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. 2725 Press / Mis.

245-46

Dated 19-11- 1937.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 14th November 1870.

No. 245. Read the following letter from the General Superintendent of Public Works Stores and Workshops:—

Reports on the Memorial of Shaïk Modeen, Moonesawmy, and Runga, lately employed in the Public Works Store. } (Here enter 27th October 1870, No. 839.)

No. 246. ORDER THEREON, 14th November 1870, No. 2,725.

ESTABLISHMENT, No. 23.

ON a perusal of these papers the Government observe that the petitioners Shaïk Modeen, Runga, and Moonesawmy, in the strict discharge of their duty as watchmen, prevented Sholiappa Moodelly, Deputy Storekeeper attached to the Public Works Stores, from removing a few pieces of timber from the Workshop premises on the evening of the 20th February last in the absence of a pass, which it appears the Deputy Storekeeper did not produce when it was asked for at the gate. The circumstance was reported to the General Superintendent, who held an investigation, during which the petitioners, worked upon no doubt by others, retracted much of what they had at first stated, and, in Mr. Grainger's opinion, so prevaricated as to lead him to lose all confidence in their integrity and finally to cause him to dispense with their services. From the facts elicited at the Magisterial enquiry however, it appears to Government very clear that the petitioners acted with good faith, and ought to have been supported.

2. Under these circumstances the Government cannot but view the dismissal of the petitioners otherwise than as a very injudicious act, and His Excellency in Council directs that they be restored to the posts which they respectively filled at the date of their dismissal, their salaries for the period during which they were unemployed being disbursed to them, and arrangements being made for providing the present incumbents of those posts with other employment as vacancies occur.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the General Superintendent of Public Works Stores and Workshops.
„ Controller of Public Works Accounts.

Exd. S. T. Augustin.

Public Works Store Dep
Cheapauk 27th October 1875

No. 1839

From

The General Superintendent
Public Works Store & Workshops

To

The Secretary to Government
Public Works Department
Fort Saint G

Sir

With reference to the Petition from Sira
Modeen, Duffadar, Runga Peon, and Moonesawmy La
praying to be restored to the respective posts they
recently held in the Public Works Stores from which
they were dismissed, as they allege, for striking fo
forming there duty, I beg to state for the inform
of Government, that having lost all confidence
these men from the utter want of truthfulness ex
by them in the matter of the Complaint preferre
by them against Solayappen Moodelliar the Store
I dismissed them.

The Petitioners were detailed on duty
night watchmen to guard the Stores and Works
As stated by them, they preferred a Complaint a
the Deputy Storekeeper, for removing timber from
Workshop premises, between 4 and 5 o'Clock on the

I have

evening of the 19th February last, but so exaggerated, on the whole, that before I had completed my investigation, they began to prevaricate and eventually denied all but what the Deputy Storekeeper admitted and what was proved by evidence from first to last to be the case, and to what he was entitled by purchase.

3 The first Petitioner stated that he was instigated to make the complaint by the other two, while they on their part denied all knowledge of the transaction, although present the whole time at the scene of action on the evening of the 19th February last.

4. The Petitioners were not suspended from their employment for even an hours, but when I found how untruthful they, one and all, were, I dismissed them at once as I felt that I could not place any reliance on any statement they might thereafter prefer.

