

Pension
JUDICIAL

Public (1898) Department.

CURRENT No. 4796



From

The Registrar of the
High Court of Judicature,
Madras.

Endt. N^o 2599 of 23-11-98.
Order

Transferred to the Pension
Department



No. 2002

Attest
By Under Secretary.

Dated 17th November 1898.

Received 19

Registered 19

Enclosures

Spare copies

Copy
21-11-98

SUBJECT.

Forwarding the memorial of
M. R. Ry. K. Murtiraju Pantulu Garu,
late District Munsif of Penukonda,
appealing against the order of the
High Court declaring him ineligible
for pension.

To
The Pension Department.

Endt. 14th Decr. 1898 No. 920

The petitioner should himself obtain and
forward the documents quoted in his petition.

10/12/98

What documents?

Recd after
5-45 PM
19/11/98

File A
The documents mentioned in the list attached to the memorial

BACK PAPERS.

G.O.	No.	Department.	Date.
"	387	4-6 98	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Berhampore, Ganjam District
15th May 1898.

FROM

M. R. Ry. K. MURTIRAZU PANTULU GARU
late District Munsiff of Pennukonda,
Bellary District,
presently residing at Berhampore Ganjam District.

TO.

The Honourable the Chief Secretary to Government, Pension Department,
Madras, through the Honourable the High Court of Madras.

Honourable Sir,

I most humbly beg to submit that I have been a servant of Government of 26 years standing, having risen from a clerk on Rs. 17½ per month and latterly a District Munsiff of 12 years standing, occupying a place in the middle of the 2nd Class of District Munsiffs and drawing a pay of Rs. 300 per mensem, with a service of 21 years counting for pension.

2. As I failed to perform my duty by sickness and debility, the District Judge of Bellary sent me with his letter dated 23rd September 1896 No. 1338, to the District Medical officer of Anantapur, for Examination and report.

3. The District Medical officer of Anantapur found me after observation as suffering from Intermittent Glycosuria, Chronic Gastritis, Nervous Exhaustion, &c and declaring me Incapacitated for further service, issued a Pension Certificate dated 7th October 1895; [Exhibits 8 & 10] and I was relieved from duty on the evening of 11th October 1895.

4. I was serving at Penukonda in the interior of the Province and the amount of Pension claimable by me was less than Rs. 100 per mensem but the Honourable High-Court, while ordering me in their letter No. 2845 dated 11th October 95 [Exhibit 13] to submit my application for an Invalid Pension erroneously and unnecessarily required me to produce the certificate of a Medical Invaliding Committee, to convene which they (Exhibit 12) at the same time, addressed the Surgeon General without any orders of the Gracious Government under Article 486 [d] of the Civil Service Regulations and without allowing the Gracious Government an opportunity to exercise their discretion to accept the certificate of the District Medical Officer of Anantapur, under the same clause of the same article.

5. Nevertheless the Surgeon General, without complying with the Honourable High Court's requisition to convene an Invaliding committee, at a convenient place ordered me to appear before the Standing Medical Board at Madras, which order worked a great hardship upon me while in a sickly condition.

6. I next appeared before the Medical Board at Madras, who having examined me and been informed by me that I had no such diseases, as Piles, Diabettes or Venereal, about which they questioned me and declaring among themselves to the effect that they did not know what kind and amount of work had a District Munsiff to do, sent me to the General Hospital at Madras for observation as per their Proceedings dated 19th October 95. (Ex 14.)

7. The three Doctors who formed the Medical Board, namely (1) Surgeon Lieutenant Colonel Price (2) Surgeon Major Dymott and (3) Surgeon Captain Giffird belonged all to the General Hospital and, moreover, Surgeon Lieutenant Colonel Price was the Senior Medical officer and Surgeon Captain Giffird was the Resident Doctor therein but the task of observation was not undertaken by any of those three Doctors and I was placed for observation in the Clive Ward of the General Hospital, which was in the charge of Surgeon Captain R. Robertson, who treated me too hardly by prescribing that I should not eat anything except canji and milk, which should be taken only in the presence of the Ward Nurse and at my bed side and that I should not go ever out of the Hospital on any account. I expected however that I would be dispensed within 14 days from the date of my admission (27th October 1895) and also borrowing a book of the Civil Service Regulations from a friend of mine, referred Doctor Robertson to articles 895 &c of the same but that officer very summarily rejected my proposition and entered a note in the statement

of my bed case that the Medical Board had sent me for a month's observation.. I am a brahmin and had to perform two annual ceremonies of my deceased brother and his wife but I was not allowed to go out to perform them, although I very anxiously represented about it to the Ward Apothecary Mr. Harris and it did not appear that he even brought the matter as I solicited, to the notice of Doctor Robertson, who would not come into this Ward for a number of days about that time on the ground that as it was said he had too much work to do in other Wards. The two religious ceremonies passed away unperformed and moreover to my greater sorrow a Telegram arrived from Penukonda to say that a very fondly grand child of mine aged 4 years had died, which as I felt, was for want of proper care during my absence. When I wept before Doctor Robertson showing the Telegram to him when he next appeared in the Ward and represented that I had to observe a mourning for the deceased child, he allowed me four days leave during which period I went and lived in the house of my friend in Mylapore. Then a friend of my friend, who was a Madrasi Mudaliyar and who came to visit my friend, happened to see me and know about me and my then condition and having sympathized with me and saying that Doctor Robertson was a friend of his, went and spoke as he said to Doctor Robertson that I was a religious brahmin and belonged to the class of his priests and should not be suffered to take any meal in the General Hospital in the manner above stated. When I next appeared before Doctor Robertson after those four days, he said that I need not thereafter be under close detention in the Hospital as I had already been but should be attending early in the morning everyday and remain till he has left the Hospital which was usually up to 11 A. M. to undergo observation and receive treatment. The period of my close detention in the Hospital was eighteen days and the whole period of observation was five weeks. When Doctor Robertson was drawing up his report about me which was in the committee Room of the General Hospital in which all the Doctors were seated he asked me publicly as all there heard if I was intending to become an ascetic and it appeared that he got that wrong idea by the representation of my friend's friend. I humbly denied the truth of the suggestion to Doctor R. Robertson but he however entered a remark in his reports [ex. 15, 16, 17] that my friends had informed him that my thoughts are centered on religious subjects.

8. Surgeon captain R. Robertson physician of the General Hospital under whose observation I was kept for five weeks, declaring in his reports that I was disabled for my duty by atonic indispositions contracted by service and climate but yet hoping that my general health might be improved by further treatment, recommended that I should be granted one years leave to Ganjam (ex: 17).

9. The Medical Board at Madras, before which I was again sent on 2nd December 95, adopted the recommendation of Surgeon captain R. Robertson and issued a medical certificate (ex: 18) for one years leave to Ganjam, which was granted to me by the Honourable High-Court with effect from 15th October 95 the date next after my relief from duty.

10. The District Medical officer Lieutenant Colonel E Ferrand of Ganjam, under whose observation I was kept for many months during my leave submitted his report to the Surgeon General on 13th August 96 (ex: 19) stating that my health was not improved and that I would not be benefitted by further treatment and should be Invalided.

11. The above report having been drawn up on ordinary paper the Surgeon General returned it to the District Medical officer of Ganjam with a request to draw up the statement of my case on printed forms then furnished to him. The forms furnished were such as were prescribed for recommendations for leave and the Lieutenant Colonel E. Ferrand resubmitted his same report copied on the printed forms furnished but without signing the recommendatory certificate for leave which was printed at the bottom, because his recommendation was not for leave.

12. The Surgeon General next ordered me to appear again before the Medical Board at Madras on the 19th September 96 and I accordingly appeared before it.

