

(1) Number of pages 60
(2) Date of repair 26 8.86
(3) Initials of the Referencer 607

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. D. DEPARTMENT

G O. No.	3606-W	Press
B P. No.		Mis.
Dated	11. 9. 1878	197.

Not to be folded or roughly handled.

GOVERNMENT OF MADRAS
PUBLIC WORKS DEPARTMENT.

11th September 1878, No. 3,606 W.

General
Establishment

Read the following paper —

No 136. Petition from C APPALASAWMY, late First Writer in the District Engineer's Office, Vizagapatam, dated 19th July 1878.

No. 137. ORDER SHEFFON, 11th September 1878, No 3,606 W.

The Governor in Council is pleased to prohibit the re-employment in the public service of Chetty Appalasawmy, late Writer in the Office of the District Engineer of Vizagapatam.

(True Extract.)

(Signed) E. A. FOORD, Colonel, R.E.,
Secretary to Govt, P.W.D.

(True Copy.)

Major, R.E.,
Under Secy to Govt., P.W.D.

To all Departments of Government
„ all Officers in the Public Works Department

Ld T D Ryan.
Spate C. J. S.

★
ESTD 1773
POL. AT 1828
PUBLIC WORKS

Petition Dept.
(P. H. D.)

Proceedings of the Madras Govt.

Under date the

Read the following:

Petition from C. Appalarayana late first writer
in the District Engineer's Office, Vizagapatam.
dated 19th July 1878- 155p

The Government
decline to cancel the
(well-deserved) sentence
of dismissal inflicted
on the Petitioner by
the District Engineer
of Vizagapatam -
& ~~they do not sanction~~
~~his re-employment~~
his re-employment
in the public service
is prohibited

23/10

9/9/88
The Petitioner.
9/9

1533
29/7/78
10

His Grace The Duke of
Buckingham and Chandos
Governor of Madras

Enclosures 10

- 1 Copy of Service Register
- 1 D. of Petition to District Judge
- 1 D. of Dismissal Order
- 1 D. of Appeal
- 1 Certificate of Dismissal
- 1 Chief Engineer's Endorsement

The humble Memorial of Cetty Appalaiah
late First Writer in the District Engineer's Office, Vizagapatam
Most respectfully sheweth:-
That your Memorialist has been a Clerk in the
above Office for a period of 5 years, and was dismissed on 5 June 1878
by Major Wood R.E. the District Engineer. During the a period
of 5 years your Memorialist served under four District Engineers successively
1st Col^l Beatty R.E. who certified that your Memorialist
was "steady, hardworking, a useful Office servant and deserving
of promotion", 2nd Major Fendle who endorsed the above
testimonial, 3rd R. F. Nordmann Esq who certified that
your Mem^t continued to conduct himself well and give
satisfaction in the discharge of his duties; and your Mem^t
now begs to urge that as Major Wood who dismissed
him, testified so late as 1st May 1878 that your Memorialist
"Generally well conducted" (Copy of Service Register annexed)
2nd About a month after Major Wood certified that
your Mem^t well conducted himself, Major Wood ordered him
and the other Clerks thro his Accountant to attend the Office
daily (even on Sundays) from 8 A.M. to 6 P.M. The Clerks of the
Office (including your Memorialist) obeying the order next day, came
to Office early and petitioned Major Wood representing
the inconveniences they would be put to as Hindus in respect
to take their meals at the Office, besides attending to the hard
work imposed upon them for the space of 10 hours a
day, while according to the established rule and custom
all public offices invariably open much later than 10
and close at 5. The Clerks further stated in their petition
(Copy herewith annexed) that they were Coolie Hindus
and not of the lower classes who take their meals anywhere and

21/7/78

1533

(11/11/78)

Recd 29.8.78
Ct 23.8.78
21.8.78

5.9.78
27.8.78

and urged that by leaving home so early as 7 O'clock for the office before meals could be prepared at home, they would be obliged to share the whole day at office. Memt would here beg to add that very often, he together with the other officials worked as late as 8:00 at night at office and even at home during leisure hours. On the same day Major Wood received the aforesaid petition, he sent for your Memorialist into the verandah leading thru his private office room, and as your Memt was retreating, he commenced the officials would be put to in attending office so early, a Major Wood misunderstanding your Memt and using abusive language, hit Memt with his fist on his right jaw threatening him with a stick. Major Wood then came to the general office room and passing some remarks regarding your memorialist's act dismissed him on the spot.