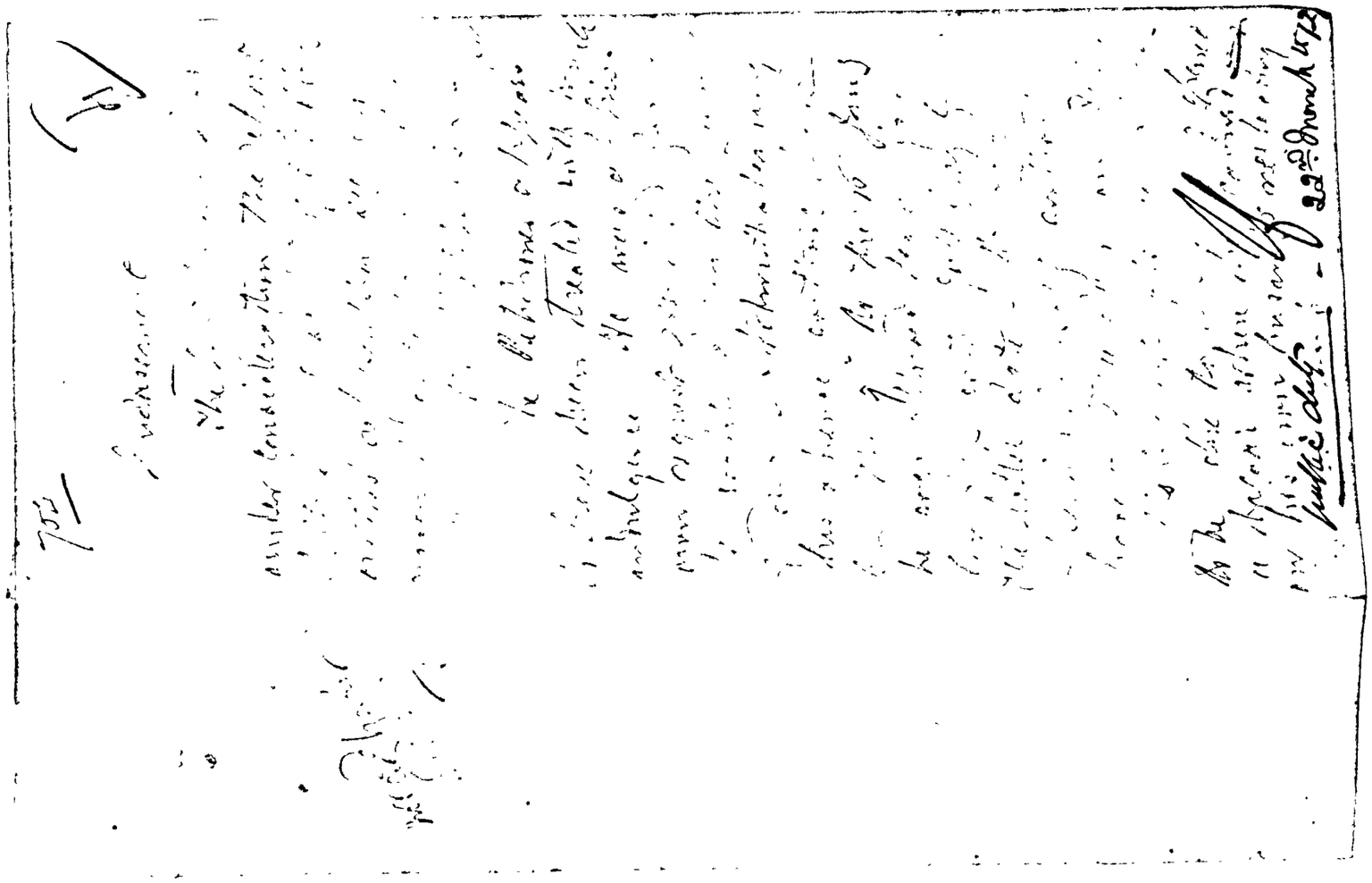
5. On Petitioners' application personally, subsequent to the Magisterial enquiry, I ordered the Petitioners to be taken into service again; as I considered that they were sufficiently punished and might therefore be more truthful in future, on the same salaries they received before they were dismissed, with a promise of restoration to their former posts as vacancies occurred, the Duffadars having been conferred on an honest truthful man of 25 years standing and approved service in Government employ. Should however the first Petitioner declined to enter on the duty assigned him, stating that he did not wish to re-enter the Department but asked for money as gratuity for his past service and put into my hand a letter in English to the above effect. The other two Petitioners accepted the service assigned them but neither have up to the date put in an appearance.

6 I have no objection to give the Petitioners employment in the Workshops, but I respectfully submit that I cannot consider them entitled to the arrears of pay claimed for the time they have been kept unemployed, as their dismissal was the result of their untruthfulness.

I have the honor to be
Sir
Your most Obedient Servant

J. M. Grainger
Asst Supdt Ord Stores & Workshops

61



Copy of Letter from Lieut. Col. Hawks Store & Workshops Lieutenant.
to Chief Secretary to Government.
Public Works Department.
Fort St. George

Recd 27th October 1870.
Read 31st October 1870.

No. 839.

A.

Enclosures 2

Reports on the Removals of Stores & Machinery and Plant, belonging to the Public Works Stores

No 2925-14 Dated 7th

No 1245

Copy to Q.M.G.

Memo

The undersigned Lascar Khoomsaung solicits the General Supt. of Stores to grant him leave for 5 days. Commencing from tomorrow the 7th Instant. on account of domestic affairs

Chepauk
6th Jany 1872

Lascar

P.W. 1357/72.

Memo

The undersigned humbly begs the Genl. Supt. of the P. W. Stores and Workshops to grant him 5 days leave, as his child is very sick

Chelpark
22 Jany. 1873

No. 1357/72.

Memo

7

The undersigned Caterer solicits the Genl. Supdt. U.S. Stores to grant him leave for 4 days from this date, by keeping a substitute for the above days.

