Pension (1898) Department.

CURRENT No. 362

Memo.

From

The Financial Dept.

List

Order, 21st May 1898 No. 338.

Recorded.

[initials]
17-5-98

[initials]
19-5-98

No. 1116.

Dated 13/5/98

Received 16/5/98

Registered do

Enclosures Nil

Spare copies. —

SUBJECT.

Forwarding for information, copy of certain notes on G.O. 643 / 24-9-96 Fin l, directing that all references to the Govt of India regarding the rules in the Civil Service Regulations should issue from the Finl Dept.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	643	Fin.	29-9-96
"	1018	Pub.	26-10-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Financial Dept.

GOVERNMENT OF MADRAS.

Memorandum No. 1116

GOVERNMENT OF MADRAS. 16 MAY 1898 REVISION DEPARTMENT.

READ the following paper:—

Note from the Public Works Department, No.31 D, dated 18th April 1898:-

With reference to the attached note in the Financial Department, written on P.W.C.No.9971, it is pointed out that the P.W.draft in question, and a few others which recently went to and were returned by, the Financial Department were sent in accordance with para. 3 of G.O.643, Financial dated 29th September 1896 which directs that "all references to the Government of India regarding the rules in the Civil Service Regulations shall, in future, issue from the Financial Department, the draft of the letter being, however, prepared in the Department in which such references originated and being previously approved by the Financial Department".

C.No.9971 was an application for sanction to travelling allowances to certain officers and subordinates who visited Pondicherry, i.e. Foreign territory, on duty. The Examiner, P.W.Accounts, pointed out that the rules in the Civil Service Regulations did not admit of sanction to these charges by the local Government. A draft letter to the Government of India for sanction was therefore prepared in the Public Works Department and transmitted to the Financial for counter-initials and subsequent issue in

accordance with para. 2 of the G.O.quoted above, which it was thought applied to the case. The grounds on which the Financial Department returned this, and other draft letters to the Government of India, are not understood, and it seems necessary, for future guidance, that they should be explained.

The expression "all references regarding the rules" which occurs in para. 2 of the Order is apparently too wide. The cases which present themselves seem to be as follows:-

(a) interpretation of rules,

(b) alteration of rules,

(c) relaxation of rules.

(d) special concessions not exactly covered by the rules

It would be convenient, if in modification of the existing orders, it were stated which of these cases are to be dealt with by Administrative departments concerned.

Note for Orders in the Financial Department dated 5th May 1898:-

Please see G.O.No.643,Financial,dated 29th September 1896. That order pointed out that all cases involving the interpretation of the rules in the C.S.R. are dealt with finally in the local Financial Department, and directed that all references to the Government of India regarding the rules in the Civil Service Regulations should issue from the same department, the draft letter being prepared in the department in which such references originated and being previously approved by the Financial Department.

2. The Public Works Department points out that there are some difficulties in interpreting that order. It remarks that the cases which present themselves arise in the following forms:-

(a) interpretation of rules

(b) alteration of rules

(c) relaxation of rules

(d) special concessions not exactly covered by the rules.

and that it would be convenient if, in modification of the existing orders, it was stated which of these cases are to be dealt with finally by Administrative departments concerned.

3. The Public Works Department has interpreted the order of 1896 as indicating that all cases in which rules in the Civil Service Regulations are involved should be dealt with finally by the Financial Department. It is submitted however that classes (c) and (d) of cases mentioned by the Public Works Department - viz. relaxation of rules, and special concessions not exactly covered by the rules - need not come to the Financial Department except for counter-initials. The majority of cases under class (d) are now covered by article 378 A of the Civil Account Code, sanctions under which are, under existing orders, dealt with finally in the local Financial Department.

Note by the Honourable Sir Henry Bliss,K.C.I.E.,C.S.I.

It seems to me that it will be much safer that all these matters should be dealt with in the Financial Department.

(Id.)H.W.B.
6-5-98.

(Id.)J.G.
9-5-98.

