M.R.O. 1—77,006—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 460 Press ~~Mis.~~

170-~~178~~ 173

Dated 6. 2 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
6th February 1866.

Read the following papers :—

No. 170. Petition from D. SUNJEEVAPPAH, late a Writer and Accountant in the Public Works Department of the Bellary District.

Appeals against his dismissal from his appointment. | (Here enter 6th November 1865.)

No. 171. From the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Camp, Peddakodpully, 8th December 1865, No. 178.

1. In returning the accompanying Petition, with enclosures, received for report, with your Endorsement No. 2,551 of 28th ultimo, I have the honor to inform you that, on or about the 24th July last, Táluq Overseer Baupiah made a complaint to me that his Writer Sunjeevappah had, when sent to the Adoni Treasury to cash a cheque and to bring it after him, kept back about 100 Rupees for a day or two, making use of the money during that time for his own purpose, and it was only on his making a fuss about it that he got the whole amount of the cheque by driblets.

2. This complaint was made to me verbally in my Office in the presence of the Petitioner, whose defence, that he kept back this amount in order to get change (which there was no reason for doing, as he could have got it at the Treasury when cashing the cheque) was so unsatisfactory, that I immediately ordered his dismissal, and directed my Manager to send for the witnesses mentioned by Overseer Baupiah, in order that I might lay the case before the Magistrate; my Manager neglected to do this, and I forgot all about the matter until on the evening of the 11th September I received a letter from Sunjeevappah, asking the reason of his dismissal. As I was going into the District on the morning of the 12th September, I merely directed my Manager to inform him that he was dismissed, as I had told him on the evening of the 24th July, for his conduct in the mattter of the cheque. The Memorandum dated 12th September, signed by my Manager, was never ordered by me to be given, and I never knew of it until some time after, when Sunjeevappah wrote to me the letter, dated 26th September, forwarding an appeal to you.

3. On my return to Bellary I severely reprimanded my Manager for giving the Memorandum dated 12th September, informing him that any document of that kind should have had my signature, and desiring him to send to the Petitioner and tell him that if he wanted a written document stating the cause of his dismissal he should have one if he attended at my Office; and I also called on my Manager for an explanation as to why he had not had the case brought up as I had directed, and for not reminding me of it. His explanation was not at all satisfactory, and I again ordered him to get the names of the Overseer's witnesses in order that they might be summoned if necessary, but in the meantime Sunjeevappah took care to be away from Bellary, and so at present nothing has been done in the case.

4. The statement made in paragraph 4 of the Petitioner's letter to you is a new one, and was not made to me when I called on Sunjeevappah for his defence.

5. As regards paragraph 5, I beg to state that the whole of the investigation made by me was in the presence of the Petitioner. Overseer Baupiah began his complaint when the Writer was not present, but as soon as I learnt against whom he was complaining I stopped him until Sunjeevappah had been called in.

No. 172. From the Superintending Engineer, 3rd Division, to the Secretary to Government, Public Works Department, dated Camp Maidukoor, Poddatoor, 18th January 1866, No. 197.

1. With reference to the Proceedings of Government, under date the 4th instant, directing me to re-consider my decision regarding the dismissal of D. Sunjeevappah, on the grounds that the statement made in paragraph 4 is partially supported by my own letter, I am at a loss to know what part of my letter supports his statement unless it is that part of paragraph 2 of my letter where I state the line of defence Sunjeevappah had taken before me. No one denied that he was directed to get small change for a portion of the cheque, but this he might have procured at the Táluq Treasury when cashing the cheque : instead of obtaining small change at the Treasury he went to a Sowcar.

No. 178 of 8th December 1865.

2. If the Petitioner was so confident of his innocence why did he not stand his trial before the Magistrate as I had directed, instead of bolting away to Madras directly he learnt that I had given positive orders to fetch in the witnesses. I did not give him into the charge of the Police, and so he would not have been detained in custody pending the investigation before the Magistrate, and the result of that investigation would have shown who was telling the truth, the Overseer or the Writer.

3. The Overseer's statement was, in my opinion, clear and straightforward, and I believe it in preference to the Writer's ; if I am now ordered to reverse my decision I must put the Overseer in his trial for false accusation. I would beg to suggest that Sunjeevappah be called upon to state whether he is prepared to stand an investigation before the Magistrate, and that the case be decided by the result of that investigation.

No. 173. ORDER THEREON, 6th February 1866, No. 460.

ESTABLISHMENT, No. 14.

1. These papers have reference to the dismissal of D. Sunjeevapah, who was employed as a Writer under Táluq Overseer Baupiah of the Bellary District, on a charge of having on or about the 24th of July last, when sent to the Adoni Treasury to cash a cheque for Rs. 500, retained Rupees 99 "for a day or two, making use of the money during that "time for his own purposes."