Chepstow
29th January 1872

[illegible]

J. R. M. Rhoades
Caterer

Extract from the attendance book of Lascars of the P.W. Store Deptt. for January and February 1872

January 1872

Name	1st	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
q. A. Moonesawmy	1	1	1	1/2	1	Sunday	1	a	a	a	1	Holiday	1	Sunday	1	Holiday	a	L	L	L	L	L	L	L	L	L	L	Sunday	1	1	1

The night watch for three days

February 1872

Name	1st	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th
q. A. Moonesawmy	1	a	1	Sunday	1	a	a	1/2	dismissed																				

Cherrapunji
16th March 1872

True Extract

J. N. Grainger
Genl. Supdt P.W. Stores & Workshops

Public Works Store Department
Chepauk 16th March 1872

No: 1073

From

The General Superintendent
P. W. Stores & Workshops

To

The Secretary to Government
Public Works Department
Fort St. George

Sir

In reply to the Petition of Moonesawmy late a Lascar in the Public Works Stores, I have the Honor to enclose a copy of attendance of petitioner for the months of January and February last and to state that during the month of November last, he was put on night watch, it being a rule that the peons and lascars are engaged for one month on day watch and one month on night watch successively and on 1st December he absented himself alleging that he was unwell and asked to be put on night watch for

December

Enclosure.

P. W. 1873/12.

C. Ellis Esqre

December, this was granted and he applied for the same indulgence for January which was not granted to him as he did not appear to be sick. In January he absented himself without leave from the 9th to 16th both days inclusive, on the 16th he asked for 5 days leave (memo A) which was granted with full pay and the same indulgence was again granted him on the 22d. (memo B). On the 29th he again applied for leave (15 days on substitute memo C) which was not granted as it had been found out by Mr. Gray that he wanted the leave to carry on the business of a shop he had opened in the Bazar and that he had been doing so during the months of November and December whilst he was reporting himself as unfit to do day duty at the Stores.

* except 12th on which day he attended in order to secure his pay for the following two days of Festival

On February the 2d, 6th and 7th he again absented himself without leave and on Mr Gray making enquiry he was found Serving in his bazar and as his character was idle he was dismissed.

Neither Mr Gray or Solayappen Moodelliar have made any complaint against this man since his re-entertainment though there has been frequent cause for complaint.

I have the honor to be
Sir
Your most Obedient Servant
J. N. Grieve
Genl Supt G. S. Stores &c

Madras.

P. W.
~~1872~~ 1872 Department

From No. 1357.

The General Superintendent
of Stores & Workshops

To

The Secretary to Govt.
of B.D.
Fort St. George

Dated 16 March 1872
Received 18

No.
Encls.

Reports the circumstances
under which Broomes a ~~ex~~
late a Lascar, was dismissed

Withordrs
22d March 1872

6 i. Nov/70 Q. 8va.

while they on their part denied all Knowledge of the transaction although present the whole time at the scene of action on the Evening of the 19th February last

4 The Petitioners were not suspended from their Employment for even an hour but when I found how untruthful they one and all were, I dismissed them at once and felt that I could not place any reliance on any statement they might thereafter prefer.

Vide para 4 Petition.

5. On Petitioners application personally subsequent to the Magisterial Enquiry I ordered the petitioners to be taken into service again, as I considered that they were sufficiently punished and might therefore be more truthful in future on the same salaries they received before they were dismissed with a promise of restoration to their former posts as vacancies occurred. The Duffadarship having been conferred on an honest truthful man of 29 years standing and approved service on the Government employ. Shaik Nodeen the first Petitioner declined to enter on the duty assigned him stating that he did not wish to re-enter the Department but asked for money as Gratuity for his past service and put into my hand a letter in English to the above effect. The other two Petitioners accepted the service assigned them but neither did I have any to their taste but in an appearance. I have no objection to give the Petitioners employment in the Workshop but I respectfully submit that I cannot consider them entitled to the arrears of pay claimed for the time they have been kept unemployed as their dismissal was the result of their untruthfulness.

True Copy

Shaik Nodeen the Petitioner

Sd J. N. Granger
Exe Engr P.W. Stores

Exe Engr

In the Royapetta Police Court
the 9th September 1870.

Present

P. Sreenarasaiyar Esqr. Magistrate.

Sholapparle Moodelly ——— Plaintiff

—Versus—

1. Moonesammy
2. Sheik Moden ——— Defendants.
3. Runga

Case No. 7598.

In this Case the Defendants are charged
1st With defamation under Section 500 of I. P. Code and
IIn. With furnishing a Public Servant with false information
Under Section 182 of Ditto.

