Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

[A M. 15-6-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1377 m

DATED 4-8-98.

DESPATCHED

INDEXED.

[Despatch Abstract.]

Petition of Dharmaraj W. Murugesa Mudaliyar, third Assistant Master, Vellajapet Munl. High School that Govt. see no reason to reconsider their order No. 773 m dated 18th April 1898 regarding his Salary.

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. 2462

From The Dir of Pub. Instr. Madras.

Your Order No. 1377 Mis 8/4/98

The petitioner is informed that the Government sees no reason to reconsider its order No. 773 Mis dated 18th April 1898.

No. 7753.

Dated 18th July 1898.

Received 20 JUL. 1898

Registered

Enclosures 2

Spare copies

1.8
28/7/98

P.T.
2.8.98

SUBJECT.

Submitting ~~Forwarding~~ with remarks a Memorial from M. Murugesa Mudali 3rd Assistant Masters, Wallajapet Municipal High School.

Note Please see the Director's endorsement.

To
The Petitioner, through the Director of Public Instruction.
Dtd. 6/8/98

DESPATCHED
19 JUL 1898

26-7-98

BACK PAPERS.

G.O.	No.	Department.	Date.
Ms	2137	M/98	20-5-98
Do	773	Mis	18-4-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure W/o DP.I's Proceedings
Ro 7753 Dated 18 July 98

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
17 JUN. 98
R. R. No.
MADRAS.

To

His Excellency the Right Honorable
The Governor in Council,
Fort St. George,
MADRAS.

(Through the Director of Public Instruction.)

The humble representation of W. MURUGESA MUDALIAR, *3rd Assistant Master, Municipal High School, Wallajanaggar.*

MOST RESPECTFULLY SHEWETH,

1. That on the 25th May 1897 the petitioner presented to your Excellency a duplicate copy of his 2nd appeal petition without its enclosures (as the original with all the necessary records was submitted *through* the Director of Public Instruction) and prayed that your Excellency would be pleased to pass orders for the refund of arrears of pay due to the petitioner.

2. In response to this appeal, the petitioner has received an order from the Local and Municipal Department, No. 773-M. Mis., dated 18th April 1898, considering that the punishment of suspension inflicted on him cannot be upheld but directing that an allowance equal to one-half of the salary to which he would have been entitled had he continued in appointment be granted to him for the period of his suspension in as much "as his conduct at the enquiry held by the Committee was not satisfactory."

3. The petitioner begs leave to submit that he did not, in the appeal petition disposed of in the above order, dilate upon the circumstances connected with the enquiry held by the Committee, as the same had been detailed *in extenso* in his first printed appeal petition to your Excellency submitted through the Director of Public Instruction, (copy marked A enclosed) upon which orders have not yet been passed. The petitioner is also led to believe from the paper read in the Government order above referred to that Government had not before it at the time of passing those orders all the papers bearing on his case which were submitted through the Director with the original copy of his second appeal petition.

4. The petitioner therefore most respectfully ventures to submit the following remarks, firmly assured that his pitiable and hard case when fully expressed will not fail to receive the sympathetic consideration for which your Excellency's generous and humane Government has already become so famous.

5. In the first place, the only fault for which the petitioner has been deprived of half the salary of his appointment for a period of 2 years and 4 months, amounting to more than Rs. 500/ is that "his conduct at the enquiry held by the Committee was not satisfactory"; and the Government appears to have come to this conclusion from the report of the Chairman, Municipal Council, to whom the petitioner's appeal petition was forwarded for remarks before passing final orders. Mr. J. W. Hughes, the then Ex-officio Chairman, drafted remarks for the Council and got them approved for submission to Government in the meeting held on the 19th November 1897 at which the petitioner was present. To the remarks, he added an addendum containing two questions (*a*) and (*b*). To question (*a*) whether Murugesa Mudaliar was guilty of insolence and insubordination to the Sub-Committee, out of ten councillors present, five

BACK PAPERS.

G.O.	No.	Department.	Date.
Cir	2137	M/98	20-6-98
To	773	Mis.	18-4-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure to Dft. Endorsement
Ro 7753 Dated 18 July 98

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RECEIVED
17 JUN. 98
R. R. No.
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Fort St. George,
MADRAS.

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including the Chairman gave votes in favour of and five against the petitioner. There was thus an equality of votes, and the only course therefore open is that under section 30, clause 2, of the District Municipalities Act IV of 1884 as amended by Act No. III of 1897, the Chairman should have given his second or casting vote. If this had been done, the petitioner would have been declared not guilty at once; but to his great misfortune the Chairman for causes unknown, perhaps through oversight of the said section, took votes a 2nd time with the result that four councillors including the Chairman were for and six against the petitioner. The Chairman then decided that the Council by a small majority considered that the petitioner was guilty of the charge and accordingly reported to Government in his covering letter. The petitioner respectfully begs leave to submit here that the Chairman's action in having taken votes a second time is in violation of the provisions of the Act and that therefore the result of the first voting wherein the petitioner got in his favour five votes with the Chairman's casting vote should alone be considered.