2. The Government have carefully considered the papers before them, and they are of opinion that the Petitioner was dismissed without sufficient enquiry or deliberation. There is nothing to show that the money which Sunjeevappah was alleged to have kept back for his own use had not been lodged, as he asserts, with a Shroff for the purpose of being converted into copper coin, and it is observed that an interval of seven weeks was allowed to elapse before the Petitioner was furnished with a statement of the grounds of his dismissal, and it was then given to him under the signature of the Superintending Engineer's Manager without Major Moberly's knowledge or intervention. This delay is highly reprehensible, and

Major Moberly will be informed that the Government expect that he will not neglect a duty which he is bound himself to discharge. It was clearly the Superintending Engineer's duty at once to have prosecuted the Petitioner in a Criminal Court if he felt convinced that the latter was guilty of a "breach of trust;" but as no money was made away with, nor loss sustained by a few Rupees having been deposited with the Shroff under, as Sunjeevappah alleges, the orders of the Overseer himself, it is difficult to understand how the Superintending Engineer now expects successfully to substantiate the charge.

3. Major Moberly's allegation of the Petitioner having evaded a trial before the Magistrate by leaving Bellary, is not borne out by the dates of the Petitioner's communications to the Subordinates whom he addressed subsequent to the 25th July, and from which it would appear that he did not quit that station up to 12th September. Unless, therefore, the Superintending Engineer is fully in a position to establish the charge of breach of trust against the Petitioner (and in that case it will be his duty to consider whether Overseer Baupiah himself is not implicated) the Government direct that Sunjeevappah's dismissal be cancelled, and that he be re-instated in Office.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 3rd Division.

Ed. S. T. Augustin.

No. 178. of 1865/66. Superintending Engineer's Office
Camp Peddakodpully
8th December 1865.

From,
The Superintending Engineer
3rd Division.

To,
The Secretary to Government
P. Works Department

Sir,

In returning the accompanying Petition with enclosures received for report with your endorsement No 2551 of 28th Ultimo, I have the honor to inform you that, on or about the 24th July last, Tahsildar Aversen Banjiah made a complaint to me that his writer Sengeravapah had, when sent to the Adoni Treasury to cash a cheque and to bring it after him, kept back about 100 Rupees for a day or two making use of the money during that time for his own purpose and it was only on his making a fuss about it that he got the whole amount of the cheque by doubling

2. This complaint was made to me verbally in my office in the presence of the Petitioner whose defence, that he kept back this amount in order to get change (which there was no reason for doing as he could have got it at the Treasury when cashing the cheque) was so unsatisfactory that I immediately ordered his dismissal and directed my Manager to send for the witnesses mentioned by Aversen Banjiah in order that I might lay the case before the Magistrate:- my Manager neglected to do this and I forgot all about the matter until on the evening of the 11th September I received a letter from Sengeravapah asking the reason of his dismissal. As I was going into the District on the morning of the 12th September I merely directed my Manager to inform him that he was dismissed, as I had told him on the evening of the 24th July, for his conduct in the matter of the Cheque. The Memorandum dated 12th

No 1827 - 1865/66 Court Recidential - Talug Pottalam

September signed by my Secretary, and was ordered by me to be drawn and I never saw it or it until some time after when Sangrasek wrote to me the letter dated 28th September forwarding an appeal to you.

you say you directed him to remain & do what you ordered him.

3. On my return to Bolany I severely reprimanded my Headman for giving the Petitioner permission dated 12th September informing him that any document of that kind should have had my signature and desiring him to send to the Petitioner and tell him that if he wanted a written document stating the cause of his removal he should have one of he attended at my office and I also called on my Headman for an explanation as to why he had not had the case brought up as I had directed and for not reminding me of it. His explanation was not at all satisfactory and I again ordered him to get the names of the Overseers & others that they might be summoned if necessary but in the mean time dangerous sickness has been done in the case

4. The statement made in para 4 of the Petitioners letter to you is as new one and was not made to me when called on & enquired for his absence.

5 As regards para 5 they to state that the whole of the investigation was made by me in the presence of the Petitioner Ouseen Baptist & his complaint when the writ was not issued but as soon as I learnt against whom he was complaining I stopped him until dangerous had been called in.

I have the honour &c

Major RA
Superintendg in my 3d Dist

September signed by my Mohamadan was never

P. No 1865 dept b

From Chief Secy to Govt Feby
To Supdg. Engr 3rd Divn

Rec'd 3rd Feby

Dated 1st December 65

Reporting on the petition of D. Sungiwapah.

No 171

Camp Secundrabad 1st December 1865

From

Lieut. Colonel R. Hyde Walker
Commanding the Nizam's Regular Cavalry

To

The Secretary to Government
Military Department

Sir,

I have the honor to forward herewith a petition addressed to me by Dunjeewapah, late Patell of Kurnool, requesting that he may be allowed to withdraw the charges preferred by him against the Petitioner Lieut. Colonel R. Hyde Walker, Commanding the Nizam's Regular Cavalry, and to request that I will cause the Petitioner to be released from arrest.

2. The Petitioner has been under arrest since the 20th September 1865, upon charges preferred against him by Dunjeewapah, and I am unable to release him from arrest without the authority of Government.