The prosecutor is the Deputy Store Keeper in the Public Works Department, Madras, and the 2d Defendant was the Duffadar and 1st and 3d Defendants the peons in the same Department.

The facts of the Case as disclosed on the part of the prosecution are briefly the following.

On the 19th February 1870. the prosecutor purchased 2 pieces of Wood from the Public Works Stores and 4 pieces of Wood from a Carpenter named Sabapathy Acharry who had purchased a large quantity of Wood in Auction in the same place between 3 and 4 O'Clock in the Afternoon of the same day (19 February) the prosecutor loaded a Cart with three Six pieces of Wood and the Cart was moving out of the gate of the said P. W. Stores, when the 2d Defendant stopped it with the help of the 1 and 3d

Defendants

Defendants; and on the following day informed the Manager Mr. Gray, and subsequently the Superintendent Mr. Graniger. of the above; and complained that Prosecutor had stolen the timber in question, and departmental enquiry was held, and the Superintendent Mr. Graniger found, on the 22nd February last, that the prosecutor was not guilty of theft and dismissed the Defendants from their Posts. That prosecutor charged the 2nd and 3rd defendants with Defamation in the Rangiputa Police Court, but in consequence of an Apology being made by them, he did not appear to prosecute the Case which was in consequence dismissed.

Subsequently on the 1st September current, the Defendants repeated the accusation of theft against the Prosecutor to the Superintendent Mr. Graniger, and the prosecutor has been Ordered to furnish a full and satisfactory explanation of the said accusation, Hence the prosecutor brings the charges which form the subject of the present case.

The 2nd defendant who is a principal party in the Case, Admits that he stopped the prosecutors Cart laden with timber, as there was no pass to justify his taking it out; and that he informed the Superintendent of all that occurred and complained of theft, and pleads therefore he is not Guilty. The 1st and 3rd Defendants were present at the time with the 2nd Defendant, and they likewise plead not Guilty.

In Whitely v. Adams it was held by Erle C. J. that if the circumstances bring the judge to the opinion that the communication was made in the discharge of a Moral and Social duty, or on the ground of an interest in the party making it, with a corresponding interest in the party receiving it; and that the words which passed were delivered in the honest belief that the party was performing

(Maynes pge 350)

(2)

performing his duty in making the communication, the Judge is to say that the Action fails"

So it is laid in the Indian Penal Code, that it is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation (3 Explⁿ to Section 499 of the I.P. Code).

Now in this case it is an Admitted fact that 2d Defendant was the Duffadar, and 1st and 3d Defendants the peons in the P.W. Stores. Their duty accordingly was to see that no timber was removed from the premises which was not carried by a Pass. They were therefore interested lawfully in lodging the Complaint in question & Mr. Cranmer, who being the Superintendent of the Department was equally interested in receiving it. The only question then is whether the Defendant acted bonâ fide in making the accusation in question against the prosecutor. Under Section 52 of the I.P.C. nothing is said to be done or believed in good faith, which is done or believed without due care and attention. It is to be seen therefore, whether the Defendants acted with due care and attention, that is, whether they had reasonable and probable Cause for stopping the prosecutors Cart laden with timber, and reporting to the Superintendent that the prosecutor was stealing it. For, it has been held that if a party accuses another of a Criminal Offence, it is a rule of Law, which seems to be founded upon principles of policy and convenience, that the accuser should be protected, however malicious his private motives may have been, provided he had a probable Cause for preferring the charges (Starkie's Law of Slander and Libel p: 476). And a charge of Felony is not made maliciously, if made in the honest belief of the existence of the facts which would constitute the Cause of suspecion of Felony (Ibid p: 483).

So

Dead Sessions Mottoes &c

So in the present case, I am satisfied the Defendants had reasonable and ~~justifiable~~ probable Cause for doing what they did. The facts admitted on the side of the prosecution are, the prosecutor loaded a Cart with 6 pieces of timber, and when the Cart was moving out of the premises of the Public Works Stores, the Defendants arrested it; that on Pass was then shewn to the Defendants, that all the prosecutor said "It is my Wood, let it go," that when the Defendants still persisted in obstructing the Cart, the prosecutor coolly turns back into the and instead of allowing the cart to remain laden with pieces of timber as it was, unloads it, and allows the pieces to be scattered in the Compound. Under these circumstances, who can tell that Defendants had no reasonable or probable Cause, or suspection? Mr. Grainger the Superintendent and who is the prosecutors first Witness, swears that according to the rules of his Department, the Act of removing timber from the premises without a Pass of some kind or other, would be theft. Indeed the prosecutor he admits this much indirectly, for he makes out that he did obtain a pass, otherwise called a sanction & Indent, from the Manager, Mr Gray, for 2 pieces of Wood before he removed them from the premises. Why did he do so? Decidedly to shew the pass to the Guard at the Gate, for no other object is alleged or shewn. And yet the Prosecutor did not shew the Pass to the Defendants at the time they arrested the Cart. The mere profession of a Pass by the Prosecutor is not enough. He ought to have exhibited it to the Defendants who are not otherwise likely to know that he obtained any Pass at all. The Prosecutors failure to exhibit the Pass, coupled with his conduct in retreating the movement his cart was stopped, and allowing the pieces of timber to be scattered so as to frustrate the possibility of identification was, I think, quite sufficient to raise a suspicion