13. The Medical Board after perusing the report statement (ex 19) of the District Medical Officer of Ganjam and observing that that officer had not signed the formal certificate printed at the bottom, returned the same to the Surgeon-General for obtaining that certificate.

4. The Surgeon-General returned the said statement again to District Medical officer of Ganjam, with instructions to fill up the form printed at the bottom of

the statement but the latter officer retransmitted the statement as received and refused to sign the certificate printed at the bottom, evidently on the ground that it did not apply to a case of invalidation as he recommended in his statement but was applicable only to a case of recommendation for leave.

15. The same Medical Board which again assembled at Madras on the 26th September 96, before which the above statement and refusal were sent, seeing that the certificate specially required by them was not furnished, declined to take the statement into their consideration and then after very summarily examining me (1) by making me read the large capital letters at the top of a Diet Sheet in General Hospital from a distance of 1½ yards and saying that my sight was good (2) by asking me about the memory of the place of my birth and saying that my memory was good and (3) by beating softly on my abdomen and saying that there was fat in it and without considering even the then condition of my health which was reported to be very bad, signed a certificate that they considered me fit for further service (ex 19 & 20.)

16. The Doctors who formed the last Medical Board were (1) Surgeon Major Reeves (2) Surgeon Major Dymott who belonged to the General Hospital and who was one of the members of the first Board that had sent me for observation in the General Hospital and (3) Surgeon Captain Wright. Surgeon Major Reeves was the president of the Board but Surgeon Major Dymott took all active part in the proceedings and declared to the other two gentlemen that I was a religious Brahmin and was preparing to become an ascetic which was an erroneous idea firstly entertained by Doctor R. Robertson and expressed in the presence of Doctor Dymott and others, as related in the latter part of para 7, which prejudiced the minds of those gentlemen.

17. I then transmitted to the Honourable High Court my report on the 29th September 96, together with a formal application for an Invalid Pension of Rs 94-5-3 per mensem (ex 1 to 4) as directed in their letter No 2845 dated 11th October 95 & other papers as per appended list and with a request that my application for pension might be passed or, if the Honourable High Court would wish that I should serve further, they might be pleased to permit me to join duty in another station of lighter work in the Northern Districts, because the Medical reports proved that my disability had been due to climate and service and in the latter case, to favour me with a little further extension of leave with or without allowances for my preparation taking into consideration the fact that the one year's leave recommended in the Medical Board's certificate dated 2nd December 95 had been granted not from the date of the certificate but from 15th October 95, the date next after my relief from duty, inclusive of the period of 5 weeks, during which I was kept under medical observation.

18. It was not convenient then perhaps to the Honourable High Court either to dispense with me for ever or to transfer me to another place with a small extension of leave on any terms as I solicited and they by a Telegraphic order dated 22nd October 96 (ex: 21) ordered me to join duty at my old station Penukonda and refused to grant me any further extension of leave.

19. My one year's leave had expired on the 14th October 96 i. e., 8 days before the issue of the above order and although the refusal to grant me any further extension of leave operated to deprive me of my appointment under article 249 C. S. R. and although I was then in a worse state of health I prepared myself to give effect to the orders of the Honourable High Court and travelled down from Berhampore up to Vizagapatam where I was attacked by a very bad relapse of Diarrhoea and Fever, which quite disabled me to proceed down any further. I halted at Vizagapatam to try if I would be better but seeing that that attack was not likely to leave me soon and, seeing no other alternative I made up my mind not to hope to be able to serve any further and transmitted to the Honourable High Court my Telegram dated 27th October 96 [ex: 22] soliciting their acceptance of my resignation which they kindly accorded in their proceedings dated 2nd November 96 No: 903. [ex: 23]

20. Next with the object as I had in view when I submitted my resignation, of trying a chance of having myself employed in the Registration Department in which the work is said to be easier, I applied to the Honourable High Court, by my letter dated 10th November 96 (ex: 24) for a recommendation to employ me as a Registrar on the occurrence of a vacancy within one year from the date of my resignation under article 460(b) C-S.R- but the Honourable High Court expressed as per note dated 26th November 96 (ex: 25) that it could not make the recommendation solicited by me. I still entertained a hope to be able to take up again some one kind of employment under

Government if I felt better within one year from the date of my resignation but the gradual decrease of my health and strength has since frustrated all my hope.

21. Since I failed as above represented to find any way or capacity to hold any office under Government I solicited the Honourable High Court by my letter dated 12th November 97, to submit to the Gracious Government, for sanction, my formal application for Pension forwarded with my letter dated 29th September 96 but the Honourable High Court informed me, in reply, by their Proceedings dated 15th December 97 No: 2179, that as I resigned my appointment although the Medical Board declared me fit for further service, I am not eligible for Pension of any kind under the Civil Service Regulations.

22. I have never hitherto had any occasion to argue with my superiors in any matter of my own but since this is my last & critical occasion, I beg the leave of the Gracious Government to represent my circumstances with a little argument to explain the grounds of my humble representation.

23. This Memorial is in effect an appeal against the Proceedings of the Honourable High Court dated 15th December 97 No. 2179, which is herewith submitted in original. In these proceedings the High Court find fault with me for resigning my appointment when the Medical Board had declared me fit for further duty and very summarily set aside my claim for Pension and virtually refused to submit my application for Pension to the Gracious Government for their decision.

24. It was with very great pain that I sent my resignation to the Honourable High Court and it was so done as no other alternative presented itself to my weak mind, and even for argument I felt myself justified in doing so, because my services had already terminated and my application for Pension had already been submitted before the transmission of my Telegraphic resignation.

25. The certificate of the Medical Board, on the ground of which the Honourable High Court have made up their minds to deprive me of my poor Pension, was not only arbitrary but also unauthorised, because the Medical Board itself had not been convened under due authority and sanction of the Gracious Government and besides, that certificate does not invalidate the decisions of the Doctors Hakim, Robertson & Ferrand, which support my application for Pension.

26. When the District Medical officer of Anantapur had issued his certificate for Pension I ought not to have been directed to appear before the standing Medical Board at Madras without any order of the Gracious Government under article 486 (d) C. S. R.

27. When the Honourable High Court had asked the Surgeon General to convene a Medical Invaliding Committee, the latter authority might convene such a committee at a place where the Doctors were aware of my duties and where myself and my Medical attendant if necessary, might conveniently attend but he ought not to have ordered me to proceed to Madras to appear before the Standing Medical Board at the Presidency.

28. The Pension claimable by me not exceeding Rs. 100 per mensem and the station Penukonda where I was lastly serving not being a place at or near the Presidency Town, the Pension certificate issued by the District Medical officer of Anantapur might be accepted by the Gracious Government as sufficient to retire me or they might in their discretion order a special Invaliding committee to be convened at a convenient place under Article 486 (d) C. S. R. but the action of the under authorities in requiring me to appear before the standing Medical Board at Madras without even reporting my case to the Gracious Government was not necessary and proper as it operated to deprive me of the advantage of the Gracious Government exercising their discretion to sanction my Pension on the certificate of the District Medical officer of Anantapur under the same article.

29. When the Medical Board wished to send me to the General Hospital for observation, it might in its Proceedings or in a separate certificate under article 356 C. S. R. prescribe the period of observation not exceeding 14 days in all, as limited in article 895 C. S. R. but it was not proper on its part to privately instruct Doctor R. Robertson to keep me under observation for a month or further.

30. When I personally pointed out the rule and represented to Doctor R. Robertson that I should not be detained in Hospital for more than 14 days, he ought not to have rejected my representation saying that Medical authorities were justified to detain officers for any length of time.