I have the honor to be
Sir
Your most obedient Servant
R. Hyde Walker
Lieut. Colonel
Commanding Nizam's Regular Cavalry

Copy to Supdg Engr 3rd Divn with letter No 2351 dated 1st Decr 1865

Rec'd 3rd Jany 1866. M. 2nd Feby

Reporting on the petition of D. Sungiwapah.

No 160 - 6th Feby 1866.

With my D.O. dft 4th Jany 1866.

No 197 of 1865/66.

Camp Secundrabad - Taluq Bs dated
Supdg Engrs office - 18th January 1866

From,

The Superintending Engineer
3rd Division

To,

The Secretary to Government
P. W. Dept.

Military Department

Sir,

With reference to the Proceedings of Government under date the 4th instant directing me to reconsider my decision regarding the dismissal of D. Sungiwapah on the grounds that the Statement made in para 4 is partially supported by my own letter I am at a loss to know what part of my letter supports his Statement unless it is

No 178 of 30th Decr 65

that part of para 2 of my letter where I state the line of defence Sungiwapah had taken before me. No one denied that he was directed to get small change for a portion of the Cheque but this he might have procured at the Taluq Treasury when cashing the Cheque: instead of obtaining small change at the Treasury he went to a Sowcar.

2. If the Petitioner was so confident of his innocence why did he not stand his trial before the Magistrate as I had directed instead of bolting away to Madras decidedly he learnt that I had given positive orders to detain the witnesses. I did not give him into the charge of the Police and so he would not have been detained in Custody pending the investigation before the Magistrate and the result of that investigation would have shown who was telling the truth the Assessor or the writer.

3. The Assessor's Statement was, in my opinion, clear and straightforward and I believed it in preference to the Writers; if I am now ordered to reverse my decision I must put the Assessor on his trial for false accusation. I would beg to suggest that Sungiwapah be called upon to state whether he is prepared to stand an investigation before the Magistrate and that the case be decided by the results of that investigation.

I have &c.

A. Walters Major RE
Superintending Engineer
3rd Div.

No. A

Mr. C. Elridge.

Superintendent D.P.W.

The Charge of Bellary Range No 3.

Coonoor dt.

Humbly beg to acknowledge
the receipt of Memo No 105 dated 25th July
1865 from the Range Office, and request
that you will kindly favour me with the
reasons of my dismissal, as soon as
aware the cause which led thereto, I
am a servant employed in the D.P.W.
Dept. and have had good testimonials
which I beg herewith to enclose for your
perusal.

I beg to remain Sir
Your Obedt Servant
Signed D. Sanjeevapah

Bellary
22d August

(True copy)

Encl. No 2 5 5 1/2 65

B- No 1866 Dept.
Abstract Statement for February
From

The Superintending Engineer
3rd Circle

To.

The Secretary to Government
P.W.D.

Dated 18th January 1866

No. 197

Reports regarding the Petitioner Sanjeevapah

The Superintending Engineer will be requested to refer the charges against the Petitioner Sanjeevapah to the Magistrate for investigation and to call upon the Petitioner to defend himself. The result of the investigation should be reported to Government in due course.

Chas. A. M.

No. 172

25th Jany 1866 2nd Shelby

Rec. 460 - 6th Feby 1866



B

To

Mr. J. Claridge

Superintendent D. P. M.

In charge of Bellary Range No. 2.

Sir,

Not having as yet been favored with the reasons for my dismissal requested in my petition under date the 22d August I humbly beg that you will have the goodness to favor me with the same as soon as possible in view to my preferring an appeal against the orders of my dismissal with the prescribed time.

I beg to remain &c.