(4)

in

in the mind of any honest man. It is not for me in this
case to express an opinion as to whether the Prosecutor is
guilty of theft or not; but all that I have to consider is
whether the Defendant had reasonable and probable Cause to
suspect that the prosecutor was removing the timber
clandestinely, and I am of opinion that they had. It is
said that the Defendants upon seeing a peaceable
Officer like the prosecutor removing wood from the Public
Stores, ought to have allowed him to do so without any
demur, and without reporting the matter to any body at
all. But it is not shown, nor is it a fact, that prosecutor
is the head of Department or that he is authorized to
remove any timber he takes from the premises without a
Permit. Indeed the prosecutor's own conduct in obtaining
a Pass (marked D) from the manager of the Office for
removing pieces of timber, proves that Prosecutor does
not possess any more privileges, than a private person.
does with reference to the removal of timber from the
Stores. How, as to the matter of courtesy which De-
fendants ought as it is contended to have shown to the
Prosecutor, who is a responsible Officer in their De-
partment in this respect, I think that the duty which
is cast upon every man by the rules of Society,
claimed always yield to the more honorable and more
important duty which one owes to his Master, to the
state, and to the Public, in matters like the one in
question. Above all when Prosecutor saw that the
Defendants seemed not treat him with courtesy, and
were bent upon the strict performance of their duty,
was it not (Pros) duty likewise to have acted strictly?
Should he not have shown the pass (which he says he
had obtained already from Mr. Gray) to the Defendants?
Would not such a course have put a stop to all this un-
pleasant affair? - But it is passing strange that the
Prosecutor did nothing of the kind.

How.

5

Gent Jurors & Mr Stores &c

I shew it is remarked that the very fact of some of the Defendants having made an apology (Ex. F) saying that the accusation made by them against the Prosecutor is false, shews that Defendants had no reasonable or probable cause for accusing Prosecutor of any clandestine removal of timber. But in the first place, this Apology (Ex. F) was not pleaded in the Court in which the case with regard thereto, was then pending. Secondly. The Apology is not proved to have been signed by the Defendants. Thirdly. The Apology having been dated February 1870 does not much affect the accusation said to have been made by the Defendants in September 1870. Fourthly Here is a fallacy lurking in the Agreement founded upon this Apology. This Apology says that Defendants stated a falsehood with reference to the matter in question. I don't really understand what statement it was that is thus said to be false.

The accusation made by the Defendants was that Prosecutor removed certain pieces of Wood from the S.N. Stores without exhibiting a Pass to the Guard Boons i.e. Defendants.

The Prosecutor admits all this and therefore the assertion made in the apology that the Defendants told a lie is quite absurd. I confess that the accusation made by Defendants went on to say that Prosecutor stole the Timber. But if the Defendants had stopped with this there would have something, but they communicated all the circumstances which transpired in this matter, and considering that these circumstances constituted a theft, stated that there was a theft, and in doing so, I think they were justified, because they had reasonable Cause for the same as I have already shewn. Indeed the Prosecutor's Witness, Groniger,

the

the Superintendent says, as I have said above that the act of removing Wood from the premises of the D. W. Stores without a Pass would be theft. So malice can be inferred from a mere statement of facts according to truth and

Fifthly. The apology does not say that the Defendants did not act in good faith, and therefore the Apology is quite consistent with the hypothesis of their innocence as pleaded by them in their case.

I shew it is stated for the prosecution that after the Defendants made an Apology and the Prosecutor withdrew the first case in February 1870 there was an end of the matter, and the Defendant in parking up the old affair and repeating the accusation in September 1870 proves malice. But I do not think so. The Defendants repeated no accusation against the Prosecutor a second time. In consequence of their having been dismissed by Mr. Granger from their post, in connection with this affair, they presented a petition to Colonel Orr Secretary to Government in the D. P. W. to obtain a restoration of their appointments and when Mr. Grainger made enquiries about this, the Defendants had to repeat the past events in vindication of their own conduct to clear as to how they have been acting Bonâ fide. Surely the occasion justified the Defendants in doing what they did.

