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MADRAS RECORD OFFICE

Government of Madras

Public works DEPARTMENT

G.O. No. 3037 Press

~~B.P. No.~~ 291-292 ~~Mis.~~

Dated 17-12-1873 ~~195~~ .

Not to be folded or roughly handled

No. 291. Read the following letter from Captain J. PENNYCUICK, R.E., District Engineer, North Arcot, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Vellore, 22nd November 1873, No. 2,650:—

In reply to your endorsement, No. 2,643, of the 10th instant, on a petition from C. Ananthacharry, late Acting Taluq Writer of Palmanair, I have the honour to report as follows with reference to the causes of that individual's dismissal from the service.

1 Petition, with seven enclosures.
1 Copy of Memorandum, No. 401, dated 2nd May 1873.

2. On the 9th April I received from the Supervisor in charge of Chittoor Range the following letters, which had passed between Ananthacharry and the Taluq Overseer Abdul Khareem Khan, under whom he was employed:—

1st.—A letter from the Writer to the Overseer, asking for a loan of 8 Rupees.

2nd.—From the Writer to the Overseer stating that he was surprised at the Overseer's being unable to grant the loan, "as he had been benefited to the extent of at least Rupees 100" by certain contracts named, and at the same time charging him with other malpractices.

3rd.—From the Overseer to the Supervisor in charge of the Range, forwarding the above correspondence, and requesting that the matter might be investigated departmentally, or that permission might be given him to have recourse to a court of justice in order to clear his character.

4th.—From the Writer, through the Overseer, to the Supervisor in charge of the Range, repeating formally the charges above mentioned.

5th.—From the Overseer to the Range Officer, forwarding the fourth letter and repeating his request for inquiry.

3. The first two letters were dated the 4th of April, and the three last the 5th.

4. The Supervisor reported that he had ordered the Overseer and his Writer to come down to Chittoor at once,* with any witnesses and records on which they might rely to prove their respective cases.

* He ought to have gone himself to Palmanair.

5. It was impossible for me to go to Chittoor or to Palmanair at the time, and I therefore directed the Supervisor to take down the evidence in writing, and to forward it to me for disposal.

6. In due course the evidence of the various witnesses reached me; it appeared that the formal charges made were four in number:—

1st.—Inaccurate entries in support of travelling allowance in the Overseer's Inspection Reports for the 4th and 5th December 1872, and 15th and 16th January 1873.

2nd.—Appropriation to his own use of a number of small sums, aggregating Rupees 53-5-11, charged to works in his cash book, and of Rupees 23-10-[illegible] entered as having been paid for 108 cubic yards of gravel, which was asserted to have no existence.

[illegible]—The employment of another Mussulman, Abdul Khadir Khan by name, to execute work as a nominal Contractor, while the contract was really held by the Overseer himself, who employed a departmental Pygust to look after the work.

4*th.*—Inducing the Writer to make a false entry in the cash book of payments to certain coolies on the Trunk Road No. XVIII. in order that the cash book might be correct for the Range Officer's examination.

7. The first charge was based entirely on the Writer's unsupported statement, and on the dates of certain letters written by the Overseer; it was met by a simple denial on the part of the latter, and the dating of the letters was perfectly, clearly, and satisfactorily explained.

8. There was no direct evidence one way or the other beyond the statements of the parties concerned.

9. The second charge from its very nature was one almost impossible to prove or disprove; the evidence of the various road Pygusts all went to show that the sums in question had really been paid, while in support of the charge there was absolutely no evidence at all. But there was evidently a certain amount of carelessness and irregularity in the way in which accounts of small sums expended on the repair of tools and similar minor sundry expenses were kept.

10. The third charge was denied by the Contractor Abdul Khadir Khan and the Pygust who was supposed to have assisted him. The evidence in support of it was the statement of two other Contractors, who said vaguely that they "had heard" something to that effect, one of them from the Writer himself.

11. The evidence on the fourth charge was still less satisfactory; the Writer's statements were denied by the men he brought to prove them, and the impossibility of a great part of them was shown by the Range Officer's own knowledge of what had passed at the time.

12. The charges may or may not have been true; the evidence, such as it was, was entirely in the Overseer's favour, while his action had been prompt and straightforward, and entirely consistent with innocence. So far, therefore, as he was concerned, I had no option but to dismiss the charges.

