L. & M.
92.
00—15-10-00.

Local & Munl. (~~190-~~ 1899) Department.

MISCELLANEOUS.

G.O., No. 464 M

DATED 29. 3. 99

[Despatch Abstract.]

stablishment. Directing, with remarks, that aiyid Alauddin Sahib, the Secretary to Municipal Council of Negapatam, should revert to his appointment in the Registration Department. 47

K PAP

G.O.	No.	De	ate.	G.O	Date.

G.O.				at.	Date.

o taken out.

aken out of the Records from the charge of th

Press / Miscellaneous / Routine No. 463 dated 29. 3

FOR WHAT PURPOSE.

Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date

No 265/13

Removal of the Municipal Secretary, Negapatam

[L. & M.]
0—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No. dated 189

Again G.O, No. dated 189

Current No. 3833 M of 1898, dated , from Saiyad Mausin Sahib

" " 3838 M " 1898, " , " Chairman, M.C. Negapatam

" " 705 M " 1899, " , " the Chairman, M.C. Negapatam

Mis

ORDER. No 464 M dated 29/3/99

The Government considers that although the whole procedure to be observed in dismissing Government servants, which is laid down in G.Os No 1401 Public, dated 15th September 1879 and No 2290 Public, dated 3rd December 1883, need not be followed in the case of a Government servant on probation as Municipal Secretary, whose probation the Government is asked to terminate, yet it is essential that the faults found with him should be clearly and succinctly recorded, that his explanation should be taken thereon, and that the Municipal Council before which come to a finding as to which faults have been established. In the present case, however, ~~it seems to Government, that the Secretary, Saiyid Alauddin Sahib has not been quite fairly treated.~~ the Secy's His case was placed before the Council, not by means of a memorandum reciting his faults and accompanied by his explanations, but by two letters to the Collector entering into no specific details, unless read with a mass of memoranda and explanations which no body of Councillors could digest. Further, the Chairman has commented upon the Secretary's replies and explanations, denied their correctness and made new statements, which the Secretary had never seen. Hence the Secretary had no opportunity of knowing exactly of what he was accused or of meeting the accusations in the shape in which they went before the Municipal Council. In these circumstances, the Government is not prepared to go into the merits of the accusations against the Secretary. The [illegible]

Saiyid Alauddin Sahib from the post of Secretary cannot be appro nor can its action in placing hi under suspension pending the orde of Government, be upheld.

2. It is, however, clear that harmonious working between the Chairman and the Secretary is impossible and the Government therefore directs that the Secretary should revert to his post in the Registration Department, and should receive from Municipal funds his full pay as Secretary from the date of his suspension to the date of reversion. The Collector is requested to direct Saiyid Alauddin Sahib to report himself to the Inspector General of Registration without delay.

3. The Government concurs in the Collector's remarks in para. 4 of his endorsement on the Chairman's first letter read above.

(From orders)

P.R.
27/3/99

28 3 99

to [illegible] for c/1

CHIEF SECRETARIAT
28 MAR 1899
MADRAS

The Chairman M. C. Negapatam
of Tanjore
Despt.

[illegible] 1/4/99

[G./25]
1,000—16-3-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No.S 3833, + 3838 m/98 & 705 m/99

SUBJECT.

Reversion of the Secretary, Negapatam Municipality

FOR ORDERS.

N.14.

The Hon. Mr. Ratnasabapati Pillai, Chairman of Negapatam, took a great deal of trouble to get Sayad Ala-u-dhin, a Sub Regr. in Tanjore, appointed Municl. Secretary of Negapatam - writing in both demi-officially & officially when Govt. had vetoed the appointment - till at last Sir H. Bliss yielded. The Secr. took charge 30. ~~July~~ August acc. to X2.

X2

2. On the 5th Octr. the Chairman & the Secr. began to have misunderstandings, & on 12th Oct the former reported the latter to the Collr. The grounds of complaint were x ~~Tat~~ [illegible] Sanction peon; refusal."

A1

x One or two have been omitted as unimportant.

[illegible]

In refusing to check & initial [illegible] drafts on misc. petns [illegible] their subject shd be [illegible] to him by Council.	Practically denies this.	Explan.n may be accepted.
(m) [illegible]ing keys of office to [illegible]ved each night at his [illegible] office not to be opened [illegible]ing without his orders.	Order was issued for safety of records & due despatch of business.	Order improper without Chairman's sanction, considering the tension between them.

D,

3. On the 26. Oct the Chairman asked the Coll.r to get Govt. to close the Secy's probation (one year.) In this letter he accused the Secy of untruthfulness in some of his explanations, & criticized others, & he added some new charges:

(i) Omission to inspect Chole division for a fortnight; tells to explain & report when he last [illegible]iected.	"The Secy is on special duty of revision of house tax. Whenever he cd spare time, he inspects the important streets, but in cases of cholera he goes to such houses & sees that everything is properly attended to."	Answer contumacious.
G, Called upon to ~~refer~~ [illegible] in detail certain [illegible] to explain his ~~ex~~ curt "no remarks to offer,"	"Explanation has been called for from the persons in fault."	Do

(16)

In 2 or 3 instances took [illegible] of instructions or [illegible] planation, for a loss [illegible] ays.

(no opportunity for explanation.)

