504—11-6-94.

PENSION DEPARTMENT.

G.O., DATED 15 June

1896.

No. 470

When given for copying.

[Despatch Abstract.]

Withholding a memorial from R. Devanayagam Pillai to the Govt of India, under clause (f) Rule No. 3, Sec I of B. Memorial refers transferring him that his memorial to elec Cable be withheld under clause (to) of the same rule as well as under rule 3 in Sec I.

BACK PAPER, No. OF 189 .

FURTHER PAPER, No. OF 189

HEAD AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

MENT WITH DITTO.

ER OF GOVERNMENT .. .. " A A

ENT WITH DITTO

DO NOT FILL UP, SPACE MERELY FOR INSERTION IN ORIGINAL (See page).

N.B.—
A. = Copy in full.
B. = Not to be copied.

Head clerk. L & M. Dept.

NOTE FOR THE ~~UNDER SECRETARY~~

Peravani No 4 of 95

Please say if any petition was received in the L. & M. Dep.t, in Sept 1895 or thereafter, from one P. Sivanayagam Pillai, late Inspecting School Master, Tenkarai Range, Tinnevelly Dt. praying for reinstatement in the Service.

21.9

* Please see Exhibit L in the file hereinafter sent.

22/9

Head clerk Ed. dept.

NOTE FOR THE ~~UNDER SECRETARY~~.

Please say if exhibit (L) in the file of papers with sen A was received in the Education Dept.

HS
23.5.96

No such petition can be traced in the Coll Regr of 1895

CHR
23/5/96

Vol. for 46. The Dft.
& Case req. Coll. 25/5/96

Exhibit A

Memo

Mr Devanayagam Pillay Inspecting Asst under the Tentaan to inform that although he may be able to deal satisfactorily with the Clerical portion of his duties, the fact that he is Stone deaf renders it impossible to Examine the Children or hear their pronunciation or test them in any way Except by a Slate Examination. Should he be likely to procure service under any of the Aforesaid bodies as Mr Logan the Inspector of Schools informs the President that in Some prospect, he Should Enter into Such Engagement without delay as the President will be obliged to dispense with his services from 1st April next at latest.

(Signed) S. T. Shanmugam Pillay
for
President

1st March 1894.

Through the Inspector of Schools, Southern Circle with reference to his Endorsement No 74 dated 26-1-94.

P.T.O.

No 1931/16-3-94 Forwarded

(Signed) T. T. Logan,
Inspector of Schools,
South Kanara Circle.

Through the Assistant Inspector of Schools, 9th Division.

No 672/21-3-94 Forwarded

(Signed) R. S. Krishnasamy,
Assistant Inspector of Schools
9th Division.

Through the Sub-Assistant Inspector of Schools, Tellicherry

No 1182/25-3-94 Forwarded

(Signed) T. Govinda Rao
Sub-Assistant Inspector Schools,
Tellicherry Range.

(True Copy)

A. Devanayagam Pillay,
Late Inspecting Sub-Assistant
South Kanara
Tinnevelly District

Exhibit M.

Exhibit I

Certificate from Surgeon-Lieutenant-Colonel H. D. Cook, Surgeon of the 1st District, Madras and until lately, the President of the Medical Board of Examination.

Sir,

Having Examined you, I quite agree with the letter you hold (a copy of) from Surgeon-Major Sanjana: that although he unfitted you for the duties of an Inspector of Schools you are quite capable of performing the duties of a clerk, in so much that you are physically fit in every sense of the term and has good Eye-sight. The only bar is your deafness which is not, however, a total deafness, as you can hear well by the aid of an Ordinary Speaking Trumpet.

I cannot say if the deafness might be cured until you choose to put yourself under proper medical treatment.

In any case, you are quite fit for the duties of a clerk.

Yours faithfully,

(Signed) H. D. Cook,
Surgeon-Lieutenant-Colonel.

(True Copy)

A. Devanayagam Pillay,
Late Inspecting Sub-Assistant
South Kanara Range,
Tinnevelly District.

Exhibit A1.

Certificate of the Revd A. Margöoer
the head of the S.P.G. Mission in Tinnevelly.

This to certify that I have known
P. Devanayagam Pillay for twenty years as
an Officer of the Educational Department.
I believe him to be an upright, deserving and
trustworthy man of good ability and
intelligence. He is quite fit for work — such
as Correspondence or accounts — where the
Sense of hearing is not so much required.
I know all the facts of his hard case and
and trust that English justice may at
length triumph.

8th February 1896. (Signed) A. Margöochis
Superintending Missionary S.P.G.
Tinnevelly.

(True Copy)
P. Devanayagam Pillay,
Late Teaching School Master,
Sth Thirukurai Range
Tinnevelly District.

Exhibit N.

Certificate from The Revd J. Walker, M.A. of
The head of The C.M.S. Missions in Tinnevelly -

I know Mr P. Devanayagam Pillay & he
with his belongs to a most respectable Christian
family and has had honorable Government
employments for many years. His knowledge
of English is Excellent and his teaching capacity
is undoubted. The reason for his being out
of Government employment is an unfortunate
deafness which interferes with Communication;
a disqualification of the Scholastic department.

I can give him the highest recommenda-
tions for Christian Character personal probity
and ability.

(Signed) J. Walker,
Superintendent of The C.M.S. Missions
Tinnevelly.

8th August 1895.

(True Copy) P. Devanayagam Pillay,
Late Schoolmaster,
Pottankaiir Range,
Tinnevelly District.

Exhibit B

Rec'd 5-4-94

Tirunelly,
4-4-94.

No 1342

The Inspecting School Master, South Tirukani will at once deliver over charge of his records to the undersigned at Alwar Tirunagari. He will also state what arrangements are made for the Collection of Annual Returns and whether no Schools have been attached and returns. If he has he will submit them to me.

(Signed) T. Krishna Row
Acting Assistant Inspector,
Tuticorin Range.

(True Copy)

N. Devarajagam Pillay,
Late Teaching School Master,
Sth Tirukani Range,
Tirunelly District.

Remark

Copy Memo of Mr T. Krishna Row, the Acting Assistant Inspector of Schools, Tuticorin Range, received by him while Inspecting the Range Inspector Mr D. S. Thomas was on tour.

6
20
465

Inquired for the Commissioner's Report which was read by the Secretary of the District Board read
Clerk Mr. Ho. Thompson entered the Lodge
Deputy Inspector Mr. O. Robinson and
Mr. Ofhagan took their seats for the
first time since Sufferance & Concord Lodge
was opened & Constituted. The Commissioner's
Clerk the Secretary & Inspector Proceeded
to Ballot for Candidates for Membership
Because no Objection — Ballot was Clear &
his Office regularly Declared Initiated
in a Practical Manner to this Degree
on the Second Section the Lodge Closed in
Clr. J. Christmas Hosanna only & Clerk under a
Deputy Inspector Report (non date of Visitant
Inspector) to Stephen the Commissioner
will then perform Initiation & a Deputy
Inspector to serve in the Commissioner District.

6
19
465

W. Thompson Esq
Late Inspector of School District
South Carolina Prince
Emanuel District

Exhibit C.

No 1343/4-4-94

Endorsement on letter of P. Devanayagam Pillay applying for three days casual leave.

Submitted to the Assistant Inspector of Schools in continuation of my No 1179/27-3-94.

I believe the application should not be entertained under Provincial No 211/7-3-94 as he says that he will be obliged to discontinue the services of Devanayagam Pillay from April next at latest.

(Signed) J. Krishna Rao,
Sub Assistant Inspector,
Jaffna Range

No 1344/4-4-94

True copy forwarded to Devanayagam Pillay for information.

(Signed) J. Krishna Rao,
Sub Assistant Inspector
Jaffna Range

No 2107/7/6-4-94

Returned to Devanayagam Pillay, Late Inspecting School Master of South Tenmarai with reference to the Provincial order No 211/7-3-94.

(Signed) D. S. Thiruvarasam
Assistant Inspector of Schools
4th Division

(True Copy)

P. Devanayagam Pillay
Late Inspecting School Master,
South Tenmarai Range,
Tinnevelly District.

Remark

While the Provincial List had been still holding the appointment and on the receipt of pay, the Assistant Inspector ...

This is a copy for your gracious honors perusal. K. Coomaraswamy

Vacated 10-4-94 A.D.

Exhibit D

1894.

From, The Assistant Inspector of Schools, 9th Division.

To, The Sub Assistant Inspector of Schools, Saffragam Range.

Dated 9th 3
Despatched 3 April 1894
Received 3

No 2136 J

Enclosure

Reference his Office No 1346 / 4-4-94

Daranagagam Pillay should have ceased to do duty on the 31st March last in obedience to the President's Order. He may be informed that he will be allowed no pay for work subsequent to the 31st March and that if he delays transfer of records and causes inconvenience to the prompt Collection and preparation of Annual Returns, he will thereby render himself ineligible for Promotion &c.

(Signed) D. S. Kulasingam,
Assistant Inspector of Schools,
9th Division.

No 1445 / 8-4-94

Forwarded to Daranagagam Pillay for information and immediate return. The records may be given over to G. Seenivasagam Pillay of North Saffragam.

(Signed) F. Arthur Roe
Sub Assistant Inspector of Schools
Saffragam Range

The undersigned will be at Head Quarters

from this day forward.

(Initialled) T. K.
13/4.

(True Copy)

R. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District.

This is a copy for your gracious honor's perusal, the original, with records, having duly been submitted to the Madras Government, through the President of the District Board and Collector of the Tinnevelly District, on the 16th March last.

TO,

HIS EXCELLENCY THE RIGHT HONORABLE THE VICEROY AND GOVERNOR GENERAL OF INDIA IN COUNCIL, FORT WILLIAM, CALCUTTA.

The humble Memorial of **R. Devanayagam Pillai**, late Inspecting School Master, South Tenkarai Range, Tinnevelly District.

(*Through the President, District Board, Tinnevelly and Local Government, Madras*).

MOST HUMBLY SHEWETH :—

That your Excellency's humble Memorialist, belonging to a respectable family in the Tinnevelly District, Madras Presidency, on finishing his education in the then Madras Free Church Mission Institution, now Christian College, under the Honorable Reverend Dr. Miller and returning to his native place, was entertained about twenty-four years ago, in April 1872, as an Inspecting School Master—a class of Inspecting Agency which though connected with the Educational Department yet is paid out of Local Funds and having Presidents of District Boards for their local and paying authorities. Your Excellency's humble Memorialist having thus been entertained in the service prior to the year 1881, he was an officer on the pensionable grade, entitled to all the privileges and benefits of the "Civil Service Regulations".

2. During the period in question your Excellency's humble Memorialist, besides as Inspecting School Master, held higher and more responsible offices as well; e. g. he served as Head Master of a Normal School and he acted often for appointments on the Provincial service in such capacities as Ag. Deputy Inspector (now Sub Assistant Inspector of Schools)Additional Deputy Inspector of Schools and Special Deputy Inspector of Schools.

3. Whatever the appointments your Excellency's humble Memorialist held he gave uniform satisfaction to his superiors in all of them; and only lately the Director of Public Instruction in his Proceedings No. 4560/31-3-92, was pleased to note that of all the educational officers of the Memorialist's grade in the Tinnevelly District, your Excellency's humble Memorialist did most to improve the state of Primary Education.

4. While your Excellency's humble Memorialist was thus prospering in his career, there occurred an event in his life that tended to mar and embitter it. For, having been subjected to a life of constant travel for a long time, he has unfortunately fallen a prey to defective-hearing which has gradually increased. On bringing this to the notice of Mr. G. S. Forbes, late President of the Tinnevelly District Board and Collector of the District, the controlling officers of the Educational Department, or rather his official superiors, the Assistant Inspector of Schools 9th Division,and Mr. T. T. Logan, the Inspector of Schools, Southern Circle,strongly recommended that he might be provided under such circumstances with a clerk's post on his establishments either as President or Collector, without reduction of salary, qualified as he was in every way for such post.