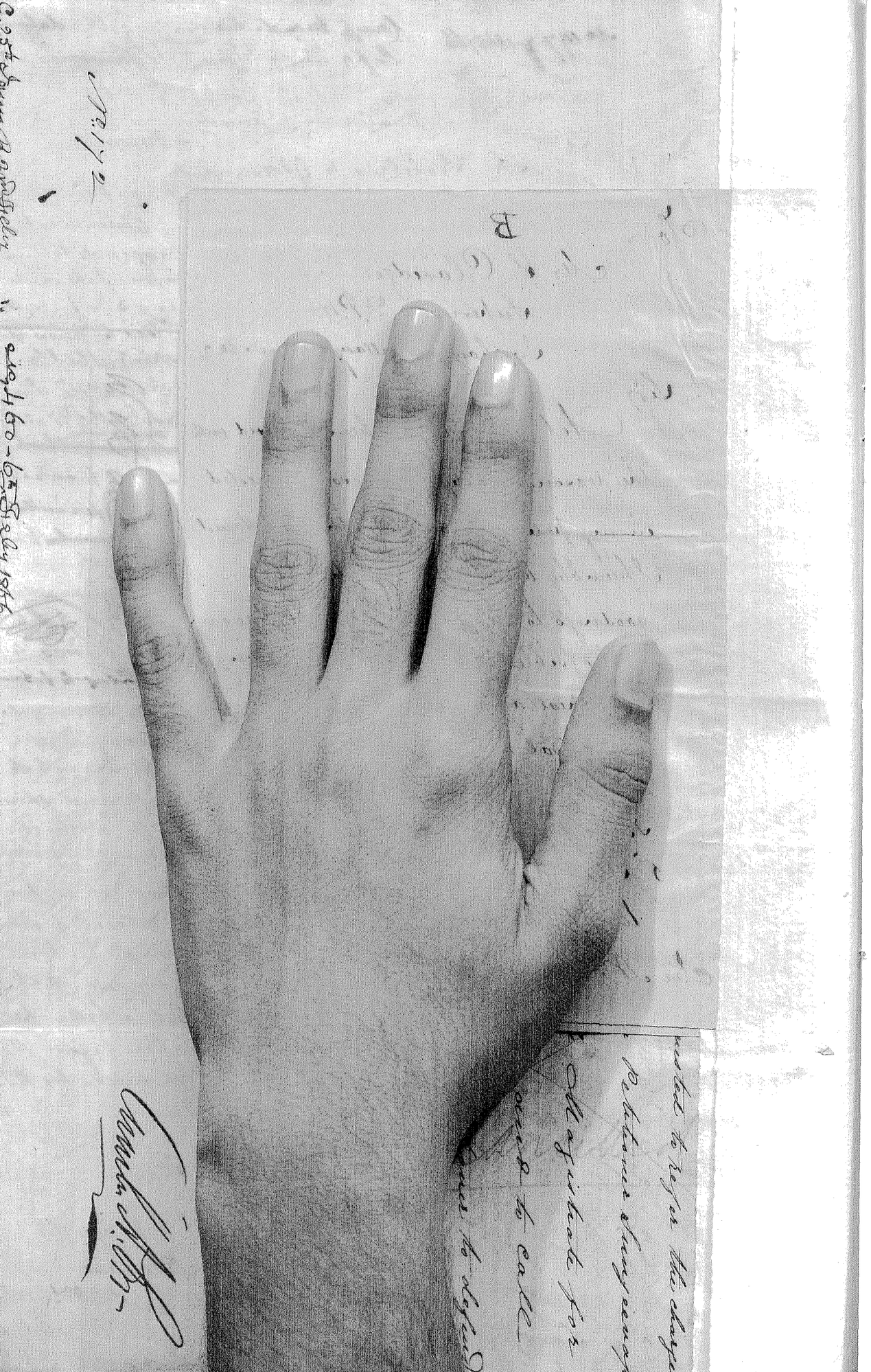
Bellary
5th September
1865

Signed/ D Sanjeevapah

(True copy)

On No. 2557/65

Considered the papers before them,



No. C.
No 2551/65

Mr. Claridge

Superviser P.W.

Bellary.

Abstract from Taluq Overseer Baupeah's

In reply to your Jaheed of the
21st August No. 113 desiring me to state
the circumstances under which the late
Water Sarjeevapah was dismissed -
I humbly beg to state that as the Superi-
=intending Engineer himself enquired
into the charge personally it is needless
for me for entering into its detail - as the
man had been in the Department for
about 14 years, and as he is very poor,
I consider the punishment he has
already undergone quite sufficient

and therefore request that you will
recommend him to the Superintending
Engineer for an employment elsewhere
in any Tal[illegible] [illegible]rt him.

6th Septem[illegible] Seg[illegible] [illegible]als in Teluqe
1865 [illegible]rseer.

In No. 2551/65

To.

The Superintending Engineer
3rd Division

Most Respected Sir,

I humbly beg to enclose copies of letters addressed by me to Mr. Claridge Supervisor D.P.W. and a translation of a copy of a letter to his address from Taluq Overseer Bauseah, by which you will perceive that I have been kept quite ignorant as to the causes of my dismissal and that the usual mode of taking a defence in my case had been dispensed with.

I have been unjustly dealt with and in order explain myself satisfactorily to your honor, I beg

In No. 2551/65   that

C. 25th Jany 66 2nd Belly

Bell 1/2

C. 25th Jany 66 2nd Belly

that I may be furnished with the
grounds of my dismissal. I make
this application d[illegible] my request
to the R[illegible] Off[illegible] rove[illegible] rover
: ofsful-
[illegible]
[illegible]
[illegible]

Inv. No. 2551/65

To

Colonel C. A. Orr R. E.

Bellary Superintending Engrs
Office 12th September 1865.

The bearer of this Dhengiwappa
late Waiter under the Taluq Overseer
of the Adoni Taluq, Bellary District,
has dismissed by the Superintending
Engineer 3d Division for "Breach of
Trust" in having appropriated to his
own use Rupees (99) ninety nine
out of a cheque for Rupees (500) Five
hundred, which has given to him by
the Taluq Overseer to cash.

(By Order)
Signed J. Taylor, Major
Superintending Engrs Office

Inv. No. 2551/65

2557/65

To

Colonel C. A Orr R.E

Secretary to Government D.P.W.