3. Your Memorialist complained to the District Magistrate who held a judicial investigation. Your Memt stated upon oath that Major Wood hit him without provocation on the jaw with his left fist knocking down his turban and threatened him with a stick and further stated that Memt made use of the expression "Converted Christians and other pariahs" in urging that such ought to be taken meals in the office premises. The District Magistrate however believes that your Memt used the expression "Christians and not Converted Christians" which the District Magistrate puts down as provocation. The Accountant of Major Wood's office stated on solemn affirmation that he entered the District Engineer's room after the assault, that your Memt's turban was on the ground and that Memt was standing in a defensive attitude before Major Wood, and that your Memt said to the Accountant "You are my witness". He then further stated that the District Engineer came into his general office room and addressed the Clerk saying Memt was dismissed for insolence for having used the phrase "Christians and other pariahs". The last witness tried to corroborate the 1st. Altho it would be sufficient to say that the fact of the above 2 witnesses being servants of Major Wood would make it difficult to extricate them from criminalizing their master, yet the discrepancies in the evidence clearly show that they have not spoken the truth, for the 1st witness Accountant says that Memt was standing a yard from Major Wood and that 3 dakars forcibly removed him from Major Wood's room.

room, while the 2nd witness states that your Memt was standing 3 yards from Major Wood and on 2 other dakars simply entering the room he quitted the spot. The evidence in the above two witnesses was taken down on the 11th June i.e. only 5 days after the assault - a circumstance which strengthens the fact that the above witnesses did not speak the truth. The substance of Major Wood's unsworn statement before the Court is to the effect that on receiving the petition alluded to, he sent for your Memt into his private quarters and that altho Memt abused and provoked, yet Memt was the first to assault him. Major Wood states that on your Memt making use of the expression "Christians and other pariahs" he sent for the District Register telling him that he was going to make a remark about Memt's insolence, while the Magistrate erroneously finds that Memt provoked Major Wood to draw him into an assault as he was almost certain he would be dismissed by Major Wood.

4. The Magistrate in the 3rd para of his judgment expresses his opinion that your Memt gave his evidence without much provocation. But that he deliberately perjured himself, simply because he first said he made use of the expression "Christians and other pariahs" and after a brief reflection corrected himself and said that he used the expression "Converted Christians and other pariahs". Your Memt begs to submit that a witness correcting himself in the manner above described which the Magistrate considers into perjury is a very ordinary scene in a Court of Law, and while the best of educated men speaking from a witness box not uncommonly make inaccurate statements & correct themselves again, great allowances should be made for your Memt, an ordinary Hindoo Clerk, who for the first time walked into a Court of Justice to give deposition before his angry master, a European District Magistrate and Collector. Memt appealed to the Chief Engineer and that Officer declined (see his endorsement enclosed) to interfere simply because the District Magistrate (as shown above) erroneously held that Memt perjured himself.

5. The findings at which the District Magistrate arrived are entirely based on Major Wood's unsworn statement, which the District Magistrate erroneously says tallies with Memt's deposition. Major Wood endeavored to show that he merely defended himself while Memt swears to the contrary. It is clear that Memt was dismissed & assaulted by Major Wood simply because he made use of the expression "Converted Christians and pariahs" as would appear from the Magistral records and particularly from

from the deposition of Major Wood's Accountant, who swears on solemn affirmation that Major Wood came into the Office room and said that he dismissed them for having said "Christians &c." Mem. contends that he made use of the expression "Converted Christians" in urging that he being a Caste Hindu could not take his meals at Office. Admitted that Mem. omitted the word "Converted," the expression that Major Wood complains of must be to any European gentleman anything but insolence and provocation, considering that your Mem. was in a state of fear while speaking in other than his mother tongue to his master, whom he saw was displeased with him, and your Mem. leaves it to your Grace to decide whether your Mem. who fully appreciates the liberty allowed to all classes who are loyal subjects of the British Crown & Rule was wrong in endeavouring to give his master what naturally is so sacred to the Hindus. Your Mem. begs to submit that by alluding to "Converted Christians," he had not the least intention of affording offence to Major Wood his superior, who was so kind to him and who only a month before certified in the Service Register that your Mem. has well behaved himself.

6. Memorialist admits that (as Major Wood says) the Clerks of the Office are in the habit of taking refreshments in the Office premises. It is a well known fact that even Brahmins would take "Mazlaharam" (Tiffin) comprising sweets, fruits &c. but would undergo any privation rather than take their regular meals of curry & rice at the residence of a European gentleman. Your Mem. & the other Clerks who frequented the District Engineer being Caste Hindus observed this rule, as Mem. saw that he would be deprived of his meals for fully 12 hours by leaving home at 7.15 m to be ready to work in Office at 8 A.M. & by returning at 7.15 by leaving Office at 6.30 m, his alluding to "Converted Christians &c." could not be construed into anything more than he endeavoured to the utmost to induce Major Wood to cancel an order which would necessitate your Mem. to work hard for full 12 hours in bringing up arrears for which Mem. was not to blame, as he was only a subordinate in the Office and always did such work as he was ordered to do by his immediate superior.