Copy

Copy of the foregoing notes forwarded to Secretariat Departments for information.

[signature]

Ootacamund,
13° May 1898.

for Chief Secretary.

To :
All Departments of the Secretariat.
The Pension Department

[illegible]

Pension (1898) Department.

CURRENT No. 295

Order 21st May 1898 No 337

The Government sees no reason to reconsider the orders already passed.

7.5.98

14.5.98

From S. Hanumantha Row
Late Tg. Hd Acctt, Adoni

No. nil

Dated 16/4/98
Received 25/4
Registered do
Enclosures 6
Spare copies. nil

Note.-

It seems unnecessary to ask the petitioner to submit this petition through the Collector of Bellary.

7.5.98

Secy The Pension Dept order granting the reduced pension of Rs22 p.m. (in stead of Rs 24-8-0 p.m.) to G.O. 174 d 8.3.98 . A. Pets memorandum was dealt with in G.O. 1634 / 23-10-98 Jude in confdl cover.

14.5.98

16/5/98

SUBJECT.

Praying for the grant of the full pension admissible to him under the rules.

BACK PAPERS.

G.O.	No.	Department.	Date.
	174	Jud.	3-3-98.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To

HIS EXCELLENCY THE RIGHT HON'BLE,

THE GOVERNOR IN COUNCIL,

FORT SAINT GEORGE,

MADRAS.

The humble petition of SAGARAM HANUMANTHA RAO, *late Taluk Sheristadar of Kudligi, Bellary District.*

MOST RESPECTFULLY SHEWETH,

That your Excellency's humble petitioner was originally entertained as a Taluk Gumastah in the Bellary Taluk, which he held for about 8 years, after which he was promoted to the grade of Deputy Tahsildar and Sub-Magistrate of Ramandroog, a Military Sanitarium, where he served zealously and faithfully for about 4½ years. The appointment in question having been abolished, the petitioner was transferred as a Taluk Sheristadar to other places in the District and accordingly he had for a period of upwards of 9 years discharged the duties of the said office in the following places, *viz.*, Hadagali, Adoni, Alur and lastly at Kudligi whither he joined his appointment on 14th November 1889.

2. Shortly after the petitioner's transfer to Kudligi it was his misfortune to have been unjustly reduced for no apparent cause whatever from the grade of Taluk Sheristadar on Rs. 60 to that of a 2nd Clerk on Rs. 45 in the Head Assistant Collector's Office, Hospett, as per Index No. 1531, 8th November 1890. (Enclosure 1) and G. O. No. 1841, dated 20th November 1890 (Enclosure 2).

The following are the reasons assigned for his reduction :—

(*a*) It appears that the late Tahsildar of Kudligi, Mr. Kandi Vencoba Rao, had a niece by name Sethuboyamma, who owing to her husband having become a Christian convert, lived with her uncle, but having been ill for upwards of 2 months, was placed under the treatment of the Hospital Assistant, attached to the Civil Dispensary of the said station ; and as she obtained no relief from his treatment, her people had recourse to a native doctor. While under his treatment she unfortunately died on the 18th April last and her body was subsequently burnt by the direction of the said Tahsildar (Magistrate).

8
5
295

(*b*) There seems to have been a rumour current about the place at the time that she had been previously pregnant for 4 months and that her death was caused by abortion owing to the administration of certain drugs by some native doctors.

(*c*) Here your Excellency's humble petitioner begs to draw the attention of your Lordship to the fact that he was then new to the place and was not consequently very familiar with the Tahsildar and he was therefore not frequenting his house except for official purposes and was totally ignorant of all his domestic transactions. Besides the petitioner himself had at the same time to be engaged otherwise in having to attend to certain troubles at home, namely, the performance of the funeral ceremonies of his father, who died only 3 days before the death of the woman in question, the serious illness of his dear child, besides the uneasiness he has had on account of the death of his mother which took place only 2½ months before his father's death.