5. The President, however, who from his very high position could possibly have no bias for, or opposed to the interest of a subordinate, in the position of your Excellency's humble Memorialist and who also, under other circumstances, would have, as usual, carried out the suggestions of so important an authority, as Mr. Logan, the head of his Department, probably under adverse influence, since his subordinates, including the late Treasury Deputy Collector, had not been in favor of his obtaining a place in his Office, set aside the recommendations of Mr. Logan in his case and paid no heed to them. Not only so, but he even before sending your Excellency's humble Memorialist—a servant on the pensionable grade—for examination by a Medical Officer and acting on the results of his certificate as to Memorialist's fitness or otherwise for further service, as required by the rules, issued a most peremptory order, in his Memo No. 211, dated 7th March 1894, directing that he should retire by the 1st April following. i. e. within twenty-three days from the date of the receipt of his order, and in the *interval,* seek employment under some of the Mission bodies for no other reason than that he was a Protestant Native Christian. (Copy of his Memo is herewith submitted, Exhibit A)

6. This order of the President which was sent to your Excellency's humble Memorialist through his superiors, namely Mr. Logan the Inspector of Schools and the Assistant Inspector of Schools, mentioned in para 4, and through the Sub-Assistant Inspector of the Tuticorin Range, his immediate official superior, was not received by him until the 29th March, i. e., only a day prior to the 1st April when by the order he should have ceased to do his duties. Your Excellency's humble Memorialist, therefore, not having in the least expected, much less merited from his length of service, extending to a period of twenty-two years, an order of the kind, so severe in its tone and tenor and so cruel in its effects, was scarcely able to think for himself what course to take on its receipt. But what was even worse than the order itself was *the stringency of his native official superiors*—the Assistant and the Sub-Assistant Inspectors of Schools already mentioned—who, strongly opposed as they had been to the interest of your Excellency's Memorialist, like the subordinates of the President, their own caste men, from all of whom he differed both by caste and creed, rendered his difficulties still greater at this juncture, not unlikely by some conference or other with their caste men, the subordinates of the President, so that their actions might in the end have the sanction and support of the President. For his native official superiors who knew perfectly well that your Excellency's humble Memorialist was a servant on the pensionable grade and as such could not be compelled to retire before a Medical Officer certified as to his eligibility or otherwise for further service, and whose duty it was therefore to bring this to the notice of the President *through Mr. Logan,* the Inspector of Schools, and guide him in the matter, not only wilfully refrained from performing their duties in this respect, but also under the pretext of giving effect to the order of the President, unaccountably hurried the retirement of your Excellency's humble Memorialist and insisted on his handing over charge of his office at the beginning of the said month of April to which the order of the President related. (Copies of their communications are herewith submitted. Exhibits B C and D)

7. Your Excellency's humble Memorialist, finding himself thus hemmed in, and pressed on every side, and not knowing what to do in this extremity, undertook

to address the President direct and sent him two communications, one about the 11th and another about the 17th of the said month of April, soliciting his orders whether to hand over charge of his office or not, as required by his native official superiors. For Mr. Logan, the Inspector of Schools and his European official superior was in no way concerned in this business since the Assistant and the Sub Assistant Inspectors of Schools seem to have acted on their own responsibility independently of Mr. Logan, the head of the department, and that in an important matter where the concerns of a long-standing officer, and one on the pensionable grade, like your Excellency's humble Memorialist were involved and at stake.

8. The President gave no reply to the Memorialist's first communication except that, *in deviation of his original order* mentioned in para 5, he sent him with his letter of the 13th of the said month of April, to the District Surgeon of Tinnevelly requesting him to examine your Excellency's Memorialist as to his fitness or otherwise for further service.

9. The District Surgeon who examined your Excellency's Memorialist accordingly on the 16th of the said month of April reported him as unfit for the duties of Inspecting School Master, as it involved examination of schools where hearing was of importance, but recommended his retention in the service in the capacity of a clerk in the same way as the Assistant Inspector of Schools and Mr. Logan, the Inspector of Schools had done.

10. The President, when he saw the finding and recommendation of the District Surgeon also were favorable to your Excellency's humble Memorialist had a great mind to let him have a clerk's place in his office, by making a casual observation that as a clerk, he was well spoken of by Mr. Logan, the Inspector of Schools. To this end and towards providing him with a place, he even took further and active steps by cancelling arrangements of certain appointments previously made by him, as may be seen from the records in the President's office. But in the course of a few days, laboring perhaps under the same adverse influence alluded to, *he suddenly changed his opinion* and addressed a letter to the District Surgeon of Tinnevelly and required him to disqualify your Excellency's humble Memorialist for further service by the granting of an *invalid certificate* solely for the reason that there was no educational clerk's place available for him in his office and with a remark that as an Inspecting School Master, he belonged to the lowest grade among the Inspecting Officers of the Educational Department.

11. The District Surgeon yielding seemingly to the wishes of the President of the District Board furnished the required certificate *against his own original finding and recommendation.*

12. Meanwhile, that is to say, after what remained to be done was so done to injure your Excellency's humble Memorialist, as stated about the end of para 10, instructions also from the office of the President, under date the 23rd of the said month of April, purporting to be a reply to the Memorialist's second communication of the 17th April referred to, had proceeded wherein, as it might be imagined from what has been stated in paras 5 and 6, the requisitions upon him of his native official superiors for handing over charge of his office had the sanction and support of the

President and the Memorialist in consequence was directed by him to deliver over charge. (Copy of instructions is herewith submitted, Exhibit E).

13. Accordingly your Excellency's humble Memorialist delivered over charge of his office on the 26th of the said month of April and since then is without any employment, having been in this way compelled to retire all of a sudden in spite of his long and faithful services, in spite of the recommendations on his behalf for the post of a clerk by the Assistant Inspector of Schools, Mr. Logan, the Inspector of Schools and the District Surgeon of Tinnevelly (Vide paras 4 and 9) and also in direct violation of the provisions of articles 469 and 497 of the " Civil Service Regulations''. [Vide sub-heading (e) under para 21 infra].

14. The District Surgeon of Tinnevelly though he had acted as set forth in para 11, yet shortly after addressed a letter to Mr. B. Macleod, the Ag. President, Mr. G. S. Forbes, the permanent President having been then on leave, on behalf of your Excellency's Memorialist and sent it on through him only. In this letter, the District Surgeon pointed out to the Ag. President the propriety of employing your Excellency's humble Memorialist on his establishment by observing that apart from his defective-hearing your Excellency's Memorialist had no other disqualifications that he was still in the prime of his life, that his general state of health was good, that he was supposed to be clever and that he was strong enough to serve Government for at least a dozen years longer. But Mr. Macleod either for the reason that he was only acting for a short time, or that he had no mind to interfere with the proceedings of his predecessor did not take any action upon the communication of the District Surgeon. Nor was it submitted to the Accountant General along with other records, as called for by him afterwards. (Vide para 15 infra) Also the Service Register of your Excellency's humble Memorialist was not sent for the scrutiny of the Accountant General in time, there having been a delay of nearly five months. So also there had been considerable delay in the payment of his last salary and travelling allowance bills.

15. Thereupon your Excellency's humble Memorialist proceeded to Madras and tendered his appeal both to the Accountant General and the Government. (Copies of his appeals are herewith submitted Exhibits F and G). The former, as stated above, had called on the District Board of Tinnevelly for the submission of records, but there having been some hesitation in the President's Office in the submission of the records the Accountant General appears to have been unable to obtain them until he addressed the President, a second time, noticing the failure of their submission in explicit terms. Even then they were sent incomplete as the one referred to in para 14 supra, namely the District Surgeon's communication to the Ag. President was not submitted along with the other records. On their being thus sent, the Accountant General submitted his report to Government. What the nature of his communication to Government was, is not known to your Excellency's humble Memorialist, but since he had presumably gone through such records as had been put before him, he must have found the facts presented by them to so clearly and strikingly bear out all that was advanced by the Memorialist that, if he were to found his opinion on them or arrive at any conclusion, it would be none other than such as to support the cause of your Excellency's humble Memorialist. So the Memorialist was

in the full expectation of his grievances being happily at length redressed. But the Government of Madras, like the President of the District Board of Tinnevelly, did not seem pleased to give that consideration which his case so well demanded and deserved and like him merely directed him, in their order No. 1504 dated 26th November 1894, to retire on an invalid pension without any remark or observation either as regards the recommendations made on his behalf by the several authorities mentioned in para 13, for his retention in service, though in another capacity as a clerk, or as regards the report the Accountant General had made in his case(Copy of the Government Order is herewith submitted Exhibit H).

16. During his stay in Madras, your Excellency's humble Memorialist had got his ears examined by two European Doctors on the Indian Medical Establishment, one of them being a resident Surgeon in connection with the General Hospital and the other, the Surgeon of the 1st District Madras—a senior Medical Officer and until lately the President of the Medical Board of Examination. Both these gentlemen considered his defective-hearing as partial or nervous deafness and as such amenable to treatment and capable of amelioration. The latter had even been pleased to grant your Excellency's humble Memorialist a certificate in which he not only strongly endorsed the opinion expressed by the District Surgeon of Tinnevelly but also added further that your Excellency's humble Memorialist was *not totally deaf*, that he possessed good eye-sight and that his defective-hearing in consequence was *not a bar* to his entertainment as a clerk for which he was quite competent. (Copy of the certificate is herewith submitted, Exhibit I).

17. In view of the additional testimony borne by a competent Medical Officer and in view of his own * qualifications for clerical duties, being possessed with a fair knowledge of English and able to write a neat and a running hand your Excellency's humble Memorialist put forth his appeal a second time for the reconsideration of the Government, enclosing therein a copy of the medical certificate in question. But the Government to his great misfortune, adhering to its original order referred to in para 15, rejected his appeal. (Copy of his appeal and the copy of the Government Order rejecting it are herewith submitted, Exhibits J and K). Again the Memorialist submitted his third appeal (copy herewith submitted, Exhibit L) praying for the orders of the Government that they may be pleased to reinstate him in the service in the capacity of a clerk until such time at least as would enable him to complete his service for a major or good service pension, since there were but four years and some months wanting and also to cancel the invalid certificate the District Surgeon of Tinnevelly had granted against his original recommendation, inasmuch as your Excellency's humble Memorialist was not an invalid either at the time when the certificate was granted or since then ; and to this he received no order or reply of any kind.

18. Your Excellency's humble Memorialist was the *senior* Inspecting School Master of the Tinnevelly District, drawing a pay of Rs 35. During the past official year, the Government having raised the pay of the senior Inspecting School Master from Rs. 35 to Rs. 40, he should have received this pay of Rs. 40 besides

* This petition solely the production of the Memorialist will, he humbly hopes, give some idea of his knowledge of English, while the records herewith submitted and written by the Memorialist's own hand will serve as specimens of his handwriting.

the travelling allowances which amounted on an average to Rs. 10. But just at the time when he was to get it his retirement from service was unaccountably hurried on as stated in para 6, and the promotion which he had long looked forward to was in consequence secured by the next senior among the Inspecting School Masters.

19. Your Excellency's humble Memorialist is a large family man having a wife and *ten* children to support and to him in the absence of any patrimonial or self-acquired property the only source of income was that accruing from the appointment he was holding under Government. In being therefore all of a sudden deprived of it, himself and his large family are subjected to untold miseries and even to partial starvation in these days, the invalid pension on which he is compelled to retire, amounting as it does, to little more than Rs. 10 is altogether inadequate for his maintenance and that of his large family.