7. The District Magistrate finds that your Mem. attempted to assault Major Wood, and that Major Wood in exercising the right of Private Defence inflicted a blow on Mem.'s jaw and knocked off his turban. Your Mem. submits that there are no independent witnesses

witnesses to the assault; that the record of the case comprises:—
1) the sworn deposition of your Mem. which gives an account of the manner in which Major Wood assaulted him
2) the unsworn statement of Major Wood as an accused, wherein he endeavours to show that Mem. first assaulted him and that he merely defended himself.
3) and the sworn evidence of 2 men who saw Major Wood and your Mem. after the occurrence.

Now, if your Memorialist's statement upon oath is not to be believed he begs to submit that Major Wood's statement is in itself nothing but a blank, as it is the statement of an accused not on oath and quite unsupported by evidence. As to the evidence of the only 2 witnesses in the case, your Mem. begs to submit that as they are Major Wood's servants and not independent witnesses they can scarcely be relied upon. They saw Major Wood and your Mem. in the room after the occurrence, and if their evidence is to be believed at all, it is not inconsistent with the fact that the Defendant when seen by them may have been in an attitude and position of defence to guard himself against any further attempt upon him by his Superior (Major Wood). In the absence of independent direct evidence as to the assault, Mem. begs that your Grace would for a moment consider the probabilities of the case.

8. Major Wood contends that Memorialist provoked him by alluding to "Christians &c." and that he himself offered no provocation whatever. Major Wood tho' a very strict business Officer cannot but admit that only a month before the occurrence, he made an entry in the Service Register to the effect that Mem. was well behaved; and here again the Magistrate has fallen into an error by finding that Mem. who up to a month before his dismissal was certified by Major Wood to have well behaved himself, was guilty of "long course of disobedience," altho there is nothing in the whole records of the case to support this finding. Your Memorialist is an Hindu and an ordinary Clerk while Major Wood is a European gentleman of no small stature. Further the Accountant swears that in his entering the room, Mem. called upon him to be his witness, and this conduct on the part of Mem. after the occurrence is clearly indicative of his having been ill-treated. Under these circumstances, Mem. begs to submit that it is

attested

utterly improbable that he would be the first to assault his master Major Wood after whom himself affording provocation (according to Major Wood's statement) while on the other hand it is most probable that he may have been seen to be in an attitude to defend himself after he was struck on the jaw and while Major Wood still held a stick in his hand. It may not be out of place to add here that Major Wood in his deposition admits that he was on a previous occasion fined for striking a farrier.

Your Memorialist prays that your Grace may be pleased to consider the above, as also to peruse the authenticated records of the magisterial case, and other papers referred to in his memorial, and to grant him justice by ordering his re-instatement. Memorialist is sanguine of obtaining justice at the hands of your Grace, but if for any reason your Grace is unwilling to disturb the findings of the District Magistrate, your Memorialist prays that your Grace may consider Memorialist's dismissal a sufficient punishment, and to vouchsafe Memorialist with an endorsement that he is not debarred from being hereafter entertained in the public service.

For this act of justice, your Memorialist shall as in duty bound ever pray.

Madapatam
19th July 1898
Chy Appalarany

Signature of Chy Appalarany
and design number of memorial
- lowest of memorial
- immediate superior Commissioner
has the office

Character of Officer

Signature of Chy Appalarany
at the time of signing Date Signature
of Chy Appalarany
at the time of signing Date Signature
of Chy Appalarany

Chy Appalarany has passed the Unreserved
Service test. I believe him to be steady, hardworking
and useful Officer, and deserving of promotion
when opportunity offers.
Madapatam 24th August 1898 (Signed) P. D. S. Chy Appalarany
I enclose the above for and I. W. Wood
It has continued to conduct himself well and
give satisfaction in the discharge of his duties
(Signed) P. D. S. Chy Appalarany
Chy Appalarany
1st May 1898
Generally well conducted.
P. D. S. Chy Appalarany
District Engineer
Chy Appalarany

Altaville 5th June 1878

04

Mr. District Engineer, Nagasaki

We, members of the Office establishment most respectfully beg leave to lay the following for kind consideration, with reference to your honors order that the Accountant that all of us are to attend the Office very early at 8 AM.

2. We have long been attending the Office daily at 10 A.M. and closing it at 6 P.M. - 8 hours continual labor, 2 hours more than required by Government - whereas the other public offices are usually opened at 11 A.M. and closed at 5 P.M. having the enjoyment of a sincere or half holiday on Saturdays and all the gazetted holidays. It is with the greatest difficulty that we have been attending at 10 A.M. after a regular budge of ^{about} $\frac{1}{2}$ miles from the village of Kattaur especially during the present summer, and we would have already applied for some recess or other, had it not been to the heavy press of the routine, and so we have been stopping until 6 P.M. although we are ordered by your honor to close the Office at 5 P.M.