Inspectors "or some of them" not to do work believed by the [illegible] appertain to P. W. Branch.

~~Do~~

"From the enquiries made, I learn that no orders seem to have been issued by me to the Insp.^rs or at least to some of them, & it is not a fact that I have issued such orders".

The answer of a man either ~~a~~ very ignorant or very impertinent.

4. In his remarks on the Sec.^y's answers, the Chairman in some instances contradicted the Sec.^y on matters of fact, & in other instances criticized the answers & introduced new matter. Neither of these letters to the Col.^r were or have been shewn to the Sec.^y

The Col.^r told ~~him~~ the Chairman to put the matter before the Council.

5. The Chairman did so in a mem.^m dated ~~1~~ 28^th Oct (82), but this simply referred the Council for the facts to the letters.

[illegible]

See page 2 of the memorandum [illegible] 82

themselves

it to terminate the Secy's probation & remove him with the approval of Govt.

6. He also laid before the Council a communication addressed to it by the Secy (16. Oct) & the Secy's explanⁿ (17. Oct.).

X2

X

7. The former recites that on 5th Oct ~~the Chairman placed before~~ the Secy had refused to sign a letter which the Chairman wanted to send to a Councillor (with whom apparently his relations were not friendly) – on the ground that the terms of the letter were objectionable – the Secy declining to mix himself up in acts prompted by private feeling, & telling the Chairman so. To annoy the Secy, the Chairman then reduced a cashier who had been appointed on the Secy's recommendation – ordered a peon to take the seals from the Secy – told the manager not to take papers to him – in ten days annoyed him with 29 calls for explanation – told

[illegible]

room but with the Clerks – allowed him no papers to dispose of for these ten days – (& so on & so on). The Secy ended by asking for the delegation of powers under S. 32(1) "to make the Secy solely responsible for the administration" (i.e. asking for "the entire Executive power" ~~[illegible]~~ vested by that S. in the Chairman) or at least for a definition of duties, & a direction to the Chairman not to interfere with powers delegated to the Secy.

8. The "Explanation" of the Secy comprises replies (most of wh: have been abstracted in the table above a–m) to 25 memo of instructions or calls for Explanation. It must here be observed that the Council could only understand this Explanation by the laborious process of going through each memm & reading it with the reply – for the replies in many cases are unintelligible [illegible]

Negapatam Municipality

room but with the Clerks – allowed him no paper to dispose of for these ten days – (& so on & so on). The Secy ended by asking for the delegation of powers under S. 32(1) "to make the Secy solely responsible for the administration" (i.e. asking for "the entire Executive power" ~~[illegible]~~ vested by that S. in the Chairman) or at least for a definition of duties, & a direction to the Chairman not to interfere with powers delegated to the Secy.

8. The "Explanation" of the Secy comprises replies (most of wh: have been abstracted in the table above a–m) to 25 mema of instructions or calls for Explanation. It must here be observed that the Council could only understand this Explanation by the laborious process of going through each memm & reading it with the reply – for the replies in many cases are unintelligible [illegible]

[illegible]

D   L. & M. Sanitary   Negapatam Municipality

7.

J

He was suspended 10. Nov.

9. The Council resolved that the Secy's probationary period be terminated at once, & his removal from his post ordered subject to the approval of Govt, & that the Chairman place the Secy under suspension pending the order of Govt.

This was carried by 11 (including the Chairman) against 5 (including the H.A.C and two Europeans). - The latter & another European voted for an amendment that the matters were not sufficiently important for the action proposed - that the Secy had shewn lack of judgment & tact - but that his probation might continue.

Q

10. Mr Twigg considered that the Secy held an exaggerated view of his position & behaved accordingly - that the Chairman interfered unnecessarily & treated the Secy like a Clerk - that there were faults on both sides - that the Secy had done nothing to deserve the stigma

be considered to have recd 3 mos notice & be ordered to revert to the Regn Depart, drawing pay in the mean while.

In the case of the Secy's Successor, the Cow. considered he shd be allowed full powers under the delegation" otherwise there will always be friction unless the Secy is content to sink into the position of a mere manager.

11. In his appeal to Govt, the Secy contends his suspension is illegal under S. 40. cl. 3. – The S. says "No Govt servant employed by the Council shall (~~shall not~~) be dismissed × × without the consent" of Govt. This point does not seem well taken, as the consent of Govt was applied for, & without it the action of the Council falls to the ground – while with it the action is validated. (See also S. 39. A. 1.)

CN° 3833 in flag G

12. He also contends that he was never asked by the Council to answer the charges, nor did he have an opportunity to defend himself before it. – He

An. H. 1 0

to the procedure to be adopted in dismissing Govt. Servants

It is apprehended that while the whole procedure laid down by those orders need not be followed in the case of a Govt. Servant on probation as Municl. Secy., whose probation Govt. is asked to terminate – yet that it is essential

that the faults found with the Secy. shall be clearly & ~~Simply~~ succinctly recorded,

his explanation taken thereon,

both these papers laid before the Council,

the Council to come to a finding as to which faults have been established,

& the finding forwarded to Govt.

