[L. & M.
9.000-8-8-96.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 860 L

DATED 24—4—99.

INDEXED.

[Despatch Abstract.]

Petition

Stating with remark that the orders passed by the Presidents of the Penukonda Taluk and the Anantapur Distt. Bds in the case of H. Subba Rao, clerk, Hindupur union, being ultra vires should be withdrawn and that the petitioner's case left to the Chairman of the Panchayat, to be dealt with by him under Section 134 of the Local Boards Act.

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 and Municipal Dept

Cir No 851 L.

Mis : Order No. 860 L Mis dt 24/4/99.

It is observed that the orders passed by the Presidents of the Taluk and the District Boards in this case were ultra vires. ~~—~~ Under section 134 of the Local Boards Act, the power of suspending or dismissing union servants vests in the Chairman of the Panchayat, subject to an appeal to the President of the Taluk Board, whose order thereon shall be final. The orders in question should therefore be withdrawn and the Petitioner's case left to the Chairman of the Panchayat, to be dealt with by him under the section above referred to.

2 The Petitioner will be referred to the President of the District Board who has received orders in his case.

To The President. Dt. Bd. Chingleput
" Petitioner (para 2 only)

R of 789, R of 851 do

I.R.
5/4/99

issued 25/4/99

iv. 99

Petition from the late Union Clerk Hindupur.

9

Local and Municipal Department

Cir No 851 L.

For orders

In this case the Petitioner who was the clerk of the Hindupur Union Panchayat on a salary of Rs 15 a month, was, on the report of the Chairman, suspended for three months by the President of the Taluk Board for an alleged act of misconduct. Against this order, the Petitioner preferred an appeal to the President of the District Board who, however, enhanced the punishment to one of dismissal. The Petitioner then appealed to the District Board against this order of dismissal, but the appeal was returned to him by the President of the District Board on the ground that, under Article 69 of the Local Fund Code, there was no right of appeal to the District Board in the case of Taluk Board servants drawing Rs 15. In his memorial submitted with the President's endorsement read above, the Petitioner contends that the President of the District Board was not empowered to pass on appeal, an original order of dismissal and then to deprive him of the right of appeal to the District Board and prays that the order in question may be set aside and the original order of suspension passed by the President of the Taluk Board allowed to stand.

2 Under Section 134 of the Local Boards Act, the Chairman of a Panchayat is empowered to appoint union servants and ~~may~~ to suspend or dismiss any such servant. Any servant aggrieved by any order passed by the Chairman may appeal to the President of the Taluk Board and the order passed thereon by such President shall be final. The orders passed by the Presidents of the Taluk and the District Boards in the present case were thus ultra vires

and

and it is submitted that they may be required to withdraw them and to leave the case to be dealt with by the Chairman of the Panchayat as required by Section 134 of the Act.

3 The accompanying draft order is submitted for approval.—

V.R.
5/4/99

Note

This case is almost similar to the one disposed of in G.O. No 1669 L dated 16th September 1896. B

Yes. I think the view is right

EM
20/iv/99

Local & Munl. (1899) Department.

CURRENT No. 851 L

Enclosures 6.

Order

From The President,
District Board,
Anantapur.

No. 20

Dated 15th March 1899.
Received 17th
Registered 18th
Enclosures 6
Spare copies nil

SUBJECT.

Submitting to Government the appeal petition of H. Subba Row, clerk of the Hindupur Union office, comprised in the Penukondah Taluk Board, Anantapur District.

R 24/3/99 23/3/99.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To.

TALUQ BOARD'S OFFICE
4- MAR. 1 9
PEN

LOCAL & MUNICIPAL DEPT.
CURRENT No. 851 L

His Excellency the Governor in
Council Fort Saint George
Madras

Most Noble Excellency.

The humble Petition of
H. Subba Row. clerk of Hindupur
Union Punchayet comprised in
the Penukonda Taluq Board
of the Anantapur District:

This is an appeal against the Proceedings of the President of the District Board of Anantapur dated 10. January 1899 rejecting summarily an appeal preferred by Petitioner to the District Board of Anantapur - Copy of the order appealed against is herewith submitted for the kind perusal of your Excellency in Council.