3. That in this state of circumstances the then Police Inspector of Kudligi Division, named, Peddu Chetty, who was relieved at Alur on the 23rd April 1890, by the late Inspector of Kudligi one Mahamed Raja Sahib, having come to understand from the latter Officer about the death of the woman in question and the rumour current about the cause of her death reported to the Superintendent of Police that the remains of the Tahsildar's niece were disposed of without any Inquest being held, which gave rise to the institution of an inquiry into the matter by the Police and also by the Head Assistant Magistrate of the Division.

4. That the Tahsildar, the petitioner and the Medical officer concerned were afterwards examined in connection with the said case and the petitioner deposed as to what he had heard and known in the said case. The Head Assistant Magistrate, who was then deputed to hold an investigation into the cause of the girl's death, not being satisfied with the deposition given by your Excellency's humble petitioner in the said case as well as the explanation submitted by him in answer to the Confidential Proceedings, dated 19th July 1890, examined the petitioner a second time unexpectedly and without a previous notice at Hospett (his Head Quarter station) at his own quarters during night, contrary to G. O. No. 167, dated 15th January 1883, and B. P. No. 175, dated 23rd January 1883. (Enclosure 13), and at a time when the petitioner appeared as a witness in the Taluk Magistrate's Court of the same place. During the same night 17th Witness Achakka was also examined till 12 o'clock. But as the statement then obtained from your Excellency's petitioner being by force and under a threat of punishment, your Excellency's petitioner on the very next day (*i. e.*, on the 10th August 1890) sent a letter by post to the Head Assistant Magistrate requesting him to affix a remark to the petitioner's deposition to the effect that what he had deposed to on the previous night was not altogether his own free statement but one containing some comments and inferences derived from his answers, and the same was also brought to the notice of the District Magistrate in letter dated 3rd September 1890.

5. That on a perusal of the records in this case it would appear that the Inspector of Police of Hurpunally by name Mahomed Abdul Karim Sahib, who was specially deputed for this inquiry, reported against the petitioner that he had told him of a rumour being current in the town of Kudligi as to the pregnancy of the deceased woman and that the Medical Officer has deposed against the petitioner to the effect that the petitioner had told him that the foetus came out of the dead body while it was being burnt and that more fuel was carried and put by a taluk peon to burn the same, when in fact he had never made any such statement as it would be highly improbable that the petitioner would mention about the foetus to the Medical Officer unless he saw the same himself in the burning place, whereas he had no business to go there and inspect it inasmuch as he had himself sufficient other domestic troubles to attend to. From this your Lordship may judge that both the said Officers have recorded such a statement only in order to make the case strong and to implicate the petitioner.

6. That in para. 2 of the District Magistrate's Confidential Report No. A, dated 13th September 1890 to Government, it is stated that when the Head Constable and the Inspector were talking on 16th April last "The Hospital Assistant came up and on being questioned told Mahomed Raja Sahib all he knew of the matter adding that the Taluk Sheristadar, S. Hanmantha Rao also knew of it." Now your Excellency's petitioner begs to point out that his father died on the 16th April last and on the same day the Police Inspector Mahomed Raja Sahib left the taluk, and just before his departure the said Police Inspector accompanied by the said Hospital Assistant came up to the petitioner's house in the evening and bid him farewell, when none of the said Officers spoke to your Excellency's petitioner on the subject. If such had been the case any of them could have easily put in writing before him (petitioner) what they heard or knew in the affair with a view of taking proper steps as to holding an Inquest on the deceased's body on the day of her death. Nor the new Police Inspector, Peddu Chetty, spoke to the petitioner on the subject after he came to Kudligi. With regard to the remarks of the District Magistrate in para. 5 of his letter, your Excellency's humble petitioner begs to state that the deposition recorded by the Head Assistant Magistrate has been disavowed by the petitioner for the reasons already mentioned in para. 4 and the District Magistrate has not however brought to the notice of your Excellency's Government the several troubles in which your Excellency's petitioner was ~~then~~ involved in at the time of the said woman's death, *viz.*, his father's death, the performance of his funeral ceremonies, petitioner's weakness from the effects of Influenza, which had just left him, the serious illness of his dear child as well as the suffering of his family from the effects of Influenza. While the petitioner was thus in an unpeaceable and confused state of mind, it is impossible for the petitioner to discuss in length on the subject with the Hospital Assistant standing in a public road as recorded *in extenso* by the Head Assistant Magistrate. It is true that your Excellency's petitioner met the Hospital Assistant unexpectedly and spoke a few words to him on this matter. The petitioner deposed both before the Police Superintendent Mr. Robinson and the Head Assistant Magistrate Mr. Parsons that he had no conversation with the Hospital Assistant about the foetus; the latter Officer however pressed the petitioner to admit his knowledge