In cases where the administration of the Municy. has been seriously impeded by any fault of which the Council finds the Secy. guilty, there wd. seem to be no [illegible]

[illegible]

during the reference to Gov

13. Applying these principles, it appears that the Secy has not been quite fairly treated. His case was placed before the Council, not by a mem^{m} reciting his faults, & accompanied by his explanation, ~~by~~ but by two letters to the Coll: entering into no specific details, unless read with a mass of mem^{a} & explanations which no body of Councillors could digest. Further, it ha been noted above, that the Chairman commented upon the Secy's replies & explanation, denied their correctness, & made new statements which the Secy has never seen.

Hence the Secy had no opportunity of knowing exactly of what he was accused, or of meeting the accusations in the shape in which they went before the Council.

14. For these reasons it [illegible]

D 1. 1 th. Sanitary. Negapatam Municipality.

11.

should decline to go into the merits of the accusation, but should content itself by saying it is clear that harmonious working between the Chairman & the Secy is impossible, & that the Secy sd. revert to his post in the Regn. Dept., with full pay from the date of his suspension to the date of reversion.

Ast.

15. The Collr. view seems right that the Chairman was ~~at~~ in fault with his worrying interference — while it is submitted the Secy was also ~~at~~ in fault, greatly, in the tone of his replies to the Chairman & in his imputation of motives in his letter of 16. Oct. But it does not seem necy. to say so in the order, as this wd. be going against the attitude of not looking into the merits of the accusations.

X 2

Ast
17.3.99

The Collr's suggestion at the end of para. 10. above may be embodied in order.

HT

13 / 99

To prd. for c/. ... Ide

GOVERNMENT OF MADRAS
CHIEF SECRETARIAT
15 MAR 1899

Removal of the Secretary, Negapatam Municipality

LOCAL AND MUNICIPAL DEPARTMENT.

Current Nos. 3833 M & 3838 M of 1898.
and 705 M/99.

FOR ORDERS:

F With the second of the letters read above, the Chairman of the Municipal Council of Negapatam forwards a copy of J the Council's resolution, dated 8th November 1898, removing, subject to the approval of Government, under Section 39.A of the Act, as amended, its Secretary, Saiyid Alauddin Sahib, from his post, on charges of insubordination and mis-conduct, and also placing him under suspension, pending the issue of final orders in the matter. The charges on which the Secretary has been dismissed are fifteen in number and are detailed in the Chairman's letter. The G first letter is a petition from Saiyid Alauddin Sahib, in which he states that soon after the Council's resolution of the 8th November was passed, he was directed by the Chairman to hand over charge of his office to the Manager, which he did on the 10th idem, that as he is a Government servant, he is subject to the rules laid down in Section 40 (3) of the Act, which requires that no Government servant employed by the Municipal Council should be dismissed from such employme

Vide paras 5 to 20 of this letter. F

Removal of the Secretary, Negapatam Municipality.

LOCAL AND MUNICIPAL DEPARTMENT.

Current Nos 3833 M & 3838 M of 1898.

and 705 M/99.

FOR ORDERS:

F J With the second of the letters read above, the Chairman of the Municipal Council of Negapatam forwards a copy of the Council's resolution, dated 8th November 1898, removing, subject to the approval of Government, under Section 39.A of the Act, as amended, its Secretary, Saiyid Alauddin Sahib, from his post, on charges of insubordination and mis-conduct, and also placing him under suspension, pending the issue of final orders in the matter. The charges on which the Secretary has been dismissed are fifteen in number and are detailed in the Chairman's letter. The first letter is a petition from Saiyid Alauddin Sahib, in which he states that soon after the Council's resolution of the 8th November was passed, he was directed by the Chairman to hand over charge of his office to the Manager, which he did on the 10th idem, that as he is a Government servant, he is subject to the rules laid down in Section 40 (3) of the Act, which requires that no Government servant employed by the Municipal Council should b dismissed from such employme

Vide paras 5 to 20 of his letter. F

G

the consent of the Governor in Council or until three months' notice in writing to that effect shall have been given to the Chief controlling authority of the branch of the Government service to which such servant belongs, that under Section 39.A.(1), a Secretary can be removed only under the orders of Government, that the order of the Council removing him from office is therefore altogether illegal, and that further, the Council did not take his explanation of the charges brought against him by the Chairman, or give him an opportunity to defend himself before it, as it should have done in accordance with the instructions issued in G.Os. Nos.1401 and 2290, Public, dated 15th September 1879 and 3rd December 1883. The Secretary accordingly requests that the Government may suspend the execution of the Council's resolution of the 8th November, under Section 35 of the Act, and reinstate him in his appointment pending the final orders of Government, and that an opportunity may be given him to defend himself.

H + I

2. G.Os. Nos. 1401, Public, dated 15th September 1879 and 2290, Public, dated 3rd December 1883, require that in all cases of punishment and especially in all cases of dismissal of public servants "the person concerned should always be given a hearing before the final order is passed and a formal proceeding embodying the statements taken and the reasons of dis- sal should invariably be recorded", and

Vide portions marked with blue chalk on page 3 of the 1st G.O. H and on page 1 of the second G.O. I

that "the dismissing authority should always record in English under his own handwriting a statement showing briefly, but clearly, the charges brought against the official, the evidence supporting those charges, the motives which are supposed to have influenced him, and the opinion of the dismissing authority on each charge."

