

Pension (189 /) Department.

ORDINARY MS.

G.O., No. 9.

DATED 7th Jan'y 1896.

[Despatch Abstract.]

Informing Mr. W. Green that his memorial
to the Govt of India has been withheld under Sec.
III rule 3 (a) (13) of the Govt of India Memorial rules.

BACK PAPERS.

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

FURTHER PAPERS.

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

To

HIS EXCELLENCY

The Right Honorable, Victor Alexander Bruce,

EARL OF ELGIN AND KINCARDINE,

P. C., L. L. D., G. M. S. I., G. M. I. E.

VICEROY AND GOVERNOR GENERAL OF INDIA IN COUNCIL

CALCUTTA.

THE HUMBLE PETITION OF W. GREEN

Late 3rd Grade Inspector of the Salt and Abkari Department

IN THE MADRAS PRESIDENCY.

MOST RESPECTFULLY SHEWETH.

1. That your petitioner entered the Police Department in February 1861 as 3rd Class Inspector, and after meritorious service in Salem, Tanjore, Kurnool, and Cuddapah Districts, worked his way into the Madras Town (now City) Police where he earned promotion to the 1st Class.

2. When the Salt Department was being organized the then Commissioner Mr. Bliss applied for efficient officers from the Town Police to work the Swamp Guards. Your petitioner was the only man selected for this responsible position by Colonel Swanston the then Commissioner of Police of Madras, and your petitioner was thus transferred to the Salt Department, and having rendered signal and efficient service therein, was brought on to the permanent strength of the establishment as 4th grade Inspector on the reorganization of that Department.

3. In January 1884 your petitioner was for approved service promoted to the 3rd grade and continued in that capacity till September 1886 when through sheer misunderstanding and misrepresentation on the part of his immediate superiors he was reduced to the 4th grade. On a reference made to the Board of Revenue by Mr. C. A. Galton, the then Acting Commissioner of Salt and Abkari Revenue, recommending your petitioner's reduction, your petitioner was called on to submit an explanation which he did, and the Board passed the following resolution thereon on the 21st August 1886. "The figures show clearly that the work done in "Mr. Green's range was less than that done in the neighbouring ranges and for "this, in the absence of any satisfactory explanation, Mr. Green must be held "responsible. At the same time the only inspection memo which has been produced, which bears on the period under reference, is favorable to him notably para "11 of it, and the Board are therefore not disposed to recommend a reduction of "more than a single place in Mr. Green's present grade" (N. B. In his explanation your petitioner begged that all the inspection remarks of the Assistant, Deputy, and Commissioner may be submitted in extenso in conjunction with his explanation. Withal only one inspection remark seems to have been laid before the Board as remarked by them). Nevertheless the Government in their proceedings dated 28th September 1886 No. 5725 ordered that your petitioner should be reduced to the 4th grade laying stress on the incident that he was warned on two occasions in 1883 and 1884 (please note the intervals of time) for short comings in the discharge of

his duties. In 1883 your petitioner was reinstated in the 3rd grade as the late Mr. Rundall the then Deputy Commissioner was highly pleased with your petitioner's work, and considered that the punishment awarded was unmerited and unjustifiable.

4. Your petitioner continued on in this grade (3rd) working steadfastly and conscientiously under great difficulties and obstacles in a notoriously malarious District till 1894, when in June of that year, he was forced to retire on the allegation that he had attained his 55th year on the 2nd of that month, and a superannuation pension of Rs. 120 per mensem was given him. It is against this compulsory retirement, and against the palpably unjust decrease of pension allotted to him, that your petitioner now most *respectfully and earnestly* appeals to Your Excellency in Council for early redress and retrospective relief.

5. The facts of the case are few and simple. At the time of his retirement and for several years before your petitioner *uninterruptedly* drew the salary of Rs. 300 per month. He was *then and still is* physically fit to work on for at least another five years as any Medical officer will certify even now, and yet in the face of such manifest ability was coerced to retire and was mulcted to the extent of Rs. 30 in his pension by the gift of Rs. 120 instead of Rs. 150 per month. If your petitioner had been allowed to continue on in the service for 7 months and 22 days longer, he would have become entitled ipso-facto to a pension of Rs. 150 as acknowledged by the Madras Government in their proceedings dated 14th October 1894 No. 1253 Mis: herewith submitted in original and marked exhibit A.

6. In this connection it is noteworthy that notwithstanding the fact that your petitioner served Government faithfully in the aggregate 33 years, yet the break in his service prior to 1869 would not be condoned though specially recommended by the Board of Revenue, and that your petitioner was not even allowed to work out the 7 months and 22 days said to be still deficient to complete his service entitling him to the full pension of Rs. 150 !!