of the foetus which was denied altogether. Moreover in para. 17 of the District Magistrate's Confidential report (Enclosure 3) it is observed "the body was burnt in a hole and corner manner without intimation to the Police or the Local Medical Officer and without the attendance of any of the deceased's relatives." This itself is sufficient to convince your Lordship that the body of the deceased was carried and burnt without the knowledge of your Excellency's petitioner.

7. That from the above facts your Excellency will observe that your Excellency's humble petitioner, who had no concern or interference whatever in the matter, was not the least to blame while the Tahsildar (Magistrate) at whose orders only the body of the deceased was burnt without the knowledge of your Excellency's petitioner, was solely responsible for the disposal of the said body without an Inquest.

8. That it would be plain from the Medical Officer's deposition, that while the deceased woman was under his treatment he was not quite certain of her pregnancy except that he heard a report after her death that she was carrying from about last Christmas time till her death in the middle of April last. This statement is rebutted by the Law* of Medical Jurisprudence, page 129, para. (F) wherein it is stated :—

*Husband's.

"The period at which quickening occurs varies from the 4th to the 5th month and the term is understood to imply the first perception of the movements of foetus experienced by the mother."

9. That from this your Excellency will observe that the Head Assistant Magistrate tried to make the petitioner admit certain facts connected with the said case to make it strong, but it would be plain both from the Medical Officer's deposition as well as that of the petitioner that the latter was altogether unaware of the matters which secretly took place in the Tahsildar's house; for if he had been really aware of any such thing he would certainly have interfered and done the needful. Nevertheless his Magisterial powers were withdrawn under Section 41 C. P. C. as per Notification No. 325, published in *Fort St. George Gazette*, page 828, dated 28th October 1890 and sanctioned in G. O. No. 1634, dated 23rd October (Enclosure 11).

10. That your Excellency's humble petitioner in conclusion humbly begs to bring to the notice of your Excellency that he had served the Government throughout with zeal and unblemished character for upwards of 22 years which will be apparent from the enclosed copy of his service book, that he faithfully discharged the duties of a Second Class Magistrate for about 14½ years which qualified him in every respect for a Tahsildary and that it would be his great misfortune after such a long and faithful service to have been reduced in his pay and rank for no just cause whatever while he deserved promotion to the grade of a Tahsildar.

11. And that under these circumstances, your Excellency's humble petitioner respectfully prays that your Excellency will be graciously pleased to peruse all the facts contained in the petition and after a due consideration of the same restore him to his former post from which he has been unjustly degraded.

For which act of mercy and justice, your Excellency's humble petitioner, as in duty bound, shall EVER PRAY.

Your Excellency's most humble and obedient servant,

S. Hanmanta Rao.

Late Taluk Sheristadar,
Kudligi, and now 2nd Clerk,
Head Asst. Collr's Office, Hospett,
Bellary District.