3. We have no hesitation in obeying any of your
honors orders, but it is our duty to represent the difficulties
we come across in abiding by your orders, for in the present
instance, suffering from starvation will fall to our lot,
as nothing will be ready for us so early at home in an
out-of-the-way place like this, and unless we start at 2
o'clock we cannot reach the Office before 6 o'clock, ready to work

4. No forgetting our regular meals at the Office, Rev.

is a caste prejudice prevailing among us except certain lower classes) nor is there any good accommodation. If the Office is close by, we would be glad of going there for breakfast.

5. As ordered, we came early today both starving, and your letter is well aware that it would be very inconvenient to us.

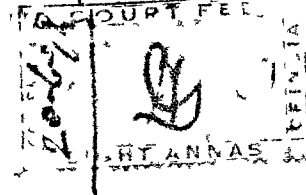
6. Under these circumstances, we beg you will kindly give the order your reconsideration and regulate the Office hours from 10 to 6.

Cd. 15.

(Signed) P. Appalaswamy (Signed) J. Somammah
 (D.) C. H. J. Thiratachellum (D.) G. Appalar.
 (D.) M. Soolialu (D.) M. Chendrabu

True Copy

P. Appalaswamy



Calendar No. XXX of 1878

Vizagapatam District

Magistrate's Office

st 10i

N. 485

District Engineer's Office
 Waltair 5th June 1878

Memo

In consequence of the insubordination and insolence of which Chetty Appalaswamy thought fit to be guilty of this afternoon to Major Wood personally, the District Engineer hereby dismisses Chetty Appalaswamy from his post of Acting Clerk in the District Engineer's Office from and after this evening.

(Signed) M. Wood, Chaplain
 District Engineer, Vizagapatam

To Chetty Appalaswamy & family
 At Writer, District Engineer's Office, Waltair
 True Copy

P. Appalaswamy
 do N. 1553 of 78

The District Engineer became angry and asked me about the petition.

do N. 1553 of 78

1st Sub
 J. Gordon
 as Dist. Magistrate

is a caste prejudice prevailing among us except certain
lower classes) nor is there any good accommodation
If the Office is close by, we would be glad of going home
for breakfast

Calendar No. XXII of 1878

Vijayapatnam District
Magistrate's Office

1st Witness - Name

Chetti Appalawami Nayudew

By Examiner Registered
To
The Honorable
Chief Secretary

From
C. Appalawami

Vijayapatnam
(21) 938
1878

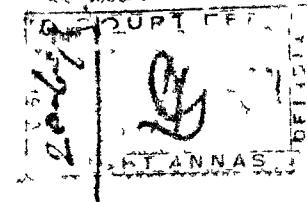
The District Engineer became angry
and asked me about the petition
corrections in

In 1878

1st Sub
A. G. G. G.
as District Magistrate

is a rank prejudice prevailing among us (except certain
lower classes) nor is there any good accommodation
If the Office is close by, we would be glad of going home
for breakfast

5.



366
10

Calendar No XXX of 1878

Vizagapatam District

Magistrate's File

1st Witness - Name

Chetti Appalewami Nayudus

Father's name

Lakshminarayana

Village

Vizagapatam

Caste

Balaji

Taluk

Vizagapatam

Occupation

Cate Clerk

On the 5th June I was ordered by the
District Engineer through his accountants
to attend the Office at 8 a m. and
remain until 6 p m.

The Clerks wrote a petition expressing
our sense of the excessive length of
these hours. About 3 p m on the 5th
having received this petition the District
Engineer sent for me. I went into his
private room to the Veranda on the
South side of the house.

The District Engineer became angry
and asked me about the petition
correcting some

1st Sub

A. Sundar

as Dist. Magistrate

In 1878 of 70

316
11
he called for the accountant.

He threatened me with a stick which he held in his right hand and hit me with his left fist on the jaw. I was fainting that is to say rather startled. The Casuar whom the Engineer called led me out into the office room and he brought me my turban which had fallen to the ground. The District Engineer ordered my dismissal.

In answer to accused.

The Engineer's order was given on account of arrears as well as current work. I have been about 5 years in the office. Orders have been frequently given to bring up the arrears and much has been done.

I used the words "Christians and other Pariahs" in urging that only would take meals in the office. I added converted Christians to show that I only referred to Hindus. I left the room when ordered but

continued to work.

2nd Sheet

first,

A Goodrich
of Dist. Magr.

first cried out to the Lascar and accom-
- tant. The Lascar whom I called is Ven-
- katalwami. I said you are my witnesses
Signed G. Appalaswamy.