7. The reasons alleged for your petitioner's enforced retirement in the way indicated, and for withholding from him the but humane consideration of condoning the insignificant residue of his service, are obviously harsh prima-facie and completely unjust as will be shown hereunder. Surely it cannot be contended that your petitioner was so dangerously bad, or that the Local Government was in such imminent peril as to render your petitioner's *immediate and summary* removal from the service absolutely necessary even at the cost of such loss to your petitioner, and at the risk of the principle which usually governs all Government orders characterized by fairness and humanity. The pecuniary loss to your petitioner and his family is very considerable, and your petitioner cannot help feeling most poignantly that in this matter, as in all the other treatment he had received just before retirement, his Superior Officers were actuated by feelings other than fair and friendly, and that your petitioner has been victimized in this their last act to an inordinate and most unjustifiable extent.

8. Evidently the Board of Revenue was not aware that your petitioner's service was broken before 1869, and that the recommendation for his retirement was made in the belief that he had completed his service without detriment. This view of the matter is borne out by the fact that when the deficiency was discovered by the Accountant General the Revenue Board in atonement at once recommended

specifically that your petitioner's short service should be condoned. Nevertheless the Government set aside the Board's pleading and issued the fiat that your petitioner should be mulcted to the extent shown.

9. Your Excellency in Council will perceive from exhibit A. that the Government of Madras declines to recommend the condonement of his short service on the ground that his "record of service both in the Police and Salt Departments is not such as to justify" the recommendation in question. It is indeed curious that if the said record as expressed was uncommonly bad how it transpired that your petitioner was *all along*, except in the case narrated in para 3 of this memorial, *steadily* promoted and frequently ever and anon commended for his regular good work and specially singled out for extraneous employment requiring more than ordinary skill and tact. Your petitioner was never once fined or even called upon to explain for alleged or apparent irregularities but what he was able on all occasions to convince his superiors that he was thoroughly blameless. In fact your petitioner can assure Your Excellency in Council that whatever record was made to his detriment is *without his knowledge* and therefore *ex parte*, and he beseeches Your Excellency in Council to consider if action, such as that now complained of, can be enforced in the way indicated in a matter which involves interests so vital to your poor petitioner and his family for the residue of their lives on a register against which there is not the least chance given of refutation, and which your petitioner most humbly and emphatically ventures to submit is the bane of the public service if resorted to in the way herein noticed.

10. Your petitioner was unfortunately peculiarly subject to hostilities from within and without simply because he did his duty, from start to finish, *fearlessly* and without undue and cringing respect to persons and positions. Such conduct was commended by some Officers and condemned by others, and to the latter class the up keep of a confidential register is a boon wherein to vent their spleen without fear of being called on to establish the statements made or to have them called into question. Your petitioner has numerous cases wherein he can prove from documentary evidence that such charges in the which he was given an opportunity to meet his adversaries were all found, on full enquiry, to be thoroughly unfounded and actuated by malice or some feeling akin to it. From the above it must be clear to your Excellency in Council that your petitioner has been injured so ineffably wholly and solely on what may have been recorded against him in the confidential register!. It is a startling fact, in the light of what is now in question, that year after year your petitioner had been recommended for promotion by his immediate superiors the Assistant and Deputy Commissioners and that at the *very time* his retirement was on the tapis, your petitioner's name was sent up for advancement to a higher grade on the ground that he had done good service during the official year 1893-94. The bulwark of British law, which places it so incomparably ahead of all other administrations consists in the fact that no man, however meanly abandoned, is condemned without being heard. In this case your petitioner has been deprived of the privilege aforesaid!

11. Your petitioner will not trespass on your Excellency's valuable time with a detail list of the numerous instances in which his conduct in the service had been applauded from time to time, but he will just allude to a few of the favorable orders passed in very recent years. In Nov/90 the Board was pleased to remark as follows

"the Board is glad to find that Mr. Green is now exhibiting energy and intelligence in the detection of cases." On the 10th April 91 the Board again refers to your petitioner's services in the following way "the Board is glad to learn that Inspector Mr. Green has been giving his attention with marked success to illicit distillation cases." Again on the 2nd May 91 the Board record "Inspector W. Green's superiors report that he has done good work during the last official year. The Board 'is aware of that fact but Mr. Green must show by continued efficiency that the 'improvement is permanent before the Board can recognize any claim to promotion." Your petitioner must have worked with heart and main to have elicited the commendations quoted above, and yet a short time after he is ousted from the service of which he was considered a while ago an efficient member with unprecedented ignominy and such terrible loss.