20. Your Excellency's Memorialist humbly begs to add in this connection that vacancies under the establishments of the President of the Tinnevelly District Board and his Collectorate are of very frequent occurrence ; hardly a month passes without some vacancy or other being caused. Even now there are places available for him as he hears that the second clerk in the District Board's Office on the receipt of a salary of Rs 40, has taken furlough for one year, on forfeiture of full pay, with the view of eventually retiring from the service.

21. The above is a brief summary of the Memorialist's very hard case and in venturing to take it, under his most embarassing and distressing circumstances, to your Excellency's exalted tribunal for final decision, redress and justice, he respectfully craves your Excellency's benign consideration to the points noted here below, the same being, as he humbly submits worthy of notice and consideration in the disposal of his most unfortunate and pitiable case.

(*a*) Your Excellency's Memorialist humbly submits that all servants on the pensionable grade are on a *par* or equality according to the Civil Service Regulations whether they are on the Local, Provincial or Imperial service. Though your Excellency's humble Memorialist was paid from Local Funds, yet he was one virtually connected with the Educational Department where his name was enrolled among the Inspecting Agency and where he often acted as Deputy (now Sub-Assistand) Inspector on the Provincial service. Again he being one entertained in the service prior to the year 1881 was eligible for pension and other privileges and benefits appertaining to officers on the Provincial and Imperial establishments. He was not therefore one who, like those Local Fund Servants entertained subsequent to the year 1881, was at the mercy of the President, and whose services could be dispensed with at any moment according to his will and pleasure, but on the contrary he was one whose service, like those subordinates on the Provincial and Imperial establishments was cognizable by higher authorities than the President.

(*b*) Your Excellency's Memorialist as an Inspecting School Master, he humbly submits, was not a servant on the ministerial line, but one that belonged to the higher service and ranked as an officer. But the President in his endeavours to deprive him of his appointment all of a sudden, did not consider him as such; and while he ignored the fact of his being a subordinate on the pensionable grade, he

also ignored his *status* of being an officer occupying higher position in the Public Service than that of a mere ministerial clerk or a writer.

(*c*) Your Excellency's humble Memorialist was pronounced fit for the post of a clerk by no fewer than four competent and responsible authorities in the eye of the Government, namely the Assistant Inspector of Schools, Mr. T. T. Logan, the Inspector of Schools, the District Surgeon of Tinnevelly and the Surgeon of the 1st District Madras the two former being his own official superiors and the two latter professional officers of standing on the Indian Medical Establishnent. (Vide paras 4, 9, 14 & 16) Also he has reason to believe that the report of the Accountant General in his case was favorable. (Vide para 15) Again he would respectfully submit that although the President, through adverse influence, did all he could to oust your Excellency's humble Memorialist from the service yet even he did not deny the fact that for the performance of clerical duties, the Memorialist would be found fit or to use the President's own words he would "deal with them satisfactorily". (Vide his Memo referred to in para 5, i. e., Exhibit A).

(*d*) The President consequent on his great prejudice he had unhappily been led to entertain against your Excellency's humble Memorialist considered his defective-hearing as stone deafness; (Vide his Memo) whereas in the opinion of professional men like the Medical authorities referred to in para 16, it was found only to be *partial* (and not total) deafness and as such capable of improvement. (Vide para 16) Your Excellency's Memorialist humbly submits in reference to his defect that even if it does not improve, it can be a bar only to his performing the functions of an Inspecting School Master, entailing as it does the examination of schools as observed by the District Surgeon of Tinnevelly (Vide para 9) and not to his discharging the duties of a clerk where hearing is not of importance.

(*e*) Article 469 of the Civil Service Regulations states that "to pension an officer still capable of useful service is a waste of public money", while article 497 provides in the case of an officer invalided under one branch of public service that "every effort should be made to find for such an officer other employment suited to his particular capacity". The provisions of the Civil Service Regulations applying equally to all servants on the pensionable grade whether they are on the Local, Provincial or Imperial service, the benefit of the two articles have not unfortunately been extended in the case of your Excellency's Memorialist either by the President of the Tinnevelly District Board or by the Government of Madras in the face of such strong recommendations from the several authorites as those mentioned in subheading (c) under para 21.

(*f*) The President directed your Excellency's humble Memorialist in his Memo referred to, for seeking employment under Mission bodies. Again the President in his communication to the District Surgeon of Tinnevelly required him, as stated in para 10, to grant your Excellency's humble Memorialist an invalid certificate for the reason that there was no educational clerk's place in his own office to be given him from which the President virtually implied that he would have had no objection to provide him a place, had there been a vacancy in his office. If therefore the President be of opinion that your Excellency's Memorialist is competent to hold a clerk's appointment under the Mission or an educational clerk's place under the

Government, notwithstanding his defective-hearing, he cannot surely, with consistency, declare him unfit for the same kind of work in departments of Govenment other than educational, a clerk's work not being of an administrative or of a responsible nature.

(*g*) Again the President in his Memo already mentioned states that Mr. Logan, the Inspector of Schools informed him that there was some prospect of your Excellency's Memorialist being provided with employment by Mission bodies. True, Mr. Logan knew in what estimation he was generally held by Mission bodies for his character and qualifications and so in the course of his conversation with the President, he might have mentioned such possibility of his services being otherwise utilized by Mission bodies. But your Excellency's humble Memorialist having spent the prime of his life and the best portions of his years in the public service he has in consequence established no claim or right for any favor or help from *Mission bodies* although it is true that he is a Native Christian.

(*h*) Your Excellency's Memorialist humbly submits that it is a fact not unknown that persons similarly affected with defective-hearing are to he met with here and there in the public service throughout the country, holding clerk's appointment or other posts where hearing is not of very great importance. To think of punishing your Excellency's humble Memorialist therefore with the seizure of his appointment for what he is not responsible or what is not due to his mistake or fault, he humbly submits, would be the last thing resorted to by the benevolent authorities and that when professional men and other competent authorities duly find him fit for further active work.

(*i*) Your Excellency's humble Memorialist is an old servant of Government having already put in more than *twenty-two years* service of which upwards of twenty are qualifying service. There yet remained but four years and about nine months more before him to complete his services for a *major pension*. (Vide Government Order or Exhibit H)

(*j*) Also your Excellency's Memorialist would respectfully submit that he is in the prime of life his age being under 50; and he is able physically and mentally to serve Government for another period of twelve years or so as observed by the District Surgeon of Tinnevelly. (Vide para 14) In being *compelled* therefore to retire at this stage of his service (Vide heading (i)) and at this age of his life, he becomes *a great loser* in a pecuniary way, as the amount of his pension is cut short to such an extent as to be wholly inadequate for his maintenance and that of his large family. (Vide para 19) The President, instead of letting him suffer this way, or pointng out the mission bodies for his future hopes might have, by taking a little trouble, done him good in other ways, and enabled him to continue in the public service, even if there were no places under him to offer him. He might have well moved the Director of Public Instruction for finding him work in connection with the curacy or publication of books or some other work of the kind; or he might have addressed other authorities or he might have even brought his case to the favourable notice of Government with the view of his being provided for in some way or other, as there may not be no lack of suitable places available in the Public Service. Your Excellency's Memorialist humbly submits that he deserved this favor at the hands of the President for his length of service, if for nothing else.

(*k*) Again your Excellency's humble Memorialist, unlike other Inspecting School Masters of the Tinnevelly District, had often acted for appointments on the Provincial service and held higher and more responsible offices under Government, as Head Master of a Normal School and Deputy Inspector (now Sub Assistant Inspector of Schools); and he would have, he humbly submits, continued to hold one of such posts even to this day, had it not been for his defective-hearing. The reports of his European official superiors on his work had been *favorable*. The Proceedings of the Director of Public Instruction No. 4560/31-3-92 referred to in para 3 relates to his work subsequent to his contracting the unfortunate defect from which it is clear that in spite of that defect he was not wanting in any way either in intelligence or industry to carry on the work entrusted to him satisfactorily. He has invariably earned a name for good character and conduct from several gentlemen including the European Missionaries of the two Societies (S. P. G. and C. M. S.) of the Church of England as may be judged from the testimonials of the Reverend A Margöschis and the Reverend T. Walker the respective heads of the two Societies, laboring in the Tinnevelly District. (Copies of the testimonials are herewith submitted Exhibits M and N.)

(*l*) Further your Excellency's Memorialist humbly submits that his treatment by the President of the Tinnevelly District Board was exceptionally harsh and stern. It frequently happens that long-standing servants, like your Excellency's humble Memorialist, are treated with some degree of consideration and leniency in any service public or private; and when by unforeseen or other causes they are subjected to bodily informities, such work as they are able to carry out under the circumstances of their maladies or defcts is given to them, in order that they may be enabled to complete their full terms of service. In the case of your Excellency's Memorialist, however, the absence of such treatment is conspicuous. Having, as he had, a very large establishment under him the President, if he had only seen fit to do so, could have easily provided your Excellency's humble Memorialist with a clerk's appointment to which he was specially recommended by the several authorities enumerated. But he was not pleased to do him that simple justice. There are records in his office to show that he with the intention of providing for your Excellency's humble Memorialist even cancelled arrangements of certain appointments previously made by him in his office and that they stood for somedays together without being filled. But his subsequent actions also indicate that he for reasons best known to himself, gave up that good intention altogether, and, on the contrary, betook himself to means and pretexts how to get him removed from the service which he effected at last, availing himself, inthis sad catastraphe of the help of the District Surgeon also whom he prevailed upon to issue on behalf of your Excellency's humble Memorialist an invalid certificate in opposition to that officer's previous recommendation in his case (Vide paras 10 and 11).

(*m*) Besides, as just mentioned, an invalid certificate so injurious to the prospects of the Memorialist for his future entertainment either in the public or any private service was granted to him by the District Surgeon at the instance of the President. But he humbly submits that that certificate cannot be valid or true, in so far that the Memorialist is not an invalid and in so much that in the opinion and judgment of that very officer who granted the certificate, he was found to be in a

good state of health and strong enough to serve Government with competency for a further period of twelve years or so. (Vide para 14). The President required the District Surgeon to grant the Memorialist that certificate for the reason that there was no educational clerk's place available in his office and with the remark that he belonged to the lowest grade among the Inspecting Officers of the Educational Department. (Vide para 10). As to the reason assigned by the President, your Excellency's Memorialist humbly submits that the President's assumption that because your Excellency's Memorialist was an officer attached to the Educational Department, he was entitled only to an educational clerk's place will not hold good. For he being an Officer on the pensionable grade, his services, according to the Civil Service Regulations, were commutable from one branch of public service to another, and he was eligible to serve in all departments of Government without restriction or bar. And as regards the President's remarks, he has humbly to submit that it appears to be an attempt on the part of the President to get the required certificate granted by the District Surgeon without that gentleman questioning as to its legality or otherwise by affording him encouragement by the remark in question that any complaints emanating from Officers of the grade of your Excellency's humble Memorialist as to the mode of their being dealt with by their superiors are not likely to be countenanced or taken notice of by higher authorities, like the Government, nor are they likely to create noise abroad.