This deposition taken down in my own
hand this 11th day of June 1878, has been
read over to the deponent in English
a language understood by him and
has been acknowledged by him to be correct

Magistrate's Office
11th June 1878

Signed M. Goodrich

Acting District Magistrate
3rd and 4th sheets

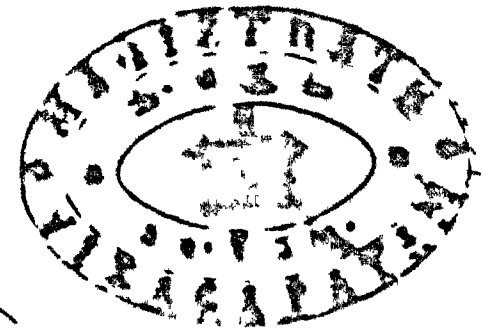
corrections none. / True copy /

H Goodrich
Ag District Magistrate.

Exd

N. N. Kristuvar

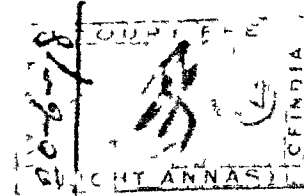
Ag. Mag. Clerk



P. Q. Krishna Rao
In charge

L. K. Kunturam
Do. Clerk

No. 47553 of 78



366
13

Vijayapattam District, Nagidhabadi Sub

Case No XXII of 1878

Name of the Prisoner

Age

Herbert Wood Major P.E.

Occupation

Father's Name

M. Wood.

Place of Residence

Caste.

Great arrears have existed in my Office since I came. but the clerks have evaded compliance with my orders to reduce them systematically. At last I ordered them to come to Office at 8 until the arrears were brought up. I sent for Appalaswami on receiving a petition against this order in his hand I told him that the petition ought to have come ^{from} the head Clerk if at all.

That the petition contained inaccurate statement e.g. that Waktair a mile off was an hour's walk that they could not take their meals in Office a thing they were in the habit of doing. that Government Office hours were limited

- & on my saying that they could take recreation &c. 1st Secy. H. Goodrich

In N 155 of 1878 ag. against Government Magistrate

meals at Office - He said in a very im-
-pertinent manner that is all very well
for "Christians and other Pariahs" - He
said nothing about converted Chris-
-tians. I called for the accountant,
saying to Appalaswami I shall make
an entry regarding your insolent
behaviour in the Service register. I
and he passed out of the Verandah
on the South side into my private
Office room. I removed my stick from
the table to place it on one side. As
he was near the door which leads out
of the room into the general office
room he stopped and faced me
looking very insolent. I called him
back and he came up. I said 'If you
'were to behave so insolently to any private
'person you would have a lesson', on
words to that effect. He then cried out
'you want to beat me do you?' He rushed
forward at me. I put forward my left
hand clenched and a blow was in
consequence inflicted, I had the stick
conceded to him.

2nd stick

W. J. J. J.

Dec 1850 1878

ag. agt to the Govt. of Madras

in my hand all the time. His turban^{36th} fell
off. I remained standing facing him
closely. I did so because he glanced
at a bottle on a table as if with the
intention of using it as a weapon.
I called the Lascar as Devaikhamon.
entered and the man was removed.
With regard to the fact brought into
evidence that I have been previously
charged with assault, I submit,
that his knowledge therefore he noted,
as he may have purposely tried to
provoke an assault.

Signed Herbert Wood

Taken down in my own hand writing
and contains accurately the whole of
the statement made by the accused

Vagapattam
11th June 1878

Signed H. Goodrich

Acting Dist. Magistrate
3rd and 4th Div.

Correcting me

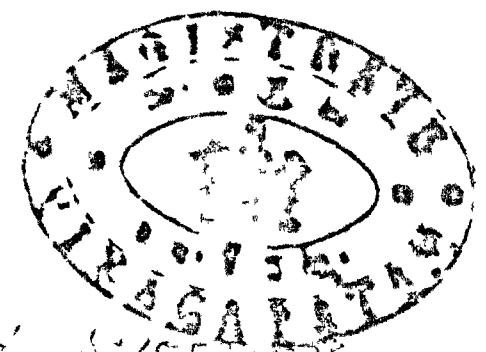
/ True copy /

H Goodrich

of District Magistrate

W. Kuntawar
H. Kuntawar

Tr. Ch. Rao
Kuntawar
Kuntawar
Kuntawar



15550778

2-9-02
H. ANNAS
OF INDIA

June 11th 1878

Calendar No. 224 of 1878

Vizagapatam Dist. Magistrate's Office

2nd Witness - Name

Devasikhamani

Father's Name

David Apparu

Taluk

Village

Vizagapatam (Waltair)

Occupation

Caste

Accountant Engineer's Office

Native X'tian

Solemnly Affirmed.