6. In the second place, the constitution of the Committee itself was illegal and *ultra vires* as will be seen from the records submitted with the petitioner's first and the original copy of the second appeal petitions, which have not yet been returned to the petitioner. The Committee was nominated by the Chairman of his own accord in contravention of the provisions of the District Municipalities Act IV of 1884. Section 38 of the Act which deals with the appointment and procedure of Committees reserves the power to the Municipal Council and not to the Chairman. Nor can the Chairman under section 32, clause 2, delegate any power of enquiry which he may possess to one or more councillors without the consent of the body corporate. The aforesaid action of the then Thasildar-Chairman in having formed the said Committee of his own motion is therefore entirely illegal and the said Committee's procedure is consequently *null and void* under section 32, clause 3, which specifically lays down that "It shall not be lawful for the Chairman to exercise any power which according to this Act shall be exercised by the Municipal Council at a meeeting." It will thus be seen that the Committee was illegally formed and all the proceedings of the then Chairman rested on a wrong basis, as he willfully violated the provisions of the Act for reasons best known to himself.

7. Thirdly, the Committee not having been formed by the Council but by the Chairman who was a friend of the Sub-Magistrate, it must naturally be expected that most of the members who composed the Committee were among the favourite friends of the Sub-Magistrate. The Committee therefore was entirely biased against the petitioner's cause from the outset and was intent upon ruining his name and reputation.

8. However, notwithstanding all these defects in the formation and composition of the Committee, the petitioner replied to all the questions put to him by that body in a deferential way and never gave room to the charge of insolent and insubordinate conduct laid at his door. The Committee examined the petitioner in writing on the 12th October 1893; and again on the 13th October the Committee sent for the petitioner and examined him in person. The petitioner answered some of the questions and promised to submit a written explanation by the 16th idem. On the 14th idem, the Committee wrote to the Chairman recommending the suspension of the petitioner and the Chairman without a word of explanation from the petitioner suspended him on *Sunday*, the 15th October 1893, and sent him a memo No. 266, dated 15th October 1893, to the effect that the petitioner was put under suspension pending the result of the departmental enquiry (but not for insubordination), while at the same time he informed the Assistant Inspector of Schools in his letter No. 265 of the same date that he suspended the petitioner for insubordination. This memo and the letter written on one and the same date with consecutive numbers would themselves afford an ample proof to shew that the charge of insubordination was more or less a concoction instead of a reality. The action of the Committee and the Chairman in having characterised the petitioner

as insubordinate was subsequently attributed to the wording of the petitioner's written explanation submitted to the Committee on the 16th October 1893, which contained nothing but a few technical questions couched in respectful terms. The petitioner begs to add here that this explanation was submitted subsequent to his suspension on the 15th idem for the alleged charge of insubordination and not prior to it.

9. Fourthly, in support of the petitioner's above remarks regarding the constitution and formation of the Committee and also of the fact that his conduct at the enquiry held by that Committee was not insubordinate or unsatisfactory, he respectfully begs to solicit your Excellency's kind attention to the remarks of the 2nd Committee which was formed by the Council and not by the Chairman to enquire into the petitioner's case and which submitted its elaborate report distinctly acquitting the petitioner of all blame, and condemning the actions of the first Committee and the Chairman(Vide printed extracts of the 2nd Committee's report marked B enclosed.)It will be clearly seen from these extracts that the petitioner was made a victim to party spirit (the Council having been divided into two factions at the time) and that he was made to suffer for no fault of his own.

10. Fifthly, not only were the members who constituted the first Committee which was illegally formed by the Chairman, friends of the Sub-Magistrate at whose instance they sought to ruin the petitioner, but also two of them Mr. Sundaresa Aiyer and Mr. Venkatakrishna Mudaliar who took a prominent part in bringing the petitioner to trouble were the avowed enemies of the petitioner, and in support of this statement, the petitioner begs leave to enclose a printed extract marked C from the late Chairman's letter No. 17, dated 16th January 1897, to the Head-Assistant Collector, North Arcot, replying to the latter's Ref: on cur: No. 7581, dated the 4th December 1896, in which a copy of the Proceedings of Government, dated 9th October 1896, No. 1717 M., together with the late councillor M. R. Ry. Sundaresa Aiyar's petition, dated 11th September 1896, was forwarded to the Chairman for his remarks. A kind perusal of this extract itself will strongly convince your Excellency how the Committee in question, at whose enquiry the petitioner's conduct is said to have been unsatisfactory, worked for the petitioner's ruin, and how Mr. Sundaresa Aiyar and Mr. Venkatakrishna Mudaliar, the petitioner's enemies and prominent members of this unlawfully constituted committee acted to bring about the petitioner's ruin and attach a stigma to his name.

11. Thus the most important records bearing on the petitioner's enquiry at the Committee (Exhibits A. B.&C. herein enclosed)distinctly point to the fact that the formation of the Committee was illegal, that the Committee had no foundation for accusing the petitioner of misconduct and that the alleged imputation was merely the outcome of the strained relationship owing to causes unconnected with his official duty between the petitioner and some of those who formed the members of this committee and also of the predisposition of the committee to attach a stigma to the character of the petitioner. The petitioner begs to bring these facts to your Excellency's favourable notice for a reconsideration of your Excellency's order granting the petitioner only half pay for the period he was under suspension owing to his alleged unsatisfactory conduct at the enquiry held by the Committee. Your Excellency will doubtless find from the representations contained in the previous paragraphs and as well as from the extracts quoted that the imputation against the conduct of the petitioner towards the Committee was really unwarranted and baseless.

