[L. & M.
9,000-3-]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 317 M

DATED 7-3-99

INDEXED. [illegible]

[**Despatch Abstract.**]

1

Petition

Informing P. Purushothama Raju, late overseer in the Kumbakonam Municipality, that Govt. sees no reason to interfere on his behalf regarding his dismissal from his appointment.

BACK PAPERS.

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

FURTHER PAPERS.

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

[x/25]
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 373 M. of 99.

SUBJECT.

Petition from P. Purushothama Raju, Overseer, Kumbakonam municipal

FOR ORDERS.

The memorandum forwarded by the Collector gives a full and clear history of the petitioner's case. It is established beyond doubt that the repairs were badly carried out and that the accounts kept were incorrect and unreliable. The petitioner alleges that the blame for the bad work rests on the Subcommittee appointed to supervise the work. No doubt the general supervision of the work was entrusted to the Subcommittee, but as the work was executed under the immediate supervision of the petitioner (overseer), he must be held responsible for the faults in the execution of the repairs.

Vide the Sub-Collector's letter to the Collector dated 8th July: '98 (Flag N.) and the Sub-Committee's report (Flag M.)

Vide para. 8 of his petition O.

In

In his explanation to the chairman dated 26th March 1897, the overseer did not attempt to shift the responsibility on to the Subcommittee and his present attempt to do so seems to be an afterthought.

The draft order on the current is submitted for approval.

V.R.
1/3/99

Draft passed
A.T. 3.3.99

But does any appeal lie to Govt. in such cases. I thought only the Dt. Engr. could appeal to Govt.

A.T. 2.3.99.

Note for the Secretary.

Under No. 1 of the rules issued in G.O. 918 L, dated 25th April 1889, the appointment of persons to offices under Municipal Councils carrying a salary of Rs 50 & upwards is subject to the Sanction of Govt. and Rule 2 says that, in cases of dismissal, "a second appeal shall, in the "case of servants whose appointments "requires the Sanction of Government, lie to the Governor in Council". The Petitioner, as overseer of the Kumbakonam Municipality was paid Rs 60 per mensem and a horse allowance of Rs 15, this appointment was Sanctioned by Govt in G.O. No. 1868 M., dt 8th November 1895. Flag B.

2\.

An appeal therefore lies to Govt in his case.

H.M.

V.R.
3/3/99

A.T.
3.3.99.

593 / Mil of 98 Mil

Current No. 4446

Local & Munl. (1898) Department.

CURRENT No. 373 M

D. Dis. 351/Rev of 1899. Enc. 4 files of Records. dated 26th January 1899

Forwarded to Government with 4 files of connected records and a memo. showing the history of the case.

Order

Tiruvagnanam Pillai
28.1.99
for Ag. Collector

From The Chairman Municipal Council Kumbakonam.

No. 511.

Dated 7th November 1898.

Received

Registered

Enclosures Tns. & 21 files.

Spare copies

Sm R

Misc. No. 317 Mis ~~8.7.3.99~~

Order.

H.M. A.T. 6.3.99

The Government sees no reason to interfere on behalf of the petitioner.

V.R.
1/3/99

A.T.
1.3.99

SUBJECT.

Submitting, with remarks, the appeal petition of P. Purushathama Raju late overseer in the service of this Municipality

---

To The Petitioner B.O.
" Collr. of Tanjore (with 4 Enclosures returned) B.O. + + Per Register Post
" Ch. M.C. Kumbakonam

Desp. 9/3/99

B.O.
16/2

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

MUNICIPAL OFFICE,
25 OCT. 98
KUMBAKONAM.

TO

HIS EXCELLENCY
THE GOVERNOR IN COUNCIL OF MADRAS
OOTACAMUND.

The humble appeal of P. PURUSHOTHAMA RAJU,
late Municipal Overseer of the Kumbakonam
Municipality, Kumbakonam, Tanjore District.

Through. The Chairman Municipal Council Kumbakonam
and THROUGH THE COLLECTOR OF TANJORE.