I was called on the 5th June bet-
ween 3 and 4 p. m. to take a petition.

I had not signed the petition.

I was called to take to the Engineer
the complainant's Service registers.

I found in the Engineer's Office room
the Engineer and the complainant
standing facing each other. The
Engineer had a stick in his hand.

The complainant was standing in
a threatening attitude before him
squaring up to him with his fists
raised.

de 1855-77

1st Sub. Clerk
H. J. J. J.
de 1855-77

clenched. His turban was lying on the ground. The District Engineer ordered me to call the Lasekar and have the man removed. I did not see either party strike the other. they were a yard apart.

The complainant said to me in Telugu - you are my witness.

In answer to accused.

I have been about 5 years in office. For about 2 years, since you assumed office, there have been heavy arrears, ^{and still} there is the greatest inconvenience felt in consequence.

Complainant would not leave the room when Engineer ordered him, and the Lasekar was therefore called to remove him. The Lasekar found him determined to resist and called two others and the three together forcibly removed him.

The District Engineer when he came into the Office spoke to all the clerks and said that Appalaishwami was dismissed for insolence in having

^{used}
a^d Sub
Gorurud
of Dist. Magr

used the phrase "Christians and other
Pariahs". Appalaewami was close by
and did not deny that he had used the
words or allege that he had used them
without insolent intention.

All the clerks are Sudras they are in
the habit of taking refreshments in Office
hours.

Re-examined

I have heard that the District Engineer
was fined for striking a farmer. Adappa
and Veeranna are the other two Cassars

Signed P. Divasakhamani

This deposition taken down in my own hand
this 11th day of June 1878, has been read over
to the deponent in English a language
understood by him and has been acknow-
-ledged by him to be correct.

Magistrate's Office
11th June 1878

Signed H. Goodrich

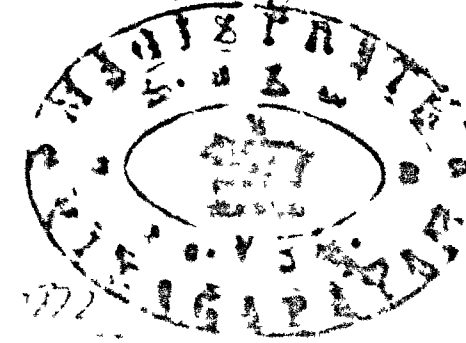
Acting District Magistrate
3rd and 4th Divs

(True Copy)

H. Goodrich

Acting District Magistrate

W. Appalaewami
S. S. Kumbhar
S. S. Kumbhar
of Mag. Clerk
A. S. S. S. S.



S. S. Kumbhar
Boiler

20-3-78
S. K.
S. K. ANNAS
S. K. ANNAS

364
14

11th June 1878

Calendar No. XXII of 1878

Vizagapatam District
Magistrate's Office.

3rd Witness - Name

Venkataswami

Father's Name

Mukunda Das.

Village

Talug

Vizagapatam

Waltair

Occupation

Caste. Muttirasea

Lascar.

I saw on the 5th Appalaswami (Complainant) give a petition to the Engineer - He afterwards went into the Engineer's room and they talked, I do not know what happened. Afterwards hearing Engineer call 'Halasi' I went into his office room - Dairvasikhamoni was there - Appalaswami. He was standing with a stick in his hand and Appalaswami was squaring up to him with his arms extended (thus) - His turban was lying on the ground - He was three yards distant from him.

In No 1550 of 1878

125 sheet
S. K. ANNAS
S. K. ANNAS

yards distant from Engineer. He resisted
me when I tried to remove him. I
called for other Cascars and on their
coming up to him Appalaswami
left the room with us. Appalaswami
did not tell me to bear witness
to anything.

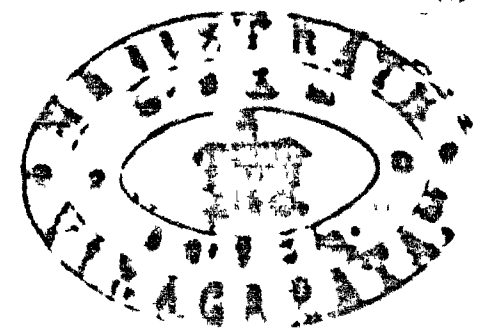
This deposition taken down in my own
hand this 11th day of June 1878, has been read
over to the deponent in Telugu a language
understood by him and has been acknow-
ledged by him to be correct.

Magistrate's Office } / Signed A. Goodrich
11th June 1878 } Acting Distt. Magistrate
2nd and last sheets
/ True copy

A. Goodrich
acting Distt. Magistrate

Ed.
M. K. S. Narayana
Capt. Maj. Genl.