13. The case with regard to the Writer was altogether different; if the charges were true, by his own showing, he had been cognizant of the Overseer's malpractices, and had only at last betrayed them from personal ill-feeling, in which case his conduct appears in rather a worse light than if they were false.

14. I accordingly determined on dismissing the Writer from the post he held. A copy of my order dismissing him is enclosed, as I see (for the first time) from the papers forwarded with your endorsement under reply, that only a single paragraph was communicated to the Writer, instead of the whole, as I had intended.

15. I may add a few remarks on the petition itself, which contains a small amount of truth mixed with a good deal of falsehood.

16. You will see that Ananthacharry has carefully suppressed the fact that his charges were not brought forward until the Overseer had himself asked for an inquiry, and that in place of being actuated, as any one reading his petition would suppose, by a disinterested desire for justice, he was really moved only by ill-feeling at the refusal of a favour.

17. His ideas of impartiality may be judged from his [illegible] as a grievance that he was not allowed to bring his charges be[illegible] Overseer's back, and that the latter was allowed, for preparing his defence, ac[illegible]s to records, which

the petitioner himself [illegible] limits were freely placed at his own disposal for getting up his charges.

18. The statement contained in the 12th paragraph of the petition, that "the District Engineer evidently refused to hear anything upon the subject," is not true. I heard all he had to say and listened patiently for some time, until I found that his statements were nothing but abuse of the Supervisor, and repetitions of the complaint noticed in the last paragraph.

19. I need hardly say that my decision was in no way influenced, as he suggests, by the Supervisor's opinion, but was formed entirely on my own judgment. My errors have not generally been held to lie in the direction of a blind acceptance of other peoples' opinions.

20. There was no particular reason why the Supervisor should favour the Overseer rather than the Writer, who is a Brahmin like himself, while the Overseer is a Mahomedan.

21. I should add that while the matter was under inquiry I wrote to the District Engineer of Coimbatore for information as to the circumstances under which Ananthacharry quitted his appointment in that district, and the correspondence forwarded to me by Colonel Bean does not show his conduct in a very favourable light; also that he was not the regular Taluq Writer of Palmanair, but only acting for the permanent incumbent who was employed in another post.

22. The petition and its enclosures are returned herewith.

No. 292. ESTABLISHMENT, No. 28.

ORDER THEREON, 17th December 1873, No. 3,037.

His Excellency the Governor in Council having ascertained that C. Ananthacharry's case was most carefully and fairly considered by the District Engineer of North Arcot, is pleased to confirm his dismissal by that Officer from the public service.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the District Engineer, North Arcot.
" Officiating Controller of Public Works Accounts.

Ext. F. C. Slemb[illegible]

Saure Copies.

No 401

Letter No 18 of 7th April 1873.

No 68 of 30th "

It appears from these letters and the papers forwarded therewith that C. Arum
factuary, writer to the Jaluq Overseer of
Palmanain wrote on the 4th April 1873 to
ask the Overseer for a loan of Rs eight, and
on this loan being refused he wrote again
on the same date, expressing his surprise at
the Overseer being unable to grant this loan
"as he had been benefited to the extent of at
least Rs 100" by certain contracts named,
and at the same time charging him with otter
malpractices.

On the next day the writer wrote
through the Overseer to the Supervisor in charge
of the Range, repeating formally the charges
brought in his second letter to the Overseer, and
on the same day the latter also wrote, forward-
ing the writers five first-letters and requesting
the Range Officer to investigate the matter de-
partmentally, or permit him (the Overseer)

to

to have recourse to a Court of justice to clear his character.

3. The papers were forwarded by the Range Officer to the District Engineer with the information that he had ordered the Overseer and his writer to attend in person at Chittoor with the witnesses on whom they relied, and would report further as soon as his investigation was complete.

4. The further report promised, with the depositions of the various witnesses, and the statements of both the Overseer and his writer, and the remarks of the Range Officer, is now before the District Engineer who has carefully perused the whole of the papers.

5. He is of opinion that the writer has entirely failed to prove any one of the numerous charges of corruption and malversation which he has brought against his superior.