Petitioner deeply regrets to have to represent to your Excellency in Council. that there has been a great miscarriage of justice in his case and although Petitioner ~~is~~ fully alive to the fact, that being only an ill-paid servant of the Taluq Board he cannot, (as a matter of right) claim that his appeal

No 20 dated 15th March 1899.

Submitted to Government.

W Macleod
President

13.3.99

II

should be taken up by Your Excellency in Council, yet considering the delicate question of Law involved in the case, Petitioner respectfully entreats Your Noble Excellency to consider over deliberately all the facts embodied in the Petition and do justice to the Petitioner which he has failed to obtain at the hands of the Local Administrative Officers.

III Petitioner encloses herewith a Copy of his Printed Memorandum of appeal submitted to the District Board of Anantapur. It will be observed from paras 1-2-3 and 4 of the Petition that delicate questions of Law are involved in the case and that it is for the determination of these legal questions that the Petitioner has now come up to Your Excellency in Council. Although Petitioner is only a Servant of the Punchayets, his appointment usually vested in the gift of the President of the Taluq Board. If the appointment had been made by the chairman of the Punchayets, the order of the President of the Taluq Board would have been final under clause 4 of section 134 of the Local Boards Act.

Petitioner had been suspended for three months on a mere surmise by the President of the Taluq Board. Against this order of suspension Petitioner preferred an appeal to the President of the District Board; but unfortunately the Officer, in disposing of the appeal, commuted the punishment to one of permanent dismissal. This order of the President of the District Board being ultravires, Petitioner preferred an appeal to the District Board; but to his great misfortune, the subject matter of appeal was not even placed before the Board, but was summarily rejected on the ground that under Rule 69 of the new Local Fund Code there is no appeal to the District Board for Taluq Board Servants drawing Rs 15 a month.

IV Petitioner respectfully begs to lay before Your Excellency in Council that the Rule quoted above is not applicable to the peculiar circumstances of the case. If the punishment of 3 months suspension had been Confirmed in appeal, Petitioner would certainly have been precluded from preferring a second appeal to the District Board under the Rule quoted above. From a perusal of para 2 of G. O. 2268/1.12.96 it is quite evident that the President of the District Board

Board was not empowered to pass an original order of dismissal on a Servant of the Taluq Board in the position of the Petitioner; and having acted contrary to the above order of Government, it was equally unjust on his part to deny to the Petitioner the right to prefer at least one appeal against the order of dismissal passed by him in the case. It is not the province of this Petition to discuss at any length regarding the propriety of the order of suspension passed in his case by the President of the Taluq Board; but assuming, for the sake of argument, that the punishment should stand, Petitioner only entreats Your Excellency in Council to consider first whether the President of the District Board was empowered to pass in appeal an original order of dismissal in his case and whether the Petitioner has or has not the right to appeal against the original order of dismissal. Petitioner humbly submits to Your Noble Excellency in Council that the action of the President of the District Board was quite unauthorised and considering its illegality he fervently entreats Your Noble Excellency to set it aside and to allow the original order of suspension of the President of the Taluq Board to stand.

TALUQ BOARD'S OFFICE
2 MAR 99
PENUKONDA

For this act of benevolence and justice, Petitioner shall, as in duty bound, ever pray and remain

Most Noble Lord

Your Excellency's most obedient humble Servant

H Subbarow

1st March 1899
Hindupur

Clerk Hindupur Union
Penukonda Taluq Board
Anantapur District

MAR. 00

To

The Honourable Members
of the District Board,
Anantapur.

Most Honored and Respected Sirs,

With due respect and humble submission, the Petitioner begs to lay this appeal before your honors, and trusts that the Board will kindly be pleased to consider deliberately all the points raised in the case, and do justice which the Petitioner has failed to obtain at the hands of the President of the District Board.