12. In June 1892 your petitioner feeling that he was being overlooked as regards promotion submitted a Memorial dated 13th June imploring the Madras Government to grant him what he had earned by hard and conscientious work (vide exhibit B hereto appended) and had a reply in October to the effect that the Government would not interfere with the discretion of the Commissioner as regards promotion. Your petitioner apprehends that this Memorial elicited censure and removal to Cumbum a still more unhealthy place than Kurnool, and eventually terminated in the disastrous results noted above. Even admitting for the sake of argument that your petitioner's past services were apathetic and bad, yet it is abundantly clear from the Board's encomiums enunciated above that your petitioner was at least making reparation to the best of his ability for by-gone sins of omission and commission, and therefore the treatment accorded to him at the very time it was recognized that he was apparently mending is palpably severe and unjust. Your Excellency's attention is earnestly solicited to this glaring and unmistakeable inconsistency, and this again strengthens the impression that the Board at the time of recommending your petitioner to be invalided was not conscious of the little short service noted above and which has occasioned your petitioner this immense and strikingly incommensurate loss.

13. Your petitioner's services were specially evoked in the work of detecting illicit distillation and to this subject Lord Connemara the late Governor of Madras, when he passed through the Kurnool District at Nandial Station turned his attention and had a conference with your petitioner who knew most on the matter locally. Indeed your petitioner was transferred from place to place, at much inconvenience to himself, to build up work which had been neglected by other Inspectors or which they were incapable of performing. For such extraordinary services executed faithfully and willingly the treatment herein narrated has been vouchsafed to your petitioner.

14. Your petitioner has shown that during the years 1890-1891 he was commended for good work. In the beginning of 1892 he went on leave to recussitate his health which had broken down on account of hard work and great worry and in April of that year he resumed charge of his circle. In the interim your petitioner waited on the Commissioner in the hope that his past good services would be recognized by promotion but the Commissioner put him off with the reply that officers on leave were not usually promoted during such time. On return to duty, finding that he had been overlooked on this occasion too, your petitioner appealed to Government for promotion with the result narrated in para 12 of this me-

memorial. As a counterblast against your petitioner's appeal the then Deputy Commissioner, the late Mr. Sneyd, sent in a report that your petitioner was again getting dilatory in his work. In the meanwhile your petitioner was transferred to Cumbum and he now holds a document in his hand which goes to show that the late Mr. Sneyd represented to the Commissioner that he could do nothing against your petitioner until he was removed to some other circle and this occasioned his transfer to Cumbum. This point is noteworthy inasmuch as it indicates how your petitioner was treated throughout by proceedings held against him without his knowledge and behind his back. All through 1893 your petitioner was able to trace a lot of malpractices in the Cumbum circle for which he was commended and recommended as usual for promotion. In April 1894 your petitioner had to go on leave as he was seriously ill at the time, and on the completion of such leave your petitioner was forced to retire in the way explained above. This then is your petitioner's case pure and simple, and he approaches your Excellency in Council with no little assurance that your Honorable Government will be graciously pleased to render bare justice to an old and faithful servant of Her Majesty the Queen Empress who, in the declining years of life, finds himself handicapped, and treated without the least consideration as herein explained.

15. Your Excellency in Council doubtless is aware that the rule regarding superannuation pensions ought to be applied with great liberality and ought only to be resorted to in extreme and hopeless cases. Your petitioner ventures to ask if your Excellency in Council, with the facts before you as herein related without color or coinage as can be verified at any time, can conclude that your petitioner was righteously dealt with under the rule in question? Your petitioner is still physically and mentally quite fit for further service, and it does indeed seem a pity that just at the time when his services could have been most usefully employed matured by long experience, a quality so essential especially in Abkari work, he was shelved in this unceremonious way. The Government of India in their resolution Revenue Department No. 31 F. dated 3rd September 1877 distinctly rule on the subject of compulsory retirement of Uncovenanted officers after the age of 55 years and declare that the regulations do not require the compulsory retirement of any efficient officer of whatever age, and that the rule should be exercised with careful consideration both for the interests of the individual concerned and for the finances of the country. Again in Section 527 Civil Service Regulations it is clearly enacted that an officer should not, without urgent necessity, be invalided when he has nearly completed 30 years service. In the face of such distinct orders, your petitioner has been thrown out of employment in the most off-handed manner, as explained.

PRAYER.

Under all the circumstances of his peculiar and unfortunate case your petitioner most humbly and earnestly craves that your Excellency in Council will be graciously pleased in common equity and fairness to order that he may be restored to the position from whence he was retired in the way described, or that the break in his service may be condoned and that he may be granted the full pension of Rs. 150 per month with retrospective effect from the date of his forced retirement.