6. Further the undersigned observes that the charges were not made until some time after the acts referred to were alleged to have been committed, and were then brought only because the Overseer refused a personal favour asked by his writer.

Thus

7. Thus it appears that even if the charges had been fully proved, the writer himself, by his own showing would have been an accomplice in the crimes committed and betrayed the Overseer from the meanest and most contemptible of motives.

8. In either case C. Annutachurry has shown himself unfit to remain in the public service, and he is hereby dismissed from the date on which (by order of the undersigned) he has already been suspended by the Supervisor in charge of the Range. The date should be reported to this Office without delay.

9. This order will be communicated by the Supervisor in charge of the Range to Overseer Abdul Kareem Khan and to C. Annutachurry, who will be at liberty to take copies of it should they desire to do so.

(Signed) J. Pennycuick Capt. R.E.
District Engr N. A.

District Engr's Office
North Arcot
Vellore
2nd May 1873.

To The Officer in charge
Chittoor Range

True Copy
Benjamin Capt. R.E.
District Engineer N. Arcot

643
Instl.
10/11/73

9

Office
1873

To

Colonel G. W. Walker P.E.

Secretary to Government, Department of Public Works,
Fort Saint George,
Madras.

The humble petition of Ch. Ammakacharry, late Talug Writer of Palmanair Talug, attached to Chittoor Range of North Arcot District.

Appeals against the enclosed order marked A under date the 2d May 1873 No 401 passed by the District Engineer of North Arcot District, unjustly dismissing your petitioner from the post of Talug Writer of Palmanair.

1st That your petitioner on the compliance of the native Superviser Parthasarady Iyengar in charge of Chittoor Range has first written a letter, a true copy of which is hereto enclosed marked B, under date the 5th April 1873 to his address, informing him that deceitful transactions have been entered in the accounts by the Talug overseer of Palmanair and your petitioner should be permitted to appear before him at Chittoor with the Talug Cash book and other necessary records together with the named witnesses leaving the overseer at Palmanair, to prove the same

2d The Superviser in complying to your petitioners written requisition quoted above, has in an answer written as Memo hereto enclosed marked C under date the 7th April 1873, to the address of your petitioner, directing to come to Chittoor at once to prove the particulars of charges that are preferred with the required Talug records, which were given to your petitioner on presentation by the Talug overseer, with a Memo hereto enclosed

stating

marked "D" under date the 10th April 1873, as per instruction simultaneously received by him from the said Superintendent for the said purpose. The witnesses whom your petitioner cited to support the charge, were ordered by Vakeel to appear and give their evidence before the Superintendent at Chittoor on the 15th April 1873.

3d That your petitioner after taking possession of the said records from the possession of the Talug Auerseer, proceeded to Chittoor; and the Talug Auerseer after delivering the said records to your petitioner's possession, immediately proceeded to Chittoor as ordered by the Superintendent.

4th This is quite opposed to your petitioner's requisition, as stated in letter marked B, quoted above, wherein your petitioner requested, that the Talug Auerseer should be left at Palmanair until the enquiry of the case on the side of your petitioner, is finished. The object of having so stated is, that the Talug Auerseer was doing all the said deceitful transactions on the coincidence of the Superintendent and if both are joined at one place during the time of enquiry they will try to release the case, instead of strengthening it.

5th As an instance to the above stated circumstances, the Talugs auerseer, soon after he has reached Chittoor, went directly to the Superintendent's private residence, and made certain private arrangements so as to put down the case into the bottom.

6th The Talug Auerseer on the 13th April, 8. P. M. has written a note herein enclosed marked E to the address of your petitioner requesting to return the records to him which your petitioner did receive from him at Palmanair. Your Lordship will consider and judge that, whether is it proper and consistent with justice on the part of the Talug auerseer to call for the records which were given to your petitioner's profession by the order of the native Superintendent to frame the particulars of charges that are brought against him before the commencement of the enquiry of the case in question. Your Lordship will perceive by this, that the Talug auerseer will have emboldened to write such a note to the address of your petitioner by forgetting the position in which he is placed without the connivance of the Superintendent. your petitioner in an answer to the auerseer's requisition, has evidently refused to deliver the records to him.