(*n*) And last, though not least, your Excellency's Memorialist humbly submits that the circumstances of his whole case, when taken together and viewed in all its lights and bearings, through the help of the records herewith submitted, and also of those that yet remain to be sent for, cannot fail to bring home to the mind that the proceedings and actions of the President towards your Excellency's humble Memorialist did not wholly originate or proceed from himself alone, properly speaking, but that, as already stated in paras 5 and 6, they had been in a great measure due to the adverse influence brought to bear upon him by his subordinates and of the Memorialist's Native Official superiors (the Assistant and the Sub-Assistant Inspectors) between whom considering the relationship subsisting among them as men of one caste, it was not unlikely that there had been some compact or concert greatly prejudical to the cause of your Excellency's humble Memorialist. So much so there had been that pressure and severity from the two sides in which he was officially connected to expel him from the service arbitrarily and all of a sudden; (Vide paras 5 and 6) that inclination and assurance on the part of his native official superiors to act independently of Mr. Logan, their superior, in requiring the Memorialist to hand over charge of his office in the most abrupt and illegal manner, (Vide the same para 6 and also para 7) while it is the rule and practice that in matters of comparatively less note than this, such as recommending or communicating for a fine of even quarter of Rupee to an Inspecting School Master, that Officer should have his sanction and authority; that hesitation and delay on the part of the President's subordinates to submit the records when they were called for by the Accountant General which after all were submitted incomplete; (Vide para 15) and to crown all that display of wavering-mindedness and inconsistency on the part of the President as may be plainly perceived throughout this most unfortunate case.—At first the President in his Memo spoken of issued a most peremptory order to your Excellency's humble Memorialist to retire from the service unconditionally; then in devi-

ation of that order, he sent him to the District Surgeon of Tinnevelly to undergo his medical examination; then again when that officer found him fit for further service, he took active steps to provide him with a place in his office by cancelling arrangements of appointments already made by him and then at last he, in a surprising and mysterious way, changed his mind and, with one stroke, had undone your Excellency's humble Memorialist and his very large family in the manner as described above (Vide para 10 and sub headings (l) under para 21).

22. In these cirumstances and in view of all that is stated above, your Excellency's Memorialist most humbly prays that your gracious Excellency will kindly call for all the records connected with his case, including the communications of the District Surgeon of Tinnevelly, mentioned in para 14, and of the report of the Accountant General Madras, mentioned in para 15 and on perusal thereof and also on perusal of the certificate of the Surgeon of the 1st District, Madras (Exhibit I) will be pleased to direct, in supersession of the orders of the Government of Madras (Exhibits H and K) *to reinstate* your Excellency's humble Memorialist in the service in the capacity of a clerk on the Establishment of the President of the Tinnevelly District or his Collectrate on an emolument equal to the pay of the *senior Inspecting School Master* of the Tinnevelly District, namely Rs. 40, as referred to in para 18 according to the recommendation of Mr. T. T. Logan, the Inspector of Schools, Sonthern Circle, in consideration of his *long* and *faithful* services and in consideration of his having, until lately, held *higher and more responsible appointments* under Government, in one of which he would have continued down to the present day, had it not been for his defective-hearing.

For which act of grace and justice your Excellency's humble Memorialist and his large family will be ever grateful and humbly pray.

Palamcottah
13th March
February 1896.

(Signed) D. Duraisayagam Pillai,
Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District,
Madras Presidency.

(True Copy)

D. Duraisayagam Pillai,
Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District.

Napier Park
Chintadripet,
Madras,
13th April 1896.

To,

The Honorable Hon'ble Mr. J. Brandel,
Revenue Secretary to Government and
Member of the Legislative Council,
Fort St. George, Ma

Most Honored Sir,

In presenting to your honor's gracious
the enclosed copy of my Memorial, submitted to the Go
of India, through the President of the Tinnevelly District
and Local Government Madras I most humbly be
to your honor's benign notice that I am a man known to
personally, as I had to work under your honor, as Inspec
Master during the years 1873-75, when your honor was
Sub Collector of Tinnevelly and Vice-president of the
Board. There were occasions not one or two but fortuna
in which your honor was pleased to express in writing
honor's satisfaction at my work and even recommend
more than one occasion either for a promotion in the
Department itself or for a transfer in the Revenue
As the Memorial would speak for it
from intruding into your honor's valuable moments a
Except simply adding that I have grown a larger
having a wife and ten children to support three of
grown up girls to be given in marriage. My service
a period of twenty years; and I was duly declared
further define work in the capacity of a Clerk by
by two competent professional Officers of standing
Medical Establishment. The report of the
of Madras also I believe was favorable in
last two years I am without employment most
income. Mr. G. S. Forbes the late President
District Board, had only conferred on me the
on Rs 40, towards which end he even cancelled
of some appointments previously made by him
the records in the District Boards Office at Tinn
District Surgeon of Tinnevelly pronounced
further services as a clerk, I should imm
preferment.

I make
I beg to
Most Hon
Your honor's most obedient
R. D
Late

16
465

Exhibit D

Jaffna,
4-4-94.

No 1342

The Inspecting School Master, South Tenkarai will at once deliver over charge of his records to the undersigned at Alvan Tinnagari. He will also state what arrangements he made for the collection of Annual Returns and why in March he collected any Returns. If he has he will submit them at once.

(Signed) T. Krishna Roa,
Sub Assistant Inspector,
Jaffna Range.

(True Copy)

A. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range.

This Memo of Mr T. Krishna Roa the Assistant Inspector of Schools had been issued to him while he and the assistant inspector, Mr D. S.

From the memorandum [illegible]
[illegible] and on the receipt of [illegible]
Krishnaswamy Iyer had been [illegible]
of Rs 2107 as cash [illegible]

Received
15-4-94
D.E.O.

Exhibit C

No 1343/4-4-94

Endorsement on Letter of V. Devanayagam Pillay Apsp

for three days Casual Leave.

Submitted to the Assistant-Inspector of Schools in Control

of my No 1179/27-3-94.

I believe the application should not be entertained as

President's No 21/7-3-94, as he says that he will be obliged

pause with the services of Devanayagam Pillay from April

next at latest.

(Signed) S. Arulambalavanar
Sub-Assistant-Inspector
Jaffna Range.

No 1344/4-4-94

True Copy forwarded to Devanayagam Pillay for information.

(Signed) S. Arulambalavanar
Sub-Assistant-Inspector
Jaffna Range.

No 2107/T/8-4-94

Returned to Devanayagam Pillay, Late Temporary Sch
South Tenkasi with reference to the President's letter
Inspector of Schools Tenkasi with reference to the President's letter
No 21/7-3-94.

(Signed) D. S. Arunasalam
Assistant Inspector
Tinnevelly

(True Copy)

V. Devanayagam Pillay
Late Temporary School Master
South Tenkasi Range Division
Tinnevelly Dist.

Remarks

Since the Memorialist had been State Medicine
Patient and on the receipt of this the Assistant Inspector
Arulambalavanar Sir had been pleased to call him in his above
No 2107/T/8-4-94 as Late Temporary School Master to answer

Exhibit D.

1894.

From,

The Assistant Inspector of Schools,
9th Division.

To, The Sub Assistant Inspector of Schools,
Tuticorin Range.

Dated 9th
Despatched } April 1894
Received }

No 2136 J

Enclosure

Reference his office No 1346/4-4-94

Devanayagam Pillay should have ceased to do duty on the 31st March last in obedience to the President's Order. He may be informed that he will be allowed no pay for work subsequent to the 31st March and that if he delays transfer of records and causes inconvenience to the prompt collection and preparation of Annual Returns &c he will thereby render himself ineligible for President's Kindness &c.

(Signed) D. S. Krishnaswamy,
Assistant Inspector of Schools,
9th Division.

No 1445/13-4-94

Forwarded to Devanayagam Pillay for information and immediate return. The records may be given over to Seeniwasagam Pillay of North Tenkasi

(Signed) T. Krishna Rao,
Sub Assistant Inspector of Schools
Tuticorin Range.

P. T. O.

Received and handed over Tenkasi Sen... and records

Exhibit D.

From,

The Assistant Inspector of Schools,
9th Division.

To, The Sub Assistant Inspector of Schools,
Tuticorin Range.

Dated 9th
Despatched } April 1894
Received }

No 2136 J

Enclosure

Reference his office No 1346/4-4-94

Devanayagam Pillay should have ceased to do duty on the 31st March last in obedience to the President's Order. He may be informed that he will be allowed no pay for work subsequent to the 31st March and that if he delays transfer of records and causes inconvenience to the prompt collection and preparation of Annual Returns &c he will thereby render himself ineligible for President's Kindness &c.

(Signed) D. S. Krishnaswamy,
Assistant Inspector of Schools,
9th Division.

No 1445/13-4-94

Forwarded to Devanayagam Pillay for information and immediate return. The records may be given over to Seeniwasagam Pillay of North Tenkasi

(Signed) T. Krishna Rao,
Sub Assistant Inspector of Schools
Tuticorin Range.

P. T. O.

Received and handed over Tenkasi Sen... and records

The undersigned will be at Head Quarters from this day forward.

(Initialled) J. L.
15/4.

(True Copy)

V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range.
Tinnevelly District.

Remark

The Appellant Inspector of the Division considers that not sufficient work the average has been done by the Memorialist and no cause exists has also further attempted to draw the Inspectress of the President on which he might be induced from the Grant No 2136 5 dated 7-4-94 to cancel it from 1st when he was Relieving Inspector of Schools in the Tanjore District then comprised in the late Educational Sixth Division under in March the Inspector of Schools the Memorialist was not in charge of the same especially the Educational Sixth Division in the Tinnevelly District and the report on the work of Deputy Inspectors submitted in the year 1882-83 was actually communicated to the Memorialist at that time by the Superintendent of Education.

The Memorialist has not produced any good cause for the undersigned to reject the Memorialist petition and in view of the present practice generally followed by the Educational Department and by the Memorialist himself in other cases the undersigned is constrained to decline to cancel the Grant in question.

The Memorialist may therefore be informed in connexion with Appendix B and C. Book for Madras or Mr Grigg, the late Director of Public Instruction and Personal President of the Commission that he would have no further claim to the Grant.

V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range
Tinnevelly District.

Received 25-4-94 A.D.

Exhibit E

No 123

Memo

His petition dated 19th instant forwarding a copy of the said Appellant Inspector's communication No 445 / 13-4-94, directing him to hand over charge of his office to the Inspecting School Master of North Tenkarai & requesting instructions in the matter.

The records must be handed over according to the instructions given him by his superior.

23-4-94. (Signed) C. Subramonia Iyer
for
President

To

V. Devanayagam Pillay
Inspecting School Master of
South Tenkarai.

(True Copy) V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District.

Exhibit A.
P. 1 to 17.

Exhibit F

To,

The Accountant-General,
Fort St. George,
Madras.

The humble petition of V. Devanayagam Pillay, Inspecting School Master, South Tinnevelly District.

Respectfully Sheweth,

That your petitioner was entertained as Inspecting School Master twenty-two years ago in April 1872 and served also as Org. Additional and Special Deputy Inspector of Schools and Head Master of the Normal School. For major portion, he has to serve only a little more than four years.

2. Through his long and continual wandering service in which he has given Complete satisfaction to his superiors, his health suffered, resulting in partial deafness which has gradually increased.

3. In January last the Assistant Inspector of Schools, 4th Division and the Inspector of Schools Southern Circle, your petitioner's official superiors, reported to the late President of the District Board (Mr G. S. Forbes) that he was disqualified for the post of Inspecting School Master owing to his deafness, hearing that recommended that he might be given a clerk's place on the Collector's Establishment without reduction of pay, being thoroughly Competent for it.

4. But unexpectedly he received the President's Order on the 29th March last informing him that his services would be dispensed with from the 15th April. Later on seeing that your petitioner is an Officer on the pensionable grade, the President referred his case to the District Medical Officer who on Examining him on the 16th April found him not qualified for the post of Inspecting School Master, yet considered him fit for further service and recommended

him for a Clerk's place.