In the present case, the Municipal Council, which is the dismissing authority, does not appear to have taken the explanation of the Secretary on the several charges brought against him by the Chairman, nor has it recorded its opinion on each charge. The Council's resolution removing the Secretary in this offhand manner cannot therefore be upheld. It is, however, observed that before placing the papers before the Council, the Chairman called upon the Secretary to explain several of the charges detailed in the Chairman's letter and the Secretary's explanation is contained in the paper, flagged X, but it is not clear whether this was placed before the Council and considered by it at its meeting of the 8th November 1898, when it was resolved to remove him.

Vide the proceedings of the Council, flagged I

Flag X

I

3. On the merits of the case, the Head Assistant Collector says ~~that~~ "even if the 15 charges against the Secretary are considered, many of them will be found to be of a character which can scarcely warrant so serious a step as that which the Council has taken. In one or two

instances

instances, the Chairman should not in my opinion have taken cognizance of reports put in by the Secretary's subordinates against the Secretary and submitted apparently behind the latter's back. Instances of this are the 7", 8", and 9" charges, the latter being a specially trivial one. As to the 12th Charge, it comes to little more than that the Secretary's reply was unnecessarily curt. In the 11th, 13th and 15th charges again, mole-hills seem to have been unnecessarily exaggerated into mountains, +- + + As to the 14th charge, it does not appear how long these cattle pens have been in existence and the Secretary can hardly be expected to cleanse the Augean stables of Negapatam in the time which intervened between 15th October and 8th November, the date of his suspension. In fact the only serious charges against the Secretary are that he diverted a cholera peon from his proper duties to attend upon himself and that he used unwarrantable language to the Chairman. We have not heard both sides sufficiently, in my opinion, to decide definitely whether the Secretary's conduct in this respect is as black as it is painted. He is, however, much to blame for having made use of the peon even partially for his own convenience." Later on, the Head Assistant Collector observes that the relative positions of the Chairman and the Secretary require much tact in the Secretary and an equal amount of common sense in the Chairman, that in this

this instance, both have shown themselves deficient in these qualities, and that whoever is to blame, there is no doubt that an impossible position has been reached. He therefore suggests that the Secretary should be allowed to resign and return to his post in the Government service. The Collector also states "The Secretary held an exaggerated view of his position and behaved accordingly. On the other hand, the Chairman was disposed to interfere unnecessarily and to treat the Secretary like a clerk. There were faults on both sides and as these were evidently due to a misundertanding, it should have been possible to arrange the affair by defining more clearly the respective positions and duties of Chairman and Secretary. I endeavoured to bring this about, but found the Chairman resolved that he could never get on with the present Secretary, and matters had to take their course. It is no doubt now impossible for Saiyid Alauddin Sahib to continue to work under the present Chairman, but I venture to suggest that he has done nothing to deserve the stigma of dismissal." The Collector therefore recommends (1) that the Secretary should be considered to have received three months' notice from the Council (2) that he should be ordered to revert to his post in the Registration Department and (3) that he should be held entitled to draw his pay as Secretary for three months from the date of the Council's resolution or till he joins his [illegible]

Registration Department, if he does so within the three months.

4. The Head Assistant Collector observes that this unfortunate dispute between the Chairman and the Secretary proves the impossibility of any arrangement by which powers are partially delegated to the Secretary. Both he and the Collector therefore recommend that in appointing another Secretary it is absolutely necessary to insist on the full delegation to him of the powers and responsibilities allowed by the Act, as otherwise there will always be friction unless the Secretary is content to sink into the position of a mere Manager.

V.R.
31/1/99

Vide para 6 of his Endorsement

Vide para 4 of the Coll's Endorsement

---

7 Confidential

[L. & M.]
2[illegible]—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings:—

Removal of the Munl Secretary – Negapatam

Again G.O., No. dated 189 .
Again G.O., No. dated 189 .
Current No. 38387 of 1898, dated 19th November 98, from the Chairman, M.C. Negapatam
" " " 189 , " , "
" " " 189 , " , "

Reference No. 177
18/2/99

ORDER.

"The Chairman is requested to report whether the facts of the Case were placed before the meeting by means of a memorandum, and if so, to submit a copy of it without delay. He should also state whether the paper placed before the meeting had been shown to the Secretary and his explanation taken on it, and if ~~this~~ so, forward a copy of the Secretary's explanation together with all the material papers which ~~the Chairman~~ were placed before the meeting.

V.R.
15/2/99

W.T.
16-2-99

The Chairman, Mc Negapatam.

8.

Note for the Secretary

In reply to the reference made him, the Chairman submits a Copy the memorandum by which the facts the Case were placed before the meeting and states that as this memorandum was simply referred to the other papers circulate with it, a copy of it was not sent to the Secretary, but that all the matters contained in the papers referred to in the memorandum and the Charges against the municipal Secretary had been previou communicated to him, that his explanati was placed before the special meeting of the Council and that a copy of that explanation marked as Enclosure No. 8 has been submitted to Govt. He also submi copies of some other papers bearing on this Case which were duly ~~also~~ circulated to the Council, ~~and~~ but of which copies had not already been submitted to Government. It is however observed that no explanation has been taken from the Secretary by the Chairm himself on Charges Nos 5, 11, 12, 13 and 1 and that the Chairman's statement in reference to Charges Nos 11 and 12, is not correct.