12. Your Excellency's petitioner sent a registered appeal to the Municipal Council *on the 13th January* 1894 against the suspension order of the Chairman in virtue of G. O., dated 6th October 1891, No 1654 M, Local and Municipal. In the meantime, Mr. Sundaresa Iyer who was the President of the Committee which enquired into his case and an avowed enemy of the petitioner, was made the Chairman-delegate and he did not place the appeal before the Council for disposal,lest justice might be done to the petitioner and that appeal still remains undisposed

of, though Dr. John Bradshaw, the late Inspector of Schools, Central circle, in his Endorsement No. $\frac{8056}{27\text{-}10\text{-}93}$ urged that an enquiry as to whether the petitioner was guilty or not ought to have been held at once and that he should not have been kept under suspension longer than was absolutely necessary and again in his letter No. $\frac{8631}{20\text{-}11\text{-}93}$ called for the Collector's intercession, characterising the Proceedings of the then Chairman and the Committee as a scandal and persecution. Your Excellency's petitioner also submitted on 15th January 1894 a printed appeal petition (Vide para 3 supra) to your Excellency through the Director of Public Instruction with the strong support of the then Assistant Inspector of Schools, and E. Marsden, Esqr,. B. A., the present Inspector of Schools, Central circle, Madras. This appeal has also not yet been disposed of.

13. Your Excellency's petitioner begs to bring the above mentioned facts to your Excellency's notice so as to prominently set forth that if both or either of the said appeals had been promptly disposed of, the petitioner would not have undergone all the troubles he has now sustained and would not have remained under suspension for such a long period of two years and four months, that the matter was unnecessarily deferred so as to cause the petitioner heavy loss of pay, and that, even if the charge of unsatisfactory conduct at the enquiry held by the Committee should on reconsideration be upheld, the petitioner ventures to trust that your Excellency will be pleased to find that, considering the long period of suspension which your petitioner had undergone under no justifiable circumstances, the withholding of the payment of one half of the salary of the petitioner amounting to more than Rs. 500 as a punishment for the alleged unsatisfactory conduct is very severe and disproportionate.

Notat all.

14. The petitioner finally submits that had his first appeal petition yet undisposed of and also the records submitted with the first and second appeals been read in connection with the disposal of his second appeal, he would not have met with this failure of justice to administer which, your Excellency is devoting yourself heart and soul. Your Excellency's name being a household word through the length and breadth of this Presidency, and your Excellency being everywhere sincerely loved, admired and revered for the purity of your Excellency's justice and the breadth of your Excellency's benevolence, the petitioner most respectfully begs your Excellency to acquit him distinctly of the charge of the so-called misconduct laid at his door by the Committee which was illegally formed out of malice to ruin him, and after a careful and thorough shifting of the facts noted above, to do him justice which is the characteristic of your Excellency's benign Government by sanctioning, in modification of the order No. 773 M, Mis. dated 18th April 1898, the petitioner's full salary due from 15th October 1893 to 18th February 1896 under article 215 (*b*) (i) of the Civil Service Regulations.

For which act of justice, as in duty bound, the petitioner shall ever pray,

Your Excellency's most obedient and humble servant,

W. Murugesa Mudaliar

WALLAJAHPET,
15*th June* 1898.

Exhibit A,

To

His Excellency the Right Honorable the Governor in Council,

FORT ST. GEORGE.

(THROUGH THE DIRECTOR OF PUBLIC INSTRUCTION).

The humble petition of W. Murugesa Mudaliar,
1st Assistant Master, Municipal Middle School,
Wallajahnagger.

MOST RESPECTFULLY SHOWETH :—

1. That Calendar Case No. 286 of 1893 was enquired into and disposed of by the Stationary Sub-Magistrate of Wallajahnagger in the North Arcot District on or about 8th June 1893.

2. That Petitioner was examined as a witness for the prosecution and he deposed to what he knew of the matter.

3. That some time after, a pseudonymous petition bearing date the 4th July 1893 alleged to have been written by one Gopala Pillai (copy of which is herewith presented and marked No. I) was said to have been received at the office of the Head Assistant Magistrate of North Arcot.

4. That as the said petition purported to cast imputations upon the impartiality of the Stationary Sub-Magistrate in the said Calendar Case, the Head Assistant Magistrate, on the application of the Stationary Sub-Magistrate, put him in possession of the original with a view to the detection of the authors of the petition complained of.

5. That the said petition was entrusted to the Head Master of the Municipal Middle School, Wallajahnagger, with a view to his tracing out the writer of the same.

6. That the Head Master soon after made enquiries into the matter when a boy named Damodarum, a student of the 3rd Form, gave information that the handwiting resembled that of one Sivalingham, a pupil of the same class, which is taught by the Head Master.

7. That on Sivalingham being questioned about it by the Head Master, he denied all knowledge of the petition (*vide* Enclosure No. II).

8. That it would appear that nearly 7 weeks after this denial by Sivalingham, during which the boy was frequently sent for and questioned by the Stationary Sub-Magistrate, he made a statement in the house of the Sub-Assistant Inspector of Schools where the Magistrate was present to the effect that he wrote the petition complained of.

9. That the said statement does not appear to have ever been recorded and that 3 days after the said Sivalingham was taken to the Stationary Sub-Magistrate's house where the Village Magistrate of the Station was sent for and Sivalingham is supposed to have given a statement (Enclosure No. III) implicating Petitioner and one Seshachallam Chetty, a teacher of the Municipal Primary School, and one Ramaswami Chetty in the matter of the drafting of the petition.

10. That upon the said information the Stationary Sub-Magistrate applied to the District Magistrate for sanction to prosecute Petitioner for having got the pseudonymous petition written against him.