And for this act of benevolence and justice your petitioner will as in duty bound.

EVER PRAY

W. Green

TRICHINOPOLY, } Late 3rd grade Inspector Salt & Abkari Department
30th November 1895. } Madras Presidency.

Most respectfully

UNDER SECRETARY
#3 DEC 95
PUBLICITY DEPT.

Most respectfully submitted to the Government
of Madras for the kind favor of transmission
to the Government of India.

W. R. S. 2/12/95
Principal Inspectors
of Salt & Alkali Revenue

RECEIVED
#3 DEC 95
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of Madras for the kind favor of transmission
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W. R. S. 2/12/95
Principal Inspectors
of Salt & Alkali Revenue

PENSION DEPARTMENT.

G.O. 1253 P.

12-10-94

No. 733 P.

1-7-95

From

W. W. Green,

late an Inspector,

Salt & abkari Dept.,

Madras Presidency.

No.

Dated 2nd }
Received 4th } December '95

Enclosures

SUBJECT.

Submitting a memorial for
favour of transmission to
the Government of India.

Order

The petition will be withheld under rule 3
(10) of Sec. III of the Govt. of India petition rules
and the petitioner informed accordingly.

To

The Petitioner.

The Honorable

The Chief Secretary

to the Government of Madras

Fort Santh George - Madras

Honorable Sir

I respectfully beg to submit herewith
certain addenda printed at the foot of the petition
I submitted to His Excellency the Viceroy in
Council dated the 30th ultimo and humbly request
that you will kindly have the enclosed petition
substituted for the one already sent.

2. If the first petition has already been for-
warded to Calcutta, I respectfully beg that the
accompanying petition may be sent on likewise
with the request I herein make.

Praying that I may be pardoned for the
trouble given -

I am

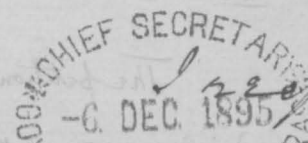
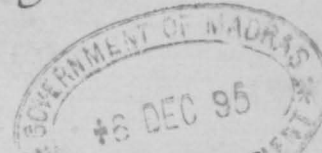
Honorable Sir

Your Most Obedient & Humble Servant

W. Green

Previously 3rd grade Salt Inspector

Inclining }
3rd Dec. 1895 }

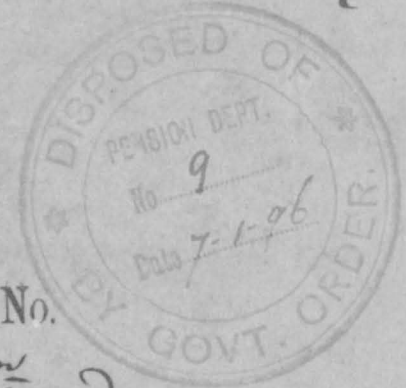


R.T.V.

Read CN^o 1663 & 1672

F. No 30/96

From
Mr. W. Green,
late an Inspector,
Salt and Abkari Revenue,
Madras Presidency.



No. ²
Dated 3rd }
Received 6th } December '95
Enclosures

SUBJECT.

Requesting that the enclosed
petition may be substituted for
the one he sent on on the 30th ultimo.

For orders.

The petition is an appeal to India against G.O.
1253 Pension, and is liable to be withheld under
12.X.94 rule 3(10) Sec. III. No explanation is given for the
delay. The petitioner's request to be restored to his post
is one on which the Local Govt. is competent to pass
orders, and as no previous application has been
made to this Govt., the petition can also be withheld
under rule 3(13) Sec. III.

No request was made to this Govt. by the petition-
er for the condonation of the deficiency of 7 months
and 22 days to complete 25 years service mentioned
in the petition - His service from 21-2-64 to 23-4-67
& from 3-5-67 to 30-6-68 does not count for pension
being initiated by breaks caused by resignations
of appointment. So the deficiency may be
condoned under art. 465 A.(2)(a) C.R. His
character having been recorded as fair, he does
not seem entitled to this concession, with ref-
to the note for orders under G.O. 828 835
5.8.93 7.8.93 Pension. For orders.

16/12 17.12.95

Withhold -
21/2/12

Encl. 7th January 1896 No. 9.

The petitioner will be informed that his Memorial
to the Govt of India has been withheld under Sec. III, rule
3 (10) & (13) of the Govt. of India Memorial Rules.
(Rule 3(10) & (13) Quota.)

P.T.O.

21/1/96

8.1.96

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No. 189, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT PILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.-

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