31. My disabilities are latent being Nervous, Stomachic and Internal, and as they were not ostensible for mere inspectional perception, the Medical Board, as first assembled on 19th October 95, declared that they could not find Medical grounds in me and accordingly sent me for observation in the General Hospital. Doctor R. Robertson the observing officer of the General Hospital, endorsed that I was suffering from Atonic Physical & mental Debility and recommended me for further European treatment with a hope for the improvement of my General health. Doctor Lieutenant Colonel E. Ferrand, District Medical officer of Ganjam, who further observed me & treated me, endorsed to the effect that there is no hope for any improvement & decided that I should be invalided. The Medical Board before which I was again sent for the last time ought to have followed the opinions of Doctors, Hakim, Robertson and Ferrand in deciding whether I was fit for further service and ought not to have issued a quite contrary certificate which was issued in the manner stated in paragraph 15.

32. The Medical Board or any of its members should have, if they wished, kept me under their personal observation and as they did not wish to do so but wished that I should be observed by other officers the Board in making their final decision, ought to have followed the opinion of those officers.

33. The certificate of the Medical Board dated 26th September 96, was issued in a hasty and mistaken manner, as explained in paras 10 to 16 and is not fit to be treated as to any degree diminishing the character or effect of the Medical reports of the three Medical officers, who personally observed and treated me. Further the members of the Medical Board who signed that certificate are two Majors & a Captain, whereas the officers who personally observed me and proved my disabilities are a Lieutenant Colonel, a major & a Captain and Doctor Ferrand who finally observed and decided my case and whose report the above Board refused to take into consideration, is a Lieutenant Colonel.

34. Doctor Hakim, District Medical officer of Anantapur, declared me unfit and issued a Pension Certificate on the 7th October 95. The Honourable High Court in their Proceedings dated 11th October 1895 No. 2845 ordered me to submit my application for Pension. I submitted my application for Pension dated 18th October 1895 in the form of a letter under Article 993 C. S. R. to the District Judge of Bellary, who, in his Proceedings dated 21st October 95 No. 2567, ordered me to submit my application for Pension in the printed form A, which he supplied to me. I was next granted leave up to 14th October 96 and I submitted my formal application on the 29th September 96 for Pension to commence from the expiry of my leave under article 501 C. S. R. My application for Pension is therefore in conformity with the Civil Service Regulations.

35. Up till I gave over charge of my office, I was serving in the interior of the province and the pension claimed by me is less than Rs 100 per month & I have proved my disabilities by the reports of the two District Medical Officers of Anantapur and Ganjam and of the Medical officer of the General Hospital to whom the Medical Board sent me for observation (ex: 9, 10, 15, 16, 17, 19); the reports of the said three Medical officers are sufficient to support my application for Pension under Article 487 (a & b) C. S. R.

36. I was relieved from duty on the 14th October 95, on the ground of certified incapacity for further service and was next kept under observation up to 2nd December 1895, on which date the Medical Board issued a certificate for one year's leave. The Honourable High Court ought in such a case to have granted me one year's leave from the date of the certificate and have treated the period of my detention under observation as subsidiary leave under Article 896 C. S. R.

37. The Honourable High Court granted me one year's leave on medical certificate from the date of my relief from duty preliminary to observation and it was to expire on the 14th October 96. I had no right to resume office on the expiry of my said (long) leave without special permission of the Honourable High Court, under Article 258 C. S. R. and I applied for such permission on the 29th September 96, within three days after the last medical Board disposed of my case, which was on the 26th Idem, to the Honourable High Court, who communicated to me their Telegraphic permission 8 days after the expiry of my leave, together with its refusal to grant me any further extension of leave even to cover the period overstayed and the period required for joining; which procedure of the Honourable High

Court very hardly and unexpectedly operated to put an end to my past services, from the end of my leave on the 14th October 96, under Article 249 C. S. R.

38. My past services having terminated on the 14th October 96, by operation of rule as above explained without any fault on my part and I having already submitted my application for Pension with the medical proof of my incapacity as prescribed by rule and directed by superior authority within such termination, my application for Pension is one which deserved the consideration and sanction of the Gracious Government.

39. The permission of the Honourable High-Court which was communicated to me on the 22nd October 96, i. e. 8 days after the expiry of my leave and termination of my past services amounted to confer on me a new starting appointment which I was obliged to resign by ill-health and incapacity. The resignation submitted by me did not therefore affect my past services which terminated on the expiry of my leave and my application for pension claimed on account of those services.

40. I have already submitted the grounds on which and quoted the rules under which my application for pension is made and it rests on my luck and the mercy of the gracious Government to sanction it but the Honourable High Court have been very unkind and so summarily rejected my claim without even making a report of it to the Gracious Government.

41. I am now 50 years old very nearly the full age of my horoscope and all this life has been spent in training myself and in serving the Gracious Government and I have retired from my service with the leave of the Honourable High Court when I was too much exhausted and disabled to render further active service. I have wished still to serve for both livelihood and honour but both my physical and mental capacities have been too much exhausted and disabled to perform any regular work. My proposals to have my life insured have twice been rejected on the ground of bad health.

42. With a large family of sixteen members I am at last left quite unprovided, the little that I have saved during my service having been mostly lost by misfortune & partly spent for my travels from place to place at distances during the last 5 years, on duty or leave and I am at present left to find my hard means by a little unsuccessful practice as a pleader with trouble and deadly humiliation towards the nearly end, without the least recognition for my long devoted service in a high position under the Gracious Government.

43. Throughout the whole of my career I spared no pains but did hard work and wished to acquire the good will of my superiors and there was never any case of any bad conduct or bad character made out against me and I did not ever wish to tease my superiors for doing me any favours and my superiors equally did me all the favours which I was eligible for, without my special solicitations.

44. With my letters dated 29th September 96 and 12th November 97 submitted to the Honourable High Court, 25 documents were sent by me as per list here-to annexed and they are still kept in the High Court. My service book is in the office of the Accountant-General. I could not obtain copies of correspondence referred to in paras 11, 13 & 14 though I applied for them and it is recorded in the office of the Surgeon-General.

45. In all the above circumstances I most humbly crave the kindness of the Gracious Government to call for the records mentioned in the next above paragraph, view my poor and peculiar case with compassion and do me the Gracious favour to sanction my application for an Invalid Pension of Rs. 94-5-3 per mensem, with effect from 15th October 1896.

I beg to remsin,
Honourable Sir,
Your Most Obedient Servant.

K. MURTIRAZU
Late District Munsiff.

POSTSCRIPT.

46. The petition as above was submitted by me direct to the Gracious Government on the 15th May 1898, together with the original Proceedings of the Honourable High-court dated 12th November 1897 and a descriptive list of all the documents relied on by me (copied in manuscript) but the Gracious Government

favoured me with an Endorsement No 387 dated 4th June 1898, Pension Department, containing a copy of rule No X, to instruct me to submit my petition through the channel of the Honourable High-court.

47. I have waited to see if the Gracious Government would be pleased to return my (manuscript) petition for forwardment of the same through the Honourable High-court but as it has not been as yet returned, I understand that it is not meant to be returned and most humbly beg to submit this petition in printing & in duplicate through the Honourable the High-court of Judicature. Appellate side, Madras.

Berhampore
31st October 1898. }

I beg to remain,
Honourable Sir,
Your Most Obedient Servant.

K. Murtirazu
Late District Munsiff.

2693 ✓

GOVERNMENT OF MADRAS
PENSION DEPARTMENT

No.

From

M. R. Ry. K. Murtirazu Pantulu Garu
late District Munsiff of Penukonda Bel-
lary District presently residing at Ber-
hampore Ganjam District.

To

The Honourable the Chief Secretary to
Government Pension Department Madras
through the Honourable the High-Court
of Madras.