P. Chandra
Deputy



M. K. S. Narayana
Capt. Maj. Genl.

20-6-78
H

2665
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Calendar Case No XXII of 1878 on the file
of the District Magistrate of Nagapattam
Complainant Defendant
Chetti Appalaswami Major Herbert Hood
Kayudu
Charge - Assault No 352 of I.P.C.
Judgment.

The Plaintiff in this case alleges that he
was on the afternoon of the 5th instant
assaulted by Major Herbert Hood R.E.
District Engineer the latter having struck
him on the jaw with his left fist
2. The ^{facts (1) XXII} complainant of the case are given
sufficiently in the evidence of the only
eye witnesses of the situation of the
parties immediately after the alleged
assault. No one was in the room at
the moment that the blow was struck.
3. The complainant gave his evidence
without much prevarication, but
committed, in this Court's opinion,
deliberate perjury in stating that,
certainly, when

No. 1553 of 1878

120 page
H. H. H.
acting Dist Magistrate

when the District Engineer told him²⁶²⁶ that the clerks might take meals at the office, he (Compt.) said that might "do for converted Christians and other "Pariahs". On first being asked whether he had said "Christians and other Pariahs" he assented, but after a brief reflection the qualification "converted Christians and other Pariahs" suggested itself to him; and he stated that these latter words were used by him. How such a phrase is one which it would never have occurred to such a man to use. "Converted Christians" are included under "other Pariahs" and the class is one which in this District is insignificant and attracts no attention. It should be remembered that the office is held in Major Wood's private residence.

h. The account given by Major Wood of the assault, which the Complainant in the Court's opinion deliberately
is not true and should be proved
G. Wood
acting P.M., Nagpur

provided tallies very closely with that
given by the complainant. 366
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5. The complainant denies the insolence
of tone which Major Hood states to have
been perceivable in his address.
He states that when he was leaving
the office room Major Hood threatened
him with a stick. Major Hood says
that he removed a stick from his writing
table at which he was about to sit down
and that complainant then ran at
him with the apparent intention of
assaulting him, and came on in
so determined a manner that he
ran against Major Hood's left fist
extended as a guard.

6. Had Major Hood not been under
unusual self control he would
have proceeded to administer ³⁶⁷Chas
discipline with the stick ^{in his right} in his hand
but he refrained and called the
Lascars to remove the Complainant
from the room.

7. It is clear to the Court that the Complainant
was one 3rd Sub knowing
Hood's
acting first Magistrate.
In 1857/1878

366
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knowing that his superior was in all probability about to dismiss him for a long course of disobedience to orders sought some revenge in the shape of a fine whereon he expected Major Hood to be mulcted. He believed that an insolent speech and manner would exasperate the latter and ^{induce} ~~induce~~ him to take the law into his own hands.

8 This Court finds on the evidence herein recorded; - first that Compt. Appalarummi Tayader did provoke Major Herbert Hood to assault him by an insolent speech and defiant attitude in the provocation regime was not of such gravity as to indicate the criminality of an assault committed there and there upon him by Major Hood had such assault been committed. 2nd that Compt. did make such gesture and preparation as to cause Major Hood to apprehend that he the Complainant was about to use criminal force.

Dr. N^o 1553 of 71

1st sheet

Goodwin

acting as a Justice

to the said Major Wood. 3rd that ³⁶²Complainant
when he made that gesture and pre-
paration may have supposed that
Major Wood (whom he perceived to have
taken a stick into his hand) was likely
to assault him. 4th that Complainant
had no sufficient reason for such
supposition; 5th that Major Wood in
exercising the right of Private Defence
and guarding his own person brought
his left hand into contact with the
Complainant's head; 6th The Compl.
appeared before the Magistrate on
the 7th June but no marks indicat-
ing of his having received a blow were
then observable.

9. The series of facts recited above
(in the last para) being those which the
Court ^{finds} proven no offence has been
committed by the defendant in
far as those facts are concerned.
The Court finds the defendant not
guilty and discharges him under Sec
211 Indian Criminal Procedure Co

10. With special reference to the Court.

30th

rema

H. H. H.

(g. H. H. H.)

remarks in para 3 *Supra* the Court
Communicated a copy of this judgment to the
District Engineer in order that due steps
may be taken to prevent the complainant's
being retained in the Public Service if
his retention be thought undesirable.