Fort Saint George.

Sir

The Superintending Engineer of

3rd Division has made complaint made by Valug

D'Souza that I dismissed me from my Office as a writer

under the Baby of 4 Rs and being desirous of

the said complaint I hereby beg to repeat to your honour

for the information of the cause

I am a servant of more than 11 years standing

in the Service and have performed my duties

to the entire satisfaction of my employers, as will

be seen from the testimonials herewith

attached.

The reasons which led to my dismissal are

as far as I can judge, but not specifically -

(demanded upon me being asked for) are as alleged:

Receipt of Bond and Vouchers appropriated to my

Name was Rejected & I was ordered by a Cheque for Rupees 500

passed home by the Valay Overseer to be cashed."

I have no reasons to the above matter, no explanations

or Receipt or Vouchers were demanded or taken from

me and I a servant of 12 years was thrown

out of employ merely on the ex parte statement

of

papers before them,

refully

money

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, &c.

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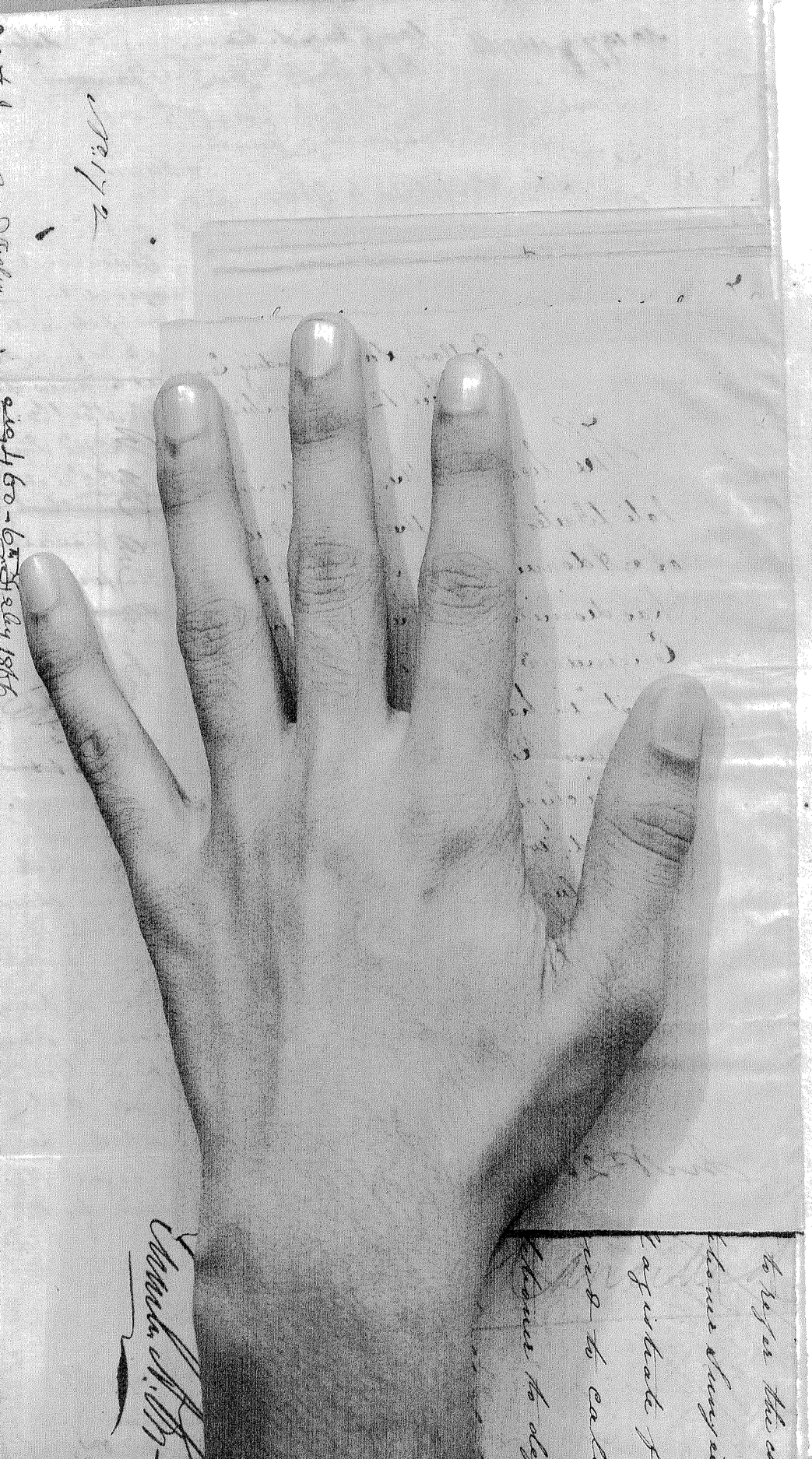
rence

1865

1865

1865

1865



Received 25th July 1865

Colonel C. A Orr R.E

Secretary to Government D.P.W.

Fort Saint George.