Most Respectfully Sheweth:—

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

Flag

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

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

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

Vide the Cl
resln of 12-11

25/12/98

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

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

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

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

× By the Chairman

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

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

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

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

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

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

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

Vide para. 4(2) of
of G.O. No. 565 M
14-3-98

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

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

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

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

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

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

P. Purushothama Rau
72. Kadalaikudy St: east
Kumbhakonam
15-9-98

KUMBAKONAM:—LORD RIPON PRESS.

Exhibit A.

MEMO No. 253

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

12—5—98. (Signed) T. S. SIVASAWMY ODAYAR,
Chairman.

(True copy.)

Exhibit B.

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

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

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

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

(True copy)

Exhibit C.

MEMO No. 198.

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

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

(True copy.)

Exhibit D.

No. 194.

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

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

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

1—4—98.

(True copy)

Exhibit E.

No. 2653.

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

FROM

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

To

THE CHAIRMAN
MUNICIPAL COUNCIL
KUMBAKONAM.

SIR,

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

I have the honor to be
Sir,
Your most obedient servant,
(Signed) HORMUSJENOUROJE
Assistant Sanitary Engineer to Government
For Sanitary Engineer to Government.

Exhibit F. (1)

MEMO No. 180.

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

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

24—3—98.

(True copy)

Exhibit F. (2)

KUMBAKONAM 31—3—98.

To

THE CHAIRMAN MUNICIPAL COUNCIL,
KUMBAKONAM.

Sir.

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

I beg to remain
Sir,
Your most obedient servant
P. PURUSHOTHAMA RAJU,
Municipal Overseer.

Exhibit F. (3)

TO

THE CHAIRMAN MUNICIPAL COUNCIL
KUMBAKONAM

SIR,

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

I beg to remain.
Sir
Your most Obedient Servent
P. PURUSHOTHMA RAJU
Municipal Overseer.

Exhibit F. (4)

To

THE MUNICIPAL COUNCIL, KUMBAKONAM.
THROUGH THE CHAIRMAN MUNICIPAL COUNCIL
KUMBAKONAM.

SIRS,

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

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

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

I beg to remain
Sirs,
Your most obedient servant,
P. PURUSHOTHAMA RAJU.

Exhibit F. (5)

SIR,

With reference to your Memo 198 dated 10th April 98, I beg to state that as requested by me my appeal has not been placed before the Council even in its meeting of the 10th instant. As under the said memo I am to submit my resignation by the 12th instant before which time it does not seem to be possible to dispose of my appeal I pray that the time fixed for submitting my resignation may be put off till after the disposal of my said appeal. I also beg to submit that my conduct with reference to Pottamarai Works had been noticed by the Council and finlly disposed of in their meeting dated 12th November 97.

I beg to remain
Sir,
Your most obedient servant,
7—5—98. (Signed) P. PURUSHOTHAMA RAJU.

Exhibit F. (6)

MUNICIPAL OFFICE
KUMBAKONAM.

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

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

(Signed) T. S. SIVASAWMY ODAYAR,
Chairman.
8—5—98.

T. SRINVASA VENCATACHARI,
(True copy) *Manager*
9—5—98.

Exhibit F. (7)

Kumbakonam 17th May 1888.

TROUGH: THE CHAIRMAN MUNICIPAL COUNCIL KUMBAKONAM.

TO
THE MUNICIPAL COUNCILLORS
KUMBAKONAM.

SIRS,

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

I beg to remain
Sirs,
Your most obedient servant,
PURUSHOTHMA RAJU,
Municipal Overseer.

KUMBAKONAM:—LORD RIPON PRESS.

1/V 25/10/98

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

2/373 | M/99

Proceedings of the special Meeting of the Municipal Council, Kumbakonam, held on the 12th November 1897.

Present.