Dated. 15 May 1898 }
Received. 31 October 1898.

ENCLOSURES 2.

1. List of papers to be called for from the
High-Court of Madras.
2. Proceedings of the High Court of
Madras dated 18th December 1897 No.
2169 [original submitted to Govern-
ment direct with Manuscript of petition
on 15-5-98 & copy Enclosed herewith.]

SUBJECT.

Praying that his application for an Invalid
Pension of Rs. 94-5-3 forwarded to the High-
Court of Madras with his letter dated 29th Sep-
tember 1898 may be called for together with
other records, and Sanctioned.

Enclosure 1 2928

List of the 25 papers sent by M. R. Ry K. Murtirazu Pantulu Garu to
High-Court of Madras with his letters dated 29th September 1896 & 12th Novem-
ber 1897.

1. Formal Application for Invalid Pension.
2. Verified statement of my services in the Revenue Survey Depart-
ment.
3. Verified statement of my services in the District Court of Ganjam.
4. Calculation memo of average emoluments.
5. Statement of Medical Case dated 11th January 1892 drawn up in the
District Hospital at Rajahmundry finding me as suffering from Dyspepsia, Consti-
pation, Debility &c, and recommending for leave for fifteen months.
6. Medical Certificate dated 12th January 1892 granted by the Medical
Board assembled at Rajahmundry recommending for one years leave.
7. Note of the Hospital Assistant of Penukonda dated 20th February 1894
finding me as suffering from Chronic Dyspepsia with all its attendant symptoms and
advising me to take rest and have a change of climate.
8. Proceedings of the District Court of Bellary dated 23rd September 95
directing me to appear before the District Medical officer of Anantapur for exami-
nation.
9. Statement of Medical Case drawn up by the District Medical officer of
Anantapur finding me as suffering from Intermittent Glycosuria Chronic Gastritis
Nervous Exhaustion &c, and as being unfit for further service.
10. Pension Certificate dated 7th October 95 issued by the District Medical
officer of Anantapur finding me as permanently incapacitated for further service.
11. Descriptive Roll with marks of identification.
12. High-Court letter dated 7th October 1895 directing me to produce the
certificate of an Invaliding Committee and to be relieved at once.
13. High-Court's letter dated 11th October 1895 calling upon me to submit
my application for an Invalid Pension.
14. Proceedings of the Medical Board at Madras dated 19th October 1895 re-
commending after examination that I should be sent to the General Hospital for
observation.
15. Extract of Case of Bed No. 1 in Clive Ward of the General Hospital
Madras from 27th October to 13th November 1895 containing the remarks of the
2nd Surgeon Captain R. Robertson that I was suffering from Dyspepsia & Consti-
pation and looked worn cut by my complaint.
16. Letter of Surgeon Captain R. Robertson to Surgeon-General dated 20th
November 1895 reporting that I was suffering from Atonic Dyspepsia Constipation
Flatulence and Mental Debility.
17. Statement of Medical Case dated 26th November 1895 recorded by Doc-
tor R. Robertson finding that I was suffering from Chronic atonic Dyspepsia, Con-
stipation Gaseous Distension Mental depression &c, and recommending me for one
years' leave for the improvement of my General health to Ganjam.
18. Proceedings of the Medical Board dated 2nd December 1895 recommend-
ing me for one year's leave to Ganjam.
19. Statement of Medical case dated 13th August 1895 submitted by the
District Medical officer of Ganjam to the Surgeon General reporting that I have not
been benefitted by his treatment and that I still continue to be weak & should be
Invalided.
20. Proceedings of the Civil Medical Board dated 26th September 1896 con-
sidering me fit for further service.
21. Telegram dated 22nd October 1896 from High-Court refusing leave and
ordering to join forthwith at Penukonda.
22. Telegram dated 27th October 1896 from Vizagapatam to High-Court
praying that as I was unable to proceed further my humble resignation may be
accepted.
23. Proceedings of the High Court dated 2nd November 1896 accepting my
resignation as made on the 27th October 96.
24. Letter dated 10th November 1896 to the High-Court praying for a re-
commendation for my employment in the Registration Department.
25. High-Courts note dated 26th November 96 declaring that it could not
make the recommendation for my employment in the Registration Department.

Berhampore
Ganjam District
7th October 1898.

Late District Munsiff.

High-Court of Madras with his letters dated 11th September 1896 and 11th October 1896.

1. Formal Application for Invalid Pension.

2. Verified statement of my services in the District Court of Penulonda.

3. Verified statement of my services in the District Court of Penulonda.

4. Calculation memo of average earnings.

5. Statement of Medical Case dated 11th January 1896 drawn up by the District Medical Officer at Rajahmundry finding me as suffering from Insanity, Debility &c. and recommending for leave for fifteen months.

6. Medical Certificate dated 11th January 1896 issued by the District Medical Officer at Rajahmundry recommending for one year's leave.

7. Note of the Hospital Assistant of Penulonda dated 20th January 1896 finding me as suffering from Chronic Dyspepsia with all its attendant symptoms and advising me to take rest and have a change of climate.

8. Proceedings of the District Court of Penulonda dated 23rd September 1896 directing me to appear before the District Medical Officer of Rajahmundry for examination.

9. Statement of Medical Case drawn up by the District Medical Officer at Rajahmundry finding me as suffering from Insanity, Debility &c. and recommending for leave for fifteen months.

10. Pension Certificate dated 11th October 1896 issued by the District Medical Officer at Rajahmundry finding me as permanently incapacitated for further service.

11. Descriptive form with marks of incapacitation.

12. High-Court letter dated 11th October 1896 directing me to appear before the District Medical Officer of Rajahmundry for examination.

13. High-Court's letter dated 11th October 1896 directing me to appear before the District Medical Officer of Rajahmundry for examination.

14. Proceedings of the Medical Board at Madras dated 11th October 1896 commanding after examination that I should be sent to the District Medical Officer at Rajahmundry for observation.

15. Extract of Case of Bed No. 1 in Civil Ward of the District Hospital, Rajahmundry from 27th October to 13th November 1896 containing the report of the District Medical Officer at Rajahmundry that I was suffering from Dyspepsia &c. and that I was looked upon as a permanent invalid.

16. Letter of Surgeon Captain R. Robertson to Surgeon-General dated 27th November 1896 reporting that I was suffering from Chronic Dyspepsia &c. and that I was looked upon as a permanent invalid.

17. Statement of Medical Case dated 27th November 1896 drawn up by the District Medical Officer at Rajahmundry finding me as suffering from Insanity, Debility &c. and recommending for leave for fifteen months.

18. Proceedings of the Medical Board at Madras dated 27th November 1896 commanding after examination that I should be sent to the District Medical Officer at Rajahmundry for observation.

19. Statement of Medical Case dated 13th August 1897 submitted by the District Medical Officer of Ganjam to the District Medical Officer of Rajahmundry finding me as suffering from Insanity, Debility &c. and recommending for leave for fifteen months.

20. Proceedings of the Civil Medical Board dated 20th September 1896 finding me as a permanent invalid.

21. Telegram dated 22nd October 1896 from High-Court directing me to appear before the District Medical Officer of Rajahmundry for examination.

22. Telegram dated 27th October 1896 from High-Court directing me to appear before the District Medical Officer of Rajahmundry for examination.

23. Telegram dated 27th October 1896 from High-Court directing me to appear before the District Medical Officer of Rajahmundry for examination.

24. Proceedings of the High Court dated 2nd November 1896 accepting my resignation as made on the 27th October 1896.

25. Letter dated 10th November 1896 to the High-Court regarding my resignation.

26. High-Court's note dated 20th November 1896 regarding my resignation.

27. High-Court's note dated 20th November 1896 regarding my resignation.

No. 2179

PROCEEDINGS OF THE HIGH COURT OF JUDICATURE AT MADRAS.