Sir

I have the honor to bring to your notice that I was dismissed the service of the Public Works Department by Superintending Engineer 3rd Division on the 24th instant.

I beg to state that I have been in the service of Government for the last 12 years and have always performed my duties to the satisfaction of my employers as will be seen from the Certificates herewith attached.

I was dismissed from the service without any reason being assigned to me for the same.

I beg to state that I was entrusted with a sum of Rupees 500 by the Valay Overseer to be encashed and I have done so.

I beg to state that the above charges are false and I am ready to prove the same before any Court of Enquiry.

I beg to state that I have a family consisting of a wife and 3 children to support and I am without employment since the date of my dismissal.

I therefore beg to request that you will be pleased to reinstate me in my former appointment.

I have the honor to be Sir

Your most obedient servant

Edward [illegible]

Valay D'Souza

Valay 18th July 1865

C. 25 Toungalla & Madeley

of a Native Taluq Overseer under whom I had only served 8 months or 18 part of the time of my service and who bore enmity against me for not having yielded to any of his irregular proceedings -

On the 10 of July 1865 the Taluq Overseer while at Toombleem gave me two Chegues for Rupees 500 to be carried and told me to bring 100 Rs. by a Sowcar at Adoni for the purpose of Calleeing copper for the payment of coolies at Adoni and in the neighbourhood, as it would not only save trouble in carrying it to and fro, but also save the risk of loosing it. On the 11 I drew the money from the Taluq and agreeably to the directions given to me left the sum of Rs 100 with one Yerrayah, as is usually done and with the remaining sum of Rupees 400 went to Toombleem and gave the money to the Overseer who never said a word about the sum left for copper - We returned to Adoni on the 12 where the Overseer received the copper and made the usual payment - A circumstance fully borne out by the Cash Book kept by the Overseer -

5 While the facts are such the Overseer in my absence misrepresented me to the Superintending Engineer who without any enquiry or regular investigations on papers passed the severe sentence of dismissal - Under these circumstances I most humbly beg that you will take my poor circumstances into consideration and reinstate me in my appointment - I beg to enclose copies of correspondence between me and the Range Officer and would particularly draw your Honor's attention to the one marked C. in which the Overseer's views of me has been subsequently expressed by him for which act of kindness I shall always pray for your Honor's long life and prosperity.

I beg to remain &c.

Signed D. Sangiwapah

Bellary
20 September
1865

(True copy)

Considered the papers before them

To

The Superintending Engineer,
3rd Division

Respected Sir,

I hereby beg leave to enclose an appeal against the order passed by your honor, regarding my dismissal, and beg that you will forward it on to the Secretary to Government 2nd. as usual.

I beg to remain Yrs.
Bellary
25 September
1865
Sgnd/ D. Sanjeevaiah

(True copy)

No. 100.

27

Memo

Adonjee Taluq Writer

Anjeevapah is informed that he is dismissed from the 24 Instant and that he will receive no pay from that date.

Signed/ Sergeant W. Bassett
Taluq Overseer. For Supervising
In charge of Bellary Range.

Bellary Range
the 25 July
1865.

No 2.

(A true Copy)

In No. 2551/65

Considered the papers before them

No 1

The Bearer has a Commissariat Servant
who volunteers to act as Staff Officer at
this Place for as long as he may be required
from Henry Storey Esq to whom he is always
to make himself useful in carrying out the orders

Staff Officer

Mercara
18th June 1856

No 2

The Bearer has a Company now serving
under me from 23rd April 1856 to 7th May 1856.
as Sergeant during which time he behaved himself
soberly and has given me every satisfaction. I have
therefore to beg my Parents Employment and to proceed
to Cannanore during which period I will furnish him with
Passage

Cannanore
7th May 1856

Signed J.W. Corrington
3rd Regt

No 3

The Bearer of this D. Dungiverpah served me a short time as English Writer to [illegible] my satisfaction.

[illegible] Lieut
R.N.R.

31st April 1863.

No 4 As per appendix A.

No 5

This is to Certify that D Dungiverpah was a Writer under me for nearly 4 months during this period I found him attentive to his duties he is a very faithful man and has served me every satisfaction and in the and in the discharge of his duties.

[illegible] Asst Surgeon
Acting Assistant

No 6

The Bearer D Dungiverpah served as the Capacity of Writer under me for 4 months during that period he behaved himself to my entire satisfaction. He is a good Writer and clerk accountant and very trustworthy. he left me on his transfer to Admiralty Salary.

[illegible] Asst Surgeon
2nd December 1864

[illegible]

True Copies

/ Appendix A /

Name A. Simpson Age when first entered Service 19 years.