7th The Superintendent and your petitioners refusing to comply with the auerseer's requisition quoted above, directly interfered into the matter, and written a fearful Memo herein enclosed marked F to the address of your petitioner directing to return the records to the auerseer before the commencement of the enquiry of the case in question. Your petitioner has reluctantly returned the records to the Talug auerseer on the receipt of the native Superintendent's Memo quoted above, as the Lascars who brought the Superintendent's said Memo, even stated, that in the event of your petitioners refusing to comply with the Superintendent's order, that the records in question would be taken away from the possession of your petitioner by compulsion.

8th Your Lordship will clearly perceive by this, that the native Superintendent instead of reprimanding of the auerseer's bold attempt, calling for the records from the possession of your petitioner, directly interfered into the matter and assisted the Talug auerseer in getting the records from the possession of your petitioner, by disobeying himself of the direction of Law with the intention of saving the Talug auerseer from different charges, because the records are considered documentary evidence to support the charges that are brought against the Talug auerseer, and if those records are given to the possession of the auerseer before the commencement of the enquiry of the case, that is, on the 13th April 1873 your petitioner's case is weakened or in another words that there is no case at all afterwards against the auerseer.

9th The enquiry which was first proceeded by the native

Supervisor on the 15th April, was not only held, on the 16th April 1873, but also the departmental witnesses whom your petitioner called to support the charge, were called by him at his private residence and warned them to conceal the real facts at the time of enquiry of the case in question otherwise they will be dismissed from their respective posts.

10th The Supervisor on the 16th April 1873 called your petitioner at the office and directed to prove the charges that are brought against the Overseer. Your petitioner in reply deposed the different charges, which your petitioner is unable to prove in the absence of the records which were given to the overseer's possession before the commencement of the enquiry of the case, on the 13th April, in spite of your petitioners entreaties, as stated in letter marked B yesterday above. The Supervisor has thereupon suspended your petitioner from duty and reported to the District Engineer of North Arcot, that the case in question is false and

The District Engineer passed an order upon the Supervisors report dated 2d May 1873 unjustly dismissing your petitioner from the post of Talaiy Vrutti of Palmanair

11th Your petitioner hastily written to the District Engineer on the 21st April 1873, that is before your petitioner was dismissed from the post, informing him of the foregoing circumstances but also your petitioner after the dismissal personally appeared before him for the purpose of representing of the above circumstances; the District Engineer has evidently refused to hear anything from your petitioner on the subject.

12th Your petitioner herein enclosed for your Lordships perusal of the several testimonials given to him by officers of the Department, appreciating of his character and ability in the discharge of official functions and also several officers of the Department are now offering posts to your petitioner, the enclosed Memo No 206 dated 7th October to the address of your petitioner from Mr Ford the Executive Engineer in charge of Jeypore Ghaut works

13th Your petitioner before taking up the several offers wanted to get the order passed by the District Engineer of North Arcot unjustly dismissing from the post of Talaiy vrutti, to be cancelled by your Lordships benevolent action, as the order of dismissal being injurious to your petitioners character for his prospects in the Department of Public Work in another place

14th In conclusion your Lordship would judge by the perusal of the several allegations quoted above, that the native Supervisor of Chittoor Range has forfeit shown symptoms of a man of justice, and subscribed attempted, so as to put down the real case in question, instead of getting the truth of it, and in order to preserve his honor, caused the District Engineer by his mendacious report, to dismiss your petitioner from the post of Talaiy vrutti on the grounds that the case is false and

15th Your petitioner, under the foregoing circumstances prays your Lordship that justice may be meted out to him by cancelling the order of the District Engineer unjustly dismissing your petitioner from the post of Talaiy vrutti of Palmanair

16th For this act of charity and kindness your petitioner will ever pray the Almighty Providence to crown your Lordship with unremitted heavenly blessings of long life and prosperity.

Palmanair
27th October 1873

Veerathacharey
late Talaiy vrutti of Palmanair

No 2650.

North Shields
District Engineer's Office
November 22nd 1873

Sir,

I have the honor to enclose herewith a letter from the District Engineer, North Shore, to the Secretary to Government, Public Works Department, dated 10th Instant, No 2643 of the 10th Instant, forwarding petitions from the Inhabitants of Arumthaw, Salang, Ranawat &c praying that the Sluice may be opened for the passage of Fish and Individuals likely to be benefited thereby.