5. Thereupon the President was advised to provide the petitioner with an appointment in his office and took necessary steps for it; but somehow or other the matter was dropped and the President required the District Medical Officer to grant your petitioner an invalid Certificate. The latter gentleman pursuant, subsequently sent a Communication dated 15th August 18th through your petitioner, evidently setting forth his claims and qualifications in strong terms and considered him capable of further useful Service for a longer period etc.

6. Your petitioner therefore humbly prays that in the circumstances of his hard case, you will be graciously pleased to do him justice by calling for the records particularly the letter of the Inspector of Schools alluded to in para 4 and that of the District Surgeon alluded to in para 5 recommending him for a Clerk's appointment.

Kapiri's Park
Chintadripettah
21st September 1894.

(Signed) V. Devanayagam Pillay,
Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

(True Copy)

V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

Exhibit A.
A. 1. N. L. 77

Exhibit C.

To,

His Excellency the Right Honorable the Governor in Council
Fort St George, Madras.

The humble Memorial of V. Devanayagam Pillay, Inspecting School Master, South Tenkasi Range, Tinnevelly District.

Most humbly sheweth,

That with reference to the Revision Roll of your Excellency's Memorialist now pending in Your Government he respectfully begs to state that his Official Superiors, the Assistant Inspector of the 4th Division and the Inspector of Schools, Southern Circle, had recommended him to the President of the District Board Tinnevelly as duly qualified for a Clerk's place. The District Medical Officer of Tinnevelly also did the same in two of his Communications. His last Communication on the 5th August last was addressed to the present President of the District Board (Hon. B. Macleod) and was sent to him through your Excellency's Memorialist. On it being perused, the President sent it over to the District Board Office to be recorded. Your Excellency's Memorialist has reason to believe that in his Communications the District Medical Officer his fellow and qualifications for further service are set forth in more favorable language. He therefore most humbly prays that your Excellency will be graciously pleased to call up for the papers particularly the District Medical Officer's last Communication referred to and do him justice.

For which act of justice, the Memorialist will ever pray

Kapiri's Park
Chintadripettah
Madras,
October 1894.

(Signed) V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

(True Copy)

V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

Exhibit- B7

6. c No 1471

Pension Department

Proceedings of the Madras Government

Read the following papers

From the President District Board Tinnevelly dated 12th September 1894

Petition from V. Devanayagam Pillay dated 29th October 1894

Certificate and report of the Accountant General dated 5th October 1894 No A. 2. 2 / 486

Order thereon 26th November 1894 No 1504

Under article 485 and 5 18(c) of the Civil Service Regulations (2d Edition) the Right Honorable the Governor in Council is pleased to grant to V. Devanayagam Pillay, late Inspecting School Master, South Tenkasi an invalid pension of Rs (11-10-8) Eleven annas ten and pice eight per mensem payable in Tinnevelly from 28th April 1894 in consideration of superior service of twenty years, two months and fourteen days.

2. The pension sanctioned with be debited

to Local Funds.

3. The Accountant-General's report is dated 5th October 1894. The word October is evidently a clerical error for November inasmuch as the report previous to the one under reference and that subsequent bear the date November 1894.

(True Extract)
(Signed) W. C. Carr
Under Secretary to Government.

(True Copy)
N. Devanayagam Pillay,
Late Inspecting School Master,
South Tinnevelly Range,
Tinnevelly District.

6
7
465

6
8
465

Exhibit "F"

Sir,

Having examined you, I quite agree with the letter you hold (a copy of) from Surgeon-Major Sanjana; that although he unfitted you for the duties of an Inspector of Schools you are quite capable of performing the duties of a Clerk in so much that you are physically fit in every sense of the term and has good eye-sight. The only bar is your deafness which is not however a total deafness as you can hear well by the aid of an ordinary speaking trumpet.

I cannot say if the deafness might be cured until you choose to put yourself under proper medical treatment.

In any case you are quite fit for the duties of a Clerk.

Yours faithfully,
H. D. Cook
Surgeon-Lieutenant-Colonel.

Madras,
February 11. 1896.3

To, Mr N. Devanayagam Pillay.

(True Copy)
N. Devanayagam Pillay,
Late Inspecting School Master,
South Tinnevelly Range,
Tinnevelly District.

Exhibit A.

... Lt. ... Lower Kla Road at Mangoochis, Ke

... Exhibit J.

To,

His Excellency the Right Honorable Sir Lowson in Council
Fort St George Madras.

The humble Memorial of the Revd. Daniel Pedley Inspecting
School Master South Canara Range Tinnevelly District.

Most humbly Sheweth

That your Excellency's humble Memorialist was Entertained as Inspecting School Master in the Tinnevelly District about twenty-two years ago: During this period he served in several other Capacities such as Head Master of Normal School, Dy Deputy Inspector of Schools (now called Assistant Inspectors) & Assistant Deputy Inspector of Schools and Second Deputy Inspector of Schools Madura the Appointment he holds at present to his Superiors and our Calcy the Director of Public Instruction in his Proceedings dtd 46 & 47 / 31-3-92 has classed twelve Educational Officers & in grade in Tinnevelly District your Excellency's humble Memorialist did not & misses the State of Primary Education: But being employed for a Term of Years & long time he has unfortunately fallen a long & Special recommendation which has gradually increased. He consequently this & the notice of Mr G. S. Forbes late President of the Tinnevelly District Board his Official Superior the Assistant Inspector and the Inspector of Schools strongly recommended that he might be promoted to a Class 2 Appointment on the Collectors Fixed Establishment as he was Personally Employed for it. The District Surgeon Tinnevelly Retired on the 2nd Sept 1892 & the Personal Assistant to the Collector Tinnevelly was requested by letter of the 5th Sept 1892 to report on the Services of the Petitioner in the same Letter in connection with the District Surgeon Enclosed his opinion that your Excellency's humble Memorialist was fit to hold the Appointment of a Class 2 and in case Vacancy has not Submitted to the Accountant General

in the District. Erado Office in Jaffna early as stated in Captain de Seano's Cause of Removal that your Excellency's humble Memorialist was sick in the prime of his life his age being only 47, that his general state of health was good, that he was supposed to be clever and that he was capable of serving Government with Constancy for at least another 12 or 15 years, that your Excellency's humble Memorialist was not deprived by Order to place on trial at least nor was he in view of Article 487 of the "Civil Service Regulations" allowed to place himself under Medical treatment by being granted Leave of absence to see whether his departure might be allowed or not. On the other hand the President of the District Court by the provisions of Section 469 and 497 of the Civil Service Regulations made a requisition to the District Surgeon to grant your Excellency's humble Memorialist an invalid Certificate and directed your Excellency's humble Memorialist at the same time to seek employment under any of the Superintendencies on the simple reason that he was a Protestant & native Christian his Service Register was not submitted to the scrutiny of the Accountant General since there have been a delay of nearly four months. To absolve this delay in the payment of his Last Salary Table and Travelling Allowance bill, the latter still remaining unpaid. Whereupon your Excellency's humble Memorialist tendered an appeal to the Accountant General. That the recommendations of this Office were your Excellency's humble Memorialist is not in opposition to say but he recently learnt to his great sorrow that Government had passed another contemptuous passion (Vide Order at No 1504 dated 26th November 1894)

Your Excellency's humble Memorialist in the days of his being deprived of his appointment has come all along from Trincomalee to Kandy to the great inconvenience and hardship of his large family and has to his sorrow and ill luck been put to the expense of Rs 1000 and upwards for the purpose of his representations and that his objections having been overruled in all probability he may be ordered to Kandy as stated in the Surgeon of the 1st District's attached Report of a Letter from the Surgeon of the 1st District attached to the Report of the Secretary to the Government dated 9th March 1895 that if called upon by Government to Kandy he is ready to proceed upon Your Excellency's Memorialist begs to state that for the purpose of a Certificate he did not in any way be found wanting as observed by the same Doctor and as a Test if your Excellency would show.

In these Circumstances he most humbly craves that your Excellency will kindly endeavour to call up for the report of the Accountant General and other necessary papers and may graciously be pleased to direct in Supersession of the original Order to cancel on him a Certificate on the Collectors Establishment unconditionally as was recommended on his behalf.

For this act of great mercy and benevolence your Excellency's humble Memorialist will as in duty bound, ever pray.

(Signed) V. Devanayagam Vellay
Late Inspecting School Master
South Eastern Range,
Trincomalee District.

Royapettah, 3
Madras, 3
11th February 1895 3

(True Copy)

V. Devanayagam Vellay,
Late Inspecting School Master,
South Eastern Range,
Trincomalee District.

& Sudden deprived of his Appointment, he had to undergo the

Exhibit K4

Government of Madras

Pension Department

Endorsement No 249.

The Petitioner's request is inadmissible and his petition is accordingly rejected.

(By Order)

Ag Under Secretary to Government

Fort St George,
11th March 1895.

To,

P. Davanayagam Pillay,
Tinnevelly District.

(True Copy)

P. Davanayagam Pillay,
Late Inspecting School Master,
South Tamil Range,
Tinnevelly District.

6
5
465

6
4
465

465

Petition No

To,

His Excellency the Right Honorable the Governor in Council
Fort St George, et cadras.

The humble petition of V. Varadarajan Pillay, Inspecting
School Master, South Tinnevelly Range, Tinnevelly District.

Most humbly Sheweth,

That your Excellency's Memorialist having been
compelled to retire by the President of the Tinnevelly District Board
and the Government having accordingly sanctioned an invalid
pension to him in their Order c/o 1504 dated 26th November 1894,
he presented a petition to your Excellency in the month of
February last, praying that in supersession of the above Order
he may be reinstated in the service in the capacity of a
Clerk according to the recommendations made on his
behalf by the several authorities mentioned in para 5
infra. But for an endorsement c/o 149 dated 11 March
1895 furnished to him by Government he was given to under-
stand that his request was inadmissible and that his
petition in consequence was rejected. He therefore most
humbly begs to bring the following to your Excellency's favour-
able notice.

That your Excellency's Memorialist was the senior
Inspecting School Master of the Tinnevelly District and according
to the scale sanctioned by the Government he should have
received from the month of August 1894 the pay of Rs 40
(i.e. Rs 35 his former pay + Rs 5 the addition sanctioned in
the scale) besides the usual travelling allowance calculated
amounted at an average to Rs 10. But being thus put of
a sudden deprived of his appointment he had to forfeit the

monthly emolument of Rs 50 which was the only source of income of him and his large family consisting of a wife and four children in the absence of any patrimonial or self-acquired property. Hence the family is subjected to untold miseries and even to partial starvation in these days of high prices, according as it does to the Memorialist Rs 12-8 (Eleven annas ten and pies eight) is hardly sufficient for his maintenance and that of his large family.

2. Also your Excellency's Memorialist is a long-standing servant, he has already put in over twenty-two years service of which upwards of twenty are qualifying ones. He has got remaining four years nine months and sixteen days more before him to complete his services for a major pension.

4. Again your Excellency's Memorialist is in the prime of his life his age being under 50.

5. Further your Excellency's Memorialist humbly begs to state that persons affected by defective hearing like your Excellency's Memorialist are by the rules of the Service precluded from Government service throughout the Country and that though your Excellency's Memorialist is subjected to this defect yet in the case of him other qualifications he has recommended in strong terms for the post of a Clerk by your reliable and responsible authorities in the age of the Government namely the Superintendent of Education, the Inspector of Schools, his official Superiors and the Collector in Tinnevelly and the Surgeon of the 2nd Battalion 4th Regt. Officers of standing in the Indian Medical Establishment.

6. Lastly your Excellency's Memorialist submits for your kind and favorable consideration that the Tinnevelly District has hitherto been and is more responsible appointments under Government, as the head quarters of a Zillah (and Deputy Inspector of Schools

Exhibit D.

In the Court of the Hon. Mr. Margesson, Dist. Judge.