For the prosecution it is argued that Defendants were wrong in mooting the subject after it had been once duly explained away by the Prosecutor. On this subject, I shall only repeat the valuable observations made in "Starkie's Law of Slander and Libel page 309" - In an Action by Bagainst A for malicious and without probable Cause, making a charge

7

February last and that on the same day purchased the remainder from a Carpenter who had purchased them on an Auction on the same premises, As to the first 2 pieces of Wood, I have to observe that the Indent is signed by Mr. Gray the Manager, and not by Mr. Graniger the Superintendent, And then Again the circumstances that Mr. Gray passed the Indent on the 19th February is not consistent with Mr. Granigers Testimony which shews that Prosecutor produced to him an Indent two days after the arrest of the Prosecutors Cart, is about 21 or 22 and asked him to pass it. If the Prosecutor, as he says, had already got his Indent passed by Mr. Gray on the 19th February. I do not understand why he (Prosr) again produced an Indent to Mr. Graniger 2 days afterwards on Account of the same timber. This is a mystery which must remain to be solved. Which of these Statements is true? I do not stop for a moment to see. All that I have to say, that this inconsistency in evidence is fatal to the prosecution. That as to the purchase of 4 pieces of Wood from a Carpenter, his evidence is contradicted by the Cartman, who says he was present at the time; and further it is not said that the Carpenter transferred his Pass to the Prosecutor to enable him to pass the goods purchased by him. Above all, these facts about the purchase of 6 pieces of timber by Prosecutor would go, if true, to shew that Prosecutor is not guilty of theft but they cannot shew that the Defendants had no reasonable ground for making the accusation against the Prosecutor, because the existence of these facts was avowedly quite unknown to Defendants.

For

9

Chief Justice & Assistant Judges &c

For these reasons my finding upon the 1st Count is that the Charge of Defamation is not established in any way.

Then as to the 2d Count of the charge, I think that here too if the informant acted in good faith, he would be excused, for this would rebut the presumption of dishonest intention. As I have shewn above, the Defendants have acted bonâ fide in this affair.

I dismiss the Case and discharge the Defendants

(Signed) P. Sreenivasa Row
Acty Magistrate of Police

Judgment
in the
Royapetta Police Court
in the Cases of

Sholayappala Moodelly
Versus.
1. Moneswamy.
2. Sheik Brodeen.
3 Runga.
for
1st Defamation.
2d Furnishing a Public Servant with false information.

Dismissed.

W 4332/70
L. No 2188 of 1870
Fees 14 Nov 70 L 1245

for the last 13 years & that they were dismissed from Sheik Moideen. for the trivial performance of their duty in arresting Abdul Rahim & the Defendants who were manufacturing false charges against Sheik Moideen of the Defendants & Rahim absconding the orders of the Superintendent & Head Assistant

No. 2188 of 1870.

Sheik Moideen. late Buffadar in the Service of the Department of Public Works at Madras, residing at No 41 Falkers Lane, Purasawalkam Police Station, & Rahim late Sepoy in the Service of the Department of Public Works at Madras residing at No 41 Falkers Lane, Purasawalkam Police Station.

Charge under Section 211 I.P.C.

Dated 14th October 1870.

Complainant that they have been dismissed from their respective offices.

Sholayappala Moodelly
Versus
1. Moneswamy
2. Sheik Brodeen
3. Runga

Defamation
Furnishing a Public Servant with false information

Dismissed

W 4332/70
L. No 2188 of 1870
Fees 14 Nov 70 L 1245

Pray that they may be restored to their former Lib-
erty & that Warrants
of pay may be grant-
ed to discharged Soldiers

Commenced.

Petitioner is informed
that the Governor
declines to interfere
in his behalf.

C. J. S.

Lyon.

Returned with the papers

Lyon

No 1

Fort Lt George
18th July 1792.

Papers returned

Public Works Store Department
Chepauk 2nd July 1872

No 322

From

The General Superintendent
P.W. Stores & Workshops

To

The Under Secretary to Government
Public Works Departt
Fort St George

Sir

In returning herewith Petition from Peeru Shaike Inodeen referred to me for report I beg to forward the enclosed papers relative to the Petition of Shaike Inodeen from Duffadar to Peon, from which you will observe that my action in reference to the Petitioners misconduct received the assent and approval of the late Secretary to Government P.W.D. before being carried into effect.