P. S.—The following are the copies of Records submitted by your Excellency's petitioner for your Lordship's kind perusal and return :—

1. Certified copy of the appointment list Index No. 1531, dated 8th November 1890.
2. G. O. No. 1841, dated 20th November 1890, approving of the reduction of appointment.
3. District Magistrate's Confidential Report No. A. dated 13th September 1890, to Government.
4. Head Assistant Magistrate's report No. 479, dated 1st September 1890 to District Magistrate.
5. Petitioner's deposition.
6. Medical Officer's deposition.
7. Confidential Proceedings of the District Magistrate, dated 19th July 1890.
8. Copy of the written explanation submitted by the petitioner in answer to the Confidential Proceedings above quoted.
9. Copy of the letter to the Head Assistant Magistrate, dated 10th August 1890.
10. Copy of the letter to the District Magistrate, dated 3rd September 1890.
11. G. O. No. 1634, dated 23rd October 1890 relative to the withdrawal of Magisterial powers from the petitioner.
12. Copy of petitioner's Service Book together with his testimonials and tests passed.
13. G. O. No. 167, dated 15th January 1883 (B. P. No. 175, dated 23rd January 1883).

PRINTED BY SRINIVASA, VARADACHARI & CO., MOUNT ROAD—MADRAS.

TO

HIS EXCELLENCY THE RIGHT HON'BLE,

THE GOVERNOR IN COUNCIL,

FORT ST. GEORGE,

MADRAS.

DATED. 12th January 1891

ENCLOSURES 13.

Petition of S. HANUMANTHA ROW, *Late Taluk Sheristadar, Kudligi, and now 2nd Clerk, Hd. Asst. Collr's. Office, Hospett, Bellary District.*

Submitting papers of correspondence for the kind perusal of His Excellency's Government and praying for the restoration of the petitioner to Taluk Sheristadar's post from which he has been lately unjustly degraded to second Clerk's post in the Head Assistant Collector's Office, Hospett, Bellary District.

TO

HIS EXCELLENCY THE RIGHT HONORABLE,

THE GOVERNOR IN COUNCIL,

Ft. St. GEORGE,

MADRAS.

GOVERNMENT OF MADRAS

THE HUMBLE PETITION OF SAGARAM HANUMANTHA RAO, LATE TALUQ HEAD ACCOUNTANT ADONI, BELLARY DISTRICT.

MOST RESPECTFULLY SHEWETH :—

That your Excellency's humble petitioner has not been granted the full pension permissible under the rules as his character and conduct have not been thoroughly satisfactory as worded in para. 2 of G. O. No. 174—3-3-98.

2. That your Excellency's humble petitioner was once already doubly punished for some alleged negligence (Vide G. O. No. 1841—20-11-90 and 1634—23-10-90.), after a service of upwards of 22 years performed with zeal and unblemished character; *i-e* reduction of appointment from Taluq Sheristadar's post on Rs. 60 to Rs. 45 as 2nd clerk in the Head Assistant Collector's Office, Hospet and withdrawal of 2nd class Magisterial powers from the petitioner respectively, consequent on a case of alleged abortion in Kudligi while he was Taluq Sheristedar and 2nd class Magistrate at the said station.

3. That your humble petitioner here begs to draw the attention of your Excellency's Government to the Proceedings of the Madras Government dated 23rd June 1891, No. 1234 (herewith submitted) where-in it was expressed that the punishment meted out to K. Vencoba Row, the Tahsildar of Kudligi, at the time when the above-said, alleged case of abortion took place, and who, as my superior officer, was mainly responsible for any neglect of duty, if any there was, was a little too severe in proportion to the nature of the offence.

4. That your Excellency's humble petitioner hence ventures to submit that the punishment inflicted on him at the time was doubly severe regard being had to the circumstances, domestic and otherwise, in which the petitioner was then placed.

5. That your Excellency's humble petitioner duly represented the whole case in the form of a printed petition on 12th ~~June~~ 1891 and the Government declined to reconsider the previous orders passed with reference to his conduct in the said case Vide G. O. No. 622—4-4 91.

6. That your Excellency's humble petitioner after the said reduction was again promoted to the post of Taluq Head Accountant and Treasurer in Adoni on a salary of Rs. 50, an equally responsible post as Taluq Sheristedar, on 7th October 1892, in which capacity he served satisfactorily for more than 5 years till 30th November 1897. He was promoted to the said post by the late Collector Mr. Sewell on account of his innocence in the