

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1899) Department.

CURRENT No. 1415

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From

The collector
North Arcot

Order No 862 Muni

19/6/99

14.6.99

M.R. Krishna Rao Nayudu

having been gazetted as a Councillor on
the 6th December 1898, or ten days
after the expiry of the term for which
his predecessor would otherwise have
continued in office, Sec. 20 (2) of the
Act, does not apply to his case.

No 718.

Dated 18th

Received 25th May 1899

Registered 26th

Enclosures 1 & C. 20 12/12 M 99 return

Spare copies sub.

SUBJECT.

Submitting with remarks
letter from the Chairman
Municipal Council, Vellore
requesting the ruling of the
with reference to Subsection
of section 20 of the District
Municipalities Act.

Note

For a precedent, please see G.O. No 1112
4th January 1899. Flag G

To

The Chairman, N.E. Vellore P.O.

Here the Colls of N. Arcot

20/6/99

426

BACK PAPERS.

G.O.	No.	Department.	Date.
625	25-11-98		98
198	25-11-98		98
689	1-4-98		98
33	6-1-98		98
202	5-5-98		98
1162	4-8-98		98
394	17-2-98		98
325	4-2-98		98

FURTHER PAPERS.

G.O.	No.	Department.	Date.
11		Arch	4-1-99 (Previously)

Local & Munl. (1899) Department.



CURRENT No. 1212 m



OS 11/5/99

From The Chairman
Municipal Council
Vellore

No 538 of 10-5-99
Order

Returned to the Chairman for
re-submission thro' the Collector as
required in G.O. No 1162 M, dated 4th
September 1898.

By order

A. G. Livingston
Ag Assistant Secretary

AR
9.5.99

Dated 1st May 1899
Received 3rd May 99
Registered 4th
Enclosures 2
Spare copies

SUBJECT.

Requesting ruling of
Govt with reference to
Sub. Sec 2 of Sec 20 of
the Dist Municipal
Act

17/5/99
To The Chairman, M.C. Vellore.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Vellore Municipal Office,

Dated 1st May 1899.

From

M. R. R. S. Seshagiri Row Averal,
CHAIRMAN, MUNICIPAL COUNCIL,
VELLORE.

THE SECRETARY TO GOVERNMENT,

LOCAL AND MUNICIPAL DEPARTMENTS,

Fort St. George.

Sir,

I have the honor to bring to the
notice of Government the following
facts with the view of obtaining a
ruling on the same

2 On the 26th November 1895 Mr R. R.
R. Raja Gopaul Aindiafara was
elected a Municipal Councillor for
his town and he would have retained
his seat on the Council until the 25th
November 1898 had he not in the
meanwhile resigned his seat on the
30th July 1898 in order to become
an Honorary Magistrate.

3 His brother Mr R. R. Krishnasami Aindiafara

farr was elected to fill his place on
the 4th October 1898 and had his name
been gazetted in time he would have
only retained his seat on the Council
under Sub. Section 2 of Section 20
of Act IV of 1884 as amended by Act
III of 1897 up to the 25th November 1898;

but inasmuch as his name did not
appear in the Port of George Gazette
until the 6th December 1898 although
he was elected to the office on the
4th October 1898, he now urges that
this Section does not apply to his case.

4 If his contention is to be allowed
the Section becomes practically
useless and it is very easy for
any one to evade its provisions by
taking means to have his name
gazetted after the expiry of the
original period for which he would
have held his office

5 I am of opinion that Mr R.
Christman and Hindu farr's Case
is practically covered by the Section
quoted above both in the spirit

and letter of the law and I therefore
have the honor to request the opinion
of Government on the subject as it is
highly desirable that Subsection 2 of
Section 20 of the amended Municipal
Act should not be allowed to become
a dead letter and precedents established
for evading its provisions.

I have the honor to be
Sir,

Your most obed^t Servant

A. W. Griffiths
Chairman



17/5/11

To,

The Collector of North Arcot.
Chittoor

Petr. No. 968 Rev 98
9/7.5.88

The humble petition of K. Krishna
Sawmy Naider, Municipal Counc
cillo (D Ward), Vallore

Most Respectfully Sheweth,

That your humble petitioner was
appointed as a Municipal Councillor for
D. Ward in Vallore Town on the 6th Dec 98
(Vide Fort & Geo. Gaz dated 6-12-98).

That ever since, he is holding
the office & should continue in office for
3 years from that date, under Sec 17 of the
District Municipalities Act (Act No IV of 84
as amended by Act III of 97), subject to the
provisions of sections 19 & 20.

That after he was appointed,
some irregularities in the Municipal Office
having been brought to his notice, he, with
some other Councillors sent a Memorial to
the Government about the same against
the chairman & some others, & this was re-
ferred to the Sub. Collector for enquiry.

(S.S.)

That after the enquiry before
the Sub. Collector (in which the petitioner
too was examined), the chairman sent a
letter to the petitioner to state if he has got
any valid objection to his (Chairman's)
declaring the petitioner's seat in the Council
to be vacant on the ground that his term
of office as Municipal Councillor should
be considered as having lapsed on the
26th Nov 98 under clause 2 of section 20
of the above act.

That the petitioner immediately
informed the Chairman (by a petition) that
he is entitled to continue for 3 years from
the date of his appointment & that the sec-
tion referred to by the Chairman is not
applicable in the particular circumstances
of his case.

That the Chairman seems to
have written to the higher authorities for
a ruling on the point observing at the
same time that the section should be
considered as a dead letter if it is held
to be not applicable to the petitioner.

That the grounds on which
the Chairman thinks that clause 2 of section
20, should be held applicable to the
petitioner are flimsy & not reasonable
as will be seen below. (R.B.)