I have the honor to be
Sir
Your most obedient Servant

J. Spencer
Genl Superit P.W. Stores & Workshops

P. W. 1872 Depart.

No 3227.

From

The General Superintendt
of Public Works
Fort Saint George

Dated 2nd
Recd 3 } July 1872

No 322

Enclosures

Forwarding papers
relating to the degradations of
Shaikh Modeen & Imam and
informing that his action re-
ceived confirmation of the
late Secretary to Govt P.W.D.

Referred to the
General Superintend-
ent of Public Works
Store for early report

Chief Clerk Capt RE

Mg Quicko. Secy to Govt
PWD

Solicitor
1st July 1872

two peons of the office went to visit the native officials of the office on the evening of Pongal festival day and absented themselves from duty.

Represents that he has been doing so for the last fifteen years during which he is employed in the Stores; but at no time that it was told him that it is a breach of duty.

Detailing the circumstances which made the Manager & the Dy Manager be displeased with petr, prays that he may be reinstated in his former post.

Dept Clerk 20 June 72 R 24.

P. W. Proc. No. 1 dated 3rd July 1872

Government of Madras,

Public Works DEPARTMENT.

Petition No. 1300 of 1872.

From Shaik Modeen

Occupation. formerly a Duffadar; but now a peon in the P. W. Stores & Workshops

Village.

Talook.

District.

Dated

Received 17th June 1872.

Enclosures. 2

P. W. 3227/72.

Abstract.

States that he has been degraded from the post of a Duffadar to that of a peon on the 8 & prays that Petr with two

Cert fy.

28

2185
Encl.
14/10/70.

Madras 11th October 1870.

To.

Colonel C. A. Orr.
Secretary to Government
Public Works Department
Madras.

The Humble Memorial of Sheik Moideen late a Duffadar in the service of the Department of Public Works at Madras, but now unemployed, residing at No 41 Fakeer Saib Lane at Perallesooram Setta Triplicane within the local limits of Madras, and of Moonesamy and Runga late Peons in the service of the Department of Public Works at Madras, but now unemployed, and residing, the former at Seeramagara Broadday Street Triplicane, and the latter at Kurreemodeen Saib Street Narsingapooram respectively within the local limits of Madras.

Most Respectfully Sheweth.

1. That all of your Memorialists have been servants of Government in the Mar-

Government of Madras.
Public Works DEPARTMENT.

Petition No. 704 of 1870.
From Moonesawmy

Occupation. late Lasker in the Public Work Store

Village. Chepauk.

Talook.

District. Madras

Dated 12th } March 1870
Received 21st }

Enclosures.

Abstract.

States that he with two others were, in 1870, dismissed for their having prevented the Dy Store Keeper from conveying out certain logs of wood without a pass ful

they were restored under orders of the Govt No 2725, dated 14th Nov 1870; but that as the Supt was displeased at them for their having appealed against his orders, he was watching for an opportunity to dismiss them on any trifling fault; and dismissed the petr for having absented himself from office on account of the illness of his only child.

Prays for restoration.

Madras Presidency continuously for a period of about thirteen years.

2. That your Memorialists last served Government in the Department of Public Works at the Chepauk premises in Madras, the former in the capacity of Dufadars, and the two latter in the capacity of Peons.

3. That your Memorialists in or about the months of August One thousand eight hundred and Seventy communicated to you the particulars with reference to an attempt made on the part of one Sholappa Moodelly (the Deputy Store Keeper at Chepauk) on the Nineteenth of February One thousand Eight hundred and Seventy, unauthorizedly to remove from the said Chepauk premises certain pieces of timber, which your Memorialists prevented from being effected as no pass or permit was produced to your Memorialists by or on behalf of the said Sholappa Moodelly, and that by thus strictly performing their duty they have been summarily dismissed the service.

4. That Your Memorialists informed, that Mr. Spranger the Superintendent at Chepauk of these facts, who told Sholappa Moodelly that as it appeared he had committed a theft it was necessary he should vindicate himself by instituting Criminal proceedings against your Memorialists for defamation and that until the matter was cleared up your Memorialists would be suspended from employment.

5. That the said Sholappa Moodelly according instituted Criminal proceedings against your Memorialists in the Royapetta Police Court for defamation which were subsequently withdrawn by Sholappa Moodelly who promised to exercise his influence on behalf of your Memorialists in order to get the latter reinstated in their respective employments if they would sign a letter of Apology which they accordingly did.