11. That the District Magistrate while refusing such sanction sent up the papers to the Chairman, Wallaja Municipality, asking him "to consider the advisability of removing (Murugesa Mudaliar) Petitioner from his post unless he can clear himself of the charge brought against him" (*vide* Enclosure No. IV).

12. That thereupon the Chairman appointed at his own instance a Committee consisting of 1. M. R. Ry. C. Venkatakrishna Mudaliar Avergal, 2. M. R. Ry. W. Vijayaraghava Mudaliar Avergal, 3. M. R. Ry. C. Kothundarama Naidu Garu, 4. M. R. Ry. V. Sesha Chariar Avergal, and 5. M. R. Ry. M. Sundaresa Iyer Avergal, Nos. 1 and 2 being Pleaders practising before the Stationary Sub-Magistrate, and No. 3, being the person in whose house the boy was questioned in the presence of the Stationary Sub-Magistrate, to enquire into the matter and to report to him.

13. That the Committee during the course of enquiry made a report on the 14th of October 1893 recommending the suspension of Petitioner for alleged insubordination and insolent behaviour towards the Committee, such a step being considered necessary "to facilitate the enquiry and to preserve the prestige of the Committee" (*vide* Enclosure No. *V*).

14. That Petitioner was suspended by the Chairman on *Sunday*, the 15th of October "pending the result of the departmental enquiry" and still continues to be under suspension.

15. That the Committee protracted the enquiry till the 14th of December 1893 when they submitted their report (*vide* Enclosure No. VI).

16. That the Chairman convened a meeting of the Council on the 25th of December 1893 at which only 6 of the 16 Councillors were present and passed proceedings to the effect that Petitioner should prosecute Sivalingham "with a view to vindicate his character by recourse to judicial proceedings" (*vide* Enclosure No. VII).

17. That Petitioner intends taking the step suggested by the said resolution and meanwhile begs permission to show to Your Excellency in Council that all the proceedings in this matter taken against the Petitioner are illegal and *ultra vires* and have been characterised by a spirit of unfairness and vindictiveness.

18. That Petitioner humbly submits that the Chairman has no power under the District Municipalities Act to nominate a Committee of his own accord. Section 38 which deals with the appointment and procedure of Committees reserves the power to the Municipal Council and not to the Chairman alone. Nor can he under Section 32,

Clauses 2 and 3, delegate any power to Councillors without the consent of the body corporate.

19. That Petitioner in taking this technical objection is not actuated by any desire to evade justice. For if the Committee had been appointed by the Council, it would not have been composed of such personal friends of the Stationary Sub-Magistrate as the actual composition of the Committee showed.

20. That Petitioner further submits that it is doubtful whether the Chairman has authority to suspend Petitioner as he has done: Petitioner was a teacher in a Government School before the school and the staff were placed under the control of the Municipality. Under G. O. (paragraph I), dated 7th August 1891, No. 1874, (Local and Municipal), Petitioner continues to be a Government servant as has been repeatedly held by Your Excellency's Government, amenable to the control and supervision of the officers of the Educational Department and that his claims for pension are governed by Article 849 of the Civil Service Regulations. Sections 40 to 42 of Act IV of 1884 apparently do not cover the cases of Government servants whose pensions are drawn from the Government Exchequer without any contribution from the Municipality (as is the case with the Petitioner) and whose services must be presumed to have been lent to the Municipality and who should be regarded for all practical purposes to be clothed with the full rights and duties of Government Servants [*vide* G.O. No.1768, dated 17th August 1883]. Petitioner therefore submits that the power exercised by the Chairman in suspending him is not justifiable. It is probably for this reason that Medical and Vaccine servants ~~even though~~ in the Vicinity do not they come under the purview of Sections 40 to 42 are exempted from the control of the Municipal Council without the previous sanction of the Head of the Medical or Sanitary Department [*vide* G. O. No. 1654, dated 6th October 1891] being obtained before dealing with them, there being no contribution made by the Local Bodies towards their pensions.

21. That Petitioner in bringing the above objection to the notice of Your Excellency in Council again wishes to say that it is not merely as a technical objection that he raises it. If the Chairman had consulted the proper officers of the Educational Department, as Petitioner submits he was bound to do, he would not have suspended him upon such flimsy gounds as he had done. The Chairman states that the suspension is for gross insubordination and insolence.

22. From a perusal of the interim report of the Committee [Enclosure No. II], Your Excellency will see that the insubordination consists in Petitioner having asked for papers before answering certain questions and the insolence in Petitioner desiring that all that he said should be recorded and not what the Committee chose to put down as his: Petitioner humbly submits that it could never have been the intention of Your Excellency in Council to leave officials like himself who are Government Servants in every respect to be thus arbitrarily dealt with by the Chairman. Your Excellency will see the great injustice done to Petitioner in regard to his suspension when you find that the same was not in consequence of any *prima facie* belief as to Petitioner's guilt in the matter under enquiry, nor was it after Petitioner was given an opportunity to show that he was neither insubordinate, nor insolent. Your Excellency will further observe that the Chairman even in his final report wherein he accords sanction to Petitioner to prosecute Sivalingham does not cancel the order of suspen-

sion though it was then nearly 3 months since he was suspended and though it was said that the suspension was only "pending the result of the Departmental enquiry."