15th December 1897

Read letter dated the 12th ultimo, from M.R.Ry.K.Murtirazu Pantulu Garu, late District Munsif of Penulonda, ~~praying~~ that his application for an invalid pension of Rs.94-5-5, forwarded with his letter dated 29th September 1896, may be submitted to Government for sanction.

The late District Munsif is informed that as he resigned his appointment, though declared by the medical Board to be fit for further duty, he is not eligible for pension of any kind under the Civil Service Regulations.

(True Extract.)

dog Comi

Registrar.

To
M.R.Ry.K.Murtirazu Pantulu Garu,
late District Munsif of Penulonda, now residing at
Berhampur, Ganjam District.

High Court of Judicature, Madras.

17th November 1898.

Dis. No. 2002

From

FROM

THE REGISTRAR,

HIGH COURT OF JUDICATURE,

MADRAS.

A. L. Hannay, Esq.,

Registrar of the High Court of Judicature, Madras.

To

THE HON'BLE MR. G. Stokes,

Chief Secretary to the Government of Madras.

To

M. R. Ry. K. Murtirazu Pantulu Garu,
late District Munsif of Penukonda,
now residing at Berhampur,
Ganjam District.

Dated 15 December }
Sent 16 do } 1897.
Received 20. do } *[Signature]*

No. 2179.

ENCLOSURE.

Subject.

Informing him that he is not eligible
for pension of any kind.

HON'BLE SIR,

I am directed to forward herewith a
memorial addressed to Government by M. R. Ry. K. Murtiraju
Pantulu Garu, late District Munsif of Penukonda, in the
Bellary District, appealing against the Proceedings of the
High Court, Dis. No. 2179, dated 15th December 1897, declar-
ing him ineligible for pension.

I have the honour to be,

Hon'ble Sir,

Your most obedient servant,

A. L. Hannay
18/11/98
Registrar.

Pension (1898) Department.

CURRENT No. 922

From

K. Murugesu Pantulu Jann

Order

To lie over pending receipt of the
original petition.

No.

Dated 31st Oct/98.

Received 8th Nov/98.

Registered 8th Nov/98.

Enclosures

Spare copies.

SUBJECT.

Stating that he has
submitted a petition
to Govt. that the Registrar
High Court Madras
submitting a duplicate
copy of the same.

BACK PAPERS.

G.O.	No.	Department.	Date.
"	387	Pen	14-6-98 4-6-98.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

31st October 1898
Berhampore, Ganjam District



From Mr. H. Murtiraja Pantulu Garu
late District Munsiff of Remakonda Bellary District
presently residing at Berhampore Ganjam Dist.

To The Honourable the Chief Secretary
to Government Pension Department
Madras

Honourable Sir,

With reference to the
Endorsement from Government
No. 387 dated 4th June 1898 Pension Department
on my Manuscript Petition dated 15th
May 1898, I beg to report that I have this
day sent by Registered Post to the High Court
my Petition in printing and duplicate for
forwardment to the Gracious Government

2. I beg further to submit
herewith ^{two} enclosed, a duplicate of my Petition under
Rule X.

I beg to remain,
Honourable Sir,
Your most obedient servant,

H. Murtiraja
late District Munsiff.

Government of Madras
Pension Department

No.

From

M Rhy K. Murtirazu Pantulu Garu
Late District Munsiff of
Renukonda, Bellary District,
presently residing at
Berhampore, Ganjam
District;

To The Honourable;
The Chief Secretary
to Government, Pension
Department, Madras.

Dated 31st October -
Received November } 1898

Enclosure One

Subject

Submitting a duplicate of his
petition to Government sent
through the High Court under
Rule X.

List of the 25 papers sent by M. R. Ry K. Murtirazu Pantulu Garu to
High-Court of Madras with his letters dated 29th September 1896 & 12th Novem-
ber 1897.

1. Formal Application for Invalid Pension.
2. Verified statement of my services in the Revenue Survey Depart-
ment.
3. Verified statement of my services in the District Court of Ganjam.
4. Calculation memo of average emoluments.
5. Statement of Medical Case dated 11th January 1892 drawn up in the
District Hospital at Rajahmundry finding me as suffering from Dyspepsia, Consti-
pation, Debility &c, and recommending for leave for fifteen months.
6. Medical Certificate dated 12th January 1892 granted by the Medical
Board assembled at Rajahmundry recommending for one years leave.
7. Note of the Hospital Assistant of Penukonda dated 20th February 1894
finding me as suffering from Chronic Dyspepsia with all its attendant symptoms and
advising me to take rest and have a change of climate.
8. Proceedings of the District Court of Bellary dated 23rd September 95
directing me to appear before the District Medical officer of Anantapur for exami-
nation.
9. Statement of Medical Case drawn up by the District Medical officer of
Anantapur finding me as suffering from Intermittent Glycosuria Chronic Gastritis
Nervous Exhaustion &c, and as being unfit for further service.
10. Pension Certificate dated 7th October 95 issued by the District Medical
officer of Anantapur finding me as permanently incapacitated for further service.
11. Descriptive Roll with marks of identification.
12. High-Court letter dated 7th October 1895 directing me to produce the
certificate of an Invaliding Committee and to be relieved at once.
13. High-Court's letter dated 11th October 1895 calling upon me to submit
my application for an Invalid Pension.
14. Proceedings of the Medical Board at Madras dated 19th October 1895 re-
commending after examination that I should be sent to the General Hospital for
observation.
15. Extract of Case of Bed No. 1 in Clive Ward of the General Hospital
Madras from 27th October to 13th November 1895 containing the remarks of the
2nd Surgeon Captain R. Robertson that I was suffering from Dyspepsia & Consti-
pation and looked worn cut by my complaint.
16. Letter of Surgeon Captain R. Robertson to Surgeon-General dated 20th
November 1895 reporting that I was suffering from Atonic Dyspepsia Constipation
Flatulence and Mental Debility.
17. Statement of Medical Case dated 26th November 1895 recorded by Doc-
tor R. Robertson finding that I was suffering from Chronic atonic Dyspepsia. Con-
stipation Gaseous Distension Mental depression &c, and recommending me for one
years' leave for the improvement of my General health to Ganjam.
18. Proceedings of the Medical Board dated 2nd December 1895 recommend-
ing me for one year's leave to Ganjam.
19. Statement of Medical case dated 13th August 1895 submitted by the
District Medical officer of Ganjam to the Surgeon General reporting that I have not
been benefitted by his treatment and that I still continue to be weak & should be
Invalided.
20. Proceedings of the Civil Medical Board dated 26th September 1896 con-
sidering me fit for further service.
21. Telegram dated 22nd October 1896 from High-Court refusing leave and
ordering to join forthwith at Penukonda.
22. Telegram dated 27th October 1896 from Vizagapatam to High-Court
praying that as I was unable to proceed further my humble resignation may be
accepted.
23. Proceedings of the High Court dated 2nd November 1896 accepting my
resignation as made on the 27th October 96.
24. Letter dated 10th November 1896 to the High-Court praying for a re-
commendation for my employment in the Registration Department.
25. High-Court's note dated 26th November 96 declaring that it could not
make the recommendation for employment in the Registration Department.

Berhampore
Ganjam District
31st October 1898.

K. Murtirazu

Late District Munsiff.

Proceedings of the High Court of Judicature at Madras
15th December 1897

Read letter dated the 12th Ultimo from Mr R. V.
H. Mustirazu Paululu Garu, late District Munsiff
of Perunkonda praying that his application for
an Invalid Pension of Rs 94-5-3, forwarded
with his letter dated 29th September 1896 may be
submitted to Government for sanction.