I. The Petitioner is a Clerk of the Hindupur Union Punchayat, on a Salary of Rs. 15 a month. On a report of the Chairman of Hindupur, the Taluq Board President of Penukonda suspended the Petitioner from his appointment for a period of 3 months, for an alleged act of misconduct. To this order of suspension the Petitioner preferred an appeal to the President of the District Board; but unfortunately, the officer commuted the punishment to one of permanent dismissal.

II. Before entering directly into the merits of the present appeal, the Petitioner humbly begs to invite your honors' attention to consider first the questions of law that are involved in the case. The Petitioner is a clerk of the Punchayat on Rs. 15 a month and his appointment vests in the gift of the President of the Taluq Board. He stands in the same position as other Taluq Board servants, and consequently all the rules for appeal that apply to those servants are equally applicable to the present case of the Petitioner. It will be observed by your honors that the order of dismissal passed by the District Bd. President is *ultra vires*, in as much as the Petitioner being a servant of the Taluq Board, the President of the District Board is not empowered to interfere in the matter and to pass an original order of dismissal. From a perusal of para ii of Government order No. $\frac{2268}{11296}$ L, it is evident that it is not the intention of the Government that the President of a Disctrict Board should be vested with generl authority to interfere with the servants of a Taluq Board, who, under section 45 of the Local Boards Act, are entirely under the control of the President of that Board. The Petitioner therefore leaves it for your honors to consider whether, in the face of the order of the Government quoted above, the District Board Pesident is empowered to pass on original order of dismissal on a servant of a Taluq Board.

III. The next question of law that is involved in the present case, is that assuming for the sake of argument that the President of the District Board is empowered to pass an original order, whether an appeal does or does not lie to the District Board against the order of the President of that Board. The Government order quoted above clearly lays down that it is only in the case of Taluq Board servants drawing Rs. 50 and upwards, a second appeal will lie to the District Board. The Petitioner does not fall under the category of such servants, as he is drawing a salary of only Rs. 15 a month. In the ordinary state of things, there is no 2nd appeal in the case of persons in the position of the Petitioner, but as the original order of dismissal has been passed by the President of the District Board himself, the Petitioner naturally claims that he should be allowed one appeal at all events against the order of dismissal passed by the President of the District Board.

IV. If your honors consider that one appeal does lie to the District Board in the present case, the Petitioner respectfully begs to submit to your honors to consider first whether the District Board President, in disposing of the Petitioner's appeal, is empowered to enhance a punishment inflicted on the Petitioner by the President of the Taluq Board. It is an invariable rule of law and practice that appellate authorijies are usually vested with the power of confirming, modifying and revising the orders appealed against. There is no provision in any law which confers on the appellate authority the power of enhancement. Some years ago there was a provision in the old code of Criminal Procedure that an appellate Criminal court could, in an appeal, enhance a punishment inflicted by the lower tribunal; but on mature consideration, the Legislature subsequently rescinded the law on the subject and withdrew the power of enhancement. In the present case, the President of the District Board has virtually enhanced the punishment inflicted by the President of the Taluq Board, in having commuted the punishment of suspension to one of permanant dismissal. The Petitioner humbly submits to your honors that the order of the District Board President passed in the case is bad in law and prays that the same may be set aside.

V. If your honors consider that these legal and technical objections are untenable, the Petitioner next proceeds to represent to your honors that even on the evidence recorded, he has a very favorable case for success. On the 23rd of May last, the sweepings of the Hindupur Union were publicly put to auction at Hindupur by the Chairman M. R. Ry. C. Sreenivasa Iyer Avergal, in the Union office room. The sale was publicly proclaimed beforehand in the town by beat of tom-tom. Only 3 bidders attended the sale, and the sweepings were knocked down for a sum of Rs. 26. The bid amount being comparatively low, the sale was cancelled by a formal resoluticn of the Punchayet~~s~~ and arrangements were made to have the same put up to auction for a 2nd time. The 2nd sale was held on the 14th June 1898, and the sweepings were then sold for Rs. 39-8-0. The charge, as has been put forward against the Petitioner by the President of Taluq Board, is that the Petitioner has improperly interferred with the 1st sale of the sweepings held on 23rd of May 1898. It is alleged that the Petitioner accomodated G. Hussain Saib, the highest bidder in the 1st sale with Rs. 10 for the inital deposit account; that the man attended at the 1st sale only as an agent of the Petitioner; and that this circumstance had an indirect effect on the other bidders from competing freely at the time of auction. All the 3 bidders that attended the sale have been examined. None of them have stated that the Petitioner ever exercised any sort of influence over them either to bid or not to bid. Hussain Sahib, the so called agent of the Petitioner, has clearly stated that he had bid on his own account and not for the Petitioner, and Donthi Subbiah, another bidder and a respectable merchant of Hindupur, has also stated that the Petitioner never exercised any sort of influence over any of the bidder in connection with the 1st sale of the sweepings. In support of the charge against the Petitioner, the Talq Board Peesident has examined 3 witnesses, viz.,

