haji Azizullah Saheb
Sheik Ahmad Saheb
Subadar-Major Hussain Khan Saheb

Appointment of a Secretary to the Municipal Council Vellore, under Section 39 A of Act IV of 1884 as amended by Act III of 1897.

Proposed by Reverend D. W. Kidd B.A. and Seconded by Reverend W. J. Chamberlain M.A. that no Candidate be declared elected unless more than half of the Councillors present record their votes for him

The proposal having been put to the vote was lost by a majority

Proposed by Surgeon Lieutenant Colonel John Lancaster & Seconded by M.R.Ry V. Nadamuni Mudaliar avergal that the Council should choose a Secretary only out of the 25 Candidates that were Selected by the Sub-Committee appointed under Resolution No 1 dated 30th November 1897.

The proposal having been put to the

vote was lost by a majority

Proposed by M.R.Ry. T. Punnakote Mudaliar avergal & Seconded by M.R.Ry. V. Gopalakrishna Mudaliar avergal that the Secretary so appointed shall be on probation for 6 months.

Carried by a majority

Proposed by Reverend D. W. Kidd & Seconded by Reverend W. I. Chamberlain M.A. that the voting shall be an open voting & not by ballot.

Carried unanimously

Proposed by Surgeon-Lieutenant Colonel John Lancaster & Seconded by M.R.Ry. V. Madhanum Mudaliar avergal that M.R.Ry. P. Swamidoss Mudaliar be elected as a Secretary.

Proposed by M.R.Ry. A. C. Seshagiry Row avergal & Seconded by M.R.Ry. V. Subroya Chettiar avergal that M.R.Ry. M. Sreenivasachariar avergal B.A. Sub-Magistrate of Gudiyatum be elected.

This amendment was put to the vote & was lost by the Casting vote of the Chairman

Proposed by M.R.Ry. T. Punnakote Mudaliar avergal & Seconded by M.R.Ry. V. Varadaraju Mudaliar avergal that M.R.Ry. Regunathana Sastriar avergal be elected as Secretary.

This amendment having been put to the vote was lost, 7 voting for & 9 against the amendment. The Sub-Collector & the Chairman not voting

The first proposal was then put to the vote with the result that 9 voted for and 8 against it. The Sub-Collector did not vote.

(Signed) Muhammad Habibullah
Chairman

(True Extract)

Chairman

bl

7/ 9 VB Mar 1898.

When given for copying
When copied } 189 .
When examined
When signed 12/3

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.

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

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