2. I have the honor to request that I may be favored with instructions from the Government of India, whether the Sluice should be opened or not.

I have the honor to be
Sir
Your most obedient
humble Servant
Sd/ [illegible]
Lieut Col R.E.
Secy to Govt
N.W.P.

Enclosures 2.
Petitions in original
Letter from Secy to Govt
No 2643 of 10th Nov
1873

Chief Engineer
No 2643 of the 10th Instant forwarding petitions
from the Inhabitants of Arumthaw, Salang, Ranawat &c praying that the Sluice may be opened for the passage of Fish and Individuals likely to be benefited thereby.

Chief Engineer,
Lahore.

Sir,

I am directed to forward herewith, for your information, a letter from the Secretary to Government, North Western Provinces, No 2650 of the 22nd Instant, with enclosures, on the subject of the petitions from the Inhabitants of Arumthaw, Salang, Ranawat &c praying that the Sluice may be opened for the passage of Fish and Individuals likely to be benefited thereby.

2. I am to request that you will favor this Office with your opinion on the subject.

I have the honor to be
Sir
Your most obedient
humble Servant
Sd/ [illegible]
Lieut Col R.E.
Secy to Govt
N.W.P.

Lahore
The 29th November 1873

No 6880/73
3

No 2643 of 1873

Referred to the District Engineer North Shore for report of the reasons of Arumthaw Chang's impetuses for the public Service.

Roorkee
10th November 1873

[illegible] Col R.E.
Secy to Govt
N.W.P.

stating that he was surprised at the Overseer's being unable to grant the loan as he had been benefited to the extent of at least Rupees 100 by certain contracts named, and at the same time charging him with other malpractices.

3d. From the Overseer to the Superviser in charge of the Range, forwarding the above correspondence, and requesting that the matter might be investigated departmentally, or that permission might be given him to have recourse to a Court of justice in order to clear his character.

4th. From the Writer, through the Overseer, to the Superviser in charge of the Range, repeating formally the charges above mentioned.

5th. From the Overseer to the Range Officer, forwarding the fourth letter repeating his request for enquiry.

3. The first two letters were dated the 4th of April, and the three last the 5th

4. The Superviser reported that he had ordered the Overseer and his Writer to come down to Chittoor at once, with any witnesses and records on which they might rely to prove their respective cases.

* He ought to have informed himself of Palmaner—

5 It was impossible for me to go to Chittoor or to Palmaner at the time, and I therefore directed the Superviser to take down the evidence in writing, and to forward it to me for disposal.

6. In due course the evidence of the various witnesses reached me; it appeared that the formal charges made were four in number

1st. Inaccurate entries in support of travelling Allowance, in the Overseer's Inspection Reports for the 4th and 5th December 1872 and 15 & 16th January 1873.

2d. Appropriation to his own use of a number of small sums, aggregating Rupees 53-5-11 charged to works in his Cash Book, and of Rupees 23-10-— entered as having been paid for 108 Cubic yards of Gravel, which was asserted to have no existence.

3rd. The employment of another Mussulman

Mussulman Abdul Khadir Khan
ily name to execute work as a nominal
Contractor, while the contract was really
held by the Overseer himself, who
employed a Departmental Pyguist
to look after the work.

6. Inducing the Writer to make
a false entry in the Cash Book of
payments to certain coolies on the
Trunk Road No. XVIII, in order that
the Cash Book might be correct for
the Range Officer's examination.

7. The first charge was based
entirely on the Writer's unsupported
statement, and on the dates of certain
letters written by the Overseer; it
was met by a simple denial on the
part of the latter, and the dating of the
letters was perfectly clearly and
satisfactorily explained.

8. There was no direct evidence
one way or the other beyond the
statements of the parties concerned.

9. The second charge from its
very nature, was one almost impossible

to prove or disprove; the evidence of the
various road Pyguets all went to show
that the sums in question had really
been paid, while in support of the charge
there was absolutely no evidence at all.
But there was evidently a certain amount
of carelessness and irregularity in the
way in which accounts of small sums
expended on these pair of Tools and simi-
lar minor sundry expenses were kept.