1. Fhakeerkhan, Sanitary Maistry.
2. Kassim Saib, one of the 3 bidders.
3. and Syed Kassim.

Of the three witnesses, Syed Khassim tacitly denied all knowledge of the matter. Even Kassim Sahib's evidence does not in any way directly implicate the Petitioner, and his evidence, if worth anything at all, would only go to prove that he was present when the Sanitary Maistry paid Rs. 10 to Hussain Saib and that from some conversation that then took place between Hnssain Saib and Syed Khasim (the other witness), he thought that Hussain Sahib attended the sale, not on account on himself, but an accouut of the Petitioner. This theory of the witness is entirely contradicted by the evidence of both Hussain Saib and Syed Khasim. The evidence of Latchminarnappa, a respectable native dactor and Union member of Hindupur, also supports the plea of the Petitioner in saying that it was Latchminarnappa that paid the money tc Hussain Saib. The evidence ot Hussain Saib also gives corroboration to the statement of Lutchminarnappa in this respect. It is to be regretted that the President of the Taluq Board makes no allusion to the evidence of these witnesses, nor does he assign any reason for discrediting their testimony. The evidence of these witnesses, if accepted, will altogether disprove the evidence of the Maistry and Kassim Saib, and will go to show that the whole affair is a tissue of concoction. The Petitioner has adduced enough of evidence to point out that the Maistry is an open enemy of him. In this connection

M. R. Ry. V. Hanumantha Rao Garu, a pensioned Taluq Sheristadar, who also officiated for some time as chairman, has gixen evidence to the effect that the Petitioner is not on good terms with the Maistry. The Petitioner also informed the Taluq Board President that the late chairman, Appadorai Modliar, will also be able to testify to the effect of enmity between him and the Maistry and that a reference may be made to him on the subject. It is to be regretted that the uncorroborated evidence of this enemy has been accepted in preference to the evidence of respectable persons, whose evidence could not possibly be discarded under any circumstances. It can be seen from the concluding para of the proceedings of the President of the Taluq Board that the order of suspension has after all been passed on a *mere suspicion*.