That the facts connected with the petitioner's appointment are briefly as follows:- Mr. Ragopal haideoo, who was appointed as a Councillor for D ward on the 26th Novr 95, & whose term of office should have expired by the 25th Novr 98, resigned his seat on the 30th July 98. Long after this a general notice ^{was published} to the effect that there will be an election of a Councillor for the D ward. Some days after this a notice was put up that the petitioner & another are candidates for the same ^{the} election was held in October. The petitioner having got the larger number of votes in that, was appointed as Councillor on the 6th Decr 98. It is to be observed here that it was not mentioned in any of the above notices nor was it thought that the appointment is for the unexpired term of Mr. Ragopal haideoo. Taking advantage of the fact that the vacancy was caused by the resignation of Mr. Ragopal haideoo & that it was not full three years when he resigned, the Chairman now wants to represent that the petitioner's appointment is only for the unexpired term of Ragopal haideoo & that his seat should therefore be declared vacant.

(R)

The petitioner most respectfully begs to state that this opinion of the Chairman is unsound & untenable in the face of the fact that the unexpired ~~portion~~ ^{term} of Mr. Rajagopal Naidoo had expired long before the petitioner was appointed & that no vigilant & immediate steps were taken to appoint one during the unexpired period. The seat was, in fact, vacant all along the unexpired period.

That as observed in para 2 above, the petitioner is not liable to be removed for a period of 3 years subject to the provisions of sections 19 & 20. Nothing is stated against him to bring him under the provisions of Sec 19. Section 20 also is clearly not applicable because it contemplates only cases under which one is appointed ^{during} for the unexpired remainder for which his predecessor would otherwise have continued in office, & not to cases under which the appointment is made after full 3 years from the date of his predecessor's appointment. Even if Mr. Rajagopal Naidoo had not resigned, evidently he could not have continued in office on the 6th Dec & thus your humble petitioner is at a loss to know how he could be consi-

RJP

dered by the Chairman as having acted for the unexpired term of Mr. Rajagopal Naidoo. In this, the Chairman seems to support himself on the fact that the petitioner was elected in October. But under the act, it is of no use & it is only the publication in the Gazette after the approval of the Government, that creates a right to the petitioner to a seat in the Council. He could not do anything before that date as his appointment commences only from that date. He could not ^{even} be considered as having been in office from the date of election as no retrospective effect is given to the Gazette publication. The mere fact that he was elected in October will not help to count him as being in office since then. If such had been the construction the Legislature would have clearly stated that the appointment is to last for 3 years from the date of election & not from the date of publication. While so, how could it consistently & reasonably be stated that the petitioner was appointed for the unexpired portion of Mr. Rajagopal Naidoo? To get over this, the Chairman seems to state that anybody may evade the provisions of sec 20 by taking means to have his name

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gazetted after the expiry of the original period for which he would have held his office & thus make sub-section 2 of section 20 a dead letter. The petitioner is at a loss to know what the Chairman means by 'taking means'. What means I here, could any body take to delay a publication of the Government? This is not only improbable but also impossible, taking into consideration the circumstances that when the Government makes an appointment it is published as soon as possible.

On the contrary, if the Chairman's view in the present case, should be approved, the publication regarding petitioner's appointment becomes a dead letter as it has no meaning & is useless in fact ~~there~~, as it gives no right to him to a seat in the Council then. Besides, how could it be considered that the petitioner's period lapsed on the 26th Novr 98 when he was not appointed on that date but only subsequently with no retrospective effect?

That, probably the Government seeing that the unexpired term of

Mr. Rajagopal Naidu has almost passed away without any body being appointed for him & that under clause 2 of sub-section 20, any person appointed for the unexpired term shall, if otherwise qualified be eligible for reappointment. We have thought it fit to appoint the petitioner once for all after the expiry of the unexpired term with intent to avoid reappointment, taking into consideration that in this case there would virtually be no use in appointing before the unexpired term.

That even granting that the petitioner comes under the provisions of sec 20, he is entitled to reappointment (without re-election) under the same section as he is otherwise qualified, but as already pointed out he is not liable to be declared as having vacated his seat under the circumstances.

That it seems to the petitioners that the question seems to have been raised more after long delay, simply because the petitioner ~~sent~~ a memorial & deposed against the Chairman & others.

& That, under these circumstances it is most respectfully prayed that Your Honour will be graciously pleased to hold that his seat is not liable to

be declared vacant & report the same
to the Government, & also forward this
petition to the Government, if necessary.

R. Srinivasan

16-5-99.

718
 8 Eng 888
 1899
 LOCAL MUNICIPAL DEPT.
 Endorsement
 14/12/1891

Submitted to the Secretary
 to Government, Local and Municipal
 Department, Madras, with the Bellare
 Municipal Chairman's letter no 1001
 499 dated 1st May 1899. The petitioner's
 contention appears to be right as
 he was gazetted only on 6th December
 1898.

Abuadi ardaya

N. Arcot Collector's Office
 Chittoor; 18th May 99 } A. G. Collector.

CRH
 19/5/99

DESPATCHED
 19 MAY. 1899

S. K. C.

Please send ~~to~~

to the Secretary
 to Government,
 Local and Municipal
 Department,
 Madras,
 with the Bellare
 Municipal Chairman's
 letter no 1001
 499 dated 1st May
 1899.

6/7/5

given for copying _____
copied _____
examined _____
signed 19/6 } 189

MIN G.O., No. _____, DATED
189 .

MENT No.

RETURN TO C. No.

OF GOVERNMENT A A A A A A A

GOVERNMENT.

MENT WITH DITTO.

IS NOT FILED UP, BEING MEANT FOR DESPATCH
IS ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only.