Establishment	Date	Appointment	Salary	Period of service in each appointment		
				Year	Month	Day
2nd Asst Civil Engr & 3rd Division	18th June 1854	Writer	10 " "	4	"	"
do	18th October	Rangeh & Marking	12 " "	2	5	14
Asst Engineer Bellary	1st April 1857	Commartah	14 " "	2	5	"
do	1st Sept 1859	Asst 2nd Writer	35 " "	"	1	"
do	1st October "	Commartah	14 " "	1	4	7
Ex Range No 1	8th Feby 1861	do	15 " "	2	3	24
do	1st June 1863	Asst Writer	30 " "	"	1	"

Character Good attention to his duties writing clear & neat

/ Signed / W. Porter
Superintg Engr 1st Class
Inchange of Executive Range No 1

/ Bellary
15th July 1863

/ True copy /

25th Nov 65
Rec'd
Rec'd

To
The Secretary to Government,
Department of Public Works
Fort, Saint George

Sir,

I have most respectfully to solicit
the following circumstances of my case for your
kind and favorable consideration and for the
necessary redress.

On the 29th September 1865 I prepared
an appeal Petition to your address and presented
it to the Superintending Engineer 3d Division,
for transmission to you, as will be seen from the
accompanying copy of the same.

I am having received any sort of message
to the above Petition, I came down to Madras
to represent my case to you in person.

You are aware Sir, that agreeably to the or-
ders of the Home and Supreme Governments,
Persons appointed to permanent situations in any
Department shall not be dismissed but for fraud,
and dishonesty contrived and wilful negligence
offences involving moral disgrace and proved
misconduct.

I

I beg to bring to your notice that I have been in the service of Government for more than 11 years and have maintained a good character, but in consequence of some misrepresentation made by D. Bauseah, the Taluq Overseer under whom I was last employed in the Bellary District I was dismissed the service most unjustly. I therefore beg you will be good enough to call for a report from the Superintending Engineer and then dispense justice.

I beg to remain,
Sir,
Your most Obedient and
humble Servant,
D. Sungeevaiah

Madras
6th November 1865

My address.
D. Sungeevaiah.
Late Water Tax Collector D.P.W. Bellary District.
care of C. Venkatasiah Chetty Door No. 125
Govindaiah Naidoo Street Peddoo Naicke Pettah
Madras

Considered the papers

Feb. 25th of 1865.

The Papers connected with the Def. exhibit on the part of the Subst. Supr., Major Tucker, respecting the case of a deft. who was bailed in Jail, & absconded.

The Def., departed from Office on the 24th last, by a verbal order from Major H, was not furnished with a statement of the grounds of such dismissal until the following 12th Feby, when it was given to him under the hand writing & signature of Major H's Manager, Mr. Taylor.

It is not understood that Major H. can condemn the manner in which Def. but since Major H. has come to Def. but since Major H. admits that he "merely" directed his Manager & Subordinate to do what was done, Major H. cannot now satisfactorily shirk his responsibility & main out of the manner in which the Major carried out his directions.

After carefully perusing the

Feby 25th 1865

Papers connected with the Def. exhibit on the part of the Subst. Supr., Major Tucker, respecting the case of a deft. who was bailed in Jail, & absconded.

The Def., departed from Office on the 24th last, by a verbal order from Major H, was not furnished with a statement of the grounds of such dismissal until the following 12th Feby, when it was given to him under the hand writing & signature of Major H's Manager, Mr. Taylor.

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After carefully perusing the

Feby 25th 1865

Referred to the Deputy Commissioner for report.

2) Issue ibn for rejoinder.

Post & Exchange 28th March 65.

By Order

Major H. Taylor

Deputy Commissioner

Assistant Commissioner

Freedmen's Bureau

Refugees & Freedmen

Memphis Tenn.

Sir

I have the honor to report that I have carefully examined the papers in the case of Deft. who was bailed in Jail, & absconded.

The Deft. departed from Office on the 24th last, by a verbal order from Major H, was not furnished with a statement of the grounds of such dismissal until the following 12th Feby, when it was given to him under the hand writing & signature of Major H's Manager, Mr. Taylor.

It is not understood that Major H. can condemn the manner in which Def. but since Major H. has come to Def. but since Major H. admits that he "merely" directed his Manager & Subordinate to do what was done, Major H. cannot now satisfactorily shirk his responsibility & main out of the manner in which the Major carried out his directions.

After carefully perusing the

Feby 25th 1865

Papers connected with the Def. exhibit on the part of the Subst. Supr., Major Tucker, respecting the case of a deft. who was bailed in Jail, & absconded.

The Def., departed from Office on the 24th last, by a verbal order from Major H, was not furnished with a statement of the grounds of such dismissal until the following 12th Feby, when it was given to him under the hand writing & signature of Major H's Manager, Mr. Taylor.

It is not understood that Major H. can condemn the manner in which Def. but since Major H. has come to Def. but since Major H. admits that he "merely" directed his Manager & Subordinate to do what was done, Major H. cannot now satisfactorily shirk his responsibility & main out of the manner in which the Major carried out his directions.