VI. It will be observed by your honors that the President of the Taluq Board considers that the bid amount of the 1st auction was kept low on account of the improper interference of the Petitioner. It is true that the bid amount of the 1st auction was comparatively low; but the Petitioner respectfully begs to submit that he is in no way to be blamed for the same. The first auction was conducted in the office room which is at a distance of a mile from the sweeping heap. The auction was very poorly attended and as the selling officer insisted that only persons who have produced initial deposit amount sbould bid at the auction, the sale amount did not go up. Precedents are not wanting to show that in previous years also there was a similar falling in the auction amount. The usual course to be followed in such cases, is to cancel the same and have the heap sold for a second time. This course was followed in the present case also. The 2nd auction was held near the sweepings itself and as all persons were allowed to bid *indiscrminately* even without any deposit amount, the bid amount went up to 39 Rs. 8-0. These facts will, to a certain extent, account for the faling off of bids in the 1st sale. The President of the District Board has in para iv of the proceedings, stated that the Petitioner is an influential land-holder, that he wanted manure for his lands and that the auction has been utterly ruined by his under hand ~~machinations~~ Combination. In this connection, the Petitioner humbly begs to represent to your honours that he is only an ill-paid ministerial servant of the Union and as such cannot possibly possess any sort of influence in a large town like Hindupur and that too in respect of a public auction dulv conducted in the presenee of a competent officer. The argument of the President of the District Board in saying that, because the Petitioner is a Karnam Merasidor he possesses great influence in the place, cannot possibly stand when it can be seen from the second auction list that there was a keen competition when the missal-Karnam himself wanted to purchase the sweepings in the 2nd auction. The President of the District Board considers that the sale of the Hindupur sweepings should have been sold for a larger amount than the sweepings of the Penukonda Union. In this connection the Petitioner humbly begs to submit to your honour that in a previous year also the sale amount of the Hindupur sweepings was even less than Rs. 26 in the first sale, but in the second auction the same sweepings were sold for Rs. 45, vide copies of the Panchayet Resolutions herewith submitted. It will thus he observed that no uniform line could be drawn in regard to public auctions which entirely depend on the peculiar circumstances of each individual sale. The President of the District Board seems to consider that, because the Petitioner is a land-holder, he naturally wanted the sweepings as manure for his lands. The conclusion arrived at by the President of the District Board is altogether unfounded and has no legs to stand upon. There is nothing in the evidence to justify the officer in arriving at the conclusion and the inference drawn is too wide to be easily gulfed over. The Petitioner's lands are situated at a distance of two miles from the sweepings heap and so far as the cultivation of his lands is concerned, the Petitioner hss nothing to do with their manure, as he has arranged with his cultivators that they should provide themselves with the necessary manure. It will be a piece of the grossest iujnstice that such inferences should be drawn without any thing on record to justify the measure, and the Petitioner humbly trusts that your honors will kindly be pleased to consider that the Petitioner has been too harshly dealt with.

VII. The only direct evidence against the Petitioner, is that of the Sanitary Maistry, who has been shown to be an avowed enemy of the Petitioner. There is nothing in the evidence to show the precise date on which the Maistry informed the Chairman of the

Petitioner's concern in the 1st sale. The Petitioner was not allowed a copy of the Chairman's report against him (Vide endorsement No. $\frac{649}{8.8.98}$) herewith submitted. It is to be assumed that the maistry gave out the information to the Chairman soon after the close of the first sale. If such had really been the case, it is not known why the Chairman failed to bring the matter to light in the special meeting held for the express purpose of setting aside the 1st auction. It is a mystery to find that no mention is made of it in the public meeting and as a formal Resolution has been passed by the Panchayat that the sale has been set aside on the ground that there was not a sufficient number of bidders vide copy of the Resolution), it would be highly improper now to come forward and say that the interference of the Petitioner was the cause for the falling off of the bids in the first auction. From this state of things, it can easily be imagined that the allegations against the Petitioner are nothing but the invention of an after-thought and the result of an organised plan purposely set up by his enemies to work out his ruin.

VIII. The Petitioner further begs to represent to your honors that there is an avowed enmity between him and one Madisetti Venkataramaniah, a Merchant of Hindupur. This Merchant is admitted to be a close friend of the Chairman, who in spite of repeated orders to the contrary strongly recommended the man to the post of a Union member. This merchant is also a very close friend of M. R. Ry. D. Venkatasastriar, Treasury Deputy Collector of Anantapur District, who was for some time vice-President of the District Board, Anantapur. These two men once figured themselves as prosecution witnesess in a criminal case of extortion set up by them against the late Chairman, Mr. C. Appadorai Modlier. The evidence of these witnessess has been criticised by the Head Assistant Magistrate who enquired into the case and from a perusal of the judgement of criminal case, it will be observed that the officer threatened the Petitioner with suspension unless he gave evidence against the accused in the case. The Petitioner was eventually suspended from his appointment by this officer, apparently without any reason, and the Petitioner had also put in a written complaint against the officer before the Head Assistant Magistrate. Unfortunately for the Petitioner, this officer is one of the members that now comprise the District Board to hear the appeal of the Petitioner. The Petitioner respectfully submits that the opinion of this member in respect of the present appeal may be altogether left out of consideration. The Petitioer is not aware of any rule or law prescribing the course to be adopted in such cases; but in justice to the Petitiner, he respectfully submits that the member should be precluded from giving his vote in respect of an appeal preferred by his adversary.