(non-Subscription Europeans) and he would have continued to hold one of such appointments had it not been for his defective hearing. The reports of his European official superiors on his work had been favorable as may be judged from the proceedings of the Director of Public Instruction in which that authority was pleased to note that of Rs 45 to 50 in which he was placed to note that of all the officers of his grade in the Tinnevelly District, your Excellency's memorialist did most to improve the State of Primary Education. The proceedings on questions relates to his work subsequent to the contracting the defective hearing from which it is clear that in spite of that defect he was not wanting in any way either in intelligence or industry to carry on the work entrusted to him. He has invariably earned a name for good character and conduct from several gentlemen including the European superiors of the two Societies (S.P.G. and C.M.S.) of the Church of England, laboring in the Tinnevelly District.

7. In these circumstances your Excellency's Memorialist most humbly prays that your Excellency will kindly condescend to take his most unfortunate case into your Excellency's gracious consideration and in supersession of the previous orders attach to be pleased to appoint him in the Service in the capacity of a Clerk on the Establishment of the Tinnevelly Collectorate on a pay equal to the pay of the same Inspecting School Master of the Tinnevelly District, namely Rs 40 (Vide para 2) according to the recommendations of his official Superior Mr. E. J. Logan, the Inspector of Schools, Southern Circle, (Vide records) until such time at least as he shall complete the unexpired portion of his service for a major pension, namely the four years, nine months and sixteen days mentioned in para 3 in consideration of his past long and faithful services and in consideration of his having been lately held higher and more responsible

appointments at once at which he would have continued down to the present day, had it not been for his defective hearing.

Shall further say.

(Signed) A. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

Palamcotta,
31st August 1895.

(True Copy)
A. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District.

6
1
465

Exhibit A.

Certificate from the Revd A. Margoschis, the head of the S.P.G. Missions in Tinnevelly.

This is to certify that I have known Mr A. Devanayagam Pillay for twenty years as an Officer of the Educational Department. I believe him to be an upright, deserving and trustworthy man of good ability and intelligence. He is quite fit for work — such as correspondence or accounts — where the sense of hearing is not so much required. I know all the facts of his hard case and trust that English justice may at length triumph.

26th February 1896. (Signed) A. Margöschis,
Superintending Missionary S.P.G.

(True Copy)
A. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Tinnevelly District

Enclosure No. IV.

Certificate from the Revd J. Walker, ch. M.
The head of the C. M. S. Mission in Jaffnapatty.

I know Mr V. Devanayagam Pillay
well. He belongs to a most respectable Christian
family and has had honorable Government
employment for many years. His knowledge
of English is excellent & his mathematical capacity
is undoubted. The reason for his being
out of Government employment is an unfortunate dead lock which intervenes with the
oral examination of the Scholastic
department.

I can give him the highest recommendation for Christian character and
personal probity and ability.

(Signed) J. Walker,
8th August 1895. Superintendent of the C.M.S. Mission

(True Copy) V. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkasi Range,
Jaffnapatty District.

COLLECTOR & DISTRICT MAGISTRATE
19 MAR. 96
TIRUNELVELI

Ex geneb

O.W

Papers put up

Do, 26.3.96.

GOVERNMENT No.

His Excellency The Right Honorable The Viceroy
and Governor General of India in Council,
Fort William,
Calcutta.

Through The President, District Board, Tinnevelly & Local Government, Madras.
(With fourteen enclosures) Petition dated the 13 96

DI. E.
DESPATCHED
20-4-96

23 APR. 96

Margin for the remarks of the President.

TO,

HIS EXCELLENCY THE RIGHT HONORABLE THE VICEROY AND GOVERNOR GENERAL OF INDIA IN COUNCIL, FORT WILLIAM, CALCUTTA.

The humble Memorial of **R. Devanayagam Pillai**, late Inspecting School Master, South Tenkarai Range, Tinnevelly District.

(*Through the President, District Board, Tinnevelly and Local Government, Madras*).

Most Humbly Sheweth :—

That your Excellency's humble Memorialist, belonging to a respectable family in the Tinnevelly District, Madras Presidency, on finishing his education in the then Madras Free Church Mission Institution, now Christian College, under the Honorable Reverend Dr. Miller and returning to his native place, was entertained about twenty-four years ago, in April 1872, as an Inspecting School Master—a class of Inspecting Agency which though connected with the Educational Department yet is paid out of Local Funds and having Presidents of District Boards for their local and paying authorities. Your Excellency's humble Memorialist having thus been entertained in the service prior to the year 1881, he was an officer on the pensionable grade, entitled to all the privileges and benefits of the "Civil Service Regulations".

2. During the period in question your Excellency's humble Memorialist, besides as Inspecting School Master, held higher and more responsible offices as well; e. g. he served as Head Master of a Normal School and he acted often for appointments on the Provincial service in such capacities as Ag. Deputy Inspector (now Sub Assistant Inspector of Schools) Additional Deputy Inspector of Schools and Special Deputy Inspector of Schools.

3. Whatever the appointments your Excellency's humble Memorialist held he gave uniform satisfaction to his superiors in all of them ; and only lately the Director of Public Instruction in his Proceedings No. 4560/31-3-92, was pleased to note that of all the educational officers of the Memorialist's grade in the Tinnevelly District, your Excellency's humble Memorialist did most to improve the state of Primary Education.

4. While your Excellency's humble Memorialist was thus prospering in his career, there occurred an event in his life that tended to mar and embitter it. For, having been subjected to a life of constant travel for a long time, he has unfortunately fallen a prey to defective-hearing which has gradually increased. On bringing this to the notice of Mr. G. S. Forbes, late President of the Tinnevelly District Board and Collector of the District, the controlling officers of the Educational Department, or rather his official superiors, the Assistant Inspector of Schools 9th Division, and Mr. T. T. Logan, the Inspector of Schools, Southern Circle, strongly recommended that he might be provided under such circumstances with a clerk's post on his establishments either as President or Collector, without reduction of salary, qualified as he was in every way for such post.

Margin for the remarks of the President.

5. The President, however, who from his very high position could possibly have no bias for, or opposed to the interest of a subordinate, in the position of your Excellency's humble Memorialist and who also, under other circumstances, would have, as usual, carried out the suggestions of so important an authority, as Mr. Logan, the head of his Department, probably under adverse influence, since his subordinates, including the late Treasury Deputy Collector, had not been in favor of his obtaining a place in his Office, set aside the recommendations of Mr. Logan in his case and paid no heed to them. Not only so, but he even before sending your Excellency's humble Memorialist—a servant on the pensionable grade—for examination by a Medical Officer and acting on the results of his certificate as to Memorialist's fitness or otherwise for further service, as required by the rules, issued a most peremptory order, in his Memo No. 211, dated 7th March 1894, directing that he should retire by the 1st April following. i. e. within twenty-three days from the date of the receipt of his order, and in the *interval*, seek employment under some of the Mission bodies for no other reason than that he was a Protestant Native Christian. (Copy of his Memo is herewith submitted, Exhibit A)

6. This order of the President which was sent to your Excellency's humble Memorialist through his superiors, namely Mr. Logan the Inspector of Schools and the Assistant Inspector of Schools, mentioned in para 4, and through the Sub-Assistant Inspector of the Tuticorin Range, his immediate official superior, was not received by him until the 29th March, i. e., only a day prior to the 1st April when by the order he should have ceased to do his duties. Your Excellency's humble Memorialist, therefore, not having in the least expected, much less merited from his length of service, extending to a period of twenty-two years, an order of the kind, so severe in its tone and tenor and so cruel in its effects, was scarcely able to think for himself what course to take on its receipt. But what was even worse than the order itself was *the stringency of his native official superiors*—the Assistant and the Sub-Assistant Inspectors of Schools already mentioned—who, strongly opposed as they had been to the interest of your Excellency's Memorialist, like the subordinates of the President, their own caste men, from all of whom he differed both by caste and creed, rendered his difficulties still greater at this juncture, not unlikely by some conference or other with their caste men, the subordinates of the President, so that their actions might in the end have the sanction and support of the President. For his native official superiors who knew perfectly well that your Excellency's humble Memorialist was a servant on the pensionable grade and as such could not be compelled to retire before a Medical Officer certified as to his eligibility or otherwise for further service, and whose duty it was therefore to bring this to the notice of the President *through Mr. Logan*, the Inspector of Schools, and guide him in the matter, not only wilfully refrained from performing their duties in this respect, but also under the pretext of giving effect to the order of the President, unaccountably hurried the retirement of your Excellency's humble Memorialist and insisted on his handing over charge of his office at the beginning of the said month of April to which the order of the President related. (Copies of their communications are herewith submitted. Exhibits B C and D)

7. Your Excellency's humble Memorialist, finding himself thus hemmed in, and pressed on every side, and not knowing what to do in this extremity, undertook

Margin for the remarks of the President.

to address the President direct and sent him two communications, one about the 11th and another about the 17th of the said month of April, soliciting his orders whether to hand over charge of his office or not, as required by his native official superiors. For Mr. Logan, the Inspector of Schools and his European official superior was in no way concerned in this business since the Assistant and the Sub Assistant Inspectors of Schools seem to have acted on their own responsibility independently of Mr. Logan, the head of the department, and that in an important matter where the concerns of a long-standing officer, and one on the pensionable grade, like your Excellency's humble Memorialist were involved and at stake.

8. The President gave no reply to the Memorialist's first communication except that, *in deviation of his original order* mentioned in para 5, he sent him with his letter of the 13th of the said month of April, to the District Surgeon of Tinnevelly requesting him to examine your Excellency's Memorialist as to his fitness or otherwise for further service.

9. The District Surgeon who examined your Excellency's Memorialist accordingly on the 16th of the said month of April reported him as unfit for the duties of Inspecting School Master, as it involved examination of schools where hearing was of importance, but recommended his retention in the service in the capacity of a clerk in the same way as the Assistant Inspector of Schools and Mr. Logan, the Inspector of Schools had done.

10. The President, when he saw the finding and recommendation of the District Surgeon also were favorable to your Excellency's humble Memorialist had a great mind to let him have a clerk's place in his office, by making a casual observation that as a clerk, he was well spoken of by Mr. Logan, the Inspector of Schools. To this end and towards providing him with a place, he even took further and active steps by cancelling arrangements of certain appointments previously made by him, as may be seen from the records in the President's office. But in the course of a few days, laboring perhaps under the same adverse influence alluded to, *he suddenly changed his opinion* and addressed a letter to the District Surgeon of Tinnevelly and required him to disqualify your Excellency's humble Memorialist for further service by the granting of an *invalid certificate* solely for the reason that there was no educational clerk's place available for him in his office and with a remark that as an Inspecting School Master, he belonged to the lowest grade among the Inspecting Officers of the Educational Department.

11. The District Surgeon yielding seemingly to the wishes of the President of the District Board furnished the required certificate *against his own original finding and recommendation.*

12. Meanwhile, that is to say, after what remained to be done was so done to injure your Excellency's humble Memorialist, as stated about the end of para 10, instructions also from the office of the President, under date the 23rd of the said month of April, purporting to be a reply to the Memorialist's second communication of the 17th April referred to, had proceeded wherein, as it might be imagined from what has been stated in paras 5 and 6, the requisitions upon him of his native official superiors for handing over charge of his office had the sanction and support of the

President and the Memorialist in consequence was directed by him to deliver over charge. (Copy of instructions is herewith submitted, Exhibit E).

13. Accordingly your Excellency's humble Memorialist delivered over charge of his office on the 26th of the said month of April and since then is without any employment, having been in this way compelled to retire all of a sudden in spite of his long and faithful services, in spite of the recommendations on his behalf for the post of a clerk by the Assistant Inspector of Schools, Mr. Logan, the Inspector of Schools and the District Surgeon of Tinnevelly (Vide paras 4 and 9) and also in direct violation of the provisions of articles 469 and 497 of the " Civil Service Regulations". [Vide sub-heading (e) under para 21 infra].