10. The third charge was denied
by the Contractor Abdool Khadir Q.
Khan, and the Pyguet who was supposed
to have assisted him. The evidence in
support of it was the statement of two
other Contractors, who said vaguely that
they "had heard" something to that effect,
one of them from the Writer himself.

11. The evidence on the fourth
charge was still less satisfactory;
the Writer's statements were denied
by the men he brought to prove them,
and the impossibility of a great part
of them was shown by the Range
Officer's

officer's own knowledge of what had passed at the time).

12. The charges may or may not have been true; the evidence, such as it was, was entirely in the Overseer's favour, while his action had been prompt and straightforward, and entirely consistent with innocence. So far, therefore, as he was concerned, I had no option but to dismiss the charges.

13. The case with regard to the Writer was altogether different; if the charges were true, by his own showing he had been cognizant of the Overseer's illegal practices, and had only at last betrayed them from personal ill feeling, in which case his conduct appears in rather a worse light than if they were false.

14. I accordingly determined on dismissing the Writer from the post he held. A copy of my order dismissing him is enclosed, as I see (for the first time) from the papers forwarded with your endorsement under reply, that only a single paragraph was communicated to the Writer, instead of the whole, as I had intended.

15. I may add a few remarks on the petition itself, which contains a small amount of truth, mixed with a good deal of falsehood.

16. You will see that Ananthacharry has carefully suppressed the fact that his charges were not brought forward until the Overseer had himself asked for an enquiry, and that in place of being actuated, as any one reading his petition would suppose, by a disinterested desire for justice, he was really moved only by ill feeling at the refusal of a favour.

17. His ideas of impartiality may be judged from his mentioning as a grievance that he was not allowed to bring his charges behind the Overseer's back, and that the latter was allowed, for preparing his defence, access to records, which the petitioner himself admits were freely placed at his own disposal for getting up his charges.

The

18. The Statement contained in the twelfth paragraph of the petition that "the District Engineer so evidently refused to hear anything upon the subject" is not true. I heard all he had to say, and listened patiently for some time, until I found that his statements were nothing but abuse of the Supervisor, and repititions of the complaint noticed in the last paragraph.

19. I need hardly say that my decision was in no way influenced, as he suggests, by the Supervisor's opinion, but was formed entirely on my own judgment. My errors have not generally been held to lie in the direction of a blind acceptance of other peoples' opinions.

20. There was no particular reason why the Supervisor should favour the Overseer rather than the Writer, who is a Brahmin like himself, while the Overseer is a Mahomedan.

21. I shall add that while the matter was under enquiry I wrote to

the District Engineer of Coimbatore for information as to the circumstances under which Anunthachary quitted his appointment in that District, and the correspondence forwarded to me by Colonel Bean does not show his conduct in a very favourable light, also that he was not the regular Salug Writer of Palmanair, but only acting for the permanent incumbent who was employed in another post.

22. The petition and its enclosures are returned herewith.

I have the honour to be,
Sir,
Your Most Obed.t Servant.
J. Penny Captain R.E.
District Engineer.
North Arcot.

Pub Works 1873 Despatch

From. No 6380

The District Engineer,
North Arcot.

To.

The Secretary to
Government,
Public Works Department.
Madras.

Dated 22nd Novr 1873
Recd 24th

No. 2650.

Enclosures 2. Invs.

Reports as to the causes of the dismissal of C. Anantha Chary, late Taling Writer of Palmanair in the Chittoor Range of North Arcot District.

With an Order

3037

His Excellency the Governor in Council having ascertained that C. Ananthachary's case was most carefully and fairly considered by the District Engineer of North Arcot is pleased to confirm his dismissal by that Officer from the Public service.

G.W.M.
26.11.73

To The Dt. Engr North Arcot. √
Contr √

Disp. Intn & C 20/12/73.

(Original) Petition forwarded to the Petition Dept with a Copy of Do.

No. 241-92
c. 27-11-73

No. 3380

Govt. of {1873} Madras.

PUBLIC WORKS.

To The District Engineer
North Circle

Dated

Recd.

Encl. /

G. O. dated 1873. 3380

Nos. 291 & 292

C. Ananthacharyulu
late Taluq writer, North
Arcot Dt. Confirming
the dismissal of the
writer.

No. 1179