IX. The Petitioner lastly begs to represent to your honor that it is the President of the District Board that has passed the original order of dismissal. The Treasury Duputy Collector of Anantapur, a personal enemy of the Petitioner, is also one of the members of the District Board which has now to decide the future fate of the Petitioner. The opinion of these officers, if given out publicly beforehand, will naturally create some impression in the minds of the other members now comprising the Board. To guard against all such effects, the Petitioner humbly suggests that the opinion of each of the members should be separately recorded in writing, setting forth distincty his opinion on the several points raised in this appeal Memorandum. The Petitioner also entreats your honors at the same time that you will kindly be pleased to take into consideration the Petitioner's long and faithful service of 12 years in the Union whose service therein commenced with the formation of the Union itself. The Petitioner also prays that he may be informed beforehand of the day fixed for the meeting so as to allow him a fair oppertunity of representing his case more vividly before your honors. All the papers connected with the subject are herewith submitted with a list.

X. For this act of benevolence, the Petitioner shall, as in duty bound, ever pray and remain,

Most Honored and Respected Sirs,

Your Honors' most Obedient Servant.

H Subbarow

Late Union Clerk, Hindupur

3. 3. 1899

TALUQ BOARD'S OFFICE
4 MAR 99
PENUKONDA

Proceedings of the President of the District Board Anantapur dated 10 January 1899.

Read Petition of H. Subba Row late union clerk of Hindupur dated 2.1.99 appealing to the District Board against the order of the President of the District Board dismissing the appellant from Service.

M. D. No. $\frac{1429}{14.1.99}$ Order

Under Rule 69 of the new Local Fund Code there is no appeal to the District Board for Taluq Board Servants drawing Rs 15.

(Signed) S. Shanmuga Sundram Pillai
For President

13. 1. 99

(True Copy)

H Subbarow

$\frac{2}{851/L/99}$

[25]
500—31-3-98.

TALUQ BOARD'S OFFICE
4 MAR. 99
PENUKONDA

LOCAL AND MUNICIPAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following ~~paper~~ :—

Petition from H. Subba Rao, Clerk, Hindupur Union, Penukonda Taluk, Anantapur District, dated 25th January 1899.

Order, No. 391 L. Mis., dated 22nd February 1899.

Every petition must be submitted through the head of the Office or Department to which the petitioner belongs or belonged. But there is no objection to the petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

(True Extract)

A Edgington
For Secretary to Govt.

To,

The Petitioner.

3
851/L/99

Sm. N.

Ref 437 3-3-99

To
3.3.99
M

Encl. 4
Forward
M

TALUQ BOARD'S OFFICE, MAR. 99 PENUKONDA

The Chairman of the Union
Panchayet Hindupur

Most Respected Sir

The humble Petition of H. Subba Row. clerk of the Hindupur Union Panchayet.

With reference to the Proceedings of the Madras Government No 391 L. Mis: dated 22d February 1899. Petitioner humbly submits herewith his Petition of appeal addressed to His Excellency the Governor in Council Madras and pray that the same may be transmitted through the proper channel with your kind recommendation - The original order of the President ~~of the Presidents~~ of the District Board appealed against is detained in the Government Office and Petitioner has enclosed herewith only a copy of the same along with the present memorandum of appeal.

Beg to remain Honored Sir
Your most obedt & humble Servant
H Subbarow
Clerk of the Hindupur Union

3-3-99

4
851/L/99

ANANTAPUR COLLECTOR'S OFFICE.
RECEIVED ON
8- MAR. 1899
No. 176
Enclosure. 6
From
REGISTER No. ....