Details H.I
16.3.99.

vide para [illegible] CSO 3138

7,

follows:—

beg to invite attention to my official mo (enclosure No. 20) to the Secretary dated 14th Ultimo regarding his continued attention to the carting of road materials to the work sites. He replied on the 17th dem in one line that "the overseer's report is awaited". When I asked for the Secretary's personal attention, he coolly refers me to the overseer".

The official memo to the Secretary which forms enclosure No. 20 to the Chairman's letter is dated 8th October 898, No. 279 and runs as follows:—

" Immediate arrangements should be made by the Secretary for the carting of the special of gravel which arrived 2 days back. It should be stacked on the work sites, and measurement accounts taken from the overseer, which should be personally checked by the Secretary. The cartage ll should be accompanied by the measurement accounts signed by the overseer & the Secretary and the payment order obtained from me [illegible] delay."

7,

Flag X
under No 279

Flag X

Z,

as hereunder:—

" Previously orders were sent on the subject to the overseer and he has been since reminded twice. The instructions will be duly attended to";

but he did not say that "the overseer's report is awaited", as stated by the Chairman.

In this connection, however, it has to be observed, that from the Secretary's letter to the ~~[illegible]~~ Chairman dated 17th October 1898, it appears that in reply to the Chairman's memo to him No. 313, the Secretary states that — the "overseer's report is awaited". But a copy of this memorandum has not been submitted to Govt., nor is this referred to in Charge No. 11.

10/3/99

Removal of Munl. Secretary

Vizagapatam

Ascertain whether the facts were placed before the Meeting by a memo., if so – a copy of it to be sent up –

had ~~it~~ the paper placed before Meeting been shewn to Secy & his explanⁿ ~~[illegible]~~ taken on it – if so, copy of explanⁿ wanted.

In short, all the material papers which the Chairman pla before Meeting. ~~or handed to Secy~~

W.T.
13.2.99.

Please see draft Reference put up.

14/2/99

[L. & M. Dept. 500—28-9-98.]

NOTE FOR THE FA

Para 2 of the note

How do the orders of 179 & 183 apply?

There is a statutory power to remove under S.39.A with the approval of Govt.,

(2) & the man was only on probation.

(3) To cut short a probationary period of a Munic.l Secy surely does not need such cumbrous procedure?

H.T.
3-2-99

Please see the attached slip.

V.R.
9/2/99

...es on his head. It seems ther

Note for the Secretary

(1) Section 39A of the Act no doubt gi
the Municipal Council power to re
move the Secretary with the approva
of Government, but this does not imply
that the Council can remove him
arbitrarily without satisfying itself
that he is really at fault and ther
fore deserves dismissal. The G.Os of
1879 and 1883 lay down the proced
[illegible] authority
hould follow in order to satisfy
tself that the man was guilty of th
harges brought against him, befor
t can arrive at any decision in
regard to the punishment to be
warded. Further, in this case as the
ouncil's decision is subject to the
pproval of Government, it is all
e more necessary that the G.Os of
79 and 83 should be complied
o that the Government may ha
ufficient materials for judgi
hether the Council's action wa
ustified. Attention is in this conn
vited to the following observa

"ufficiently, in my opinion, to de-
cide definitely whether the Secretary's
conduct in this respect is as black
as it is painted"

Please see also the Government of India letter printed in G.O. No 1313 Public, dated 31st October 1898, in which that Government insists upon the strict observance of the two G.Os above referred to.

(2) The f[illegible] man ony
nly on probation does not alter the case, in as much as his removal from service will probably involve the loss of his appointment in the Government service also

(3) The Council's present proposal is not merely to terminate the probationary period of the Secretary. On the other hand, it proposes to move him under Section 39-A of the t on charges of insubordination nd misconduct and has already laced him under suspension. If the Collector recommends, the n is allowed to revert to his

Y,

There is not the question but whether the procedure [illegible] in Cases where they apply
H.T.

Not at all
H.T.

J

Vide the resolution of the Council

This does not follow if there are suffi[illegible] [illegible] otherwise
H.T.

Q

Vide para 3 of the Collector's endorsement

If he has not had one already, he must certainly ha[illegible] a proper ~~et~~ opportu[illegible]ty of explanatio[illegible] but it does not f[illegible] [illegible] that the rather [illegible] brows procedure of "a Cor. dismissal" should be adopted.
H.T.
13-2-99.

charges on his head. It seems there fore proper to give him a chance of clearing up the accusations again him and if he is unable to explai them satisfactorily, to punish him for his misconduct

V.R.
9/2/99

N.

"ufficiently, in my opinion, to decide definitely whether the Secretary's conduct in this respect is as black as it is painted."

Please see also the Government of India letter printed in G.O. No. 1313 Public dated 31st October 1898, in which that Government insists upon the strict observance of the two G.Os above referred to.

(2) [illegible] was only on probation does not alter the [illegible] in as much as his removal from

the

Gov

al

pro

An

we

Lo

na

lac

is

Y,

[illegible] the question for whether the procedure [illegible] in Cases to which they apply. H T

Not at all. H T

If he has not had one already, he must certainly ha[illegible] a proper ~~at~~ opport[illegible]ties of Explanatio[illegible] but it does not f[illegible]is that the rather [illegible]brous procedure of "a. Con. dismissal" should be adopted.