The late District Munsiff is informed
that as he resigned his appointment though
declared by the Medical Board to be fit for
further duty he is not eligible for Pension
of any kind under the Civil Service Regulations.

(True Extract)

(Sd) D. W. Cowie

Registrar

To Mr R. V. H. Mustirazu Paululu Garu
late District Munsiff of Perunkonda
now residing at Berhampore
Ganjam District

(True Copy)

To Mr Mustirazu

Late District Munsiff

Berhampore, Ganjam District
15th May 1898.

FROM

M. R. Ry. K. MURTIRAZU PANTULU GARU
late District Munsiff of Pennukonda
Bellary District
presently residing at Berhampore Ganjam District

TO.

The ~~Honourable the Chief~~ Secretary to Government Pension Department
Madras, through the Honourable the High Court of Madras.

Honourable Sir,

I most humbly beg to submit that I have been a servant of Government of 26 years standing having risen from a clerk on Rs. 17½ per month and latterly a District Munsiff of 12 years standing occupying a place in the middle of the 2nd Class of District Munsiffs and drawing a pay of Rs. 300 per mensem, with a service of 21 years counting for pension.

2. As I failed to perform my duty by sickness and debility the District Judge of Bellary sent me with his letter dated 23rd September 1896 No. 1338 to the District Medical officer of Anantapur for Examination and report.

3. The District Medical officer of Anantapur found me after observation as suffering from Intermittent Glycosuria, Chronic Gastritis, Nervous Exhaustion &c and declaring me Incapacitated for further service issued a Pension Certificate dated 7th October 1895; [Exhibits 8 & 10] and I was relieved from duty on the evening of 11th October 1895.

4. I was serving at Pennukonda in the interior of the Province and the amount of Pension claimable by me was less than Rs. 100 per mensem but the Honourable High-Court while ordering me in their letter No. 2845 dated 11th October 95 [Exhibit 13] to submit my application for an Invalid Pension erroneously and unnecessarily required me to produce the certificate of a Medical Invaliding Committee, to convene which they (Exhibit 12) at the same time, addressed the Surgeon General without any orders of the Gracious Government under Article 486 [d] of the Civil Service Regulations and without allowing the Gracious Government an opportunity to exercise their discretion to accept the certificate of the District Medical Officer of Anantapur under the same clause of the same article.

5. Nevertheless the Surgeon General without complying with the Honourable High Court's requisition to convene an Invaliding committee at a convenient place ordered me to appear before the Standing Medical Board at Madras which order worked a great hardship upon me while in a sickly condition.

6. I next appeared before the Medical Board at Madras who having examined me and been informed by me that I had no such diseases as Piles Diabettes or Venereal about which they questioned me and declaring among themselves to the effect that they did not know what kind and amount of work had a District Munsiff to do, sent me to the General Hospital at Madras for observation as per their Proceedings dated 19th October 95. (Ex 14.)

7. The three Doctors who formed the Medical Board namely (1) Surgeon Lieutenant Colonel Price (2) Surgeon Major Dymott and (3) Surgeon Captain Gifford belonged all to the General Hospital and moreover Surgeon Lieutenant Colonel Price was the Senior Medical officer and Surgeon Captain Gifford was the Resident Doctor therein but the task of observation was not undertaken by any of those three Doctors and I was placed for observation in the Clive Ward of the General Hospital which was in the charge of Surgeon Captain R. Robertson who treated me too hardly by prescribing that I should not eat anything except canji and milk which should be taken only in the presence of the Ward Nurse and at my bed side and that I should not go ever out of the Hospital on any account. I expected however that I would be dispensed within 14 days from the date of my admission (27th October 1895) and also borrowing a book of the Civil Service Regulations from a friend of mine referred Doctor Robertson to articles 895 &c of the same but that officer very summarily rejected my proposition and entered a note in the statement

of my bed case that the Medical Board had sent me for a month's observation.. I am a brahmin and had to perform two annual ceremonies of my deceased brother and his wife but I was not allowed to go out to perform them although I very anxiously represented about it to the Ward Apothecary Mr. Harris and it did not appear that he even brought the matter as I solicited to the notice of Doctor Robertson who would not come into this Ward for a number of days about that time on the ground that as it was said he had too much work to do in other Wards. The two religious ceremonies passed away unperformed and moreover to my greater sorrow a Telegram arrived from Penukonda to say that a very fondly grand child of mine aged 4 years had died which as I felt was for want of proper care during my absence. When I wept before Doctor Robertson showing the Telegram to him when he next appeared in the Ward and represented that I had to observe a mourning for the deceased child he allowed me four days leave during which period I went and lived in the house of my friend in Mylapore. Then a friend of my friend who was a Madrasi Mudaliyar and who came to visit my friend happened to see me and know about me and my then condition and having sympathized with me and saying that Doctor Robertson was a friend of his went and spoke as he said to Doctor Robertson that I was a religious brahmin and belonged to the class of his priests and should not be suffered to take any meal in the General Hospital in the manner above stated. When I next appeared before Doctor Robertson after those four days he said that I need not thereafter be under close detention in the Hospital as I had already been but should be attending early in the morning everyday and remain till he has left the Hospital which was usually up to 11 A. M. to undergo observation and receive treatment. The period of my close detention in the Hospital was eighteen days and the whole period of observation was five weeks. When Doctor Robertson was drawing up his report about me which was in the committee Room of the General Hospital in which all the Doctors were seated he asked me publicly as all there heard if I was intending to become an ascetic and it appeared that he got that wrong idea by the representation of my friend's friend. I humbly denied the truth of the suggestion to Doctor R. Robertson but he however entered a remark in his reports [ex. 15, 16, 17] that my friends had informed him that my thoughts are centered on religious subjects.

8. Surgeon captain R. Robertson physician of the General Hospital under whose observation I was kept for five weeks declaring in his reports that I was disabled for my duty by atonic indispositions contracted by service and climate but yet hoping that my general health might be improved by further treatment recommended that I should be granted one years leave to Ganjam (ex: 17).

9. The Medical Board at Madras before which I was again sent on 2nd December 95 adopted the recommendation of Surgeon captain R. Robertson and issued a medical certificate (ex: 18) for one years leave to Ganjam which was granted to me by the Honourable High-Court with effect from 15th October 95 the date next after my relief from duty.

10. The District Medical officer Lieutenant Colonel E Ferrand of Ganjam under whose observation I was kept for many months during my leave submitted his report to the Surgeon General on 13th August 96 (ex: 19) stating that my health was not improved and that I would not be benefitted by further treatment and should be Invalided.

11. The above report having been drawn up on ordinary paper the Surgeon General returned it to the District Medical officer of Ganjam with a request to draw up the statement of my case on printed forms then furnished to him. The forms furnished were such as were prescribed for recommendations for leave and the Lieutenant Colonel E. Ferrand resubmitted his same report copied on the printed forms furnished but without signing the recommendatory certificate for leave which was printed at the bottom because his recommendation was not for leave.

12. The Surgeon General next ordered me to appear again before the Medical Board at Madras on the 19th September 96 and I accordingly appeared before it.

13. The Medical Board after perusing the report statement (ex 19) of the District Medical Officer of Ganjam and observing that that officer had not signed the formal certificate printed at the bottom returned the same to the Surgeon-General for obtaining that certificate.

4. The Surgeon-General returned the said statement again to District Medical officer of Ganjam with instructions to fill up the form printed at the bottom of

the statement but the latter officer retransmitted the statement as received and refused to sign the certificate printed at the bottom evidently on the ground that it did not apply to a case of invalidation as he recommended in his statement but was applicable only to a case of recommendation for leave.