M.R.Ry. T. S. Sivasamy Odayar Avergal Chairman
— W. B. Ayling Esquire I.C.S.
M.R.Ry. Rao Bahadur C. Nagoji Row Avergal B.A.
" V. Ponnusamy Nadar "
" Mahamad Umar Bapa Sahib
" A. C. Narayanasamy Iyer "
" N. Vaidyanatha Iyer " M.A.
" V. Krishna Iyer " B.A. B.L.
" Sivagurunada Chettiar " B.A. B.L.
" N. Krishnasamy Iyengar " B.A. B.L.
" T. Virapuri Mudaliar "
" T. S. Sivavadivelu Odayar "
" J. V. Bathrusamy Chettiar "
" N. Krishnasamy Chettiar "
" A. Rengasamy Chettiar "
" M. C. Doraisamy Chettiar "
" M. C. Amiruthalinga Chettiar "
" C. R. Jegannada Chettiar "

1. Read the report of the Sub-Committee
Consisting of M.R.Ry. K. Ranganatha Row Aver
M.R.Ry. N. Krishnasamy Iyengar Averga
and M.R.Ry. S. Sivagurunada Chettiar Averg
dated 20.8.97 and 20.10.97.

M.R.Ry. M. C. Amiruthalinga Chettiar Avergal proposes that the matter shoul be disposed of after the works are

examine

examined by a Competent Engineer. No one seconds this proposition.

2. M.R.Ry N. Vaidyanatha Iyer Avergal proposes that the overseer's services be dispensed with as it is beyond doubt from the reports of the two sub-Committees including the dissenting minute appended to the latter that he is untrustworthy and incompetent. M.R.Ry N. Krishnasamy Iyengar Avergal seconds this proposition.

7 voting for and 9 against: the Chairman and Mr. W. B. Ayling not voting. The proposition is lost.

M.R.Ry. N. Krishnasamy Iyengar Avergal
" A. C. Narayanasamy Iyer "
" Rao Bahadur C. Nagoji Row " "
" V. Krishna Iyer " "
" A. Rengasamy Chettiar " "
" N. Vaidyanatha Iyer " "
" C.R. Jaganada Chettiar " " Voting
for the proposition.

3. Proposed by M.R.Ry Rao Bahadur C. Nagoji Row Avergal that the overseer be given 6 months time to find employment elsewhere at the end of which time he shall cease to hold office and that he should also pay Rs 60 to the Council. Seconded by M.R.Ry T. S. Sivasamy Odayar Avergal. M.R.Ry N. Krishnasamy Iyengar Avergal proposes an amendment that instead of 6, 3 be substituted. M.R.Ry N. Vaidyanatha Iyer Avergal seconds the amendment: M.R.Ry N. Krishnasamy Iyengar Avergal adds that instead of 60, 100 be substituted; thereupon M.R.Ry N. Vaidyanatha Iyer Avergal withdrew his seconding. No one seconds this amendment.

M.R.Ry V. Ponnusamy Nadar Avergal proposes a second amendment that the overseer be required to pay Rs 60 and that he be warned; seconded by M.R.Ry M. C. Doraisamy Chettiar Avergal. This amendment being put to vote, 8 voted for and 7 against it; and 3 not voting two of these three, M.R.Ry M. C. Amirthalinga Chettiar Avergal and M.R.Ry J. V. Bathrusamy Chettiar Avergal stating that the overseer be not required to pay even this Rs 60.

The amendment is carried.

+ \+ \+ \+ \+

(S) T. S. Sivasamy Odayar
Chairman

(True copy)

T. Sivasamy Odyar
Chairman

the immediate supervision of the Overseer; and neither in the inquiry of the Sub Committee nor in the explanation submitted by him to this office has he shirked off responsibility in the manner that he does now. The overseer was thus morally and legally responsible for the work, especially as the members of the Sub-Committee could not be expected to pay the work the attention that its details required. The accounts connected therewith were scrutinized by the sub committee appointed for the purpose. On the report of this body the Council found that the overseer was guilty of serious neglect of duty in the preparation of the abstracts and decided that Rs 60 being the cost of bricks not satisfactorily accounted for by him, should be recovered from him with a warning. A neglect such as the one under reference on the part of this responsible officer entrusted with the carrying out of important municipal works costing large sums of money, betrayed his utter incompetency and was, in my opinion, a grave offence which called for a more exemplary punishment. In this view I was supported by the Sub Collector and the Collector.