H T
13-2-99

charges on his head. It seems therefore proper to give him a chance of clearing up the accusations against him and if he is unable to explain them satisfactorily, to punish him for his misconduct.

V R
9/2/99

No.

[illegible]ed 16th Dec. 1898

Received 17th Dec. 1898.

Registered

Enclosures 1

Spare copies.

SUBJECT.

Requesting that the order of the Council suspending him from the Office of Secretary may be cancelled under Sec. 35 of the Munl. Act and that an [illegible]

[illegible]

571

8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 617.

Office of the M. Council
Vizagapatam 9th Nov. 1898

Official Memorandum.

The Secretary is informed that the Council has resolved to terminate his probationary term now, and to remove him from his post subject to the approval of Government. He is further informed that in compliance with the Council's resolution he is placed under suspension from to day (viz. 9th Nov. 1898) pending the final orders of Government.

2. Mr. Sayyed Allauddeen Sahib is requested to hand over charge of all papers, books &c in his possession to the office manager.

(SD) P. Ratnasabapathy Pillai
Chairman M. C
9. 11. 98

(True copy)

Vizagapatam }
16th Decr. 98 }

Sayyadalauddin
Secretary

Negapatam
16th December 1898.

From

Saiyed Allauddeen Sahib
Secretary, Municipal Council
Negapatam

LOCAL & MUNICIPAL DEPT.
C... No. 3833 M

17 DEC. 1898

To

The Secretary to Government
Local & Municipal Dept.
Madras.

Sir,

I beg most Submissively to Submit, that the Government may probably be aware that I have been placed under Suspension by a Resolution of the majority of the Negapatam Municipal Council dated 8th Novr 1898 (copy enclosed); I was directed by the Chairman to hand over charge to the manager on the 9th November & I did So on the 10th November 98. I have Since been waiting for the orders of Government, but I have not been favoured with any.

2. I humbly request that, pending the final orders of Government on the Communication made by the Chairman the [illegible] of [illegible]

[illegible] 571 [illegible]

Negapatam
16th December 1898

From

Saiyid Allauddeen Sahib
Secretary, Municipal Council
Negapatam

LOCAL & MUNICIPAL DEPT.
C[illegible] No. 3833 M

ASSISTT SECY TO GOVT * LOCAL MUNG EDL & LEG DEPT *
17 DEC. 1898

The Secretary to Government
Local & Municipal Dept.
Madras.

Sir,

I beg most Submissively to Submit, that the Government may probably be aware, that I have been placed under Suspension, by a Resolution of the majority of the Negapatam Municipal Council dated 8th Novr 1898 (copy enclosed); I was directed by the Chairman to hand over charge to the Manager on the 9th November & I did so on the 10th November 98. I have since been waiting for the orders of Government, but I have not been favoured with any.

2. I humbly request that, pending the final orders of Government on the communication made by the Chairman, the [illegible] [illegible] 571 [illegible]

In this connection I beg to refer to the following G.O. Nos. 1401 & 2290, Public, dated 15th September 1879 and 3rd December 1883, respectively and published in the Local news Papers.

"The Local Government have accordingly directed the attention of all heads of Department to the rules published in G.O.s Nos. 1401 & 2290, Public, dated 15th September 1879 and 3rd December 1883, respectively, regarding the necessity for the reduction to writing, in the case of every Government servant whom it is proposed to dismiss from the Public Service of (1) the charges against him (2) his defence, and (3) the orders passed thereon by the dismissing authority. Copies of the whole of such proceedings should be maintained in every office and should also be furnished to the persons dismissed."

5. I beg therefore that the Government may be pleased to interfere under Section 35 of the Municipal Act and reinstate me in my office pending the final orders of Government and that an opportunity may be given me by Government to defend myself

I have the honor to be

Local & Munl. (1898) Department.

CURRENT No. 3838 M.

From The Chairman M. C. Negapata

Order

No. 643.

Dated 19th November 1898
Received 19 – December 1898
Registered 20th Decr. do
Enclosures
Spare copies.

SUBJECT.

Reporting for the orders of Government the Resolution of the suspending its Secretary Saiya Alauddin Sahib, from office on a charge of insubordination & ne

541

Local & Munl. (1898) Department.

CURRENT No. 3838 M

From The Chairman M. C. Negapatam

Order

No. 643.

Dated 19th November 1898.
Received 19 – December 1898
Registered 20th Decr. do
Enclosures
Spare copies.

SUBJECT.

Reporting for the orders of Government the Resolution of the M. C. suspending its Secretary Saiyid Alauddin Sahib, from office on a charge of insubordination & [illegible]

[illegible] 591

BACK PAPERS.

G.O.	No.	Department.	Date.
Lo	1199	Loc	5-[illegible]-98
-	712	M	4-4-98
-	130	L	18-1-98
-	2484	Loc	11-11-77
-	1605	Loc	17-7-77
-	1465	L	21-6-77
-	1536	L	9-7-76

~~FURTHER PAPERS.~~

G.O.	No.	Department.	Date.
-	2296	Public	3-12-83
-	1401	Pub	16-9-79

2

1

SECRETARY TO GOVERNMENT L. & M.
19 DEC 1898
LOCAL & MUNICIPAL DEPT.

Office of the municipal council
Negapatam: 19th November 1898.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3838 M.