14. The District Surgeon of Tinnevelly though he had acted as set forth in para 11, yet shortly after addressed a letter to Mr. B. Macleod, the Ag. President, Mr. G. S. Forbes, the permanent President having been then on leave, on behalf of your Excellency's Memorialist and sent it on through him only. In this letter, the District Surgeon pointed out to the Ag. President the propriety of employing your Excellency's humble Memorialist on his establishment by observing that apart from his defective-hearing your Excellency's Memorialist had no other disqualifications that he was still in the prime of his life, that his general state of health was good, that he was supposed to be clever and that he was strong enough to serve Government for at least a dozen years longer. But Mr. Macleod either for the reason that he was only acting for a short time, or that he had no mind to interfere with the proceedings of his predecessor did not take any action upon the communication of the District Surgeon. Nor was it submitted to the Accountant General along with other records, as called for by him afterwards. (Vide para 15 infra) Also the Service Register of your Excellency's humble Memorialist was not sent for the scrutiny of the Accountant General in time, there having been a delay of nearly five months. So also there had been considerable delay in the payment of his last salary and travelling allowance bills.

15. Thereupon your Excellency's humble Memorialist proceeded to Madras and tendered his appeal both to the Accountant General and the Government. (Copies of his appeals are herewith submitted Exhibits F and G). The former, as stated above, had called on the District Board of Tinnevelly for the submission of records, but there having been some hesitation in the President's Office in the submission of the records the Accountant General appears to have been unable to obtain them until he addressed the President, a second time, noticing the failure of their submission in explicit terms. Even then they were sent incomplete as the one referred to in para 14 supra, namely the District Surgeon's communication to the Ag. President was not submitted along with the other records. On their being thus sent, the Accountant General submitted his report to Government. What the nature of his communication to Government was, is not known to your Excellency's humble Memorialist, but since he had presumably gone through such records as had been put before him, he must have found the facts presented by them to so clearly and strikingly bear out all that was advanced by the Memorialist that, if he were to found his opinion on them or arrive at any conclusion, it would be none other than such as to support the cause of your Excellency's humble Memorialist. So the Memorialist was

Margin for the remarks of the President.

Margin for the remarks of the President.

in the full expectation of his grievances being happily at length redressed. But the Government of Madras, like the President of the District Board of Tinnevelly, did not seem pleased to give that consideration which his case so well demanded and deserved and like him merely directed him, in their order No. 1504 dated 26th November 1894, to retire on an invalid pension without any remark or observation either as regards the recommendations made on his behalf by the several authorities mentioned in para 13, for his retention in service, though in another capacity as a clerk, or as regards the report the Accountant General had made in his case(Copy of the Government Order is herewith submitted Exhibit H).

16. During his stay in Madras, your Excellency's humble Memorialist had got his ears examined by two European Doctors on the Indian Medical Establishment, one of them being a resident Surgeon in connection with the General Hospital and the other, the Surgeon of the 1st District Madras—a senior Medical Officer and until lately the President of the Medical Board of Examination. Both these gentlemen considered his defective-hearing as partial or nervous deafness and as such amenable to treatment and capable of amelioration. The latter had even been pleased to grant your Excellency's humble Memorialist a certificate in which he not only strongly endorsed the opinion expressed by the District Surgeon of Tinnevelly but also added further that your Excellency's humble Memorialist was *not totally deaf*, that he possessed good eye-sight and that his defective-hearing in consequence was *not a bar* to his entertainment as a clerk for which he was quite competent. (Copy of the certificate is herewith submitted, Exhibit I).

17. In view of the additional testimony borne by a competent Medical Officer and in view of his own * qualifications for clerical duties, being possessed with a fair knowledge of English and able to write a neat and a running hand your Excellency's humble Memorialist put forth his appeal a second time for the reconsideration of the Government, enclosing therein a copy of the medical certificate in question. But the Government to his great misfortune, adhering to its original order referred to in para 15, rejected his appeal. (Copy of his appeal and the copy of the Government Order rejecting it are herewith submitted, Exhibits J and K). Again the Memorialist submitted his third appeal (copy herewith submitted, Exhibit L) praying for the orders of the Government that they may be pleased to reinstate him in the service in the capacity of a clerk until such time at least as would enable him to complete his service for a major or good service pension, since there were but four years and some months wanting and also to cancel the invalid certificate the District Surgeon of Tinnevelly had granted against his original recommendation, inasmuch as your Excellency's humble Memorialist was not an invalid either at the time when the certificate was granted or since then ; and to this he received no order or reply of any kind.

18. Your Excellency's humble Memorialist was the *senior* Inspecting School Master of the Tinnevelly District, drawing a pay of Rs 35. During the past official year, the Government having raised the pay of the senior Inspecting School Master from Rs. 35 to Rs. 40, he should have received this pay of Rs. 40 besides

* This petition solely the production of the Memorialist will, he humbly hopes, give some idea of his knowledge of English, while the records herewith submitted and written by the Memorialist's own hand will serve as specimens of his handwriting.

Margin for Remarks of the President.

the travelling allowances which amounted on an average to Rs. 10. But just at the time when he was to get it his retirement from service was unaccountably hurried on as stated in para 6, and the promotion which he had long looked forward to was in consequence secured by the next senior among the Inspecting School Masters.

19. Your Excellency's humble Memorialist is a large family man having a wife and *ten* children to support and to him in the absence of any patrimonial or self-acquired property the only source of income was that accruing from the appointment he was holding under Government. In being therefore all of a sudden deprived of it, himself and his large family are subjected to untold miseries and even to partial starvation in these days, the invalid pension on which he is compelled to retire, amounting as it does, to little more than Rs. 10 is altogether inadequate for his maintenance and that of his large family.

20. Your Excellency's Memorialist humbly begs to add in this connection that vacancies under the establishments of the President of the Tinnevelly District Board and his Collectorate are of very frequent occurrence ; hardly a month passes without some vacancy or other being caused. Even now there are places available for him as he hears that the second clerk in the District Board's Office on the receipt of a salary of Rs 40, has taken furlough for one year, on forfeiture of full pay, with the view of eventually retiring from the service.

21. The above is a brief summary of the Memorialist's very hard case and in venturing to take it, under his most embarassing and distressing circumstances, to your Excellency's exalted tribunal for final decision, redress and justice, he respectfully craves your Excellency's benign consideration to the points noted here below, the same being, as he humbly submits worthy of notice and consideration in the disposal of his most unfortunate and pitiable case.

(*a*) Your Excellency's Memorialist humbly submits that all servants on the pensionable grade are on a *par* or equality according to the Civil Service Regulations whether they are on the Local, Provincial or Imperial service. Though your Excellency's humble Memorialist was paid from Local Funds, yet he was one virtually connected with the Educational Department where his name was enrolled among the Inspecting Agency and where he often acted as Deputy (now Sub-Assistand) Inspector on the Provincial service. Again he being one entertained in the service prior to the year 1881 was eligible for pension and other privileges and benefits appertaining to officers on the Provincial and Imperial establishments. He was not therefore one who, like those Local Fund Servants entertained subsequent to the year 1881, was at the mercy of the President, and whose services could be dispensed with at any moment according to his will and pleasure, but on the contrary he was one whose service, like those subordinates on the Provincial and Imperial establishments was cognizable by higher authorities than the President.

(*b*) Your Excellency's Memorialist as an Inspecting School Master, he humbly submits, was not a servant on the ministerial line, but one that belonged to the higher service and ranked as an officer. But the President in his endeavours to deprive him of his appointment all of a sudden, did not consider him as such; and while he ignored the fact of his being a subordinate on the pensionable grade, he

Margin for the remarks of the President.

also ignored his *status* of being an officer occupying higher position in the Public Service than that of a mere ministerial clerk or a writer.

(*c*) Your Excellency's humble Memorialist was pronounced fit for the post of a clerk by no fewer than four competent and responsible authorities in the eye of the Government, namely the Assistant Inspector of Schools, Mr. T. T. Logan, the Inspector of Schools, the District Surgeon of Tinnevelly and the Surgeon of the 1st District Madras the two former being his own official superiors and the two latter professional officers of standing on the Indian Medical Establishment. (Vide paras 4, 9, 14 & 16) Also he has reason to believe that the report of the Accountant General in his case was favorable. (Vide para 15) Again he would respectfully submit that although the President, through adverse influence, did all he could to oust your Excellency's humble Memorialist from the service yet even he did not deny the fact that for the performance of clerical duties, the Memorialist would be found fit or to use the President's own words he would "deal with them satisfactorily". (Vide his Memo referred to in para 5, i. e., Exhibit A).

(*d*) The President consequent on his great prejudice he had unhappily been led to entertain against your Excellency's humble Memorialist considered his defective-hearing as stone deafness; (Vide his Memo) whereas in the opinion of professional men like the Medical authorities referred to in para 16, it was found only to be *partial* (and not total) deafness and as such capable of improvement. (Vide para 16) Your Excellency's Memorialist humbly submits in reference to his defect that even if it does not improve, it can be a bar only to his performing the functions of an Inspecting School Master, entailing as it does the examination of schools as observed by the District Surgeon of Tinnevelly (Vide para 9) and not to his discharging the duties of a clerk where hearing is not of importance.

(*e*) Article 469 of the Civil Service Regulations states that "to pension an officer still capable of useful service is a waste of public money", while article 497 provides in the case of an officer invalided under one branch of public service that "every effort should be made to find for such an officer other employment suited to his particular capacity". The provisions of the Civil Service Regulations applying equally to all servants on the pensionable grade whether they are on the Local, Provincial or Imperial service, the benefit of the two articles have not unfortunately been extended in the case of your Excellency's Memorialist either by the President of the Tinnevelly District Board or by the Government of Madras in the face of such strong recommendations from the several authorites as those mentioned in sub-heading (c) under para 21.

(*f*) The President directed your Excellency's humble Memorialist in his Memo referred to, for seeking employment under Mission bodies. Again the President in his communication to the District Surgeon of Tinnevelly required him, as stated in para 10, to grant your Excellency's humble Memorialist an invalid certificate for the reason that there was no educational clerk's place in his own office to be given him from which the President virtually implied that he would have had no objection to provide him a place, had there been a vacancy in his office. If therefore the President be of opinion that your Excellency's Memorialist is competent to hold a clerk's appointment under the Mission or an educational clerk's place under the

Margin for the remarks of the President.

Government, notwithstanding his defective-hearing, he cannot surely, with consistency, declare him unfit for the same kind of work in departments of Govenment other than educational, a clerk's work not being of an administrative or of a responsible nature.

(*g*) Again the President in his Memo already mentioned states that Mr. Logan, the Inspector of Schools informed him that there was some prospect of your Excellency's Memorialist being provided with employment by Mission bodies. True, Mr. Logan knew in what estimation he was generally held by Mission bodies for his character and qualifications and so in the course of his conversation with the President, he might have mentioned such possibility of his services being otherwise utilized by Mission bodies. But your Excellency's humble Memorialist having spent the prime of his life and the best portions of his years in the public service he has in consequence established no claim or right for any favor or help from *Mission bodies* although it is true that he is a Native Christian.

(*h*) Your Excellency's Memorialist humbly submits that it is a fact not unknown that persons similarly affected with defective-hearing are to he met with here and there in the public service throughout the country, holding clerk's appointment or other posts where hearing is not of very great importance. To think of punishing your Excellency's humble Memorialist therefore with the seizure of his appointment for what he is not responsible or what is not due to his mistake or fault, he humbly submits, would be the last thing resorted to by the benevolent authorities and that when professional men and other competent authorities duly find him fit for further active work.