23. That even granting that the above two objections are not valid, Petitioner respectfully submits that the way in which the enquiry has been conducted, the treatment to which Petitioner has been subjected and the unwarranted insinuations that have been made against him, all tend to show that the proceedings were all one-sided and unjustifiable. In the first place, the enquiry has been wilfully protracted and when on the complaint of the Petitioner, the late Dr. Bradshaw wrote to the Collector to expedite the enquiry, the Chairman replied throwing the whole blame on Petitioner. Petitioner feels certain that when Your Excellency in Council sees the correspondence in this behalf (Enclosures Nos. VIII, IX, X, XI, XII, and XIII) Your Excellency will feel convinced that the whole course of the proceedings shows as remarked by Dr. Bradshaw, a determined desire to persecute the Petitioner. In the second place, Petitioner who was directed by the Chairman in an arbitrary letter not to leave Wallajah on pain of being dismissed (Enclosure No. XIV) was not asked to be present when the various witnesses in case were examined: every statement was taken behind Petitioner's back, and no opportunity was ever given to him to face his accusers and to cross-examine them. In the third place, what was simply intended to be a Departmental enquiry into the authorship of a pseudonymous petition assumed the proportions of an inquisition. Petitioner's money dealings, his law suits and his purchases of property were all looked into. Witnesses were examined to show that Petitioner purchased property which subsequently involved him in litigation. Petitioner's six days' absence on leave was magnified into "busy engagements in litigation to the prejudice of his legitimate work." The final meeting of the Council in this connection was held on the day on which the notice convening the meeting was issued and interested partisans evaded attendance on days when they feared that one or two Councillors who took a dispassionate view of the matter were expected to be present (*vide* Enclosure No. XV). Copies of papers were long refused to Petitioner until the Collector peremptorily ordered the furnishing of the same (*vide* Enclosure XVI). To this day certain copies have not been furnished, although the enquiry is over.

24. The enquiry was very incomplete: all the witnesses that might be expected to be examined by a tribunal desirous of finding out the truth were not examined. Certain persons were said to have been present when Petitioner dictated the letter. Certain others are mentioned as having been referred to by Petitioner to Sivalingham for help. None of these were examined, and yet it is assumed against Petitioner that the boy spoke the truth. The boy is aged 13. The Head Master says (*vide* Enclosure II) that he has always been mischievous and his character far from satisfactory. He is a poor boy. He originally denied having written the Petition and yet this boy's story is believed without corroboration as against the statement of the Petitioner and that of Seshachalam Chetty (Enclosure XVIII) with the result that the sanction repeatedly sought for by Petitioner from the 16th of October was granted after a delay of nearly 3 months.

25. That even on the statements recorded as above described, Petitioner submits that no case has been made out against him. Your Excellency in Council will see that the final report as well as the two reports of the Committee do not adduce any reasons for showing that Petitioner had any hand in getting up the pseudonymous petition. Petitioner has been in Government service for over 20 years. He has borne an unblemished character as reported by the Assistant Inspector of Schools (Enclosure No. XVII). To submit to such idignities a person whose character in the past has been free from all blame and who has a large family to support shows vindictiveness of purpose and determination to run in at all hazards.

26. Petitioner finally submits that he is given to understand that two of the Councillors present at the final meeting being the only two who were not on the Committee [excluding the Chairman] were not made aware of all the circumstances of the case and of the resolution that appears to have been finally passed in the matter. Your Excellency will thus be in a position to see the unfairness that characterised all the acts of the Chairman, the Committee and the Council in the matter, their foregone conclusions to attach a stigma to the character of the Petitioner which has hitherto been unsullied and their concerted efforts to attach the blame to Petitioner in respect of a matter of which he is as ignorant as any body can be. Petitioner therefore prays that for the above reasons Your Excellency in Council may be graciously pleased to declare Petitioner is guiltless of the charges laid at his door, that his suspension is illegal and that he may be restored with arrears of pay to his post.

* List of papers connected with the case is hereto annexed, copies of material papers only (I to XVIII and *a* to *l*) being submitted herewith for perusal and return.

For which act of justice, as in duty bound,

SHALL EVER PRAY,

Your Excellency's most obedient

and humble servant,

W. Ramasegasa Mudaliár

WALLAJAHNAGGER,
15*th January* 1894.

List of papers connected with the case.

I. 4— 7—93. Pseudonymous petition.

II. 18—10—93. Letter of the Head Master forwarding Petitioner's appeal to the Inspector of Schools.

III. 30— 8—93. Statement of Sivalingham before the Village Magistrate.

IV. 3— 9—93. Collector's proceedings.

V. 14—10—93. Committee's report to the Chairman recommending suspension.

VI. 14—12—93. Committee's report to the Chairman.

VII. 25—12—93. Proceedings of the Council.

VIII. 27—10—93. Inspector's endorsement that the enquiry be held at once and suspension should not be longer than absolutely necessary.

IX. 31—10—93. Petitioner's appeal to the Collector and endorsement thereon of the Inspector of Schools and the Collector.

X. 15—11—93. Chairman's letter to Inspector of Schools that Petitioner was evading appearance.

XI. 10—11—93. Notice requiring Petitioner to appear before the Committee on the 10th.

XII. 19—11—93. Petitioner's explanation regarding delay to the Inspector.

XIII. 20—11—93. Inspector's letter to the Collector characterizing the enquiry to be a scandal and persecution.

XIV. 14—11—93. Chairman's order to the Petitioner to appear and not to absent from Wallajah on pain of dismissal.

XV. 23—12—93. Proceedings of the Council adjourning the meeting for want of a *quorum*.

XVI. 30—11—93. Collector's letter to the Chairman to grant copies and close the enquiry soon, and Chairman's endorsement thereon, dated 12—10—93.