From

The Hon'ble Mr R. Ry P. Ratnasabhapati Pillai Avargal
Chairman, Municipal Council,
Negapatam.

To

The Secretary to the Government of
Fort St. George
Local and Municipal Department.

[Through the Head Assistant Collector and Collector of Tanjore]

Sir,

(1) Enclosure no 1. Flag J

I have the honour to submit herewith an extract(1) from the proceedings of the Council at a Special meeting held on the 8th Instant regarding the conduct of its secretary. The Council has, for insubordination and misconduct, resolved to remove him from his post subject to the approval of Government under Section 39-A of the District Municipalities Act and to place him under suspension pending final orders.

(2) Enclosure no 2. Flag N

2. When the Council's nomination of the present incumbent, Saiyid Alauddin Sahib, was first submitted to Government, it vetoed it in G.O.(2) No. 712 M. Mis., dated 4th April 1898. The G.O. said:— "The Government is of opinion that the Council's nominee is not a suitable person for the appointment of Secretary of a large municipality like Negapatam. As the salary proposed is adequate to secure the services of a much more competent man, the Council is requested to [illegible]

[illegible] 571 [illegible]

(3) Enclosure no 3.

Flag S

Accordingly in G.O.[3] No. 1199 Mo. Mis, dated the 5th July 1898 the appointment of the present incumbent was sanctioned on probation for one year.

3. The Secretary joined his duties on 30th July 1898. But within the short interval of 3 months his probation has proved abortive. He has been guilty of insubordination and misconduct, not in one solitary instance, but a series of instances. In this connection, it will not be out of place to invite attention to the reply made by His Excellency the Governor on the 18th August 1898 at Negapatam to the address presented by this Council (Report[4] in the Madras Mail dated 19th August 98). On the question of the official relation between Chairmen and Secretaries His Excellency said:—

(4) Enclosure no 4

Flag T

"The Municipal Council also makes mention of the new provision whereby paid Secretaries are appointed to do the executive work of the municipal Councils, and it suggests the possibility that the delegation of all executive powers under Section 32(1) to the Secretary must operate so as to divest the Chairman of all responsibility. There was no intention, I can say, on the part of Government, that this should be the case. Our object, as far as I understand it, was to relieve the Chairman of a portion of his duties, not to divest him of his executive authority, and I hope it will be found that the result that you suggest, as being possible, will not arise in point of fact."

4. As the Collector, in pursuance of G.O. No. 1199 Mo. Mis / 5 - 7 - 98, had called upon me to report upon the probationary work of the Secretary, I had in the early stages in this office Communication no. 524 / 12.10.98 brought to the notice of the Collector in general terms the Conduct of the Secretary. In doing so I wrote:— "He (the secretary) joined his appointment only in August last, and inspite of the circumstance that he is on probation, he has chosen to behave in the short interval that [illegible] and the [illegible]

[illegible]

[illegible] 571 [illegible]

(3) Enclosure no 3.
FlyS

(4) Enclosure no 4
FlyT

Accordingly in G.O[3] No. 1199 Ms. Mis, dated the 5th July 1898 the appointment of the present incumbent was sanctioned on probation for one year.

3. The Secretary joined his duties on 30th July 1898. But within the short interval of 5 months his probation has proved abortive. He has been guilty of insubordination and misconduct, not in one solitary instance, but a series of instances. In this connection, it will not be out of place to invite attention to the reply made by His Excellency the Governor on the 18th August 1898 at Negapatam to the address presented by this Council (Report[4] in the Madras Mail dated 19th August 98). On the question of the official relation between Chairmen and Secretaries His Excellency said:—

"The Municipal Council also makes mention of the new provision whereby paid Secretaries are appointed to do the executive work of the municipal Councils, and it suggests the possibility that the delegation of all executive powers under Section 32(1) to the Secretary must operate so as to divest the Chairman of all responsibility. There was no intention, I can say, on the part of Government, that this should be the case. Our object, as far as I understand it, was to relieve the Chairman of a portion of his duties, not to divest him of his executive authority, and I hope it will be found that the result that you suggest, as being possible, will not arise in point of fact."

4. As the Collector, in pursuance of G.O. No. 1199 Ms. Mis / 5 - 7 - 98, had called upon me to report upon the probationary work of the Secretary, I had in the early stages in this office communication no. 524 / 12.10.98 brought to the notice of the Collector in general terms the Conduct of the Secretary. In doing so I wrote:— "He (the secretary) joined his appointment only in August last, and in spite of the circumstance that he is on probation, he has chosen to behave in the short interval [illegible] and the [illegible]

3

it necessary to keep you informed of what is transpiring here in these anxious days of plague, cholera &c, and plague precautions in connection with the ensuing Kandry feast at Nagore."

5. I shall now proceed to state in detail the several matters in which he has misconducted himself and been insubordinate. The charges are 15 in number.