After carefully perusing the

papers. I do not find it stated that
the 99 Rs. left with the Supt. for cooper
coins, has not been recovered. —
Shaves no loss have occurred to the Govt.
by this step, taken by Lieut. under the stress
of his suspicions Bampaya, it will
remain explanation of the Sub Supt. how he
expects successfully to prosecute Lieut. for
breach of trust. Certainly so much im=
portant depositions should be taken
under careful departmental scrutiny,
but the Sub Supt. has fully exculpated himself
that Lieut. is not justly culpable with
Bampaya as having defrauded the Govt.
or the theft criminally.
That suspension should have been more
credit to Bampaya's complaint than to
the Lieut's defence, both which appear to
have been so carefully made to magnify
the, that he left the whole matter in
the hands of the Havildar & then absented
himself upon his own errand.
I may be unduly suspicious that the

the Lieut. "took care not to lead" and
"related from Bellary, must come out by the
date of Lieut's conduct to the subordinates
on the Road when he dropped subsequent-
ly the 25 July - On the contrary Lieut. would
seem to have left Bellary upon the
12 Sept.
Whether or not, it is clear beyond doubt,
being urged, that Lieut. was dismissed by Major
Hislop without any enquiry or deliberation
on the mere verbal report of a Havildar
of the Native Corps to whom Lieut. was ordered to
the trapier before Govt. may have been
assault as Lieut.
When in supreme Judge of the affairs of
his division, I never knew his boundless
duty at once to have prosecuted Lieut. in the
Criminal Court, if he felt convinced that
Lieut. had committed a breach of trust. Such
a duty could not fairly be submitted to a
Commissariat subordinate until the formal
charge had been preferred & the Sub. Offices

Considered the [illegible]

Who had handed us time to prepare it.

At the present time, too, I need urge
on — have proper material to prepare
such a charge, he I need not — have to
refer the matter of standing or trading
a formal investigation in the Magistrates
Court, but I need make such complaint
as may be sufficient of proof and leave
to the Magistrate the duty of summoning
the Petr person by warrant or Summons.

In the event of the Court of Enquiry
not having in question before the
charge which had led the Petr.
to table Dandi stores he has duly to
consider whether Banbagh should
not be included, I need scarcely
add the order for Petr dismissal
be cancelled & that he be reinstated
in Office.

26-1-66

Public Works Dept.

Proceedings of the Madras Government
Under date the 6th January 1866
Read the following

47

Petition from D. Sunjeevaspah late writer & Accountant in the Public Works Dept. of the Bellary District. (Here enter 6 Nov 1865)

Appeals against his dismissal from his office
From the Supg Engineer 3rd Dn

Reporting on the Petition of (Here enter 8th December 1865)
D. Sunjeevaspah-

From Do — Do — 3rd Dn (Here enter 18th January 1866)

Reports regarding the Petitioner
Sunjeevaspah.

These papers have reference
to the dismissal of D. Sunjeeva
-pah, who was employed as a
writer under Taluke Overseer
Banpiah of the Bellary Dist
on a charge of having on
or about the 24th of July last
whom sent to the Adoni treas
to cash a cheque for Rs 500,
-tained Rs 99 for a day o
two, making use of the mon
during that time for his own
purposes.

The Govt have carefu
considered the papers before th

& they are of opinion that the Petitioner was dismissed without sufficient Enquiry or deliberation. There is nothing to show that the money which Surjeevapah was alleged to have kept back for his own use had not been lodged as he afterds with a Chitty for the purpose of being Converted into Copper Coin, & it is observed that an interval of seven weeks was allowed to elapse before the Petitioner was furnished with a Statement of the grounds of his dismissal, & it was then given to him under the signature of the Supg Engineer Manager ~~[illegible]~~ without Major Brotherly's intervention. This delay is highly reprehensible, & Major Brotherly will be informed that the Govt expect that he will not neglect a duty which he is bound himself to discharge. It was clearly the S. Engrs duty at once to have prosecuted the Petitioner in a Criminal Court if he felt convinced that the latter was guilty of a "Breach of trust"; but as no money was made away with, nor loss sustained by a few Rupees having been defrauded with the Chitty under, as Surjeevapah alleges, the orders of the Overseer himself, it is difficult to understand how the S. Engr now expects successfully to substantiate the charge.

Major Brotherly's allegation of the Petitioner having evaded a trial before the Magistrate by leaving Bellary, is not borne out by the dates of the Petitioner's Communications to the Subordinates whom he addressed subsequent to the 25

July, & from which it would appear that he did not quit that Station upto the 12 Septr. - Unless, therefore, the S. Engr is fully in a position to establish the charge (of breach of trust against the Petitioner,) & in that case it will be his duty to consider whether Overseer Banfield himself is not implicated) the Government direct that Sungeravahé's dismissal be Cancelled, & that he be reinstated in office.

51

No. 170. @ 173

To The S. Engr 3rd Dn

6

16

31st Jany 1866 Od. 2nd. Fisher

F F 1866 Dpte

Pcls: of Govt for July

No 460

Pcls: of the M Govt

Dpt for July 66

D. Sunjeevapah. —

Taluq Overseers Writer,

Bellary District. — Pay-

-ing orders on certain Com-

-respondence relative to the

Assessment of —

No 170 @ 173.