XVII. 20—11—93. Assistant Inspector's letter to the Inspector regarding Petitioner's suspension.

XVIII. 12—10—93. Statement of Seshachala Chetty.

(*a*). 12—10—93. Statement of the boy Sivalingham before the Committee.

(*b*). 12—10—93. Statement of Damodarum before the Committee.

(*c*). 12—10—93. Statement of A. Doraiswami.

(*d*). 12—10—93. Statement of W. Murugesa Mudaliar (Petitioner).

(*e*). 15—10—93. Suspension order.

(*f*). 15—10—93. Chairman's letter to the Assistant Inspector of Schools regarding suspension.

(*g*). 3—11—93. Head Master's statement before the the Committee.

(*h*). 9—11—93. Statement of Kadir Badsha Sahib.

(*i*). 10—11—93. Statement of Arumuga Mudaliar.

(*j*). 9—12—93. Statement of Petitioner before the Committee.

(*k*). 12—12—93. Do. do.

(*l*). 21—12—93. Statement of Pattabiramier before the Committee.

(*m*). 4— 9—93. Arzi of the Stationary Sub-Magistrate, (copy not yet furnished).

(*n*). 12—10—93. Chairman's endorsement forwarding the Collector's proceedings for enquiry and report.

(*o*). 16—10—93. W. Murugesa Mudaliar's (Petitioner's) letter regarding suspension.

(*p*). ,, Head Master's letter to the Chairman intimating that arrangements have been made to relieve W. Murugesa Mudaliar (Petitioner).

(*q*). ,, W. Murugesa Mudaliar's (Petitioner's) letter appealing to the Assistant Inspector of Schools.

(*r*). ,, Petitioner's appeal and explanation to the Municipal Council.

(*s*). 10—11—93. Petitioner's reply to the notice requiring Petitioner to appear before the Committee on the 10th.

(*t*). 11—11—93. Committee's letter accusing Petitioner of causing delay.

(*u*). 14—11—93. Petitioner's application to Chairman for copies.

,, Petitioner's application to Committee for copies

(*v*). 1—12—93. Chairman's endorsement granting copies of some of the records.

(*w*). 8—12—93. Notice requiring Petitioner to appear on the 9th.

(*x*). 16—12—93. Petitioner's application for copies.

(*y*). 22—12—93. Do. do.

(*z*). ,, Notice to Petitioner to appear before the Council on 23—12—93.

(z_1). 25—12—93. Notice to Petitioner to appear before the Council on 25—12—93.

(z_2). 26—12—93. Petitioner's application for copies.

Extracts from the Report of the Second Committee.

Exhibit B.

Para 3 (L).—There is one more statement that remains to be sifted, that is, the statement of Murugesa Mudaliar, the unfortunate delinquent in this case. He was sent for on the 12th of October 93 to the Municipal Office where the Committee had assembled. The statement of Sivalingam was read over to him and he was required to explain it. At this time it must be noted that Murugesa Mudaliar had no knowledge whatever of the Sub-Magistrate's complaint against him, and the late Chairman was not kind enough to inform Murugesa Mudaliar of the charge against him and that a Committee had been appointed by him to investigate into that charge. In the absence of these informations, one in the position of Murugesa Mudaliar must have surely struggled in giving answers, but he did strive to say something. The substance of his statement is that he denied having written the pseudonymous petition. * * * * The enquiry of the 12th October apparently closed all quiet. Murugesa Mudaliar was again sent for on the 13th October and was questioned as to who his enemies were to whom he had referred in his previous day's statement. He replied that until he was furnished with the records against him, he was not quite prepared to make his defence. This is the integral portion of his statement of the 13th October and the Proceedings of the day closed with Murugesa Mudaliar's promise to submit a written explanation by the 16th idem. But, in the meantime, on the 14th of October, a wringing letter was sent by the Committee to the Chairman, accusing Murugesa Mudaliar of insubordination and insolence and demanding his suspension for preserving its prestige!!!. His requisition for copies of records was construed into serious insubordination and the explanation of an answer of his was represented as unpardonable insolence. There is nothing in his written statements to shew that he was discourteous or impertinent. Except the high language in the Committee's letter, the records do not shew any spirit of disrespect or impudence on the part of Murugesa Mudaliar. On the strength of this hollow representation, the late Chairman without calling a word of explanation from Murugesa Mudaliar thought fit to suspend him on the 15th idem, *a Sunday*. Perhaps, the late Chairman thought that the very administration of the Municipality would be endangered if he should wait till Monday, the next working day. So, he could not peacefully pass the Sunday without passing the order of suspension the very day. In the memo sent to Murugesa Mudaliar, he was informed that he was placed under suspension pending the result of the enquiry by the Committee and not for any insubordination or insolence, but it was so represented to his Departmental superiors. In my humble opinion, there was no necessity at all for this suspension and it could not but be said that it was a prejudicial step against Murugesa Mudaliar. * * *

Para 9. Para 4 of the Committee's report deals with the insolent and insubordinate behaviour said to have been presented to the Committee by Murugesa Mudaliar. I should not have thought it worth while to say anything here on the subject having already spoken of it in para (L) supra, if the Committee had not referred to the explanation of Murugesa Mudaliar, dated 16-10-93, as giving conformation to the Committee's report, dated 14-10-93. The point for decision here is, if Murugesa Mudaliar's explanation, dated 16-10-93, contains any impudent observations or is written in any spirit of insolence. It can be seen from his explanation that he has been sufficiently deferential to legitimate authority and has nowhere shown any spirit of discourteousness. But he has in a submissive

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tone raised a number of technical questions which a calm and dispassionate body would not have treated as impudent conduct. Here, Murugesa Mudaliar was an accused and added to it he was kept in darkness as to the origin of this Committee and as to origin of the charge against him and as such he was perfectly welcome to question matters. Under similar circumstances, it would have been the duty of a just tribunal to have explained every point raised by him and to have afforded all reasonable facilities for his defence instead of handing him up for imaginary insubordination and damning him for it. Thus it can be seen that the charge of insubordination holds no water in it, but completely breaks down.