(5) Enclosure no 5 Flag U

6. Firstly, — Charge no (1). The civil Surgeon wrote (5) to me in the first week of the last month that a cholera peon that had been appointed on 10° September last for the Velipalayam circle did not join his duty till the 6° ultimo. The Secretary admitted to me that he had been keeping the cholera peon in his house, when I questioned him on hearing of the matter. Copies (6) of the Chief Sanitary Inspector's report and the statements of the circle Inspector and cholera peon concerned prove that the Secretary had been withdrawing the peon from his cholera duties and retaining him in his (Secretary's) house. I called (7) on the Secretary for explanation on the 7 ultimo, and he made no reply till the 17 idem, when he says (8) "The cholera peon referred to would have attended at my residence after his daily rounds. You have given permission to utilize his services occasionally in urgent messages to be sent out." That the Secretary should have taken 10 days to make this reply is suspicious. His statement that I gave him permission to utilize the peon's services is absolutely untrue. Nor was there any necessity for a peon, as the Secretary had one of the office peons always with him. This is a really serious matter, when one bears in mind that Government has been very particular about the cholera staffs and their entertainment to their full complement. Sanitation is the Secretary's special department, and if he can not be trusted to work the sanitary staff in their legitimate duties, I fail to see what confidence he can inspire in his other branches of work.

(6) Enclosure no 6. Flag V

(7) Enclosure no 7 Flag W

(8) Enclosure no 8 Flag X
[illegible] his reply under No. 276 [illegible]

(1)

7. Secondly, — Charge no. 2. The Secretary declined to sign on the 6° ultimo, the security deposit receipt of acting cashier Subraya Pillai and the letter to the postmaster to [illegible] Sani[illegible] [illegible]

[illegible] 571 [illegible]

Enclosure no 9 Flag Y

it necessary to keep you informed of what is transpiring here in these anxious days of plague, cholera &c, and plague precautions in connection with the ensuing Kandry feast at Nagore."

5. I shall now proceed to state in detail the several matters in which he has misconducted himself and been insubordinate. The charges are 15 in number.

1.

(5) Enclosure no 5 Flag U

6. Firstly, — Charge no(1). The civil Surgeon wrote (5) to me in the first week of the last month that a cholera peon that had been appointed on 10th September last for the Velipalayam circle did not join his duty till the 6th ultimo. The Secretary admitted to me that he had been keeping the cholera peon in his house, when I questioned him on hearing of the matter. Copies (6) of the Chief Sanitary Inspector's report and the statements of the circle Inspector and cholera peon concerned prove that the Secretary had been withdrawing the peon from his cholera duties and retaining him in his (Secretary's) house. I called (7) on the Secretary for explanation on the 7th ultimo, and he made no reply till the 17th idem, when he says (8) 66 The cholera peon referred to would have attended at my residence after his daily rounds. You have given permission to utilize his services occasionally in urgent messages to be sent out." That the Secretary should have taken 10 days to make this reply is suspicious. His statement that I gave him permission to utilize the peon's services is absolutely untrue. Nor was there any necessity for a peon, as the Secretary had one of the office peons always with him. This is a really serious matter, when one bears in mind that Government has been very particular about the cholera staffs and their entertainment to their full complement. Sanitation is the Secretary's special department, and if he can not be trusted to work the sanitary staff in their legitimate duties, I fail to see what confidence he can inspire in his other branches of work.

(6) Enclosure no 6. Flag V

(7) Enclosure no 7 Flag W

(8) Enclosure no 8 Flag X
vide his reply under No. 276 (1)-

(1)

7. Secondly, — Charge no 2. The Secretary declined to sign on the 6th ultimo, the security deposit receipt of acting cashier Subraya Pillai and the letter to the postmaster [illegible]

Enclosure no 9 Flag Y

[illegible]

it necessary to keep you informed of what is transpiring here in these anxious days of plague, cholera &c, and plague precautions in connection with the ensuing Kandry feast at Nagore."

5. I shall now proceed to state in detail the several matters in which he has misconducted himself and been insubordinate. The charges are 15 in number.

(5) Enclosure no 5 Flag U

(6) Enclosure no 6. Flag V

(7) Enclosure no 7 Flag W

(8) Enclosure no 8 Flag X
de his reply under No 2761-

6. Firstly, — Charge no (1). The civil Surgeon wrote (5) to me in the first week of the last month that a cholera peon that had been appointed on 10th September last for the Velipalayam circle did not join his duty till the 6th ultimo. The Secretary admitted to me that he had been keeping the cholera peon in his house, when I questioned him on hearing of the matter. Copies (6) of the Chief Sanitary Inspector's report and the statements of the circle Inspector and cholera peon concerned prove that the Secretary had been withdrawing the peon from his cholera duties and retaining him in his (Secretary's) house. I called (7) on the Secretary for explanation on the 7th ultimo, and he made no reply till the 17th idem, when he says (8) "The cholera peon referred to would have attended at my residence after his daily rounds. You have given permission to utilize his services occasionally in urgent messages to be sent out." That the Secretary should have taken 10 days to make this reply is suspicious. His statement that I gave him permission to utilize the peon's services is absolutely untrue. Nor was there any necessity for a peon, as the Secretary had one of the office peons always with him. This is a really serious matter, when one bears in mind that Government has been very particular about the cholera staffs and their entertainment to their full complement. Sanitation is the Secretary's special department, and if he can not be trusted to work the sanitary staff in their legitimate duties, I fail to see what confidence he can inspire in his other branches of work.

Enclosure no 9 Flag Y

7. Secondly, — Charge no 2. The Secretary declined to sign on the 6th ultimo, the security deposit receipt of acting cashier Subraya Pillai and the letter to the post master to [illegible]