6. That after this Sholappa Moodelly not fulfilling his promise your Memorialists in order to be reinstated in their posts addressed to you the communication referred to in paragraph three which was forwarded to Mr. Spranger who then suspended Sholappa Moodelly from Employment, and the latter

latter thereupon reinstituted Criminal proceedings in the Royapetta Police Court against your Memorialists charging them under two Counts, viz. 1st With defamation and 2dly With furnishing a Public Servant with false information under Sections 500 and 182 of the Indian Penal Codes respectively.

7. That the said Case was duly investigated by a Magistrate of the said Royapetta Police Court, and the result was that dismissal of the Case and the dismissal of the Charges in such a manner as fully to justify your Memorialists in the Course they had adopted, as will be seen from the Copy of the Judgment herewith forwarded for your perusal.

8. That the said Shallappa Moodelly has since the dismissal of his prosecution been reinstated in his employment but your Memorialists in the other hand have been refused reinstatement in their respective posts.

9. That your Memorialists most respectfully submit that what was done by them they were simply bound in duty to do and in obedience to the rules of the department and had they not acted as they did they would have most probably been blamed for neglecting their duties and although it seems an anomaly yet it is the fact that it is entirely owing to their strict adherence to those rules which has been the Cause of their being thrown out of employment notwithstanding their long services in the employ of Government.

10. That your Memorialists earnestly pray you may be pleased to Cause the necessary enquiries to be made into this matter which cannot but fail to prove the truth of the facts stated herein and the misconduct of Shalappa Moodelly.

Your Memorialists further pray that you may be pleased to reinstate them in their respective employments in the service of Government either in the Chepauk premises or elsewhere as you may see fit, and further that you may also be pleased to order that your Memorialists should receive the arrears of pay for the time they have been kept unemployed.

And as in duty bound
Your Memorialists
Will ever pray

Memorial
of
Sheik Moideen Moonesawmy
and
Runga
to
Colonel C. A. Orr
Secretary to Government
Public Works Department
Madras.

PW 4332/70

1 Enclosure.

Received

Referred to the Revenue Superintendent
of Public Works
for report.

Sd/ C. A. Orr
Secy: to Govt
P.W.D.

Sd/ W. Ellis Esq.
Revenue Superintendent
P.W.D.

Sd/ W. Ellis Esq.
Revenue Superintendent
P.W.D.

PW Debt

No 2725

331

Proceedings of the Madras Government
Under date the 14th November
Read the following

From the Generals Supt. Pub. Works
Stores and Workshops
Chepauk
Madras

} No. E. No 8397/27th October 1870.

The petitioners appear to have been in the Stores performing their duty in preventing the removal of goods pilfered from time to time by evil disposed persons. They were employed under the supervision of the Store Keeper who is responsible for their conduct.

Sd/ W. Ellis
S. D.

On a perusal of these papers the Government observe that the petitioners Sheik Moideen, Runga and Moonesawmy, in the strict discharge of their duty as watchmen, prevented Sholiappa Moodelly Deputy Storekeeper attached to the Public Works Stores from removing a quantity of timber from the Work-shop premises on the evening of the 20th February last in the absence of a pass, which it appears the

the Deputy Storekeeper did not produce when it was asked for at the gate. The circumstance was reported to the General Superintendent, who held an investigation, during which the petitioners, worked upon no doubt by others, retracted much of what they had at first stated, and, in Mr. Grainger's opinion, so prevaricated as to lead him to lose all confidence in their integrity and finally to cause him to dispense with their services. From the facts elicited at the Magisterial enquiry however, it appears to Govt. very clear that the petitioners acted with

^ the Govt. cannot but view the dismissal of the petitioners otherwise than as a very injudicious act and

^ their salaries for the period during which they were unemployed being disbursed to them.

with good faith, and ought to have been supported.

Under these circumstances ^ His Excellency in Council directs that they ~~petitioners~~ be restored to the posts which they respectively filled at the date of their dismissal, ^ and ~~those~~ arrangements be made for providing the present incumbents of those posts with other employment as vacancies occur. The petitioners will not however be entitled to any salary for the period during which they have been unemployed, as they, in a measure, by their retractation of their first statement

brought

brought their temporary dismissal upon themselves.

To The Genl Supt of P.W. Stores & Workshop Londonderry

Depd 15/11/70.

Cp 4332

Govt. of [1870] Madras.

PUBLIC WORKS.

To The Genl Superintendent of P. Works & Workshops

Dated

Recd. Encl. 2

G. O. 14th Nov 70. No. 2525.

Nos. 245-246

Petition Copies orders on the
letter from the Genl Supt of P.W.
Stores & Workshop reporting
on the petition from Shaik
Madeen, Ranga and
Moneswamy appealing
against their dismissal
from the Workshop -