Dis: No 6/3/99

PENUKONDA TALUK BOARD'S OFFICE,

Dated 6. 3. 1899.
Dis 7. 3. 99

N. Macmichael Esquire
THE PRESIDENT
TALUK BOARD
PENUKONDA.

C No: 320
8.3.99

To

THE

President
Dist: Board
Anantapur

Encs: Sir,

1 H&PC Nanmani
L. No. 467 of 2/3/99.
2 Clerk's order to
the Chairman
of 3. 3. 99.
3 appeal petn to Govt
of 3. 3. 99
4 Printed appeal
to the Dt: Board
5 Dt Bd. Pres: Proceeds:
No. 1429 of 14. 1. 99
6 Govt Proceeds
order No 391 L. mis: of
22. 2. 99

6

I have the honour to enclose a petition of the late Union clerk, Hindupur, to His Excellency the Governor-in-Council, in which he appeals against the order dismissing him from office.

2 He was originally suspended by me for three months, & that punishment was on appeal altered by you into one of dismissal.

3 I submit that it appears to be very doubtful whether it was legal to enhance on appeal the punishment inflicted by me. If the order of dismissal was legal, I imagine that an appeal ought to lie against it, for the order was passed to the clerk's prejudice. These points are, at all events, not free from doubt, & it would
well to have the orders

Submitted for orders. Sendeth on

9. 3. 99

5
851/L/99

Hindupur
3d March 1899.

No 467

Encl. 5

C No: 441
4.3.99

Enc 5

TALUQ BOARD'S OFFICE
24 MAR. 99
PENUKONDA

From

M R Ry. V Hanumanta Row
Chairman Union Punchayat
Hindupur.

To,
The President of the Taluq Board
Penuconda.

Sir,

I have the honor to forward herewith a Petition of Appeal of H Subba Row late Union clerk Hindupur together with its enclosures and also the Proceedings of the Madras Government No 391 L miscellaneous dated 22d February 1899 and to request that the same may be submitted for the orders of his excellency the Governor in Council.

I have the honor &c
Sir
your most obdt servant
V Hanumanta Row
Chairman.

OR
3/3

6
851/L/99

of Government on them. —

I have the honour to be
Sir
Your most obed Servt

A. Macmichael
President
6.3.99

d/Mr 4/3
&
7/3

---

en given for copying

Local & Munl. (189) Department.

CURRENT No. 789L

Order

From

H. Subba Rao
Clerk, Hindupur Union
Anantapur District

No.

Dated 7-3-99
Received 11-3-99
Registered 13-3-99
Enclosures nil
Spare copies ..

SUBJECT.

Praying that favourable orders may be passed on his appeal petition submitted through the Chairman of the Hindupur Union in accordance with G.O. No 391 L of 22-2-99

17/3/99

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

J.

[illegible] DEPT.
789L.

ASSISTT. SECY. TO GOVT. LOCAL MUNL. EDL. & LEG. DEPT.
11 MAR 1899

His Excellency the Governor
in Council Fort Saint George
Madras

Most Noble Lord.

The humble Petition of H. Subba Row, Clerk, Hindupur Union Panchayet, Penukonda Circle Anantapur District –

Adverting to the Proceedings, of the Madras Government No 391 L / 22-2-99 Miscellaneous, informing the Petitioner that his Memorandum of Appeal should be submitted through the Head of the Office to which he belonged. Petitioner respectfully begs to submit to your Excellency in Council that he has forwarded the same through the Chairman of the Hindupur Union under whom he was serving – The order appealed against not having been returned to him along with the above order of Government, Petitioner has appended to the appeal Petition only an unauthenticated Copy of the order passed by the President of the District Board of Anantapur. Petitioner humbly requests that his Petition now in the Government Office may be treated as a "Duplicate" of the appeal memo and that the appeal may be admitted and disposed of on merits - As there has been a great miscarriage of justice in the case, Petitioner fervently entreats Your Excellency in Council to give the matter your most deliberate consideration and do justice which the petitioner has failed to obtain at the hands of the President of the District Board of Anantapur - For this act of benevolence, Petitioner, shall, as in duty bound ever pray and remain ~~Honoured Sir~~

Your Excellency's most obedt & humble servant

H Subbarow

7-3-99

Clerk Hindupur Union
Pennaconda Taluq Board
Anantapur District

When given for copying ______
When copied ______
When examined ______
When signed ______ 21/4
} 189 .

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

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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.