(*i*) Your Excellency's humble Memorialist is an old servant of Government having already put in more than *twenty-two years* service of which upwards of twenty are qualifying service. There yet remained but four years and about nine months more before him to complete his services for a *major pension*. (Vide Government Order or Exhibit H)

(*j*) Also your Excellency's Memorialist would respectfully submit that he is in the prime of life his age being under 50; and he is able physically and mentally to serve Government for another period of twelve years or so as observed by the District Surgeon of Tinnevelly. (Vide para 14) In being *compelled* therefore to retire at this stage of his service (Vide heading (i)) and at this age of his life, he becomes *a great loser* in a pecuniary way, as the amount of his pension is cut short to such an extent as to be wholly inadequate for his maintenance and that of his large family. (Vide para 19) The President, instead of letting him suffer this way, or pointng out the mission bodies for his future hopes might have, by taking a little trouble, done him good in other ways, and enabled him to continue in the public service, even if there were no places under him to offer him. He might have well moved the Director of Public Instruction for finding him work in connection with the curacy or publication of books or some other work of the kind; or he might have addressed other authorities or he might have even brought his case to the favourable notice of Government with the view of his being provided for in some way or other, as there may not be no lack of suitable places available in the Public Service. Your Excellency's Memorialist humbly submits that he deserved this favor at the hands of the President for his length of service, if for nothing else.

Margin for the remarks of the President.

(*k*) Again your Excellency's humble Memorialist, unlike other Inspecting School Masters of the Tinnevelly District, had often acted for appointments on the Provincial service and held higher and more responsible offices under Government, as Head Master of a Normal School and Deputy Inspector (now Sub Assistant Inspector of Schools); and he would have, he humbly submits, continued to hold one of such posts even to this day, had it not been for his defective-hearing. The reports of his European official superiors on his work had been *favorable*. The Proceedings of the Director of Public Instruction No. 4560/31-3-92 referred to in para 3 relates to his work subsequent to his contracting the unfortunate defect from which it is clear that in spite of that defect he was not wanting in any way either in intelligence or industry to carry on the work entrusted to him satisfactorily. He has invariably earned a name for good character and conduct from several gentlemen including the European Missionaries of the two Societies (S. P. G. and C. M. S.) of the Church of England as may be judged from the testimonials of the Reverend A Margöschis and the Reverend T. Walker the respective heads of the two Societies, laboring in the Tinnevelly District. (Copies of the testimonials are herewith submitted Exhibits M and N.)

(*l*) Further your Excellency's Memorialist humbly submits that his treatment by the President of the Tinnevelly District Board was exceptionally harsh and stern. It frequently happens that long-standing servants, like your Excellency's humble Memorialist, are treated with some degree of consideration and leniency in any service public or private; and when by unforeseen or other causes they are subjected to bodily informities, such work as they are able to carry out under the circumstances of their maladies or defects is given to them, in order that they may be enabled to complete their full terms of service. In the case of your Excellency's Memorialist, however, the absence of such treatment is conspicuous. Having, as he had, a very large establishment under him the President, if he had only seen fit to do so, could have easily provided your Excellency's humble Memorialist with a clerk's appointment to which he was specially recommended by the several authorities enumerated. But he was not pleased to do him that simple justice. There are records in his office to show that he with the intention of providing for your Excellency's humble Memorialist even cancelled arrangements of certain appointments previously made by him in his office and that they stood for somedays together without being filled. But his subsequent actions also indicate that he for reasons best known to himself, gave up that good intention altogether, and, on the contrary, betook himself to means and pretexts how to get him removed from the service which he effected at last, availing himself, in this sad catastraphe of the help of the District Surgeon also whom he prevailed upon to issue on behalf of your Excellency's humble Memorialist an invalid certificate in opposition to that officer's previous recommendation in his case (Vide paras 10 and 11).

(*m*) Besides, as just mentioned, an invalid certificate so injurious to the prospects of the Memorialist for his future entertainment either in the public or any private service was granted to him by the District Surgeon at the instance of the President. But he humbly submits that that certificate cannot be valid or true, in so far that the Memorialist is not an invalid and in so much that in the opinion and judgment of that very officer who granted the certificate, he was found to be in a

good state of health and strong enough to serve Government with competency for a further period of twelve years or so. (Vide para 14). The President required the District Surgeon to grant the Memorialist that certificate for the reason that there was no educational clerk's place available in his office and with the remark that he belonged to the lowest grade among the Inspecting Officers of the Educational Department. (Vide para 10). As to the reason assigned by the President, your Excellency's Memorialist humbly submits that the President's assumption that because your Excellency's Memorialist was an officer attached to the Educational Department, he was entitled only to an educational clerk's place will not hold good. For he being an Officer on the pensionable grade, his services, according to the Civil Service Regulations, were commutable from one branch of public service to another, and he was eligible to serve in all departments of Government without restriction or bar. And as regards the President's remarks, he has humbly to submit that it appears to be an attempt on the part of the President to get the required certificate granted by the District Surgeon without that gentleman questioning as to its legality or otherwise by affording him encouragement by the remark in question that any complaints emanating from Officers of the grade of your Excellency's humble Memorialist as to the mode of their being dealt with by their superiors are not likely to be countenanced or taken notice of by higher authorities, like the Government, nor are they likely to create noise abroad.

(*n*) And last, though not least, your Excellency's Memorialist humbly submits that the circumstances of his whole case, when taken together and viewed in all its lights and bearings, through the help of the records herewith submitted, and also of those that yet remain to be sent for, cannot fail to bring home to the mind that the proceedings and actions of the President towards your Excellency's humble Memorialist did not wholly originate or proceed from himself alone, properly speaking, but that, as already stated in paras 5 and 6, they had been in a great measure due to the adverse influence brought to bear upon him by his subordinates and of the Memorialist's Native Official superiors (the Assistant and the Sub-Assistant Inspectors) between whom considering the relationship subsisting among them as men of one caste, it was not unlikely that there had been some compact or concert greatly prejudical to the cause of your Excellency's humble Memorialist. So much so there had been that pressure and severity from the two sides in which he was officially connected to expel him from the service arbitrarily and all of a sudden; (Vide paras 5 and 6) that inclination and assurance on the part of his native official superiors to act independently of Mr. Logan, their superior, in requiring the Memorialist to hand over charge of his office in the most abrupt and illegal manner, (Vide the same para 6 and also para 7) while it is the rule and practice that in matters of comparatively less note than this, such as recommending or communicating for a fine of even quarter of Rupee to an Inspecting School Master, that Officer should have his sanction and authority; that hesitation and delay on the part of the President's subordinates to submit the records when they were called for by the Accountant General which after all were submitted incomplete; (Vide para 15) and to crown all that display of wavering-mindedness and inconsistency on the part of the President as may be plainly perceived throughout this most unfortunate case.—At first the President in his Memo spoken of issued a most peremptory order to your Excellency's humble Memorialist to retire from the service unconditionally; then in devi-

Margin for the remarks of the President.

Margin for the remarks of the President.

ation of that order, he sent him to the District Surgeon of Tinnevelly to undergo his medical examination; then again when that officer found him fit for further service, he took active steps to provide him with a place in his office by cancelling arrangements of appointments already made by him and then at last he, in a surprising and mysterious way, changed his mind and, with one stroke, had undone your Excellency's humble Memorialist and his very large family in the manner as described above (Vide para 10 and sub headings (l) under para 21).

22. In these cirumstances and in view of all that is stated above, your Excellency's Memorialist most humbly prays that your gracious Excellency will kindly call for all the records connected with his case, including the communications of the District Surgeon of Tinnevelly, mentioned in para 14, and of the report of the Accountant General Madras, mentioned in para 15 and on perusal thereof and also on perusal of the certificate of the Surgeon of the 1st District, Madras (Exhibit I) will be pleased to direct, in supersession of the orders of the Government of Madras (Exhibits H and K) *to reinstate* your Excellency's humble Memorialist in the service in the capacity of a clerk on the Establishment of the President of the Tinnevelly District or his Collectrate on an emolument equal to the pay of the *senior Inspecting School Master* of the Tinnevelly District, namely Rs. 40, as referred to in para 18 according to the recommendation of Mr. T. T. Logan, the Inspector of Schools, Southern Circle, in consideration of his *long* and *faithful* services and in consideration of his having, until lately, held *higher and more responsible appointments* under Government, in one of which he would have continued down to the present day, had it not been for his defective-hearing.

For which act of grace and justice your Excellency's humble Memorialist and his large family will be ever grateful and humbly pray.

A. Devanayagam Pillay. 15th March 1896.

February 1896.

Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District,
Madras Presidency.

A copy of this Memorial has also been submitted direct to His Excellency the Viceroy and Governor General of India.
Palamcottah
15th March 1896.

A. Devanayagam Pillay,
Late Inspecting School Master,
South Tenkarai Range,
Tinnevelly District.

Margin for the remarks of the President.

Petition Current No 15/96

19. 3—96

6

1

46s

[91]

LOCAL AND MUNICIPAL DEPARTMENT

Pension 1896 Dept

L. and Municipal Dept.

Enclosure Number 165

From

The President Dt Board

Juniewally

No.

Dated 17/4

Received 23/4

Enclosures 2

SUBJECT

Seeking petition from R. Damodaraya for Allai late Inspecting Schoolmaster South Tambaram Range

Pension (1896) Dept

G.O. 269 11-3-96

No

No 537

Transferred to the Pension Department.

Wbd Phillips
Actg. Assistant Secretary

F.S.
6/5/96.

Fort Saint George
11th May 1896

To
The Pension department.

Enquire if Ek. 4 was received in the Govt. Office in any dept. if so ask for original of order Referred to

D
6/5

The petition has not been received either in the Govt. Office or in the Secretariat. Please see the file & if the petition is not received from these two depts.

East

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

VVS
16/5/96

To Mr. Dun

Pension medical allowance G.O. 1574 dt 1-3-95 2nd

D
4

700—7-9-93.

REVENUE DEPARTMENT.

No.

From

Dated 189 .

FOR ORDERS.

This is an appeal to the Govt of India against G.O. dt 26.11.94 No. 1504 and 11.3.95 No. 249. His dated 16 March 1896 & is liable to be withheld under Rule 3 (10) of Section III of the Memorial Rules B. — The memorialist alleges that he submitted another petn (Ek-4) to Govt on 31.8.95 but the receipt thereof cannot be traced in either the Revenue, Law or Educational Departments.

Rule 3 of Section I B. Memorial Rules also applies; it may be argued that Rule 3 (7) of Section III applies; petr was given notice that the Board proposed dispensing with his services from 1st April 1894 on account of his Deafness, & was actually removed on the 27th idem. The removal was confirmed by Govt on 31st Aug

"Removal" or other punishment."

Query Is one to infer that the removal is in the nature of a punishment?

D

No 465

Memorial of Sobraj

2nd ii

FOR ORDERS.

to 1807, which disposed of a pet.n from the memorialist praying "for justice"; a copy of G.O. dd 11. 3. 95 No. 249 a specific applic.n for arrears leave was rejected by Govt.

Submitted that pet.r shd. be given Para 3(7) of Section III & informed that para 3(10) of that section & para 3 of Section I apply to his pet.n & accordingly

Encl 4/5/96

Asstt Secy Exec Cell

D.O. 1.6.96

Asstt 2696

470
15-6-96

G.O. 15 June 1896 No. 470.

The Memorial will be withdrawn on the Claimant's filing an Affidavit in the form [illegible] to Memorial Rule 21 [illegible]

[illegible]

Ref [illegible]

[illegible]

[illegible]

[