As, however, I did not like to mar his prospects of securing employment elsewhere, I contented myself with directing him to quit the municipal service within a time reasonably fixed. And the overseer was evidently satisfied with my decision as copies of the correspondence quoted in his own petition would clearly show.

As ultimately he did not conform to this order, I had to dispense with his services in my capacity as Chairman. On his appealing against my decision to the Council, these latter in their resolution dated 11th August 1898 confirmed my decision.

I have the honor to be
Sir
Your most obedt. Servant
T. Swamy Ayyar
Chairman

Seen

I remember that there was a fairly large file about this. Show or obtain from Supt. Misc.

Lewis

14.11.

There are 3 files in this office connected with the Overseer [illegible]

19 NOV 1898

17/11/98

It seems that the Chairman's subsequent action was taken in defiance of the aforesaid opinion of the Council of which ~~the~~ he is the Executive Officer & that the Council on account of ~~by~~ its 2nd resolution is inconsistent ~~with itself~~.

It is I think clear that the Chairman has the right to punish & had the Council wished to do so, it might have reversed the order and adhered to its original resolution.

Clive.
Sub Coll.
18.11.98

19/11/98

Endt. on Cur. no 4446 of 18
Enc 3 (Dis files, Rev 1388, 2856 of 97 forwarded, & 909 of 98).

I do not think I am called upon to express an opinion on the merits of this appeal. As to the technical point raised I may offer the following remarks.

The Council resolved on ~~8~~ 12.11-97 that the Overseer shd. pay Rs 60 & receive a warning. The Sub Coll. pointed out that the power of punishing servants rested with the Chairman & not with the Council & that the Chairman was not bound by the resolution. Acting on this hint the Chairman dispensed with the overseer's services and his action was ratified by the Council. ~~It is~~ The first resolution was I believe carried by a very small majority and there is I think no doubt that the ~~Municipality~~ Council had the right to reconsider the decision when the matter came up again. The difficulty has arisen from the unfortunate resolution of 12.11-97 which has made

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D. Dis. 351 Rev. of 98.

ASSISTT SECY TO GOVT.
30 JAN 1899
LOCAL MUNL. EDL & LEG DEPT.

Memorandum

On the 13th April 1896, the Kumbakonam Municipal Council approv of an estimate for cleaning and repairing the Pothamarai Tank. On the 24th May 1896, it resolved to have the work carried out departmentally under the supervision of a sub-committee consisting of 5 councillors including the Chairman. Three of these took no part whatever in supervising the work and the real persons who had the management were the Chairman and another Councillor M. R. Ry. V. T. Chinnasamy Pillai avergal. The work was undertaken in May 1896 and finished by about July 1896 at a cost of Rs 3022-11-6. When the bills and vouchers relating to the work were submitted to the Council

M. R. Ry. N. Krishnasami aiyangar avl
" S. Sivagurunatha chettiar avl
" A. L. Tiruvengadam Pillai avl

M.R.Ry Rao Bahadur S. Sethyya avl
" A. C. Narayanasami Aiyar avergal
" A. L. Tiruvengadam Pillai avl

for sanction, it resolved to have them examined by a Subcommittee consisting of the marginally noted 3 Councillors. One of these, M.R.Ry. A.L. Tiruvengadam Pillai avl. did not sign the report of the Sub-Committee as by the time it was ready (3rd January 1897) he had ceased to be on the Council. The Sub-Committee's report was read at the meeting of the Council held on 28th April 1897 and explanations on certain points referred to therein was called for. On the 6th May 1897, the explanations were taken up for consideration and the Council passed the following resolution.