15. The same Medical Board which again assembled at Madras on the 26th September 96 before which the above statement and refusal were sent seeing that the certificate specially required by them was not furnished declined to take the statement into their consideration and then after very summarily examining me (1) by making me read the large capital letters at the top of a Diet Sheet in General Hospital from a distance of 1½ yards and saying that my sight was good (2) by asking me about the memory of the place of my birth and saying that my memory was good and (3) by beating softly on my abdomen and saying that there was fat in it and without considering even the then condition of my health which was reported to be very bad signed a certificate that they considered me fit for further service (ex 19 & 20.)

16. The Doctors who formed the last Medical Board were (1) Surgeon Major Reeves (2) Surgeon Major Dymott who belonged to the General Hospital and who was one of the members of the first Board that had sent me for observation in the General Hospital and (3) Surgeon Captain Wright. Surgeon Major Reeves was the president of the Board but Surgeon Major Dymott took all active part in the proceedings and declared to the other two gentlemen that I was a religious Brahmin and was preparing to become an ascetic which was an erroneous idea firstly entertained by Doctor R. Robertson and expressed in the presence of Doctor Dymott and others as related in the latter part of para 7 which prejudiced the minds of those gentlemen.

17. I then transmitted to the Honourable High Court my report on the 29th September 96 together with a formal application for an Invalid Pension of Rs 94-5-3 per mensem (ex 1 to 4) as directed in their letter No 2845 dated 11th October 95 & other papers as per appended list and with a request that my application for pension might be passed or if the Honourable High Court would wish that I should serve further they might be pleased to permit me to join duty in another station of lighter work in the Northern Districts because the Medical reports proved that my disability had been due to climate and service and in the latter case to favour me with a little further extension of leave with or without allowances for my preparation taking into consideration the fact that the one year's leave recommended in the Medical Board's certificate dated 2nd December 95 had been granted not from the date of the certificate but from 15th October 95 the date next after my relief from duty inclusive of the period of 5 weeks during which I was kept under medical observation.

18. It was not convenient then perhaps to the Honourable High Court either to dispense with me for ever or to transfer me to another place with a small extension of leave on any terms as I solicited and they by a Telegraphic order dated 22nd October 96 (ex: 21) ordered me to join duty at my old station Penukonda and refused to grant me any further extension of leave.

19. My one year's leave had expired on the 14th October 96 i. e., 8 days before the issue of the above order and although the refusal to grant me any further extension of leave operated to deprive me of my appointment under article 249 C. S. R. and although I was then in a worse state of health I prepared myself to give effect to the orders of the Honourable High Court and travelled down from Berhampore up to Vizagapatam where I was attacked by a very bad relapse of Diarrhoea and Fever which quite disabled me to proceed down any further. I halted at Vizagapatam to try if I would be better but seeing that that attack was not likely to leave me soon and seeing no other alternative I made up my mind not to hope to be able to serve any further and transmitted to the Honourable High Court my Telegram dated 27th October 96 [ex: 22] soliciting their acceptance of my that resignation which they kindly accorded in their proceedings dated 2nd November 96 No: 903. [ex: 23]

20. Next with the object as I had in view when I submitted my resignation of trying a chance of having myself employed in the Registration Department in which the work is said to be easier I applied to the Honourable High Court by my letter dated 10th November 96 (ex: 24) for a recommendation to employ me as a Registrar on the occurrence of a vacancy within one year from the date of my resignation under article 460(b) C-S.R- but the Honourable High Court expressed as per note dated 26th November 96 (ex: 25) that it could not make the recommendation solicited by me. I still entertained a hope to be able to take up again some one kind of employment under

Government if I felt better within one year from the date of my resignation but the gradual decrease of my health and strength has since frustrated all my hope.

21. Since I failed as above represented to find any way or capacity to hold any office under Government I solicited the Honourable High Court by my letter dated 12th November 97 to submit to the Gracious Government, for sanction, my formal application for Pension forwarded with my letter dated 29th September 96 but the Honourable High Court informed me in reply by their Proceedings dated 15th December 97 No: 2179 that as I resigned my appointment although the Medical Board declared me fit for further service I am not eligible for Pension of any kind under the Civil Service Regulations.

22. I have never hither to had any occasion to argue with my superiors in any matter of my own but since this is my last & critical occasion I beg the leave of the Gracious Government to represent my circumstances with a little argument to explain the grounds of my humble representation.

23. This Memorial is in effect an appeal against the Proceedings of the Honourable High Court dated 15th December 97 No. 2179 which is herewith submitted in original. In these proceedings the High Court find fault with me for resigning my appointment when the Medical Board had declared me fit for further duty and very summarily set aside my claim for Pension and virtually refused to submit my application for Pension to the Gracious Government for their decision.

24. It was with very great pain that I sent my resignation to the Honourable High Court and it was so done as no other alternative presented itself to my weak mind and even for argument I felt myself justified in doing so because my services had already terminated and my application for Pension had already been submitted before the transmission of my Telegraphic resignation.

25. The certificate of the Medical Board on the ground of which the Honourable High Court have made up their minds to deprive me of my poor Pension was not only arbitrary but also unauthorised because the Medical Board itself had not been convened under due authority and sanction of the Gracious Government and besides, that certificate does not Invalidate the decisions of the Doctors Hakim, Robertson & Ferrand, which support my application for Pension.

26. When the District Medical officer of Anantapur had issued his certificate for Pension I ought not to have been directed to appear before the standing Medical Board at Madras without any order of the Gracious Government under article 486 (d) C. S. R.

27. When the Honourable High Court had asked the Surgeon General to convene a Medical Invaliding Committee the latter authority might convene such a committee at a place where the Doctors were aware of my duties and where myself and my Medical attendant if necessary might conveniently attend but he ought not to have ordered me to proceed to Madras to appear before the Standing Medical Board at the Presidency.

28. The Pension claimable by me not exceeding Rs. 100 per mensem and the station Penukonda where I was lastly serving not being a place at or near the Presidency Town the Pension certificate issued by the District Medical officer of Anantapur might be accepted by the Gracious Government as sufficient to retire me or they might in their discretion order a special Invaliding committee to be convened at a convenient place under Article 486 (d) C. S. R. but the action of the under authorities in requiring me to appear before the standing Medical Board at Madras without even-reporting my case to the Gracious Government was not necessary and proper as it operated to deprive me of the advantage of the Gracious Government exercising their discretion to sanction my Pension on the certificate of the District Medical officer of Anantapur under the same article.

29. When the Medical Board wished to send me to the General Hospital for observation it might in its Proceedings or in a separate certificate under article 356 C. S. R. prescribe the period of observation not exceeding 14 days in all as limited in article 895 C. S. R. but it was not proper on its part to privately instruct Doctor R. Robertson to keep me under observation for a month or further.

30. When I personally pointed out the rule and represented to Doctor R. Robertson that I should not be detained in Hospital for more than 14 days he ought not to have rejected my representation saying that Medical authorities were justified to detain officers for any length of time.

31. My disabilities are latent being Nervous Stomachic and Internal and as they were not ostensible for mere inspectional perception the Medical Board as first assembled on 19th October 95 declared that they could not find Medical grounds in me and accordingly sent me for observation in the General Hospital. Doctor R. Robertson the observing officer of the General Hospital endorsed that I was suffering from Atonic Physical & mental Debility and recommended me for further European treatment with a hope for the improvement of my General health. Doctor Lieutenant Colonel E. Ferrand District Medical officer of Ganjam who further observed me & treated me endorsed to the effect that there is no hope for any improvement & decided that I should be invalided. The Medical Board before which I was again sent for the last time ought to have followed the opinions of Doctors, Hakim, Robertson and Ferrand in deciding whether I was fit for further service and ought not to have issued a quite contrary certificate which was issued in the manner stated in paragraph 15.