Para 10. Then going to para 5, it explains the delay on the part of the Committee in disposing of this case. Even here, the unfortunate Murugesa Mudaliar has been made a victim. The Committee clearly explains that chiefly owing to the evasive conduct of Murugesa Mudaliar and his failure to attend before them when required led to the delay. But the records unfortunately fail to disclose that such was the case. He was required to attend before the Committee on the 12th and 13th October 93 and he did so on both the days. The next time he was sent for was the 10th of November 93, but on this day he was only given an option of attending and he availed of the option by not attending. Wherein consisted his evasiveness, I am unable to see and this appears to be nothing but a pure imaginary charge. But on the other hand, a charge of injudiciousness was sustainable against the Committee or the Chairman in it or his not having furnished him with the copies of records he wanted in spite of his cries from the very commencement. Not until the Collector interfered at the request of Dr. Bradshaw and observed that copies of records should be furnished to him at once, were the copies of the depositions of Seshachala Chetty and the Head Master were given him on the 1st December 93. Even then the copy of the Collector's Proceedings with its enclosures was refused him and he was informed that it would not be given him until the enquiry came to a close. I fail to see the logic here. What was in the Collector's Proceedings that necessitated its being kept back from Murugesa Mudaliar, is a hopeless secret. It was no state secret but it was a very ordinary order passed in the course of business and as such a copy thereof ought not to have been refused. Again it is ridiculous to find in the Chairman's memo, dated 1st December 93, that the copy of this very document would be given after the close of the enquiry. I cannot understand how this document which was once a privileged one during the enquiry lost its prestige when the enquiry closed. According to the promise laid out by the Chairman in the above memo, he was kind enough to give Murugesa Mudaliar a copy of this Proceedings on the 4th January 94, when the whole performance was over, but even then without its enclosure which is no other document than Mr. Tiruvengada Mudaliar's letter or complaint on which rests the whole proceedings and a copy of this document has not been furnished to Murugesa Mudaliar up to date. This singular circumstance speaks of itself and can better be imagined than described.

Para 11. The Department which Murugesa Mudaliar has served for the last 20 years speaks of him highly and bears excellent testimony of his character. He obtained the same good character from the trustees of Sholinghur Anglo-Vernacular School in which he served for a period of 4 years (Vide the certificate of the trustees).

Para 12. Under these circumstances, I feel it incumbent on me to report for the information of the Council that there is not a particle of evidence for either suspending Murugesa Mudaliar or dispensing with his services. There are no circumstances from which any reasonable inference can be drawn finding Murugesa Mudaliar guilty. * * * * In conclusion, I would recommend that Murugesa Mudaliar be distinctly acquitted of all blame after a careful and a thorough sifting of every aspect of the case by the Council and he be restored to his post.

Para 14. Murugesa Mudaliar put in an appeal petition to the Council on 13-1-94 against the order of suspension by the Chairman. But it does not seem to have received any attention.

Para 18. It is nothing strange that the points referred to in the preceding 4 paras, and the general nature of procedure adopted in this case should have furnished Murugesa Mudaliar cogend grounds to justify his apprehension that he would not meet with even-handed justice at the hands of the Committee or the late Chairman. His fears regarding the relations that existed between some of the members of the Committee and the Sub-Magistrate, as referred to by him in the latter part of para 12, of his statement of his case, were for the same reasons justifiable and could have been honestly entertained.

Para 19. There are 2 legal points raised in this case, that is, first, if the Chairman can himself appoint a Committee as he did in this case; secondly, if Murugesa Mudaliar is entirely at the disposal of the Municipality without the intervention of Government. As regards the 1st point, I am led to answer in the negative and I consider that the Chairman has not such power (Vide section 38 and clause 3 of section 32 of Act IV of 1884). If my view is correct, I would ask the Council to quash all the Proceedings in this case as they would be resting on a wrong basis and dispose of the matter afresh particularly as Murugesa Mudaliar was highly prejudiced in his defence.

Para 20. As for the second point, I leave it to the Council for its decision.

(True Extract.)

M. Murugesa Mudaliar

Extract from the late Chairman's letter.

Exhibit C.

Para 15. I do not feel called upon to discuss Murugesa Mudaliar's case, but a few brief remarks may not be out of place, the petitioner (Mr. Sundaresa Aiyar) having referred to it at some length. Murugesa Mudaliar's case was made a party question, as there were two parties then in the Council and he would appear to have been made a victim of party spirit and circumstances as the records shew, and the late Dr. Bradshaw invited the attention of the Collector and requested his intervention to prevent a scandal and persecution of Murugesa Mudaliar.