"Resolved that the Council accept generally the conclusions embodied in the report of the Subcommittee and regret that the work of the Pothamarai Repairs should have been done so perfunctorily and in such a manner as to have led to suspicion of fraud." A proposition to submit the bills, the Subcommittee's report and other papers for the orders of Government fell through. The following other propositions were moved at the meeting. (1) To suspend the Overseer and another Sanitary Inspector pending the final disposal of the matter; (2) to report to Government the conduct of Councillor M.R.Ry. V. T. Chinnasamy Pillai in having signed all bills without checking them; and (3) to record the opinion that the conduct of the Chairman in the matter is blame-worthy and that he is incompetent to supervise large Municipal work. All these were overruled by the Chairman on the score that they were not on the agenda of that day. On the 7th May 1897, M. R. Ry. N. Krishnasami Aiyangar avergal and 7 other Councillors recorded a minute of dissent questioning the propriety of the Chairman in ruling the aforesaid propositions as out of order. Mr. Clofield, the then Revenue Divisional Officer, in passing orders on the minute of dissent advised the Council to first consider whether a Criminal prosecution will stand against the Overseer and the Sanitary Inspector. Acting on this suggestion, the Council on 12th June 1897, appointed a "Subcommittee consisting of Messrs. Sivagurunatha Chettiar, N. Krishnasami Aiyangar & K. Renganada Rao to report within a fortnight of the receipt of the papers whether a Criminal prosecution will stand against the Overseer and the Sanitary Inspector or what other action should be taken against them." Two of the members of the Sub-Committee WS sent in a report dated 20th August 1897, while the third M. R. Ry. S. Sivagurunatha Chettiar sent in a separate minute of dissent on 20th October 1897. The two reports referred to above were placed at the meeting of the Council held on 12th November 1897 and the Council by a very narrow majority of one, resolved that the Overseer be made to pay Rs 60/ and warned. Against this resolution, 3 Councillors Messrs N. Krishnasami aiyangar, V. Krishna~~sami~~ aiyar and N. Vythinatha aiyar recorded a minute of dissent on 14th November 1897 protesting against the light and lenient way in which the overseer was let off. The charges which the 2nd subcommittee formulated against the overseer were (1) that the abstracts and accounts put in by him were false and unreliable; (2) that he had simply got up figures to fit in with the sums alleged to have been spent; (3) that the masonry repairs were done partly in brick and mud at a place which was certified in writing to have been done in brick and mortar; and (4) that he was not able to account for over 1,000 bricks paid for, for the work. On 25th November 1897, the Subcollector passed the following order on the minute of dissent.

"Recorded with the remark that under section 42 (3) of the Madras District Municipalities Act, the power of punishing Municipal subordinates lies with the Chairman and not with the Council and that as the resolution of the Council does not preclude the Chairman from taking further steps in the matter, no action appears to be called for with reference thereto." When a printed copy of the resolution of the 12th November 1897 was received in office the then Collector, Mr. Andrew called for a report from the Sub-Collector on 25th January 1898 as to what the Overseer did and whether he was guilty of any misconduct. At about the same time, Mr. R. Ry. A. Vythinatha aiyar avergal, an elected Councillor of the Kumbakonam Municipality, tendered his resignation of his seat on the Council and brought to the notice of the Collector that fraud was committed in the execution of the Pothamarai Tank Repairs and that the Overseer who was concerned in the matter was let off very cheap. The Subcollector in reporting on the conduct of the Overseer observed as follows:— "It is pretty clear that there was both bad work and short work in the masonry repairs.

Whether the Overseer connived at this or whether he was simply blind to it is a matter of doubt; in either case his conduct was extremely culpable." In his letter dated 1st March 1898, the Collector in drawing the attention of the Chairman to the Subcollector's order on the minute of dissent dated 14th November 1897 referred to supra, requested him to report in what manner he proposed to deal with the Overseer. He at the same time pointed out to the Chairman that the Overseer should not be allowed to take leave and extend it from time to time till the scandal has blown over and that in his opinion, he should insist on a resignation to take effect not later than

1st April 1898, if upon a consideration of all the facts, the Chairman has resolved to allow him (The Overseer) to quit Municipal Service without further punishment. The Chairman extended this period by more than a month and as the Overseer did not submit his resignation even then, his services were dispensed with.

Tanjore Collector's office
26th January 1899

[illegible] Pillai 26-1-99
for A. G. Collector

SM

RV

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READ AGAIN G.O., No. DATED
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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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