32. The Medical Board or any of its members should have if they wished kept me under their personal observation and as they did not wish to do so but wished that I should be observed by other officers the Board in making their final decision ought to have followed the opinion of those officers.

33. The certificate of the Medical Board dated 26th September 96 was issued in a hasty and mistaken manner as explained in paras 10 to 16 and is not fit to be treated as to any degree diminishing the character or effect of the Medical reports of the three Medical officers who personally observed and treated me. Further the members of the Medical Board who signed that certificate are two Majors & a Captain whereas the officers who personally observed me and proved my disabilities are a Lieutenant Colonel, a major & a Captain and Doctor Ferrand who finally observed and decided my case and whose report the above Board refused to take into consideration is a Lieutenant Colonel.

34. Doctor Hakim District Medical officer of Anantapur declared me unfit and issued a Pension Certificate on the 7th October 95. The Honourable High Court in their Proceedings dated 11th October 1895 No. 2845 ordered me to submit my application for Pension. I submitted my application for Pension dated 18th October 1895 in the form of a letter under Article 993 C. S. R. to the District Judge of Bellary who in his Proceedings dated 21st October 95 No. 2567 ordered me to submit my application for Pension in the printed form A which he supplied to me. I was next granted leave up to 14th October 96 and I submitted my formal application on the 29th September 96 for Pension to commence from the expiry of my leave under article 501 C. S. R. My application for Pension is therefore in conformity with the Civil Service Regulations.

35. Up till I gave over charge of my office, I was serving in the interior of the province and the pension claimed by me is less than Rs 100 per month & I have proved my disabilities by the reports of the two District Medical Officers of Anantapur and Ganjam and of the Medical officer of the General Hospital to whom the Medical Board sent me for observation (ex: 9, 10, 15, 16, 17, 19); the reports of the said three Medical officers are sufficient to support my application for Pension under Article 487 (a & b) C. S. R.

36. I was relieved from duty on the 14th October 95 on the ground of certified incapacity for further service and was next kept under observation up to 2nd December 1895 on which date the Medical Board issued a certificate for one year's leave. The Honourable High Court ought in such a case to have granted me one years leave from the date of the certificate and have treated the period of my detention under observation as subsidiary leave under Article 896 C. S. R.

37. The Honourable High Court granted me one year's leave on medical certificate from the date of my relief from duty preliminary to observation and it was to expire on the 14th October 96. I had no right to resume office on the expiry of my said (long) leave without special permission of the Honourable High Court under Article 258 C. S. R. and I applied for such permission on the 29th September 96 within three days after the last medical Board disposed of my case which was on the 26th Idem to the Honourable High Court who communicated to me their Telegraphic permission 8 days after the expiry of my leave together with its refusal to grant me any further extension of leave even to cover the period overstayed and the period required for joining; which procedure of the Honourable High

Court very hardly and unexpectedly operated to put an end to my past services from the end of my leave on the 14th October 96 under Article 249 C. S. R.

38. My past services having terminated on the 14th October 96 by operation of rule as above explained without any fault on my part and I having already submitted my application for Pension with the medical proof of my incapacity as prescribed by rule and directed by superior authority within such termination, my application for Pension is one which deserved the consideration and sanction of the Gracious Government.

39. The permission of the Honourable High-Court which was communicated to me on the 22nd October 96, i. e. 8 days after the expiry of my leave and termination of my past services amounted to confer on me a new starting appointment which I was obliged to resign by ill-health and incapacity. The resignation submitted by me did not therefore affect my past services which terminated on the expiry of my leave and my application for pension claimed on account of those services.

40. I have already submitted the grounds on which and quoted the rules under which my application for pension is made and it rests on my luck and the mercy of the gracious Government to sanction it but the Honourable High Court have been very unkind and so summarily rejected my claim without even making a report of it to the Gracious Government.

41. I am now 50 years old very nearly the full age of my horoscope and all this life has been spent in training myself and in serving the Gracious Government and I have retired from my service with the leave of the Honourable High Court when I was too much exhausted and disabled to render further active service. I have wished still to serve for both livelihood and honour but both my physical and mental capacities have been too much exhausted and disabled to perform any regular work. My proposals to have my life insured have twice been rejected on the ground of bad health.

42. With a large family of sixteen members I am at last left quite unprovided the little that I have saved during my service having been mostly lost by misfortune & partly spent for my travels from place to place at distances during the last 5 years on duty or leave and I am at present left to find my hard means by a little unsuccessful practice as a pleader with trouble and deadly humiliation towards the nearly end without the least recognition for my long devoted service in a high position under the Gracious Government.

43. Throughout the whole of my career I spared no pains but did hard work and wished to acquire the good will of my superiors and there was never any case of any bad conduct or bad character made out against me and I did not ever wish to tease my superiors for doing me any favours and my superiors equally did me all the favours which I was eligible for without my special solicitations.

44. With my letters dated 29th September 96 and 12th November 97 submitted to the Honourable High Court, 25 documents were sent by me as per list here to annexed and they are still kept in the High Court. My service book is in the office of the Accountant-General. I could not obtain copies of correspondence referred to in paras 11, 13 & 14 though I applied for them and it is recorded in the office of the Surgeon-General.

45. In all the above circumstances I most humbly crave the kindness of the Gracious Government to call for the records mentioned in the next above paragraph view my poor and peculiar case with compassion and do me the Gracious favour to sanction my application for an Invalid Pension of Rs. 94-5-3 per mensem with effect from 15th October 1896.

I beg to remain

Honourable Sir

Your Most Obedient Servant.

K. MURTIHAZU

Late District Munsiff.

POSTSCRIPT.

46. The petition as above was submitted by me direct to the Gracious Government on the 15th May 1898 together with the original Proceedings of the Honourable High-court dated 12th November 1897 and a descriptive list of all the documents relied on by me (copied in manuscript) but the Gracious Government

favoured me with an Endorsement No 337 dated 4th June 1898, Pension Department, containing a copy of rule No X, to instruct me to submit my petition through the channel of the Honourable High-court.

47. I have waited to see if the Gracious Government would be pleased to return my (manuscript) petition for forwardment of the same through the Honourable High-court but as it has not been as yet returned, I understand that it is not meant to be returned and most humbly beg to submit this petition in printing & in duplicate through the Honourable the High-court of Judicature, Appellate side, Madras.

Berhampore
31st October 1898.

I beg to remain
Honourable Sir
Your Most Obedient Servant.

K. Murti
Late District Munsiff.

Paper taken out of the Records.

Regular No. 920 14 12 of 1898.GOVERNMENT OF MADRAS
PENSION DEPARTMENT.

No.

From

M. R. Ry. K. Murtirazu Pantulu Garu
late District Munsiff of Penukonda Bel-
lary District presently residing at Ber-
hampore Ganjam District.

To

The Honourable the Chief Secretary to
Government Pension Department Madras
through the Honourable the High-Court
of Madras.

Dated 15.2.1898 31st October 1898.
Received.....

ENCLOSURES 2.

1. List of papers to be called for from the High-Court of Madras.
2. Proceedings of the High Court of Madras dated 18th December 1897 No. 2169 [original submitted to Government direct with Manuscript of petition on 15-5-98 & copy Enclosed herewith.]

SUBJECT.

Praying that his application for an Invalid Pension of Rs. 94-5-3 forwarded to the High-Court of Madras with his letter dated 29th September 1898 may be called for together with other records, and Sanctioned.

FOR WHAT CURRENT.		To whom given.	When taken out.
No.	Year.		
572 Pensionary for			6/12/00