Para 16. The Council went into his case thoroughly * * * * . Bradruddin Sahib, a councillor, who had tried to influence the councillor and Police Inspector M. R. Ry. Ramachandra Roa Garu, one of the members of the (second) Sub-Committee appointed to report on Murugesa Mudaliar's petition, against Murugesa Mudaliar,—declared voluntarily to the Council and me that some of the facts and papers laid before the Council by me were never placed before the Council that dismissed Murugesa Mudaliar. In fact, Murugesa Mudaliar's case was sprung upon that Council and not a single paper connected, * * * *—would appear to have been considered by the Council that dismissed him. The late M. R. Ry. Venkatakristna Mudaliar so managed the matter as to bring about summary dismissal without discussion and notice to Murugesa Mudaliar of his right of appeal to the Council to gratify his personal grudge towards Murugesa Mudaliar, a fact of which I had acquired knowledge from the late M.R.Ry. Venkatakristna Mudaliar an acquaintance of mine and before I became the Chairman. The petitioner (Mr. Sundaresa Aiyar), the President of the first Sub-Committee and who harps on Murugesa Mudaliar's case was himself an avowed enemy of Murugesa Mudaliar. He had a quarrel about 4 years ago with Murugesa Mudaliar over some firewood and since then they were not on speaking terms. These facts were ascertained by the Council from the then Head Master of the school—Venkatakrishna Aiyangar who was sent for and examined verbally. The facts stated by him were not traversed by the petitioner (Mr. Sundaresa Aiyar) though he would not candidly admit the alleged enmity. The petitioner (Mr. Sundaresa Aiyar) instead of disclosing this circumstance which should have influenced him in his proceedings against Murugesa Mudaliar and withdrawing from the Sub-Committee as an honest man should have done, he willfully kept it back from the Council on both the occasions when he was appointed in the Sub-Committee and took a very prominent part in the Sub-Committees, constituting himself the president of the first Committee. His reports furnish ample evidence of strong bias against Murugesa Mudaliar and yet he complains that the Council's minute in connection with this matter is unjust and only the outcome of personal malice,—which is quite in keeping with his other reckless allegations. In his (Mr. Sundaresa Aiyar's) petition he does not touch upon his admission to the Council that he wrote his report (second) in anger. He slyly overlooks it. He (Mr. Sundaresa Aiyar) was angry, because, as his admission signifies, he could not tolerate the conduct of a brother councillor, who unfortunately does not see his way to endorse his views and actually differs from him and supports a man, whom he tried to victimize to his wrath.

Para 18. * * * * The petitioner, Mr. Sundaresa Aiyar, though an avowed enemy of Murugesam took a very leading part as a president and a member of two Sub-Committees in Murugesa Mudaliar's case; and if his own observation is applied to him, what should be said of his conduct?

Para 21. * * * * I may here observe that, on the other hand, there was an attempt not only on the part of one or two councillors, but also by some outside, to canvass votes against Murugesa Mudaliar. * * * *

(True Extract.)

M. Murugesa Mudaliar

Extract from the late Chairman's letter.

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(True Extract.)

M. Murugesa Mudaliar

(2)

Enclosure to Despatch No. 1753
18/7/98

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
17 JUN. 98
R. R. No.
MADRAS.

From

W. Kumaragesa Mudaliar
3rd Assistant Master,
Municipal High School,
Walajapet.

To

The Director of
Public Instruction
Madras.

Honored Sir,

I beg to request that your honor will be so kind as to forward the enclosed papers to His Excellency the Governor-in-Council with your honor's strong recommendation to get me fair justice in my pitiable case. I further beg to say that I have submitted duplicate copies to His Excellency by the same post.

I beg to remain,
Honored Sir,
Your honor's most ob.t Servant,
W. Kumaragesa Mudaliar

Walajapet
15th June 1898

Enclosure 2 of Despatch No. 1783
18/7/98

DIRECTOR OF PUBLIC INSTRUCTION
RECEIVED
17 JUN. 98
R. R. No.
MADRAS.

From

W. Veerayya Mudaliar
3rd Assistant Master,
Municipal High School,
Walajapet.

To

The Director of
Public Instruction
Madras.

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I beg to remain,
Honored Sir,
Your honor's most ob.t Servant,
W. Veerayya Mudaliar

Walajapet
15th June 1898

2
24 Aug 98

R.R.No. 8604 of 98

From
M. Murugesa Mudaliar
3rd asstt master, Municipal
High School Vellajanagar.

Requesting to forward the memorial
to His Excellency the Governor in
Council with strong recommendation

Rec'd 8604/98 No. 7753
18-7-98

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2462

Submitted to Government.

2. The memorialist has not advanced any reason why G.O. No. 773 M. dated 18th April 1898, should be reconsidered.

3. This teacher's conduct has of late been very unsatisfactory and, in the interest of the Valajapet municipal high school, I have instructed the Inspector to transfer him elsewhere at the earliest opportunity.

D Duncan

Director of Public Instruction

When given for copying ——
When copied ——
When examined ——
When signed —— 189 5/8

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.							
Papers 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.

When given for copying ——
When copied ——
When examined ——
When signed 5/8
} 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.								
PAPERS 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.

[R.O. / 10] 10,000-19-5-11.

1378 dn

MADRAS RECORD OFFICE.

Block No. III

Paper taken out of the Records from the charge of the Referencer,

Dept. Revn Press / Mis. / Rout. No. 1378 dated 4-8-28 191 . Rack No. Range,

Date taken out.	For what purpose.			Initials of Referencer.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
24/8/28	Rev 2800 m				30/8/28	
	mis 2285		1/28			
8/9/28	Rev.	4838	1/28			
	Rpe	3059	1/28		16/11/28	

Date taken out.	For what purpose.			Initials of Referencer.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			