Signed H. Goodrich

Acting Dist Magistrate

and Justice of the Peace.

and Court Clerk

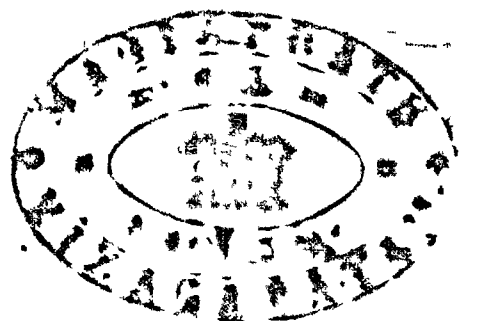
in the Courtroom [unclear] / three copy /

H. Goodrich

Acting Dist Magistrate

Exd

A. Kristianson
Ct Mag Clerk



P. O. Rao Raj
Manager

A. Kristianson
Ct Mag

Sub 1553 of 78

No. 2845

No. 8.

Petition from Chetty Appalaewamy
late Clerk District Engineer's Office
Vizagapatam dated 21 June 1878.

The fact that the Magistrate
considers the complainant to have been
guilty of perjury in the evidence given
by him is quite sufficient to justify
his not being again employed in the
Public Service from which he appears
to have been already most properly
dismissed for insubordination and
-ordination.

Palacannudi }
28th June 1878.

Edmond Colant-Ro
Chief Engineer P.W.D.

To The Petitioner

No. 1557 of 72

Copy retained for the
Engineering Department
Copy Ready - - -
to be returned - - -

By Authority

Recd 9-7-78

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7/29

N^o 1553 of 1878. D^y 19th July 1878.

Recd 29th -

From C. Appalana my late

First Writer in the D^y.

Engineer's office Vizaga-

-patam.

1553.

Brings to notice that

after a faithful service
of five years, during which
he was certified as a well
behaved man by all the
gentlemen including the
present District Engineer
Major Wood, under whom
he petitioned served, he has
been dismissed the service
on a charge of insubordina-
tion and insolence by that
officer, but that petitioner

P.T.H.
1878

Recd 24th July 1878

Ch. 5
25/7/78

is not guilty of the charges;
that the gentleman mis-
took the expressions "
"converted Christians & other
Pariahs" used by petitioner
in representing that caste
Hindus could not take
their meals at the office,
which is held in the S.
Engineer's Bungalow, as
intended to insult him;
struck him by his left
fist at petitioner's groin and
dismissed him from the
service on the above charges;
that the Chief Engineer
considers that the opinion
of the District Magistrate,
that petitioner perjured
himself in first stating
in giving evidence that he
used

used the expression "Christians
& other Pariahs" and in
converting it after some
consideration into "converted
Christians and other
Pariahs", is sufficient to
justify his not being
again employed in the
Public service.

Prays, therefore,
that on the refusal of all
the papers connected with
the case, the Government
may direct his reinstate-
ment, but that if for
any reason, they be un-
willing to disturb the
findings of the District
Magistrate, they may
consider his dismissal
a sufficient punishment
and

and vouchsafe him with
an endorsement to the
effect that he is not
debarred from being
hereafter entertained in
the public service.

C. 8 2045-28-678
-4- 31/8-13-178

1st. to Gov. again 9/9/78
Recd 29-8-78. Del 6.9.78
2d. Do. 21-8-78
Civ 23-8-78. Del 29-8-78

3606 W. P. H. D.
Proceedings of the Madras Government

Number date 11 Sept 78

Read the following:-

Petition from Co. Appalazawmy, late first writer
in the District Engineer's Office, Vizagapatam, dated
19th July 1878.

The Governor in Council
is pleased to prohibit
the re-employment in
the public service of
Chetty Appalazawmy,
late writer in the
Office of the District
Engineer of Vizagapatam.

JA

This is the first case of these
papers & myself held that in the
second the dismissal was
of more than doubtful equity.

All Departments of Govt.
all officers in the
P. H. D.

20-9-78

He read this as done that
there was personal violence &
unseemly altercation - that
the D. E. judge &c were his
and my imprisonment of
prison - that having
an expression used with
almost insult & violence

used to myself. The man was
stating a fact & in reply to
an improper suggestion of
H. S. I. - The Pet. is not dis-
respectful to the under the
circumst. but proper but
has not seen it as cause
for dismissal or more
than removal of position.
Should that & debate for every
few employees in the Public
service is still a cause
of desert - Considering
the character the man has
maintained to this.

On the Pet. and evidence
the Pet. presented & to me
suspension & discharge
agreed the Ch. Justice to
find another suit for him

2/9 1878

The whole matter is an
interesting one - but after
the Magistrate's finding - it is
difficult to say the decision
was -

Recd 29.8.78 Pet 5.9.78
Cir 23.8.78 Pet 29.8.78
21.8.78

★
Govt. of (1878) Madras.
PUBLIC WORKS

Mr. S. S. S. S. S.

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G. O. 11 Sept 1878 N 560614

1001/36. 12/37

Chetty appalsams - late writer
Engineer's office, Vizagapatam

The re-employment of
— in the Public Service
prohibited.